

25-6999
No. _____

FILED
MAY 27 2025
OFFICE OF THE CLERK
SUPREME COURT U.S.

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Rodjaun Neal-Williams
(Your Name) — PETITIONER

vs.
Maryland — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Appellate Court of Maryland
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Rodjaun Neal-Williams
(Your Name)

13800 McMullen Hwy, SW
(Address)

Cumberland, MD 21502
(City, State, Zip Code)

N/A
(Phone Number)

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SUPREME COURT, U.S.

(Please Read Question #5 First)

QUESTION(S) PRESENTED

1.) Did the trial court err in refusing to instruct the jury on accidental killing where it was generated by the evidence?

2.) Was it plain error for trial court to instruct jury on all lesser included offenses of murder except "involuntary manslaughter" where that was the only charge that supported Neal-Williams' defense?

3.) If the trial court submitted 1st degree murder, second degree murder, 1st degree assault, 2nd degree assault and voluntary manslaughter as "lesser included offenses", was it plain error not to submit "involuntary manslaughter" where it was generated by the evidence and the only criminal killing without "intent to kill" as an element?

4.) Did the trial court error in submitting self-defense instructions to the jury but not accidental killing or involuntary manslaughter instructions where it was overwhelmingly generated by the evidence?

★ 5.) IF A UNITED STATES COURT CLEARLY ★
STATES THAT INVOLUNTARY MANSLAUGHTER
MUST BE CHARGED WHERE GENERATED BY EVIDENCE
AS WELL AS ACCIDENTAL KILLING, DID STATE COURT ERROR
in not considering the U.S. cases and refusing to instruct the jury?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[x] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

~~State of Maryland
Montgomery County Circuit Court
State's Attorney's Office
John K. Adams (Attorney)
Gabriel Curran (Attorney)~~

• Honorable Judge Kevin G. Hester (Trial Judge)

~~John K. Adams (Attorney)
Gabriel Curran (Attorney)~~

RELATED CASES

State of MD v. Rodjaun Neal-Williams, No. 138480C

• Montgomery County Circuit Court Judgement entered May 31 2023

• Rodjaun Neal-Williams v. Maryland, Appellate Court of MD NO. 730 Sept term 2023 (ACM-REG-0730-2023)

• Rodjaun Neal-Williams v. Maryland, MD Supreme Court NO. 432 (SCM-pet-0432-2024) Sept term 2024

Supreme Court OR MD writ of habeas corpus
Neal-Williams v. State of MD,
MISC NO. 28,
September term, 2024

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OTHER

26 Moore's Federal Practice - Criminal
 Procedure section 630.32-631.10

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the Appellate Court of Maryland court appears at Appendix A to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was March 21, 2025.
A copy of that decision appears at Appendix A .

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

At the very least my right to a fair trial guaranteed by the 14th ammendment and 8th ammendment of the United States Constitution was robbed from me.

Statement of Case

After a 7 day trial on February 27, 2023 through March 7th 2023 for the charges of 1st degree murder and use of a firearm in the crime of violence, before the Honorable Judge Kevin G. Hessler in Montgomery County Circuit Court [No. 138480C] a jury acquitted me of 1st degree murder, second degree murder and convicted of me Voluntary manslaughter and use of firearm.

On May 31, 2023, Judge Hessler sentenced me to the max allowed by law 30 years.

I respectfully adopt the "Facts and legal proceedings" published by the AEM in the following pages. Please disregard where you see an "X".

Rodjaun Neal-Williams ("Appellant") shot Javon Gordon in the chest in the early evening of April 13, 2021. Mr. Gordon died at the scene. Although Appellant later testified that the shooting was an accident, a jury in the Circuit Court for Montgomery County convicted Appellant of voluntary manslaughter and use of a firearm in the commission of a crime of violence.¹ The trial court sentenced Appellant to a total of 30 years in prison, after which he filed a timely notice of appeal.

Appellant asks us to consider the following questions:

1. Did the trial court err in refusing to give Mr. Neal-Williams's requested jury instruction on accident where it was generated by the evidence?
2. Did the trial court err in permitting the State to introduce irrelevant and prejudicial evidence?
3. Did the trial court err in excluding testimony from Deborah Williams?
4. Did the trial court err in admitting improper opinion testimony?

For the reasons that follow, we shall affirm the judgments of the trial court.

Start here → **FACTS AND LEGAL PROCEEDINGS**

Montgomery County Police Detective Michael Carin responded to a shooting in front of a home in the 12000 block of Ethel Rose Way, Boyds, Montgomery County, on the evening of April 13, 2021. Despite resuscitation efforts by a bystander and paramedics,

¹ The jury acquitted Appellant of first-degree murder and second-degree murder.

