

Circuit Court for Prince George's County  
Case No. CT211119X

UNREPORTED\*  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1062  
September Term, 2024

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WINSTON CHRISTOPHER HUGHES

V.

STATE OF MARYLAND

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Shaw,  
Zic,  
Eyler, Deborah S.  
(Senior Judge, Specially Assigned)

JJ.

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Opinion by Shaw, J.

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Filed: June 12, 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).

Appellant Winston Christopher Hughes was indicted in the Circuit Court for Prince George’s County on nine counts related to the death of Fatima Kamara. Appellant elected to be tried by a jury, and during the trial, he requested jury instructions on, *inter alia*, involuntary manslaughter and self-defense. The court declined Appellant’s requests, and he was subsequently convicted of second-degree murder, first- and second-degree assault, reckless endangerment, use of a firearm in the commission of a crime of violence, use of a firearm in the commission of a felony, possession of a firearm after a felony conviction, and wearing/carrying/or transporting a firearm. He was sentenced in the aggregate to sixty years’ incarceration and credited 1,406 days. Appellant timely appealed and presents two questions for our review:

1. Did the trial court err in refusing to instruct the jury on involuntary manslaughter where it was charged and generated by the evidence?
2. Did the trial court err in refusing to instruct the jury on self-defense because Mr. Hughes did not testify in his own defense?

For reasons that follow, we hold that the circuit court erred in not instructing the jury on involuntary manslaughter, and that the error was not harmless. We reverse Appellant’s convictions for all counts, except the possession of a firearm after a felony conviction, and wearing/carrying/or transporting a firearm and remand for a new trial. As a result of the reversal, we decline to address Appellant’s second question.

### **BACKGROUND**

According to the testimony adduced at trial, on September 21, 2020, Appellant and his then girlfriend Fatima Kamara became involved in a physical altercation that resulted

in her death. The incident occurred inside Appellant’s apartment in Hyattsville, Maryland, where the couple lived together.

Ms. Sento Bangura, a close friend of Ms. Kamara, testified that she was on the phone with Ms. Kamara during the incident. She stated that Ms. Kamara told her that Appellant brought two women into the apartment the prior night, to stay, without her knowledge. Ms. Kamara stated that it “bothered her because he didn’t tell her prior to it,” and she was “worried about her furniture being out in the living room.” Ms. Bangura then told Ms. Kamara not to worry and to “leave it alone.” Ms. Bangura testified that, during the call, Ms. Kamara invited her and another friend to come over. They continued talking and Ms. Kamara indicated that Appellant walked into the apartment. Ms. Bangura heard Ms. Kamara say, “I’m about to fight him,” and “hit [him].” She then heard a “clapping noise,” and Ms. Kamara yelled “get off of me” and “stop.”

Ms. Bangura testified that she then left her home to head to Appellant’s apartment, but she stayed on the phone. The call dropped, and three minutes later, while getting into the car, Appellant facetimed her from Ms. Kamara’s cellphone. He was hysterical and crying. He stated that Ms. Kamara “had grabbed a bottle,” and he grabbed it from her. Ms. Bangura testified that he told her that Ms. Kamara “went to grab the gun and it went off” when they were “tussling over [it] and he was trying to take it from her.” She confirmed “talking to him about hiding the gun . . . because [she] didn’t want to see him get in any trouble.” She testified that Appellant “brought it up first,” and, unaware Ms. Kamara was shot, stated she “was like, yeah, hide the gun.” Before ending their call, she saw Appellant hurrying down the building’s stairwell.

When Ms. Bangura entered Appellant’s apartment, she saw a portion of Ms. Kamara’s body lying in the bedroom, before running out of the apartment. She called the police and informed the dispatcher that she was on the phone with Ms. Kamara when she heard a gunshot. She identified Appellant as the shooter.

