

25-7050 ORIGINAL

Supreme Court, U.S.
FILED
DEC 03 2025
OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Taaj Qadir Blan — PETITIONER
(Your Name)

vs.

Pennsylvania — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Pennsylvania Superior Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Taaj Qadir Blan
(Your Name)

Sci Forest 286 woodland Dr.
(Address)

Marienville, PA 16239
(City, State, Zip Code)

N/A
(Phone Number)

QUESTIONS PRESENTED FOR REVIEW

A. WHETHER THE TRIAL COURT ERRED AND ABUSED ITS DISCRETION BY NOT SEVERING THE TRIAL OF BLAN FROM THAT OF HIS CO-DEFENDANTS WHERE BLAN WAS CHARGED WITH HOMICIDE AND THE CO-DEFENDANTS WERE CHARGED WITH SIGNIFICANTLY LESS SERIOUS OFFENSES?

SUGGESTED ANSWER: YES

B. WHETHER THE TRIAL COURT ERRED AND ABUSED ITS DISCRETION BY NOT ALLOWING BLAN TO TESTIFY REGARDING THE HOMICIDE DEATH OF HIS COUSIN IN THE WEEKS LEADING UP TO THE DEATH IN THIS CASE WHERE SUCH TESTIMONY WOULD HAVE HELPED THE JURY TO UNDERSTAND BLAN'S STATE OF MIND AND ACTIONS ON THE DATE IN QUESTION?

SUGGESTED ANSWER: YES

C. WHETHER THE TRIAL COURT ERRED AND ABUSED ITS DISCRETION BY NOT SENDING OUT A PRINTED COPY OF THE JUSTIFICATION/SELF-DEFENSE INSTRUCTION ALONG WITH THE CHARGES WHEN THE JURY REQUESTED A WRITTEN DESCRIPTION OF THE COUNTS AGAINST BLAN AND A DEFINITION OF MALICE?

SUGGESTED ANSWER: YES

LIST OF PARTIES

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

[✓] 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:

For Respondent:

- Lisa Ann Swift
Lackawanna County DA's office
135 Jefferson Ave. Scranton, PA 18503
- Brian J. Gallagher
Lackawanna County DA's office.
135 Jefferson Ave. Scranton PA 18503

Petitioner pro se:

- Taaj Qadir Blan.
inmate NO. QQ2220
SCI Forest
286 Woodland Drive
Marienville, PA 16239

RELATED CASES

- Commonwealth v. Taaj Qadir Blan, No. 62 MDA 2024,
PA Superior Court. Judgement entered March 31, 2025
- Commonwealth v. Taaj Qadir Blan, No. 220 MAL 2025
PA Supreme Court. Judgement entered September 15, 2025

TABLE OF CONTENTS

OPINIONS BELOW..... 1
JURISDICTION.....2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED 3
STATEMENT OF THE CASE 4
REASONS FOR GRANTING THE WRIT 7
CONCLUSION.....17

INDEX TO APPENDICES

APPENDIX A *Decision of PA Superior Court*

APPENDIX B *Decision of state trial Court*

APPENDIX C *Decision of PA Supreme Ct. Denying review*

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF CITATIONS

PAGE

CASE LAW:

Commonwealth v. Collins,
703 A.2d 540 (Pa. 1997)..... 8

Commonwealth v. Grillo,
917 A.2d 343 (Pa. Super. 2007)..... 9

Commonwealth v. McClusker,
292 A.2d 286 (Pa. 1972)..... 13

Commonwealth v. Moses,
241 A.3d 366 (Pa. Super. 2020)..... 13

Commonwealth v. Scott,
389 A.2d 79 (Pa. 1978)..... 13

PENNSYLVANIA RULES OF CRIMINAL PROCEDURE:

Rule 582..... 7

Rule 583..... 8

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 A to the petition and is

- reported at 2025 PA Super. UnPub Lexis 829 NO. 62 MDA 2024; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.
-

The opinion of the State trial court appears at Appendix B to the petition and is

- reported at CP-35-CR-0002467-2022; 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 Sept. 15, 2025.
A copy of that decision appears at Appendix C.

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

- United States Constitution, Amendment 14.
- United States Constitution, Amendment 5.
- United States Constitution, Amendment 6.

