

Circuit Court for Howard County
Case No. C-13-CR-23-000034

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 0554

September Term, 2024

SHANNON MARIE WILLIAMS

v.

STATE OF MARYLAND

Berger,
Shaw,
Raker, Irma S.
(Senior Judge, Specially Assigned),

Opinion by Raker, J.

Filed: November 10, 2025

*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).

In the Circuit Court for Howard County, a jury convicted appellant, Shannon Marie Williams, of: 1) conspiracy to commit first-degree murder, 2) attempted first-degree murder, 3) attempted second-degree murder, 4) first-degree arson, 5) conspiracy to commit first-degree arson, 6) first-degree arson, 7) conspiracy to commit first-degree arson, 8) possession of incendiary material with the intent to create a destructive device, 9) conspiracy to possess incendiary material with the intent to create a destructive device, and 10) reckless endangerment.

Appellant presents the following questions for our review:

“1. Whether the trial court committed error when it overruled Williams’ objection to the State calling Doris Jackson to testify.

2. Whether Williams’ convictions/sentences for both counts seven (7) [first degree arson—the Bluffs at Hawthorn] and nine (9) [first-degree arson—apartment H of the Bluffs at Hawthorn] violated her Fifth Amendment Right to be free from double jeopardy.”

Finding no error, we shall affirm the judgments of the circuit court.

I.

The Grand Jury for Howard County indicted appellant on eighteen counts of attempted first-degree murder, arson, and related charges. The state entered a *nolle prosequi* on 2 counts, and the court entered a Judgment of Acquittal on one count of reckless endangerment and one count of conspiracy to commit reckless endangerment at the close of trial in December of 2023. The remaining charges considered by the jury were as follows:

Count One: Conspiracy to commit first-degree murder (Steven Dimarzo)

Count Two: Attempted first-degree murder (Steven Dimarzo)
Count Three: Conspiracy to commit first-degree murder (Ahleyah Rockwell)
Count Four: Attempted first-degree murder (Ahleyah Rockwell)
Count Five: Attempted second-degree murder (Steven Dimarzo)
Count Six: Attempted second-degree murder (Ahleyah Rockwell)
Count Seven: First-degree arson (The Bluffs)
Count Eight: Conspiracy to commit first-degree arson (The Bluffs)
Count Nine: First-degree arson (Apartment H)
Count Ten: Conspiracy to commit first-degree arson (Apartment H)
Count Eleven: Possession of incendiary material with the intent to create a destructive device
Count Twelve: Conspiracy to possess incendiary material with the intent to create a destructive device
Count Thirteen: Reckless endangerment (Carol Johnson)
Count Fourteen: Conspiracy to commit reckless endangerment (Carol Johnson)

The jury convicted appellant of counts (1), (2), (5), (7), (8), (9), (10), (11), (12), and (13). For the purposes of sentencing, the court merged various counts and sentenced appellant on counts (1), (2), (7), (9), (11), and (13). The court imposed an aggregate sentence of fifty years' incarceration¹ followed by 3 years of probation. The court required appellant to submit to any directed mental health treatment, and refrain from the use of alcohol and illicit substances, as well as abusive use of prescription drugs. The court ordered appellant have no contact with the victims and to not return to the scene of the crime.

¹ The Court sentenced appellant as follows: count (1): fifty years' incarceration, with all but twenty years suspended; count (2): twenty years' incarceration, with all but ten years suspended, to run consecutive to count (1); the court merged count (5) with count (7) and sentenced appellant to thirty years' incarceration, with all but fifteen suspended, to run consecutive to count (2); the court merged count (8) with count (9) and sentenced appellant to fifteen years' incarceration, with all but 5 suspended, to run consecutive to count (2) and count (7); the court merged count (10) with count (11) and sentenced appellant to ten years' incarceration, to run concurrent to count (2); the court merged count (12) with count (13) and sentenced appellant to 5 years' incarceration, to run concurrent to count (2).

On April 5, 2022, a little after 3:00 AM, firefighters responded to a fire in an apartment at the Bluffs Apartment Complex in Howard County. Police and firefighter investigations revealed that the fire started in Apartment H, which was leased by Steven Dimarzo. At the time of the fire, Dimarzo was home with Ahleyah Rockwell. There are twelve apartment units in the building. The authorities determined that the fire started because a Molotov cocktail was thrown through the bedroom window of Apartment H. Fire investigators found the remains of a Molotov cocktail in Apartment H, as well as a second, intact, one in a wooded area near the apartment complex. Fire investigators recovered a lighter from outside the complex. Authorities discovered that the afternoon prior to the fire, Dimarzo and Rockwell were at the apartment with Corey Tomlin and several other individuals when a dispute broke out over drugs and money. The dispute turned physical, and police arrived to break up the fight.