A phone call recording from a downstairs neighbor to the police during the time of the incident was admitted into evidence. In the audio, the neighbor reports to the dispatcher sounds of a “female crying,” “loud noise,” “walking back and forth,” and then a “bump and loud bang” from above her.

Officers from the Prince George’s County Police Department immediately arrived on the scene. Detective Richard Carlson testified that he responded to the call and discovered Ms. Kamara lying on the bedroom floor, with a head wound. He took photos of her positioning on his cellphone. Detective Carlson testified that there were shell casings on the bedroom floor, and he observed a bullet hole that went through the wall of another room. Detective Patrick McAveety, the lead investigator, testified that Ms. Kamara was positioned “face up,” next to a bloodied mattress, with a broken fingernail, and a “defect” between her eyes and the bridge of her nose, and one on the back of her neck. He testified there were several items near the mattress, including a liquor bottle and a shell casing. A fired bullet was also recovered by the wall baseboard.

Doctor Russell Alexander, an expert witness in forensic pathology, opined that Ms. Kamara was shot at close-range, or at a minimum, “several inches,” away, based on the

presence of “stippling”<sup>1</sup> in the entrance gunshot wound. He opined the fired bullet traveled in a downward direction, entering through Ms. Kamara’s nose and exiting through the right side of her neck.

Detective Patrick McAveety, testified that he obtained surveillance footage from the apartment complex that showed Appellant taking the stairwell down to the lobby, exiting the building, and walking towards Queens Chapel Road. Ms. Pacita Payne, the property manager of Queens Park Plaza Apartments, testified she observed Appellant pacing back and forth, “speaking very loud” in front of the complex on Queens Chapel Road. She stated he appeared irate, frustrated, scared, and on a phone call. She overheard Appellant state, “I told the b[\*\*\*\*] to leave me alone, but she just keep . . . kept with me. . . . You all have to f[\*\*\*\*\*]’ come and get me, like, come and get me now. I got to get the f[\*\*\*] out of here.” She then watched him enter four nearby apartment buildings, knock on doors, and in the midst of walking towards her and another employee, he took off and dropped his bathrobe before leaving. She testified he left after she called the police. The robe, including Appellant’s banking cards, were recovered by Corporal Tahicia McCaskill.

Detective Carlson testified that, two days later, officers responded to a call for a found firearm, two blocks away from the shooting location, on the ground outside of a nearby residence. Detective Alexander Gonzalez went to the 4800 Block of Russell

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<sup>1</sup> Dr. Alexander testified “[s]tippling refers to punctate or dot-like red marks around [an] entrance gunshot wound.” It is “gunpowder particles” ejected from the barrel of a gun, when triggered, that upon striking a body “leave little red marks.” He testified the red marks illustrate the distance between the gun and the body at the time the gun was triggered was within close range or “within three to five feet.” He confirmed he did not see “soot” or “searing” which is seen on the skin or clothing, if the gun is closer up “against the skin or a fraction of an inch.”

Avenue where he reviewed a resident’s ring camera footage of Appellant, in a bathrobe, placing a gun underneath a garbage bag. The gun was recovered, later that day, and within the following days, Appellant was located and arrested in Raleigh, North Carolina.

During trial, the court discussed proposed jury instructions with the parties. Appellant had submitted written requests, and he reiterated his requests that the court instruct the jury on voluntary and involuntary manslaughter and self-defense.

**[DEFENSE COUNSEL]:** Your Honor, I asked for the voluntary manslaughter, and I’m also asking for involuntary manslaughter. We heard testimony from Sento Bangura. . . . Taken together, I believe this, and I’ll just mention it now and adopt it, the argument later for the [sic] self-defense and request, is that she was upset about the fact that he had brought these two females in, upset enough that she was going to punch him or attack him. She hears a ruckus on the phone. The phone drops. He calls her back crying hysterically, saying that she tried to hit him with a bottle. And when he takes that away from her, then she goes and grabs a gun. They fight over the gun. I believe she says that there -- she said that there was a tussle or struggle over the gun, and it went off.