Circuit Court for Montgomery County
Case No. 138480C

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PAGE*

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 730

September Term, 2023

RODJAUN NEAL-WILLIAMS

v.

STATE OF MARYLAND

Leahy,
Shaw,
Albright,

*DISREGARD
THIS PAGE*

JJ.

Opinion by Leahy, J.

Filed: November 20, 2024

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to Md. Rule 1-104(a)(2)(B)

*DISREGARD
THIS
PAGE*

~~Dr. Russell Alexander~~

the victim, Javon Gordon, was pronounced dead by Montgomery County paramedic Robert Craig.²

During his investigation, Det. Carin discovered that a video camera at a nearby residence had captured the shooting. The recovered video, which was published to the jury, showed three men—identified as Gordon, his brother Shaheem Johnson, and the siblings' friend Delonte Simmons—driving a gold Mustang from an alley behind Gordon's and Johnson's house to the main street. The three men then exited the car and stood on the sidewalk near the home. Johnson and Simmons were wearing what appeared to be knit ski masks on their heads.³ A few minutes later, a red vehicle, later determined to belong to Appellant's girlfriend, Kaylah Jaramillo, arrived at the scene.

At Appellant's trial, Johnson testified that he and Appellant had met in middle school and were friends. As a result of spending many days at Johnson's house, Appellant also became friends with Johnson's older brother, Javon Gordon.

In the weeks leading up to April 13, 2021, Appellant's family members, along with Johnson, were planning a trip to California. At some point, Gordon was included as a

² Dr. Russell Alexander, of the Office of the Chief Medical Examiner, performed the autopsy on Javon Gordon. Alexander observed a single "rapidly fatal" gunshot wound to Gordon's right chest, which injured his heart, lungs, and ribs and caused internal bleeding. Gordon also exhibited superficial scrapes on his right hip and lower right leg. Alexander recovered a bullet from Gordon's chest wall, which he turned over to Montgomery County Police. Alexander determined that Gordon's cause of death was a gunshot wound to the chest, the manner of death a homicide.

³ Det. Carin collected a ski mask from Johnson during his investigation, which, Johnson told Carin, he had worn like a knit cap with his face uncovered. At trial, however, Johnson denied that any of the men had or wore a ski mask on the night in question.



participant on the trip. According to Johnson, the trip did not occur because Appellant disclosed that he had not purchased a plane ticket and wanted the other participants to pay more than initially agreed upon for an AirBnB. After they decided not to go on the trip, the participants continued to disagree about money.

Johnson recounted that on the evening of April 13, 2021, he was at his home with Gordon and Simmons. They moved their car from behind the house onto Ethel Rose Way because they planned to smoke marijuana. Shortly thereafter, Johnson and Simmons were surprised to see Jaramillo's red Toyota pull up to within two feet of where they were standing. Jaramillo was driving and Appellant was sitting in the front passenger seat. The front passenger window was open, and Appellant "aggressively" asked Johnson, Gordon, and Simmons, "what's up with that on Snapchat?" Johnson said that Appellant was holding a gun in his left hand because "one of his hands was like broken or something."

Then, Johnson told the jury, "He just shot my brother." Gordon held onto the car as it drove away and "ran him over a little bit." Johnson and Simmons denied having an intention to fight with Appellant that night.

The State did not call Jaramillo as a witness, but it did present the testimony of her father, Agustin Lopez. According to Lopez, on the evening of the shooting Jaramillo returned home after calling him on the phone, crying and acting scared. Lopez called 911 after speaking with Jaramillo. Lopez and his daughter spoke with Montgomery County Police detectives the next day at the police station.

Jaramillo agreed to take the detectives to the general location Appellant had directed her to dispose of the gun used in the shooting of Gordon, approximately a ten to 15-minute



drive from Gordon's house. After a fruitless ten-minute search, the detectives requested K9 assistance to search a nearby trailhead. The K9 did not find anything of evidentiary value, so a second K9 was called in on April 15, 2021.

After an approximately hour-long search in the wooded area, the second K9 located a handgun wrapped in a dark cloth and placed within a pile of garbage. The pistol was loaded with a magazine but no live rounds of ammunition.

Laura Lightstone, a Montgomery County Police Department Fire and Tool Mark Examiner, accepted by the court as an expert in firearm and toolmark analysis and identification, examined the semi-automatic firearm, which had no serial number, a fired hollow point bullet, and a magazine containing nine unfired cartridges for analysis. Lightstone determined that the firearm was operable and that the bullet recovered from Gordon's body had been fired from that weapon.

