Circuit Court for Charles County
Case No. C-08-CR-23-000826

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 302

September Term, 2024

STATE OF MARYLAND

v.

JAMIL JAMES WILLIAMS

Reed,
Ripken,
Kehoe, S.

JJ.

Opinion by Reed, J.

Filed: April 8, 2026

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

On November 17, 2023, Jamil James Williams, ("Appellee"), was indicted in Charles County on six counts related to a shooting incident that occurred outside his home on March 18, 2022. The indictment alleged that Appellee attempted to murder and assault an "unknown person wearing dark gray or black sweatshirt and gray or faded black pants with all black shoes." Appellee contended that the indictment was insufficient and moved to dismiss. After a hearing before the Circuit Court for Charles County, the judge granted Appellee's Motion to Dismiss on March 20, 2024. The State filed a Motion to Reconsider, which was denied. Thus, on April 12, 2024, the State appealed the circuit court's dismissal to this Court.

In bringing its appeal, the State presents one question for appellate review: Did the motions court err when it granted Appellee's pre-trial motion to dismiss the charges?

For the following reasons, we find that the motions court erred and thus reverse and remand the judgment of the Circuit Court for Charles County.

FACTUAL & PROCEDURAL BACKGROUND

On November 17, 2023, the State's Attorney for Charles County filed an indictment against Appellee. The indictment had six counts for attempted first-degree murder, attempted second-degree murder, assault in the first-degree, and three counts for use of a firearm in the commission of a crime of violence related to the other three offenses. The indictment alleged that Appellee attempted to murder and assault an "unknown person wearing dark gray or black sweatshirt and gray or faded black pants with all back shoes."

The limited facts surrounding the indictment, which we relay based on a statement Appellee gave to law enforcement, were that on March 18, 2022, a relative of Appellee

came home and said that people were coming to hurt him. A group of seven individuals came to Appellee's neighborhood, at least two of whom had guns. Appellee, using an AR-15 style rifle, exchanged gunfire with the group. This incident was recorded by home video surveillance cameras from Appellee's neighbors.

After receiving the indictment, Appellee made a Motion for Bill of Particulars on December 6, 2023. Appellee argued that the charges lacked specificity and requested "the identity of the alleged Victim" among other details. Appellee said that the indictment did not make available to him "facts adequate to prepare his defense and prevent surprise." The State responded to the Motion on December 18, 2023, writing that the State satisfied "the legal requirements" of putting Appellee "on notice of the time, location, act, and crime" that Appellee had been charged with committing.

Appellee filed Exceptions to the State's response, calling it "unresponsive and deficient" on December 29, 2023. Appellee again argued that not identifying the victim made "a defense impossible." The same day, Appellee filed a Motion to Dismiss based on his alleged inability to confront and face his accuser. The State responded to Appellee's motions on January 17, 2024, arguing that the charges did not require the State to provide the name of the victim and that there was no violation of Appellee's right to confront.

This issue was heard in a hearing on February 22, 2024. At the hearing, Appellee argued that without an identified victim, he would be unable to cross-examine the unknown victim and that the State would not be able prove any of the specific intent crimes they alleged without the victim testifying. Appellee also argued that the State's indictment forces him to take the stand at trial, which would violate his right not to testify. The State

argued that, based on case law, a victim's name was not required in the indictment and there would not be a Confrontation Clause violation because the State also does not know the identity of the victim. The parties provided additional written arguments after the hearing.

The Judge granted the Motion to Dismiss for the specific-intent crimes on March 20, 2024, without prejudice. As all the counts were specific intent crimes, the entire case was dismissed.

The State filed a Motion to Reconsider on March 22, 2024. The court denied that Motion on March 29, 2024. As a result, the State appealed the dismissal of the case to this Court on April 12, 2024.

DISCUSSION

A. Parties' Contentions

The State argues that the trial court erred in dismissing this case because the indictment was sufficient in charging Appellee with a crime. The indictment identified the defendant, Appellee here, the time and place of the offense, and provided a statement of the facts of the offense. The State claims that the victim's name is not needed for the indictment to be sufficient, and that Appellee's constitutional rights were not violated by the indictment.