Captain Craig Matthews, assigned to the Howard County Fire and Rescue’s Office of the Fire Marshal, Fire Investigation Division, testified as an expert witness. He testified that the fire started in Apartment H and spread out the window up the face of the building and into the attic space for the entire building, charring some of the structural elements of the roofing system.

Charles Kosh testified at trial pursuant to a plea agreement with the State. He testified that he entered into an agreement with his then-girlfriend, appellant, and with Tomlin, who was mad at Dimarzo and Rockwell. The trio agreed to burn Dimarzo’s apartment. Kosh testified that he made two Molotov cocktails and that appellant threw them through the window of Apartment H.

Forensic biologist Lynette Albrecht testified regarding the results of DNA tests. DNA testing of the unbroken cocktail found in the woods presented appellant's, Kosh's, and Tomlin's DNA as possible contributors. Appellant's and Kosh's DNA were more prominent than Tomlin's. DNA testing of the lighter found outside the complex presented appellant's DNA as a contributor.

The State called as a witness Doris Jackson, sister of Carol Johnson, one of the named victims in the incident. Defense counsel objected to Ms. Jackson testifying. At a bench conference, defense counsel inquired as to the substance of Ms. Jackson's testimony, and the State replied that Ms. Johnson had been in a rehabilitative center and was incapable of speech, thus Ms. Jackson would "speak to the fact that [Johnson] lived in the Bluffs Apartments, that she has not lived there again since, and that she has not been able to live independently again since this fire occurred." Defense counsel expressed concern that the jury would infer Ms. Johnson's current medical condition to be a result of the fire. Defense counsel argued that, because Ms. Jackson was not present the night of the fire, she could not properly testify to Ms. Johnson's presence without using hearsay evidence:

"If she says my sister told me that she was there or if she found out some other way that her sister was there. How does that come in? We don't even know if her sister was—they say they have the certified report. If she says my sister lived there at the time, it doesn't mean she was there the night of the fire."

The court permitted Jackson to testify, and the following exchange occurred:

"[PROSECUTOR]: Ms. Jackson, what is your relationship to Carol Johnson?"

JACKSON: Sister.

[PROSECUTOR]: Have you previously visited her when she lived in an apartment?

JACKSON: When she lived at the apartment? Yes.

[PROSECUTOR]: Okay. And what apartment was that?

JACKSON: The—what was it? Hickory Ridge—The Bluffs in Hickory Ridge. That's all I knew it by.

[PROSECUTOR]: And where is Ms. Johnson currently residing?

[DEFENSE COUNSEL 1]: Objection, Your Honor.

THE COURT: Overruled.

JACKSON: Right now, she's at a hospital.

[PROSECUTOR]: And have you seen your sister at the hospital?

JACKSON: Yes.

[PROSECUTOR]: And how does your sister appear to you at the hospital?

[DEFENSE COUNSEL 2]: Objection.

THE COURT: Overruled.

JACKSON: Right now, she's in ICU. She wasn't responding a whole lot. She knew who I was, but she didn't say my name like she did the first couple of times I went there before she went into ICU. She went into cardiac arrest last Wednesday.

[PROSECUTOR]: Would it be safe to say that your sister is nonverbal now?

[DEFENSE COUNSEL 1]: Objection.

[DEFENSE COUNSEL 2]: Objection.

THE COURT: I will sustain that. And do me a favor. One at a time per witness. Thank you.

[PROSECUTOR]: Ma'am, are you aware that there was a fire at the Bluffs Apartments?

JACKSON: Yes.

[PROSECUTOR]: And your sister is not in the hospital because of that fire, correct?

JACKSON: Correct.”

The prosecutor moved into evidence Ms. Johnson’s certified emergency medical records, which noted that emergency personnel arrived to find Ms. Johnson in the stairwell of the Bluffs and that she was removed by the Department of Fire Rescue Services. Helmet camera video footage revealed Ms. Johnson dragged from the building.

The jury convicted appellant of attempted first-degree murder, conspiracy to commit first-degree murder, first-degree arson of both the Bluffs and Apartment H, and various related charges.

II.

Before this Court, appellant argues that the trial court committed error in overruling appellant’s objection to the State calling Ms. Jackson as a witness. Appellant asserts that, in order to prove reckless endangerment, the State had to prove that Ms. Johnson was in the apartment complex at the time of the fire and was at risk of death or serious injury as a result of the fire. Ms. Jackson’s testimony, appellant asserts, is not relevant because, though she can testify that Ms. Johnson lived in the building, Ms. Jackson could not say she had any personal knowledge of whether Ms. Johnson was home at the time of the fire. Her testimony, appellant asserts, did not make this material issue of fact any more or less

probable. Appellant argues that the testimony had no probative value and was substantially prejudicial because the jury could infer that Ms. Johnson was injured and non-verbal because of the fire. Appellant argues this error was not harmless.