Obviously, our theory is that it’s an accidental shooting. However, him going and trying to take the gun away from her, I believe involves -- because of the testimony that was already in evidence about there being a struggle -- some amount of physical touching to try to disarm her both of the bottle and then subsequently of the gun. And I do believe that that fairly generates the self-defense. And then working backwards, the jury could decide that it was excessive to the extent, although I believe that it’s purely accidental. I believe that it’s at least fairly generated that they could say that it was some force used, that it wasn’t that there was no malice, but that it was excessive therefore, going to a voluntary or that it was more than just accidental, that it required some negligence on his part and therefore involuntary would be generated as well. I believe what we got from Ms. Bangura, and I believe it’s supported by the physical evidence as well that’s come in from the ME is that it’s at least been fairly generated and it’s up to them to decide on each of those issues. That’s why I asked for the voluntary manslaughter, the involuntary manslaughter, and the self-defense as well.

The State argued that although evidence generated for a self-defense instruction can “come from somewhere else,” without Appellant’s testimony, further evidence would be needed to generate such an instruction:

**[THE STATE]:** Without any information specifically from the Defendant himself, with Sento saying he said she got a bottle and he got a gun, we don’t

have any information about where they were in proximity to each other, what the Defendant saw when he saw it, if he himself had any weapons on him other than that, if there was any reason for him to be in immediate danger, where were they located exactly. Without those things, it would be impossible for a jury to consider either perfect or imperfect, because they wouldn't have any way to actually assess and there has been no evidence generated of the reasonableness and the amount of force and what was necessary.

In response, Appellant asserted that Ms. Bangura's prior testimony, was sufficient to generate a self-defense instruction:

**[DEFENSE COUNSEL]:** Your Honor, well certainly, the testimony was not she went after him with a bottle and then he grabbed a gun in self-defense. That's not what Ms. Bangura said. What Ms. Bangura said was when he was in this excited state, she tried to hit him first with a bottle, and then when he took that away from her, she grabbed the gun and they struggled over that. I think certainly the surrounding circumstances of her coming towards him with a gun after she's already tried to hit him with a bottle, anybody in that situation's going to think that they could potentially get shot or suffer some kind of harm. And so I do think it's fairly generated, even with the facts that we have so far.

The court stated:

**THE COURT:** All right. So at this time, I'm going to reserve on it. I'll go back and look at my notes to determine what exactly Ms. Bangura testified to. But we'll address it tomorrow as to whether or not Mr. Hughes will or will not testify.

The court ordered the parties to prepare two versions of the verdict sheet, with and without self-defense, and stated that, if self-defense was generated, the court would give MJPI-Cr "4.17.2 with the subsections," and if not, "just [MJPI-Cr] 4.17."

The next day, the State presented its final witness and rested its case-in-chief. The court took a brief recess and following the break, Appellant moved for judgment of acquittal on all counts, which the court denied. Appellant then notified the court that he would not testify. In discussing jury instructions, the following ensued:

**[THE STATE]:** I actually have. I think, three questions. The first is, has the Court made an official ruling as to which homicide instruction, we're going to give? Is the Court going to give voluntary manslaughter?

**THE COURT:** No.

[**THE STATE**]: Okay. I don't know if that's been officially put on the record.

**THE COURT:** Okay. Because the Defendant has elected not to testify in this matter, I do not believe that it's been generated in this case. So, the instructions that the Court will give with regard to homicide in this case are first and second. And I will give reckless endangerment, first degree assault, second degree assault.

I'll hear from you, Mr. Hiller, if you'd like to place something on the record, but that's --

[**DEFENSE COUNSEL**]: I just, I mean, I think I've preserved it at this point, but just out of an abundance of caution, please note my objection to the Court not giving the instructions that I requested yesterday.

