

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Jashawn D. McGhee — PETITIONER
(Your Name)

vs.

STATE OF WASHINGTON — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeals - Division II State of Washington
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jashawn D. McGhee
(Your Name)

Stafford Creek Corrections Center
(Address)

191 Constantine Way Aberdeen, WA 98520
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. Did the trial court violate Mr. McGhee's 6th Amendment (fair trial) and/or 14th Amendment (Due Process) constitutional rights when improper opinion testimony was allowed by Police officers (during interrogation presented to the jury) providing direct statements as to Mr. McGhee's intent along with inferences as to Mr. McGhee's creditability?
2. Was Mr. McGhee's 6th and/or 14th Amendment Constitutional rights violated when the state shifted the burden to Mr. McGhee ~~was~~ to prove self-defense during closing argument? and was his Due process right violated when the WA Court of Appeals failed to decide this "shifting the burden" claim on its merits.
3. Did Mr. McGhee receive effective assistance of counsel, protected under the 6th and 14th Amendments, when counsel failed to object during critical stages of trial? and was Mr. McGhee's Due Process right violated when the WA Court of Appeals failed to decide this "ineffective assistance of counsel" claim on its merits.
4. Was Mr. McGhee's 14th Amendment Constitutional right violated when trial court convicted Mr. McGhee with insufficient evidence as to premeditation?
5. Did Mr. McGhee's 2nd, 14th and/or 6th Amendment rights get violated when jury instruction #43 (first aggressor) was given without sufficient evidence and with vague language?

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:

RELATED CASES

- (WA) Supreme Court No. 1033737 - State of Washington v. Jashawn McHee
- (WA) Court of Appeals No. 575302 - Division II
- (WA) Pierce County Superior Court No. 19-1-04382-4

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Hand written brief (not a supporting 3rd party brief)

(I didn't have ~~room~~^{room} on provided space to make legal argument)
please accept my handwritten brief as no disrespect
to the court.)

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OTHER

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

The opinion of the ^{WA} Court of Appeals - Division II 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 11/6/2025.
A copy of that decision appears at Appendix C.

☒ A timely petition for rehearing was thereafter denied on the following date: 11/6/2025, and a copy of the order denying rehearing appears at Appendix C. (Mandate on Appx. D)

☐ 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

- The 2nd Amendment to the U.S. Constitution.
(self defense)
 - The 6th and 14th Amendments to the U.S. Constitution
(Fair trial) (Due Process)
-

RCW's

WA. 28.020(1)
WA. 32.030(1)(a)
WA. 32.020(1)
WA. 41.270(3)(C)
WA. 16.020
WA. 16.050

Evidence Rule

8.02(4)(B)
8.03(6)

STATEMENT OF THE CASE

In Nov. 2019, Keith Rogers was witnessed by Mr. McGhee striking and choking (his gf) Ms. Banks after taking her phone and aggressively yelling at her about the contents of the phone. McGhee was then approached by an angry and belligerent Rogers waving his hands in [McGhee's] face telling him to mind his business. After leaving the bar parking lot, Rogers returned looking for Ms. Banks (who was parked in an adjacent domino's parking lot within the same "strip mall" with Mr. McGhee parked aside engaging in conversation). Rogers who exited the bar continuing his aggressive course of conduct got into another verbal altercation w/ another patron at the bar and directly after grabs his pistol (being so drunk, he drops it [gun] in the parking lot). Seeing McGhee engaged in conversation with Ms. Banks Rogers then follows McGhee to the domino's lot to "confront" him, parking behind his SUV, exiting his jeep in an aggressive, menacing and threatening fashion approaching the rear of McGhee's SUV calling him a "Bitch" yelling and screaming. McGhee then turns his SUV around to see Rogers closing the distance to his vehicle and pulls a firearm McGhee has pointed at him, [Rogers] states he's not scared and has a "CPL" too (implying he has a gun) then dashes to his jeep retrieving said firearm, "getting it up to the torso" & "turning towards McGhee" when he was then shot 4 times (in the arms and lower abdomen) McGhee was arrested the next day and charged with Premeditated Attempted Murder. SEE Report of Proceedings Pgs. 184, 185, 255, 256, 266, 271, 282-283, 288, 312, 317, 324, 349, 382-383, 394, 401, 472-473, 476, 607-608, 611, 683-684 Also video exhibits 155 & 197

REASONS FOR GRANTING THE PETITION

- Allowing improper opinion testimony by police officer(s) making direct statements as to McFhee's "intent" and creditability invaded the province of the jury to be the sole fact finders of the case thus violating his 6th and/or 14th Amendment rights (due process) & for (fair trial) requiring retrial as remedy. (reversible error)
- Shifting the burden to Mr. McFhee to prove self defense after he as already provided evidence as to self defense (putting the burden on the state to ("disprove")) violated Mr. McFhee's 6th and/or 14th Amendment rights. requiring retrial as remedy. (reversible error)
- Failing to object at many crucial moments in/during trial prejudiced Mr. McFhee and denied him effective counsel as protected in the 6th and 14th Amendments. Requiring retrial as remedy. (reversible error)
- Convicting Mr. McFhee w/ insufficient evidence as to premeditation violated Mr. McFhee's 14th amendment and/or 6th Amendment right under the Jackson standard. Requiring retrial as remedy. (reversible error)
- Providing the jury with a first aggressor instruction with out sufficient evidence for said instruction violated Mr. McFhee's 2nd, 14th, and/or 6th Amendment right(s) Requiring retrial as remedy. (reversible error)

Respectfully submitted to the court.

(and some
Division II)

Each of these issues are in direct conflict with other divisions of WA appellate courts.

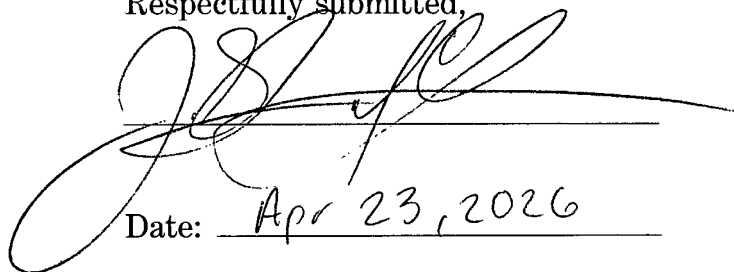
SEE brief
rules and
argument

Asking Court to reverse conviction and/or remand to
WA appellate court to adjudicate issues not acknowledged
in the original opinion. (in violation of R.A.P. 12.1)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to be 'J. B. [unclear]', written over a horizontal line.

Date: Apr 23, 2026