Appellant next argues that appellant's convictions and sentences for count (7) (first-degree arson of the Bluffs) and count (9) (first-degree arson of Apartment H of the Bluffs) violated her right to be free from double jeopardy. Appellant asserts that the counts should have merged under the required evidence test and resulted in only one sentence because each offense does not require proof of a fact the other does not.

The State argues that the trial court properly permitted Ms. Jackson's testimony. The State contends that an objection based on personal knowledge does not bar the witness's testimony altogether. Moreover, the State asserts that Ms. Jackson only testified to matters in her personal knowledge, and the probative value of the testimony was not substantially outweighed by the risk of unfair prejudice. Ms. Jackson's testimony provided circumstantial evidence making it more likely that Ms. Johnson was present during the fire. Ms. Jackson testified that Ms. Johnson was not in the hospital because of the fire. She never said that Ms. Johnson was currently nonverbal. Alternatively, if there was error, the State asserts it was harmless because Ms. Jackson's testimony was cumulative of other uncontested evidence of Ms. Johnson's presence during the fire, including the EMS report and video footage.

The State argues that two arson charges are permissible. Both Apartment H and the whole complex burned, and these charges do not merge. The State argues that the apartment and the complex are two separate dwellings, which are distinct elements to prove for an arson charge, meaning that the charges do not merge under the required evidence test.

III.

We address first appellant’s evidentiary argument. We review the question of relevancy, a legal question, *de novo*. *State v. Simms*, 420 Md. 705, 725 (2011). Generally, relevancy is a low bar and evidence that has “any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence” is relevant. Md. Rule 5-401. “Evidence that is relevant is admissible, but the trial court does not have discretion to admit evidence that is not relevant.” *Smith v. State*, 218 Md. App. 689, 704 (2014). We review the trial court’s decision for abuse of discretion. *Williams v. State*, 457 Md. 551, 563 (2018). Rule 5-403 provides: “Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice.” For the purposes of this balancing, “evidence is considered unfairly prejudicial when it might influence the jury to disregard the evidence or lack of evidence regarding the particular crime with which the defendant is being charged.” *Burris v. State*, 435 Md. 370, 392 (2013) (internal quotations omitted). Under Rule 5-602: “[A] witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the

matter. Evidence to prove personal knowledge may, but need not, consist of the witness's own testimony.”

Here, Jackson’s testimony was relevant. Her statements that she had visited Ms. Johnson at the Bluffs prior to the fire but that Ms. Johnson was not currently living there provided relevant circumstantial evidence that could help make it more probable that Ms. Johnson was present at the time of the fire.

Ms. Jackson’s testimony was within her personal knowledge. While it is true that Ms. Jackson may not have had personal knowledge whether Ms. Johnson was at home the night of the fire, Ms. Jackson never said that Ms. Johnson was home the night of April 5, 2022. She merely testified that Ms. Johnson had lived at the Bluffs, Ms. Jackson had visited her there, and that Ms. Johnson was residing currently in the hospital, where Ms. Jackson had visited. Her testimony confirms that she spoke from personal knowledge.

Appellant’s challenge to the allegedly prejudicial nature of Ms. Jackson’s testimony is meritless. Ms. Jackson clarified in her testimony that Ms. Johnson’s current hospital stay was unrelated to the fire. Appellant’s argument that appellant was prejudiced because of Ms. Johnson’s current condition is unpersuasive. Her condition explained her absence from testifying at the trial, a fair fact for the jury to know.

Assuming, *arguendo*, that the trial court erred in admitting Ms. Jackson’s testimony, any error was harmless. Ms. Jackson’s testimony was cumulative of other evidence proving that Ms. Johnson was present during the fire, namely the EMS report (which is admissible as a business record) and the helmet camera footage, which reveals Ms. Johnson leaving

the building during the fire. Therefore, Ms. Jackson’s testimony could have had no adverse impact.

IV.

We next address appellant’s double jeopardy argument. “The Double Jeopardy Clause of the Fifth Amendment to the United States Constitution and the common law of Maryland guard against multiple punishments for the same conduct, unless the legislature clearly intended to impose multiple punishments.” *Morris v. State*, 192 Md. App. 1, 39 (2010) (internal quotations omitted); *Purnell v. State*, 375 Md. 678, 691 (2003) (noting that the Double Jeopardy Clause is applicable to the states through the Fourteenth Amendment’s Due Process Clause). Under Maryland common law, the required evidence test is used to determine “whether the different statutory or common law offenses, growing out of the same transaction, are to merge and be treated as the same offense for double jeopardy purposes.” *Holbrook v. State*, 364 Md. 354, 370 (2001) (internal quotations omitted); *see also Blockburger v. United States*, 284 U.S. 299, 304 (1932). “Where the legislature specifically authorizes cumulative punishment under two statutes, regardless of whether those two statutes proscribe the same conduct, cumulative punishment may be imposed under the statutes in a single trial.” *Jones v. State*, 357 Md. 141, 156 (1999).