After the State rested its case, Appellant moved for judgment of acquittal. The trial court denied the motion on all counts.

Deborah Williams, Appellant's mother, testified for the defense about injuries to her son's dominant hand, which persisted on April 13, 2021. She explained that about two years earlier, Appellant had been stabbed at a shopping center in Clarksburg. When she arrived at the scene of the stabbing, Williams saw a large quantity of blood and a "big kitchen butcher knife" that had severely injured her son's right hand. Appellant ultimately required three surgeries on his hand.

Williams related that following a November 2020 surgery, Appellant had several "widgets" screwed into the bones of his right hand. The widgets were still in his hand on

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April 13, 2021. Because of the resultant swelling and the stitches, Appellant was unable fully to open or do very much with his hand.

In December 2020, according to Williams, Appellant was assaulted again, that time at gunpoint. After that assault, Appellant was emotional and scared.

Just prior to the day of the shooting, Appellant contracted COVID-19. Nonetheless, on April 13, 2021, Williams observed her son packing for the California trip for which he was to leave the next day. He invited his girlfriend, Jaramillo, over, and when she arrived, Williams said, Appellant was excited and happy about the upcoming trip.

At approximately 2:00 that afternoon, Appellant told Williams that he and Jaramillo were going out to run some errands. He returned between 4:30 and 5:00, dropped off some items, and went back out. Williams recounted that when Appellant returned between 6:00 and 6:30, he was crying and appeared "frantic and emotional."

Jaramillo also testified for the defense, explaining that after she and Appellant went to nearby outlet stores to purchase and return items on April 13, 2021, Appellant asked her to drive him somewhere, and he provided directions on how to get there. Upon reaching the destination neighborhood, Jaramillo saw three men coming out into the street; she recognized two of the men as Gordon and Johnson.

Jaramillo believed that Appellant rolled the car window down as the trio approached, and she heard the men yelling at each other. When the three men reached the car, Gordon punched Appellant in the chest. Jaramillo then heard a gun go off.

Jaramillo opened her door as if to step out of the car, but Appellant, in a "shocked" and panicky manner, urged her to drive. He said that he didn't mean to do it and that it was



an accident. Gordon held on to the car for "a second" as Jaramillo and Appellant drove away.

Appellant provided Jaramillo directions to a second location approximately five to seven minutes from the scene of the shooting to get rid of the gun. Upon arriving at that location, he left the car for another five to seven minutes. When he returned, Jaramillo dropped him off at his home. She then went to her own home and told her father what had happened. They went to the police the next day, and she led the detectives to the approximate location where Appellant had disposed of the gun.

Appellant elected to testify, stating that he had met Johnson in middle school and that they had remained good friends since then, seeing each other almost every day. Through his friendship with Johnson, Appellant also befriended Gordon, Johnson's brother, and Gordon acted as a kind of "big brother" to him.

Appellant explained that in November 2019, he had been the victim of a robbery; when the robber attempted to stab him in the stomach, Appellant grabbed the knife, slicing his right hand and cutting six tendons. The incident limited the mobility of his dominant hand and affected his sense of safety, causing anxiety and a fear of leaving his house.

As a result of his limitations, he had surgery on his hand in November 2020. That surgery attached screws to the bones of his cut fingers and required the wearing of a device to stretch the affected fingers. In 2021, Appellant said the persisting nerve damage left him unable to straighten his fingers or make a fist. Consequently, and he had to do most daily activities using his non-dominant left hand.

In December of 2020, just after he started feeling comfortable going out again,

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went off, although Appellant denied having pulled the trigger. Both men let go of the gun, and Gordon stepped back before reaching into the car again and trying to grab Appellant.

Appellant then panicked and told Jaramillo to drive. Gordon held on to the inside of the car window but let go as the car moved away. As they drove, Appellant repeatedly exclaimed, "It was an accident." Appellant admitted, however, that he did not call 911 about shooting his friend.

Appellant directed Jaramillo to drive to an area behind a nearby middle school. There, he wrapped the gun in some items he found on the floor of the car and placed it in a pile of garbage under a bush. He then asked Jaramillo to take him home so he could speak to his mother. Appellant denied any plan or desire to shoot or kill Gordon and testified that when he left the scene, he did not know that the fired shot was fatal.