Appellee argues that the trial court properly dismissed the indictment. Appellee claims that because it did not name a victim, the charging document lacked sufficient specificity to allow Appellee to prepare a defense. Based on this lack of specificity, Appellee argues it would have forced Appellee to testify at trial in violation of his right

against compelled self-incrimination. Additionally, without a victim named, Appellee argues that his right to confront opposing witness would be violated.

B. Standard of Review

Whether an indictment properly charged a defendant with a cognizable crime is a question of law, and thus a non-deferential *de novo* standard of review applies. *Shannon v. State*, 468 Md. 322, 335 (2020) (citing *Davis v. Slater*, 383 Md. 599, 604 (2004) (internal citations omitted)). Additionally, "[i]n general, an appellate court reviews without deference a claim that a defendant's constitutional rights have been violated." *Portillo Funes v. State*, 469 Md. 438, 478 (2020) (citing *Stokes v. State*, 362 Md. 407, 414 (2001)). This Court makes our own "independent constitutional appraisal, by reviewing the law and applying it to the peculiar facts of the particular case." *Stokes*, 362 Md. at 414 (quoting *Jones v. State*, 343 Md. 448, 457 (1996) (internal citations omitted)).

C. Analysis

Article 21 of the Maryland Declaration of Rights states "[t]hat in all criminal prosecutions, every man hath a right to be informed of the accusation against him; to have a copy of the Indictment, or charge, in due time (if required) to prepare for his defence [sic] . . . ." MD. DECL. OF RTS. art. 21. Maryland Rule 4-202(a) requires, in part, that a charging document "contain a concise and definite statement of the essential facts of the offense with which the defendant is charged and, with reasonable particularity, the time and place the offense occurred."[1] These requirements serve several purposes:

[1] The full language of the rule is:

> (1) to notify the defendant as to what is to be defended; (2) to enable the defendant to prepare for trial; (3) to allow the court to consider the legal sufficiency of the charging document; (4) upon a conviction, to allow the court to impose an appropriate sentence; and (5) to protect the defendant against multiple prosecutions for the same offense and thereby vindicate the proscription against double jeopardy.

Shannon, 468 Md. at 327 (citing *Ayre v. State*, 291 Md. 155, 163 (1981)).

Thus, the question before this Court is whether the indictment in this case properly notified Appellee of the crime the State accused him of committing.

First, the indictment must set out "the time and place the offense occurred." Md. Rule 4-202(a). For the place of the offense, it is sufficient to allege that the offense "was committed in a particular county." *Cook v. State*, 100 Md. App. 616, 632 (1994), *rev'd on other grounds*, 338 Md. 598 (1995). Each count of the indictment said that "on or about March 18, 2022, at Charles County, Maryland" Appellee committed each specific charge. This is a sufficient description of the time and the place of the offense.

Next, the indictment must have a "concise and definite statement of the essential

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> **(a) General Requirements.** A charging document shall contain the name of the defendant or any name or description by which the defendant can be identified with reasonable certainty, except that the defendant need not be named or described in a citation for a parking violation. It shall contain a concise and definite statement of the essential facts of the offense with which the defendant is charged and, with reasonable particularity, the time and place the offense occurred. An allegation made in one count may be incorporated by reference in another count. The statute or other authority for each count shall be cited at the end of the count, but error in or omission of the citation of authority is not grounds for dismissal of the charging document or for reversal of a conviction.

Md. Rule 4-202(a).

facts of the offense." Md. Rule 4-202(a). This means the charging document must: "(1) adequately characterize the crime charged and (2) describe the specific conduct on which that charge is based." *Shannon*, 468 Md. at 327 (citing *Ayre*, 291 Md. at 163–64). For this requirement, "little factual detail, beyond a statement of the essential elements of the offense, *e.g.*, the precise manner and means of committing the offense, generally is required in the charging document." *State v. Ferguson*, 218 Md. App. 670, 680 (2014) (quoting *In re Roneika S.*, 173 Md. App. 577, 596–97 (2007)).