The Maryland Supreme Court requires two offenses to merge when: “(1) the convictions are based on the same act or acts, and (2) under the required evidence test, the two offenses are deemed to be the same, or one offense is deemed to be the lesser included offense of the other.” *State v. Frazier*, 469 Md. 627, 641 (2020) (internal quotations

omitted). The analysis under step 2, according to the required evidence test, proceeds as follows:

“If each offense requires proof of a fact which the other does not, or in other words, if each offense contains an element which the other does not, the offenses are not the same for double jeopardy and merger purposes, even though arising from the same conduct or episode. But, where only one offense requires proof of an additional fact, so that all elements of one offense are present in the other, the offenses are deemed to be the same for double jeopardy and merger purposes.” *Purnell*, 375 Md. at 694.

Md. Code (2002) § 6-102 of Maryland’s Criminal Law Article (“Crim. Law”) defines arson in the first degree, in pertinent part:

“(a) A person may not willfully and maliciously set fire to or burn:

(1) a dwelling; or

(2) a structure in or on which an individual who is not a participant is present.”

Crim. Law § 6-101(b) defines dwelling:

“(1) ‘Dwelling’ means a structure any part of which has been adapted for overnight accommodation of an individual, regardless of whether an individual is actually present.

(2) ‘Dwelling’ includes a kitchen, shop, barn, stable, or outbuilding that is a parcel to, belongs to, or adjoins the dwelling.”

Finally, under Crim. Law § 6-110, “[i]f a structure is divided into separately owned or leased units, each unit is a separate structure for purposes of prosecution under this subtitle.”

It is undisputed that the two charges at issue arose from the same act or acts. Our analysis therefore proceeds under the required evidence test. We hold that the two charges do not merge.

Appellant’s argument that Apartment H and the Bluffs constitute the same dwelling for the purposes of Crim. Law § 6-102 is unavailing. Under Crim. Law § 6-110, because the Bluffs is divided into separately owned or leased units, each unit should be considered a separate structure. Moreover, an individual unit should be considered a separate dwelling from the complex as a whole. In *Richmond v. State*, the Supreme Court of Maryland upheld three separate convictions and sentences for the burning of three separate apartment units in the same building, concluding that “each individual apartment burned constitutes a separate dwelling house and a separate offense of arson.” *Richmond v. State*, 326 Md. 257, 265 (1992).² In part of its reasoning, the Court found significant the fact that there was no evidence of internal communication between the different apartment units and the fact that “each separate apartment constituted the separate habitation of different tenants.” *Id.* at 267. By analogy, there is no evidence that there was internal communication between Apartment H and the Bluffs writ large. Apartment H and the rest of the complex constituted the separate habitation of different tenants. Appellant was indicted for two separate arson charges, one for the Bluffs and one for Apartment H, and in closing argument, the State mentioned how both arson charges were permissible. Because both Apartment H and the Bluffs complex independent of Apartment H suffered damage, two charges are permissible.

² While the statutory arson charge in *Richmond* relied on a now-outdated version of the Maryland Code, the case’s logic still applies.

Moreover, the Maryland Code at the time *Richmond* was decided did not define dwelling. The code now defines dwelling in Crim. Law § 6-101(b). Crim. Law § 6-101(b), read in concert with Crim. Law § 6-110 and *Richmond*, suggest that a subpart of a whole is considered a separate structure for the purposes of arson. The charge of arson of Apartment H therefore includes an element (the burning of Apartment H) not present in the charge of arson of the Bluffs, and the charge of arson of the Bluffs includes an element (the burning of the Bluffs) not present in the charge of arson of Apartment H. Under the required evidence test, we therefore hold that the arson charge for Apartment H does not merge with the arson charge for the Bluffs. We note that the fact that the same evidence could prove the arson of each dwelling is irrelevant. “In spite of its name, the focus of the required evidence test is on the elements of the offenses, not the evidence introduced at trial to prove them in a given case.” *Koushall v. State*, 249 Md. App. 717, 734 (2021) (upholding separate convictions where the elements of the two offenses differed even though the evidence used to prove the two charges was the same). Most significantly, the evidence is clear that parts of Apartment H burned as well as the attic of The Bluffs. Had only Apartment H burned, appellant’s argument might have merit. Appellant has no double jeopardy claim.

**JUDGMENTS OF CONVICTION IN THE
CIRCUIT COURT FOR HOWARD
COUNTY AFFIRMED. COSTS TO BE
PAID BY APPELLANT.**