At the close of all the evidence, the trial court denied Appellant's renewed motion for judgment of acquittal. As noted above, the jury convicted Appellant of voluntary manslaughter and use of a firearm in a crime of violence.

We supplement these facts in our discussion of the issues.

~~DISCUSSION~~

I.

~~Jury Instruction on Accident~~

~~A. Background~~

In his pre-trial written requests for jury instructions, Appellant asked that the trial court propound the following non-pattern instruction regarding accident:

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REASONS FOR GRANTING THE PETITION

I respectfully understand that this review is not a right, but is of judicial discretion. I beg this Court to grant review because

The state court has decided an important matter/federal question in a way that conflicts with the decision of United States courts. Several United States courts to be exact.

(continued)

(Please Read the following pages)
(For additional reasons and explanation.)

REASONS FOR GRANTING THE PETITION

It would be in the best interest of justice to grant this petition.

There is not a lot of recent case law or up to date case law dealing with the defense of an accidental shooting that happened in the struggle over a handgun with no actual intent to fire the weapon or to hurt anyone.

It is extremely important to thoroughly, fully, and explicitly evaluate what this defense means when it comes to law and to distinguish the difference of this defense from self-defense and imperfect-self defense. Both perfect self-defense and imperfect self-defense require an "intent to kill". Within the Maryland Criminal Pattern Jury Instructions there is no instruction for my defense and as the judge stated in my case, it leads judges to think that it is not a real defense and that a self-defense instruction is enough. This should not be so.

It is not just about me, my issues will have effect on other people and cases. For a judge to deny a non-pattern jury instruction on accident, he should have at the very least submitted an involuntary manslaughter instruction to the jury because that would have been the ONLY instruction that does not include an "intent to kill". For a judge to submit all lesser included offenses to the jury, besides the one lesser included offense of involuntary manslaughter which would be the only instruction to support a defense of accident is not fair.

The jury should be able to consider and determine accident. My judge said that we were free to argue accident in closing statements, but that is not the same as accident being submitted to the jury for consideration. I possessed a gun illegally, which is an act not amounting to a felony. Therefore, I was negligent and my negligence led to another losing his life but I had no intent to kill. There was testimony from me, Kaylan, Shabierm and even

evidence that warranted an accidental or involuntary manslaughter instruction. Even if my conviction isn't overturned, all I ask of this court of last resort to evaluate the defense of accident and involuntary manslaughter. Voluntary manslaughter is an intentional crime of violence and it's not fair for the jury not to at least get to deliberate on the one instruction or charge that requires no intent to kill as an element. The following are UNITED STATES CASES THAT DIRECTLY CONFLICT WITH THE STATE COURTS decision: U.S. v. Anderson, 201 F.3d 1145 (2000); U.S. v. Carreaga, 2024 U.S. App. Lexis 32417 (2024); U.S. v. Davis, 53 M.J. 202 (2000); U.S. v. ~~toledo~~ Toledo, 739 F.3d 562 (2014). These United States cases say that I am entitled to the involuntary manslaughter instruction or an accidental killing instruction. The state court has even went against their own cases in denying my

appeal. The following are Maryland cases in direct conflict with the State courts decision. The following are the state cases: George v. State, 2023 Md. App. Lexis 395; Wilson v. State, 28 Md. App. 168 (1975); Morris v. State, 33 Md. App. 185 (1975); Rolfes v. State 16 Md. App. 204 (1970); Hook v. State, 315 Md. 25 (1989).

Overwhelming case law in the U.S. Courts as well as MD courts say that involuntary manslaughter must be given and its plain error not to.

Wilson v. State, 28 Md. App. 168 (1975) states that a court must "fully, explicitly and correctly charge as to the law or accident if generated by the evidence. There was no valid reason not to give it.

For the foregoing reasons I humbly and respectfully ask this Court of last resort to issue a writ of certiorari to review the questions presented. Granting this petition manifestly serve public interest because I am currently sitting convicted of intentionally killing one of my best friends when I did not mean to hurt him in the slightest way. I did not intend to fire the weapon.

If this petition is granted I'd like to file a brief or oral argument to go into detail about these issues. This is my last chance at relief. I beg this Court with everything I have in me to grant review. Even if the judgement is affirmed, please just at least review the issues. "Injustice ~~any~~ where is a threat to Justice EVERY where" - Dr. Martin Luther King Jr.

CONCLUSION

~~The petition for a writ of certiorari should be granted.~~

This is not a demand, but rather I respectfully ask this court to grant the petition humbly.

Respectfully submitted,

Rodjann Neal-Williams



PRO Se

Date: 11/13/25