**THE COURT:** Okay. Very well. And it's just 4:17. No subsections. It's 4:17, homicide, first degree premeditated murder. No justification or mitigation generated.

Appellant was subsequently convicted of second-degree murder, first- and second-degree assault, reckless endangerment, firearm use in the commission of crime of violence, firearm use in the commission of a felony, possession of a firearm after a felony conviction, and wearing/carrying/or transporting a firearm. Appellant was sentenced in the aggregate to sixty years' incarceration and credited 1,406 days. He timely appealed.

### **STANDARD OF REVIEW**

“We review the trial court's overall determination that a jury instruction is not warranted ‘for an abuse of discretion,’” *Jefferson v. State*, 268 Md. App. 354, 370 (2026) (quoting *Danshin v. State*, 491 Md. 520, 532 (2025)), but our “‘determination of whether the evidence is sufficient to generate the desired instruction is a question of law’ and thus is reviewed *de novo*.” *Hollins v. State*, 489 Md. 296, 309 (2024) (quoting *Bazzle v. State*, 426 Md. 541, 550 (2012)) (citation omitted) (emphasis added).

### **DISCUSSION**

**I. The court erred in declining to instruct the jury on involuntary manslaughter.**

Appellant argues that because there was “some evidence” to support the defense’s theories of “gross negligence” and “unlawful act,” the court erred in declining to instruct the jury on involuntary manslaughter. Appellant asserts that he adequately preserved the issue for this court’s review. He requested the instructions in written form prior to trial, orally, at trial, and he renewed his objections at the close of jury instructions. Appellant asserts that his actions were in compliance with the Rule.

The State argues Appellant’s claim is unpreserved. The State contends that Appellant’s argument regarding manslaughter was “not clearly made in the trial court,” because it was “inextricably intertwined” within a discussion about self-defense. The State asserts that, although Appellant submitted his request via email, he did not “actually” request them in court nor argue them “with enough particularity” in order for the court to rule on the issues. According to the State, Appellant did not provide the court with fair notice of his objections, and he later acquiesced when offered the opportunity to submit additional arguments. The State, alternatively, argues that, if preserved, Appellant’s arguments regarding involuntary manslaughter are contradictory because the theory of gross negligence relies on a lawful act, while the latter theory relies on an unlawful act. The State argues this difference affects the evidence required to support either theory.

Preservation

Maryland Rule 4-325(f) provides that “[n]o party may assign as error the giving or failure to give an instruction unless the party objects on the record promptly after the court

instructs the jury, stating distinctly the matter to which the party objects and the grounds of the objection.” The Rule serves “to give the trial court an opportunity to correct its charge if it deems correction necessary.” *Jones v. State*, 240 Md. App. 26, 36 (2019) (quoting *Watts v. State*, 457 Md. 419, 426 (2018)). Therefore, “[u]nless the attorney preserves the point by proper objection after the charge, or has somehow made it crystal clear that there is an ongoing objection to the failure of the court to give the requested instruction, the objection may be lost.” *Manuel v. State*, 252 Md. App. 241, 257 (2021) (quoting *Watts*, 457 Md. at 427) (quoting *Sims v. State*, 319 Md. 540, 549 (1990)).

In order to preserve the trial court’s denial of a requested jury instruction:

[T]here must be an objection to the instruction; the objection must appear on the record; the objection must be accompanied by a definite statement of the ground for objection unless the ground for objection is apparent from the record and the circumstances must be such that a renewal of the objection after the court instructs the jury would be futile or useless.

*Watts*, 457 Md. at 426 (quoting *Gore v. State*, 309 Md. 203, 209 (1987)); *Jones*, 240 Md. App. at 36. If no grounds are stated for the objection, a judge is not required to inquire into them. *Taylor v. State*, 473 Md. 205, 227 (2021).