For each count, the indictment stated the essential elements of the offense alleged. Count 1 stated that Appellee "did feloniously, willfully, and with deliberately premeditated malice attempt to kill and murder unknown person." This matches the language of murder in the first degree, defined as a "deliberate, premeditated, and willful killing." Md. Code, Crim. Law § 2-201(a)(1). Count 3 alleged that Appellee "did feloniously and with malice attempt to kill and murder unknown person." Second-degree murder has no statutory elements, Md. Code, Crim. Law § 2-204 (defining second-degree murder as "murder that is not in the first degree"), but malice is "an essential element of second-degree murder[.]" *Thornton v. State*, 397 Md. 704, 739 (2007). Count 5 alleged that Appellee "did assault unknown person." It is a crime in Maryland to "commit an assault with a firearm." Md. Code, Crim. Law § 3-202(b)(2). Counts 2, 4, and 6 all repeated the charges of the preceding counts 1, 3, and 5 with the addition that Appellee "did use a firearm in the commission of a crime of violence." This matches the language of the statute prohibiting the use of "use a firearm in the commission of a crime of violence." Md. Code, Crim. Law § 4-204(b). As a result, every count in the indictment alleged the essential elements of the offenses.

Despite the indictment meeting the requirements set out under Rule 4-202(a), Appellee took issue with the failure of the indictment to identify a specific victim. The indictment stated that Appellee's alleged crimes were committed against an "unknown person wearing dark gray or black sweatshirt and gray or faded black pants with all black shoes." Rule 4-202 requires that the "charging document shall contain the name of the defendant." However, "[t]he Rule does not require that any victim be named or identified." *Denicolis v. State*, 378 Md. 646, 662 (2003) (finding no victim needed to be named for the crime of solicitation). The *Denicolis* court did acknowledge that naming a victim "may, in some circumstances, be required in order to satisfy the defendant's Federal and State Constitutional rights to fair notice."[2] *Id.*

In *Edmund v. State*, the Supreme Court of Maryland previously analyzed an indictment in which the defendant was charged with first-degree assault and there was a general description of the victim. 398 Md. 562, 567-68 (2007). The indictment in *Edmund*, after an amendment, gave a physical description of the victim as "a black male, approximately five feet eight inches tall, 240 pounds, with a beard and mustache, wearing

[2] In *Denicolis*, the defendant was charged with two counts solicitation to kill based on two different dates of the offense. *Denicolis*, 378 Md. at 651. Neither count identified a particular victim, though there was testimony about solicitations to kill both a judge and a prosecutor. *Id.* at 652. On appeal, the court said that "it seems that everyone, at one point or another during the trial and sentencing proceeding, became confused as to whether one of the counts was based, in whole or in part, on a solicitation to kill" the prosecutor, which led to confusion about that solicitation being withdrawn. *Id.* at 663. As a result, the court remanded the case to avoid the same confusion. *Id.* However, the court noted that the indicting information, despite not naming a victim, had "no inherent ambiguity" and any confusion only arose later through trial. *Id.* at 662. Similarly, here, we find no inherent ambiguity in the indictment against Appellee.

a black puffy jacket, brown hooded sweatshirt and red skull cap." *Id.* at 567–68. The defendant argued that the indictment did not allege a cognizable crime without the victim's name. *Id.* at 568. The Supreme Court of Maryland stated that for first-degree assault, the statute "does not require that the victim be identified by name in the charging document" to make it a cognizable crime, so long as the victim was a human being. *Id.* at 571. The short form of indictment set out in the criminal law statute has "name of victim" as part of the charge for assault, which the defendant argued was missing here. *Id.* at 571–72 (citing Md. Code, Crim. Law § 3-206(a) (providing the short form of "(name of defendant) on (date) in (county) assaulted (name of victim)")). The Court described how the short form of indictment is not required in lieu of any common law form of indictment. *Id.* at 572; *see also Wooten-Bey v. State*, 308 Md. 534, 538 (1987) (quoting *Wood v. State*, 191 Md. 658, 667 (1948)) (describing how short form indictments "merely furnish[] a shortened statutory form which may, but need not, be used in lieu of the common law forms").