STATEMENT OF THE CASE

On or about August 4, 2023, Blan was convicted following jury trial before the Honorable Margaret Bisignani Moyle of the Lactawanna County Court of Common Pleas, of murder in the Third Degree. Trial lasted for three (3) days, with a fourth day taken up solely with jury deliberations, during which time multiple witnesses were presented. On November 1, 2023, Judge moyle sentenced Blan to a sentence of eighteen (18) to forty (40) years' incarceration.

The charges stemmed from an incident in which Blan went with his teen brother to meet with an individual who was selling marijuana to his brother and with whom his brother was having problems in that this individual was threatening him and telling him that he should be careful. Blan out of concern for his brother's safety and hoping to resolve the matter, drove his brother to the individual's home in an attempt to calm the situation down.

Upon arriving at the home the other individual approached their vehicle in an angry and aggressive manner. Blan tried to calm the situation down,

but it continued to escalate. The other individual, Pernell Simmons made many comments, including that he was going to "air out" Blan's car. Finally, fearing for his life and not sure how to escape, Blan produced his legally carried firearm that he had a license to conceal carry permit for and fatally shot Simmons.

During trial, Blan attempted to testify about the recent killing of his cousin in Philadelphia PA. His cousin was murdered and during the altercation, the killer had told him that he was going to "air him out". Blan wanted to testify as to the effect those words had on him during his own incident because of the similarity to his recent knowledge about his cousin, but was disallowed from doing so after objection by the Commonwealth.

During deliberations the jury asked for the definition of the charges in writing together with a written definition of malice. In that Blan's claim to self-defense was a factor to be considered in determining malice, Counsel asked for that definition to be provided to them in writing as well. The Court denied this request until the jury

Specifically asked for that instruction several hours later.

Post-trial motions were filed following the verdict which, following hearing were denied by order dated December 12, 2023. Bian then filed a timely Notice of Appeal on or about January 10, 2024.

A timely appeal to the Pennsylvania Superior Court followed. After that courts review, an order was entered on March 31, 2025 denying Bian's appeal. A timely petition for allowance of appeal to the Pennsylvania Supreme Court followed and was filed on April 30, 2025, and order was entered September 15, 2025, denying review.

This instant filing followed due to the Pennsylvania Superior Court deciding an important federal due process question in Bian's case in a way that conflicts with another decision of a state appellate court on the same issue.

REASONS FOR GRANTING THE PETITION

A. THE TRIAL COURT ERRED AND ABUSED ITS DISCRETION BY NOT SEVERING THE TRIAL OF BLAN FROM THAT OF HIS CO-DEFENDANTS WHERE BLAN WAS CHARGED WITH HOMICIDE AND THE CO-DEFENDANTS WERE CHARGED WITH SIGNIFICANTLY LESS SERIOUS OFFENSES.

Rule 582 of the Pennsylvania of Criminal Procedure provides as follows:

Rule 582. Joinder-Trial of Separate Indictments or Informations

(A) Standards

(1) Offenses charged in separate indictments or informations may be tried together if:

(a) the evidence of each of the offenses would be admissible in a separate trial for the other and is capable of separation by the jury so that there is no danger of confusion; or

(b) the offenses charged are based on the same act or transaction.

(2) Defendants charged in separate indictments or informations may be tried together if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses.

These provisions are modified by the next rule, Pennsylvania Rule of Criminal Procedure 583, which provides:

Rule 583. Severance of Offenses or Defendants

The court may order separate trials of offenses or defendants, or provide other appropriate relief, if it appears that any party may be prejudiced by offenses or defendants being tried together.

The Pennsylvania Supreme Court, in Commonwealth v. Collins, 703 A.2d 540 (Pa. 1997), has balanced these provisions to form a general rule for determining when severance of trials would be appropriate, holding that, when a defendant moves to sever offenses from a co-defendant, the court must determine:

[1] whether the evidence of each of the offenses would be admissible in a separate trial for the other;

[2] whether such evidence is capable of separation by the jury so as to avoid danger of confusion; and, if the answers to these inquiries are in the affirmative,

[3] whether the defendant will be unduly prejudiced by the consolidation of offenses.