“[T]he rule that parties must object to instructions after they are given is not an absolute requirement.” *Montague v. State*, 244 Md. App. 24, 59 (2019). “[A]lthough strict compliance is . . . preferred, an objection that substantially complies with Rule 4-325[(f)] may yet preserve a claim of error for review.” *Jones*, 240 Md. App. at 36 (citation modified). An objection that substantially complies preserves only the grounds the objection was initially raised on at trial. *Watts*, 457 Md. at 428 (citing *State v. Mullen*, 380 Md. 233, 276 (2004)). For instance, an objection to a jury instruction has been considered

preserved in instances where the record demonstrates the trial court “understands the objection and, upon understanding the objection, rejects it,” “considered requested instructions” offered in writing, or “recognizes that an effective objection has been made.” *Id.* at 428 (internal citations omitted); *Contra Taylor*, 473 Md. at 227 (“if the trial judge overrules a jury instruction objection that lacks a stated basis, substantial compliance with Rule 4-325[(f)] is not presumed on appeal.”).

In the present case, Appellant, on the morning of the third day of trial, sent an email to the court, stating “I’m going to inform the judge this morning that I’m requesting 3:19, 4:17.2, 4:17.9, and 5:07.” At the conclusion of that day, during a bench conference, the court opened discussion regarding proposed jury instructions, acknowledging receipt of Appellant’s prior written requests:

**THE COURT:** All right. So let me -- **I have the ones that were updated with Mr. Hiller’s request this morning.** And those will be in green, but I’ll ask Pam to send those out again, please. Just wait one moment. Think I need to X out of them.

Appellant then placed his objection on the record, after discussions with the court and the State, prior to the court’s instructions to the jury. He stated: “Your Honor, I asked for the voluntary manslaughter, and I’m also asking for involuntary manslaughter.” Although Appellant’s objection was intertwined with a request for an instruction on self-defense, his grounds for the objection were clear.

**[DEFENSE COUNSEL]:** I believe that it’s at least fairly generated that they could say that it was some force used, that it wasn’t that there was no malice, but **that it was excessive therefore, going to a voluntary or that it was more than just accidental, that it required some negligence on his part and therefore involuntary would be generated as well.** I believe what we got from Ms. Bangura, and I believe it’s supported by the physical evidence as well that’s come in from the ME is that it’s at least been fairly generated and it’s up to them to decide on each of those issues. **That’s why I asked for**

**the voluntary manslaughter, the involuntary manslaughter, and the self-defense as well.**

As to the self-defense issue, the court reserved ruling, but indicated that if it ruled in favor of self-defense, the inclusion of only voluntary manslaughter would be incorporated. The court “had not expressed any lack of clarity about the nature of the objection.” *Taylor*, 473 Md. at 228–29 (citing *Watts*, 457 Md. at 429). When the court made its final determination, the next day, to omit the instruction for both voluntary manslaughter and self-defense, Appellant made clear his on-going objection to the court’s ruling.

**[DEFENSE COUNSEL]:** I just, I mean, I think I’ve preserved it at this point, but just out of an abundance of caution, please note my objection to the Court not giving the instructions that I requested yesterday.

**THE COURT:** Okay. Very well. And it’s just 4:17. No subsections. It’s 4:17, homicide, first degree premeditated murder. No justification or mitigation generated.

At the conclusion of the court’s instructions, Appellant reiterated his objection.

**THE COURT:** Is the Defendant satisfied?

**[DEFENSE COUNSEL]:** Other than the objections I’ve already noted in terms of the other requested instructions.

**THE COURT:** All right.

**[DEFENSE COUNSEL]:** The instructions as given were otherwise satisfied, but.

On this record we hold that Appellant’s objection complied with Rule 4-325(f), and his claim is, thus, preserved with respect to gross negligence involuntary manslaughter.