The Court then analyzed whether the indictment without the victim's name properly served the purposes of informing the accused of the accusation against him. *Edmund*, 398 Md. at 576. The Court cited prior case law stating that "it is now generally accepted that if the name of a person necessary for complete description of a crime is unknown to the grand jurors, they are justified in alleging that the name of such person is unknown to them." *Id.* at 575 (quoting *Adams v. State*, 202 Md. 455, 458–59 (1953), *rev'd on other grounds*, 347 U.S. 179 (1954)). Ultimately, in *Edmund*, the Court found that the indictment was proper because the defendant knew he was on notice for first degree assault on a particular date, and the defendant "confessed to the conduct and agreed in court that he had confessed." *Id.*

at 576–77.

Edmund is instructive for the instant appeal. First, the indictment here was not required to use the short form of indictment for the crimes Appellee was charged with, which included a suggestion of naming the victim.[3] Next, just as the indictment in *Edmund* properly put the defendant in that case on notice of his crimes, the indictment here did the same. As described above, the indictment set out the time and place of the crimes Appellee was accused of, providing him the proper notice. While Appellee did not confess to the conduct in court at this stage, as the defendant did in *Edmund*, the record shows that Appellee gave a statement to police admitting to firing shots outside of his home, which was part of the conduct alleged in the indictment.[4] *Edmund* supports the proposition that the indictment does not need a specific victim to be identified so long as the other statutory requirements are met, as discussed above.

[3] While the charges here were for attempted murder, the statutory form of indictment for murder or manslaughter states: "(name of defendant) on (date) in (county) feloniously (willfully and with deliberately premeditated malice) killed (and murdered) *(name of victim)* against the peace, government, and dignity of the State." Md. Code, Crim. Law § 2-208(a) (emphasis added). The statutory form of indictment for assault states "(name of defendant) on (date) in (county) assaulted *(name of victim)* in the ..... degree or (describe other violation) in violation of (section violated) against the peace, government, and dignity of the State." Md. Code, Crim. Law § 3-206(a) (emphasis added). As *Edmund* says that we are not required to use the statutory form of indictment, the mention of "(name of victim)" as a requirement in these two statutory forms is not controlling here on whether the indictment was proper.

[4] We note that just because Appellee gave this statement to the police does not mean that he admitted guilt to these charges or that this statement is necessarily admissible as evidence of Appellee's guilt or actions. The burden of proof still rests on the State to prove the charges it brought against Appellee if the case were to reach trial.

Appellee argues that *Edmund* is distinguishable from his case. In *Edmund*, the defendant knew the alleged victim and "had an ongoing problem with the victim" but did not know his name. *Edmund*, 398 Md. at 566. Appellee argues that in this case he did not know any of the people in the group that he was accused of attempting to murder and assault. While Appellee may not have known the identity of the individuals, that alone does not deem the indictment insufficient. Appellee still received proper notice that he was accused of his conduct related to attempted murder and assault outside of his home on March 18, 2022, which is all Rule 4-202 requires the indictment to state.[5]

Appellee also provides that in *Edmund*, the defendant argued that the errors in the charging document deprived the court of its jurisdiction to hear the case. *Edmund*, 398 Md. at 570 (quoting *Williams v. State*, 302 Md. 787, 791 (1985)); *see also Williams*, 302 Md. at 792 ("[W]here no cognizable crime is charged, the court lacks fundamental subject matter jurisdiction to render a judgment of conviction."). However, Appellee argues that he is not bringing up the jurisdictional issue that was asserted in *Edmund*, but instead issues concerning Appellee's constitutional rights.