Pursuant to this test, "a court must first determine if the evidence of each of the offenses would be admissible in a separate trial for the other." Id. This question of relative admissibility is a key one and should be weighed with the same rigor as

would be used to examine the same evidence were it being offered at trial. Commonwealth v. Grillo, 917 A.2d 343 (Pa. Super. 2007).

In the instant case trial for Blan was joined with trial for three other defendants, his mother, Margaret Delcastillo, his father, Angelo Smith, and his father's girlfriend, Erica Searcy. Blan was charged with criminal homicide. The other three were charged with various misdemeanor offenses, specifically hindering apprehension, tampering with evidence, and obstructing the administration of law. Following trial, Blan was convicted of Murder in the Third Degree and the other three were acquitted of all charges against them.

None of the defendants faced the same charges as Blan. None of them were even facing felonies. No conspiracy between the parties was charged. What the joint trial did do, however, was to create the impression among the jury that more was going on than just the shooting that Blan claimed was in self-defense.

Blan's case was for homicide. He was not charged with any other offenses. Therefore the charges of the other three were not consistent with his trial. If Blan had been charged with similar offenses the Commonwealth would have a better argument for joinder, but the evidence used against the others was not consistent with the charge Blan faced. It is not disputed that some of the same evidence might have been available against Blan as the Commonwealth sought to show knowledge

of guilt or attempt to flee, but the totality of the cases were so dissimilar as to make a trail for all four defendants unnecessary and prejudicial.

The charges against Blan's co-defendants arose from the actions and decisions of all after the Simmons' shooting. Testimony was that Blan went home and talked to his father about what had happened. Over the course of the night Blan's mother arrived at the home as well. The next morning Blan left the home with Searcy, his father's girlfriend, while his mother left in a different car. The parties indicated that it was their intention to have Blan go to the police to turn himself in and explain what had happened the night before. The car in which Blan was driving was pulled over by police before it reached any destination, however it was on a path that would lead it to the police station as the parties claimed was their intent. Blan had the firearm with him when he was stopped, which he claimed was to be given to the police when he turned himself in that morning.

The jury heard information about the family meeting and the alleged activities of all the parties between the night of the shooting and the next morning. Much of this evidence would not have been admissible simply against Blan for the homicide charge he was facing. For instance, testimony was elicited about Blan's father standing outside of the home before left doing yard work in what was described as a suspicious manner. This evidence tended to show a guilty conscious on the father's part, which implies that guilt also lay with Blan. This evidence would not

have been relevant to Blan's case, only to that of his father. Evidence was also produced that Blan's mother had washed his clothes the night of the incident, again creating the implication that Blan was attempting to hide the evidence of what had happened through his mother's actions.

The actions of Blan's father, mother and step-mother were discussed in some detail in an attempt to establish their criminal liability. Very little of this testimony would have been admissible solely against Blan but served to suggest a conspiracy between the four individuals that the jury could well have taken as evidence of guilt against Blan. While actual charges of conspiracy make a joint trial more appropriate, there was no conspiracy charged here at all, let alone regarding Blan, but the implication that was created was the one existed. This was highly prejudicial to Blan.

B. THE TRIAL COURT ERRED AND ABUSED ITS DISCRETION BY NOT ALLOWING BLAN TO TESTIFY REGARDING THE HOMICIDE DEATH OF HIS COUSIN IN THE WEEKS LEADING UP TO THE DEATH IN THIS CASE WHERE SUCH TESTIMONY WOULD HAVE HELPED THE JURY TO UNDERSTAND BLAN'S STATE OF MIND AND ACTIONS ON THE DATE IN QUESTION.

At trial, Blan presented a defense involving a claim of self defense. He also raised a claim for imperfect self-defense based on the victim's erratic behavior, threatening words, claims of gang affiliation and Blan's belief that the victim had a firearm. The fact that the victim, despite his words, did not have a firearm led the jury to reject straight out self-defense, but they spent numerous hours in deliberation deciding between third degree murder and voluntary manslaughter as they wrestled with that question over a two (2) day period.

Blan testified on Day 3 of the trial. He gave his version of the events that led to Simmons' death and the aftermath of the same. He talked about his fear and uncertainty and what led him to pull the trigger on that night.