Involuntary Manslaughter Instruction

Maryland Rule 4-325(c) provides that the court “may, and at the request of any party shall, instruct the jury as to the applicable law[.]” A court is required to give a requested instruction when: “(1) the instruction is a correct statement of law; (2) the instruction is applicable to the facts of the case; and (3) the content of the instruction was not fairly

covered elsewhere in instructions actually given.” *Jefferson*, 268 Md. App. at 370 (quoting *Dickey v. State*, 404 Md. 187, 197–98 (2008)). “[I]f any one part of the test is not met, we will affirm the trial court’s denial of the request for instruction[.]” *Joiner v. State*, 265 Md. App. 546, 565–66 (2025), *cert. denied*, 492 Md. 647 (2025) (citations omitted).

Here, the parties do not dispute that the instruction was a correct statement of law, or that the instruction was not fairly covered by the other instructions given. They focus on whether Appellant’s requested instruction was applicable to the facts, i.e., whether there was “some evidence . . . [that] supports the requested instruction.” *Jarrett v. State*, 220 Md. App. 571, 586 (2014).

“Involuntary manslaughter is a common law felony,” *Johnson v. State*, 223 Md. App. 128, 138 (2015), defined as “the unintentional killing of a human being, irrespective of malice.” *State v. Thomas*, 464 Md. 133, 152 (2019). There are three types of involuntary manslaughter: “(1) unlawful act manslaughter – doing some unlawful act endangering life but which does not amount to a felony; (2) gross negligence manslaughter – negligently doing some act lawful in itself; and (3) the negligent omission to perform a legal duty.” *Beckwitt v. State*, 477 Md. 398, 430 (2022) (emphasis added). “For the latter two variations of involuntary manslaughter, ‘the negligence [must] be criminally culpable,’” meaning “it rises to the level of wanton and reckless conduct[.]” *State v. Morrison*, 470 Md. 86, 109 (2020) (citations omitted). As discussed, *supra*, Appellant asserts the second type: gross negligence manslaughter.

Generally, gross negligence involuntary manslaughter occurs “in four main contexts: automobiles, police officers, failure to perform a duty, and **weapons**.” *Beckwitt*,

477 Md. at 433 (quoting *Thomas*, 464 Md. at 154) (emphasis added); see *State v. Pagotto*, 361 Md. 528, 549 (2000) (“Under almost all circumstances, the gratuitous pointing of a deadly weapon at one civilian by another civilian would almost certainly be negligence *per se*, if not gross negligence *per se*.”). “Grossly negligent means that the defendant, while aware of the risk, acted in a manner that created a high degree of risk to, and showed a reckless disregard for, human life.” MPJI-Cr 4:17.9 (A).

As stated in *Beckwitt*:

Whether a defendant’s conduct rises to the level of gross negligence is a fact-specific inquiry and “[t]here is no scientific test or quantifiable probability of death that converts ordinary negligence to criminal gross negligence.” Instead, “the inherent dangerousness of the act engaged in, as judged by a reasonable person[,] . . . is combined with environmental risk factors, which, together, make the particular activity more or less likely at any moment to bring about harm to another.” The inquiry into gross negligence is not limited to an assessment of inherent dangerousness and environmental factors; “the defendant, or an ordinarily prudent person under similar circumstances, should be conscious of the risk to others.”

477 Md. at 433 (citing *Thomas*, 464 Md. at 159, 167) (internal citations omitted).

In examining gross negligence involuntary manslaughter cases involving weapons, this court and the Supreme Court have found the evidence sufficient where a deadly weapon was fired unintentionally by an individual acting in a manner that created a high degree of risk or demonstrated reckless disregard for that risk. See *Mills v. State*, 13 Md. App. 196, 201–02 (1971); see also *State v. Albrecht*, 336 Md. 475, 502, 505 (1994).