We now turn to Appellee's two constitutional arguments. Appellee argues the

[5] Related to this, Appellee argues that the indictment did not fulfill the purpose of "enabl[ing] the defendant to prepare for his trial." *Ayre*, 291 Md. at 163. Appellee argued that this lack of specificity took away from the ability to challenge the State's evidence and prevents his attorney from fulfilling the "duty to investigate in all cases." American Bar Association, Criminal Justice Standards: Defense Function 4-4.1 (4th ed. 2017). Without the name of a victim or witness, Appellee argued he was unable to prepare questions to investigate the alleged crimes. This argument is untimely. At this stage, with only an indictment, before discovery has been performed, it is enough to allege the time and place of the crime and allow for further investigations to uncover witnesses and victim's names.

State's case, specifically the lack of specificity in the indictment, would violate Appellee's rights under the Confrontation Clause and his right against Self-Incrimination.

First, as for the Confrontation Clause, Appellee argued below that the lack of an identified victim in the indictment meant he was unable to confront his accusers or cross-examine them. The Sixth Amendment provides all defendants with the right "to be confronted with the witnesses against [them]." U.S. CONST. AMEND. VI; *see also* Md. Decl. Rts. art. 21 (providing the same right). This right protects a defendant "from the government's use of statements made outside the courtroom as evidence *in trial* without calling the witness to testify." *Malaska v. State*, 216 Md. App. 492, 505 (2014) (quoting *Green v. State*, 199 Md. App. 386, 399 (2011)) (emphasis added). Sixth Amendment protections apply when "1) the challenged out-of-court statement or evidence is presented for its truth, and 2) the challenged out-of-court statement or evidence is testimonial—i.e., bears indicia of solemnity." *Id.* (quoting *Derr v. State*, 434 Md. 88, 106–07, 112-13 (2013)).

The State's indictment charging Appellee has not offered evidence that violates the Confrontation Clause, and moreover the issue is not ripe. An issue is not ripe if the court must "declare the rights of parties upon a state of facts which has not yet arisen, [or] upon a matter which is future, contingent and uncertain." *State Ctr., LLC v. Lexington Charles Ltd. P'ship*, 438 Md. 451, 591 (2014) (quoting *Boyds Civic Ass'n v. Montgomery Cnty. Council*, 309 Md. 683, 690 (1987) (internal citations omitted)). "Where an issue is not ripe, the issue is not justiciable and, thus, a court will not entertain the claim." *Id.* at 592.

A criminal trial has not occurred in this case against Appellee, which of course

means the State has yet to call any witnesses or present any evidence, let alone testimonial hearsay. It is possible that a Confrontation Clause issue may arise at the time of trial. However, at this stage, any determination on the confrontation clause would declare the rights of the parties on a future matter. As a result, this issue is not ripe.

Next, Appellee argued that without a victim identified Appellee would be forced to testify as the only means of proving that his actions were in self-defense. The Fifth Amendment protects a defendant against self-incrimination. U.S. CONST. AMEND. V; *see also* MD. DECL. RTS. art. 22 (providing for the same right). Like the Confrontation Clause issue, the self-incrimination issue is not yet ripe. Whether Appellee would be forced to testify is a matter that cannot be determined until the trial itself. The burden in a criminal case rests on the State to first prove its case. If the State cannot present sufficient admissible evidence to meet their burden, then there would be no need for Appellee to testify in any capacity. At the indictment stage, Appellee has not yet received a constitutional injury under the right against self-incrimination that this Court can review.

Thus, neither of Appellee's constitutional arguments is sufficient to sustain a dismissal of the indictment because no constitutional violations of Appellee's trial rights have occurred at the stage of the indictment.

As a matter of law, the lower court erred in dismissing the State's indictment against Appellee where it met the statutory requirements of an indictment. We are not ruling on the merits or value of the indictment, but rather that Appellee's arguments to dismiss the indictment were not supported by law, and as a result, there was no reason for the lower court to dismiss the valid indictment.

CONCLUSION

Accordingly, we reverse the judgment of the Circuit Court for Charles County and remand for further proceedings.

JUDGMENT OF THE CIRCUIT COURT FOR CHARLES COUNTY REVERSED; COSTS TO APPELLEE.