Three weeks prior to the death in this case Blan had been to the funeral of his cousin in Philadelphia. His cousin had been murdered and, prior to the shooting, the killer had said that he was going to "air him out". It was the position of the defense that this incident went a long way to add to Blan's state of mind on the night in question, especially since very similar words used by a killer were fresh in his mind at the time.

When counsel began to ask about this incident the Commonwealth objected (N.T., 8-3-23, p. 49). Counsel explained the testimony that was to be presented and its intended purpose in helping to show his state of mind during the incident (N.T., 9-3-23, 49-54). The Commonwealth argued relevancy under Rule 403, as well as

hearsay, but Blan argued that it was allowable for state of mind and was not hearsay because it was to show an effect on him regardless of its veracity. The Judge allowed "very limited" inquiry into the issue but then interjected without further objection to cut off counsel's questioning on the matter before he could get to the language about airing the victim out (N.T., 8-3-23, p. 55).

Evidence is relevant if it tends to establish a material fact or make a fact at issue more or less probable. Commonwealth v. Moses, 241 A.3d 366 (Pa. Super, 2020). Where an actor kills under an unreasonable fear that he is in danger of serious bodily harm the offense may constitute voluntary manslaughter even where a specific intent to kill exists. Commonwealth v. Scott, 389 A.2d 79 (Pa. 1978). As such the state of mind of the actor is key and evidence should be admitted to establish such state of mind. In such a matter, any evidence, even psychiatric evidence but including lay evidence as well, to show such state of mind must be admissible. Commonwealth v. McClusker, 292 A.2d 286 (Pa. 1972).

At trial Blan was able to talk about his fear in the moment, that he believed Simmons to be gang affiliated and that his behavior was erratic and threatening. He was not able to add one more crucial piece, however, that the very words that Simmons used to threaten him were identical to words he understood to be used by an assailant before he took the life of Blan's cousin mere weeks before. It is hard to think of a more direct insight into Blan's state of mind at the time of the shooting

and yet the jury was precluded from hearing it. This is reversible error such that Blan is entitled to a new trial.

C. WHETHER THE TRIAL COURT ERRED AND ABUSED ITS DISCRETION BY NOT SENDING OUT A PRINTED COPY OF THE JUSTIFICATION/SELF-DEFENSE INSTRUCTION ALONG WITH THE CHARGES WHEN THE JURY REQUESTED A WRITTEN DESCRIPTION OF THE COUNTS AGAINST BLAN AND A DEFINITION OF MALICE.

During the charging conference Blan argued that the jury should be charged regarding imperfect self-defense. After lengthy argument before the Court, during which the Commonwealth objected to the charge, the Court determined that the evidence presented did justify a charge regarding imperfect self defense and the inclusion of a charge of voluntary manslaughter.

The jury deliberated for a period on August 3 but then were sent home and deliberations began anew on August 4. After a period of time the jury sent out two questions which focused on the specifics of the law. First they asked for the language of the charges against Blan. Secondly they asked for a written definition of Malice. Counsel for Blan argued that if a definition for malice was being sent

out the court should also send the definition for self-defense, since a decision regarding this was necessary as a part of determining malice (N.T., 8-4-23, pp. 5-7).

Blan's position is that by sending out malice without the self-defense language also necessary for an evaluation of the situation, the jury was effectively being told that they did not need to consider self-defense when looking at malice. They should have been given all of the factors to be considered and which were relevant to their deliberations.

Juries, by their nature, are made up of citizens of the community who by and large do not have a sophisticated understanding of the law. To take their request for a definition of malice literally without providing the necessary legal context to that question is to give the jury credit for specific legal knowledge that they do not inherently possess. In fact, later in the deliberations the jury did ask another question regarding the elements of self-defense and at that point they were given a written description of the charge (N.T., 8-4-23, pp. 7-9).

The delay between the providing of the definition of malice in writing and the definition of self-defense in writing was unnecessary and prejudicial. For a period of several hours during their deliberations the jury was in a position where malice was highlighted and in the forefront of their minds but self-defense was in the back seat. As a result the language of self-defense justification was not foremost compared to malice during a significant point of deliberations, thereby creating the

implication that it was of a lower level of import than what the jury had in writing before them.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Tung Blun

Date: 12/3/25