In the case at bar, the evidence generated did establish that there was an altercation between Ms. Kamara and Appellant and, at some point, a bottle and a gun became a part of the fracas. Ms. Bangura testified that she heard sounds of the two fighting and Appellant told her that as he tried to take the gun away from Ms. Kamara, it went off. In relaying the

information, he appeared to be crying and hysterical. The evidence also provided that Ms. Kamara was shot once in the face and a bottle was found near her body. Based on this record, “some” evidence was generated that supported the requested instruction. In our view, a rational juror could find, based on the evidence, if believed, that Appellant shot Kamara, it was unintended and it was a grossly negligent act. We hold that the court erred in declining to give the requested instruction.

We next examine whether the court’s error was harmless. We observe that the homicide charges sent to the jury were first-degree murder and second-degree specific intent murder. Both required the jury to find Appellant acted with the intent to kill Ms. Kamara. The jury was also instructed as to reckless endangerment.

**THE COURT:** The Defendant is charged with the crime of reckless endangerment. In order to convict the Defendant of reckless endangerment, the State must prove that the Defendant engaged in conduct that created a substantial risk of death or serious physical injury to another, that a reasonable person would not have engaged in that conduct, and that the Defendant acted recklessly.

The Defendant acted recklessly if he was aware that his conduct created a risk of death or serious physical injury to another, and then he consciously disregarded that risk.

Based on this record, we hold that because the court declined to instruct the jury as to manslaughter, Appellant could be convicted only of the misdemeanor of reckless endangerment for the handling of the gun, but not for the death resulting therefrom. The jury was, therefore, denied the option of convicting Appellant of the lesser offense of manslaughter, and as such, the court’s error was not harmless. *See Dishman v. State*, 352 Md. 279, 301 (1998) (quoting *Beck v. Alabama*, 447 U.S. 625, 637 (1980) (“when the evidence unquestionably establishes that the defendant is guilty of a serious, violent offense—but leaves some doubt with respect to an element that would justify conviction

of a capital offense—the failure to give the jury the ‘third option’ of convicting on a lesser included offense would seem inevitably to enhance the risk of an unwarranted conviction.”); *see also Keeble v. United States*, 412 U.S. 205, 212–13 (1973) (“Where one of the elements of the offense charged remains in doubt, but the defendant is plainly guilty of some offense, the jury is likely to resolve its doubts in favor of conviction.”). Appellant’s convictions for second-degree murder, first- and second-degree assault, reckless endangerment, firearm use in the commission of crime of violence, and firearm use in the commission of a felony shall be reversed and we remand for a new trial.

Because we remand this case to the circuit court, we do not address the second question. However, we note that the court erred in determining not to instruct the jury on self-defense because Appellant did not testify. In analyzing whether to grant a party’s request for a self-defense instruction, the requesting party has to “produc[e] ‘some evidence’ on the issue or mitigation or self-defense.” *Hayes v. State*, 247 Md. App. 252, 297 (2020) (quoting *Porter v. State*, 455 Md. 220, 240 (2017)). It can be generated from “circumstantial evidence and reasonable inferences drawn therefrom [to] satisfy the ‘some evidence’ standard.” *Jarvis v. State*, 487 Md. 548, 566 (2024). Appellant was not required to testify in order for the court to give the instruction.

**JUDGMENT OF THE CIRCUIT COURT  
FOR PRINCE GEORGE’S COUNTY  
AFFIRMED, IN PART, AND REVERSED,  
IN PART.**

**JUDGMENT FOR CONVICTION OF  
SECOND-DEGREE MURDER, FIRST-  
DEGREE ASSAULT, SECOND-DEGREE**

**ASSAULT, RECKLESS  
ENDANGERMENT, FIREARM USE IN  
THE COMMISSION OF CRIME OF  
VIOLENCE, AND FIREARM USE IN THE  
COMMISSION OF A FELONY REVERSED  
AND REMANDED FOR A NEW TRIAL.**

**ALL OTHER CONVICTIONS AFFIRMED.**

**COSTS TO BE PAID 50% BY APPELLANT  
AND 50% BY PRINCE GEORGE'S  
COUNTY.**