No. _____

Supreme Court of the United States

CHASE HUNTER,
Petitioner,

v.

JOANNE AUCLAIR,
Respondent.

On Petition for Writ of Certiorari to the Supreme Judicial Court of the Commonwealth of Massachusetts

---

PETITION FOR WRIT OF CERTIORARI

Chase Hunter, *Petitioner*
Pro Se
PO Box 2144
Springfield, MA 01101
USOneLove@pandgmail.com
Tel: 413-309-3866

QUESTIONS PRESENTED

In Massachusetts, for most civil and criminal appeals, appellate jurisdiction is established only by appellate rules from which broad exercise of appellate discretion is (a) wildly inconsistent, (b) contrary to this Court's precedents, and (c) procedurally and substantively unconstitutional. The Appeals Court Panel ("ACP") dismissed this appeal as untimely fourteen months after the Petitioner ("Pet.") filed her docketing statement and after allowing a non-party to act as the sole appellee. This non-party signed all ACP documents as "Jeffrey M. Siegel" in a *pro se* capacity. Mr. Siegel is the Respondent's ("Resp.") trial court attorney who is financing the Resp.'s litigation costs. The ACP ordered Pet. to pay Mr. Siegel's *pro se* legal fees in the amount of $30,044 as punishment for appealing "frivolously".

1. Whether the $30,044 punishment is contrary to:
(a) the Fourteenth, First, and Sixth Amendments,
(b) *Taggart v. Lorenzen et al.; 139 S.Ct. 1795 (2019)*, (requires objective, "no fair ground of doubt" standard for civil contempt),
(c) *Kimble v. Marvel Entertainment, LLC,* 576 U.S. 446 (2015), regarding the right of litigants to be able to rely upon *stare decisis*, and/or
(d) *Lackey v. Stinney et al.* (23-621, 2/25/2025) (held that there is no prevailing party because no court conclusively resolved the parties' claims by granting enduring judicial relief on the merits that materially altered the legal relationship between the parties and also held that under the " 'American Rule,' a prevailing litigant is ordinarily not entitled to collect attorneys' fees from the loser absent express statutory authorization. See *Alyeska Pipeline Service Co. v. Wilderness Society*, 421 U. S. 240, 249.").

RELATED PROCEEDINGS

Supreme Court of the United States, 25A470, Chase Hunter, Applicant, (Joanne Auclair, future respondent) granted on October 27, 2025.

United States District Court, Massachusetts, 3:25-cv-30143, *Chase Hunter v. Susan A. McCoy, et al.*, pending. This Court's Application number 25A470 explains Susan A. McCoy's connection to this litigation. Chase Hunter is an eyewitness to these facts: in about August 2024, Susan A. McCoy secretly took control of a bank account owned by Chase Hunter's late mother, Darlene Joyce Calabrese, that had a balance of about $150,000. Ms. McCoy has never reported how she has spent this money and began committing crimes against Chase Hunter in September 2024.

United States District Court ("USDC"), Massachusetts, 3:24-cv-30115, *Chase Hunter v. Joanne Auclair*, January 28, 2025 (dismissed); September 30, 2025 (denied timely-filed, unopposed motion for reconsideration, appeal pending); February 18, 2026 (denied unopposed Rule 60(b) motion which provides about 1280 pages of verified allegations of crimes committed against Chase Hunter including wire fraud by an attorney who falsified a state court document and electronically filed it into the records of the Hampden County Registry of Deeds to make a claim to Chase Hunter's residence, appeal pending); timely-filed motion for reconsideration is pending.

USDC, Massachusetts, 3:25-cv-30119, *Chase Hunter v. Ellen Randle, Judge of the Hampden County*

Probate Court and Ellen Randle, individually, October 16, 2025 (dismissed, appeal pending).

USDC, Massachusetts, 3:25-cv-30122, *Chase Hunter v. Ariane Vuono, Andrew D'Angelo, and Robert Brennan, Associate Justices of Massachusetts Appeals Court*, October 16, 2025 (dismissed, appeal pending).

United States First Circuit Court of Appeals, 25-2046 and 26-1298; *Chase Hunter v. Joanne Auclair*, pending. Appeals from United States District Court, Massachusetts, 3:24-cv-30115.

United States First Circuit Court of Appeals, 25-2082, *Chase Hunter v. Ellen Randle, Judge of the Hampden County Probate Court and Ellen Randle, individually*, pending. Appeal from United States District Court, Massachusetts, 3:25-cv-30119.

United States First Circuit Court of Appeals, 25-2083, *Chase Hunter v. Ariane Vuono, Andrew D'Angelo, and Robert Brennan, Associate Justices of Massachusetts Appeals Court*, pending. Appeal from United States District Court, Massachusetts, 3:25-cv-30122.

Supreme Judicial Court of Massachusetts, FAR No. 30243, *In the Matter of : Estate of Darlene Joyce Calabrese, Joanne Auclair v. Chase Hunter, interested persons*, denied. Appeal from Massachusetts Appeals Court Panel Appeal Number 2023-P-1503 which is an appeal from Hampden County Probate and Family Court HD22P2394.

Supreme Judicial Court of Massachusetts, FAR No. 30628, *In the Matter of : Estate of Darlene Joyce Calabrese, Joanne Auclair v. Chase Hunter, interested persons*; pending. Appeal from Massachusetts

Appeals Court Panel Appeal Number 2024-P-0972 which is an appeal from Hampden County Probate and Family Court HD22P2394.

Massachusetts Appeals Court, 2026-P-0152, *In the Matter of : Estate of Darlene Joyce Calabrese, (Joanne Auclair v. Chase Hunter, interested persons)*, pending. This is a consolidated appeal from more than thirty-four trial court orders, including final decrees, entered in Hampden County Probate and Family Court action HD22P2394. After final decrees were entered in June 2025, the trial court judge unceasingly continued to *sua sponte* actively adjudicate new issues raised by non-party Susan A. McCoy. The Petitioner, Chase Hunter, filed many Notices of Appeal.

Hampden County Probate and Family Court, Massachusetts, HD22P2394, *In the Matter of : Estate of Darlene Joyce Calabrese (Joanne Auclair and Chase Hunter, interested persons)*. Filed in November 2022. Final decrees were entered on June 6, 2025. This Court's Petitioner, Chase Hunter, filed timely notices of appeal. But the trial court judge, Ellen Randle, gave no regard for the law of the finality of the final decrees and has continued to adjudicate new issues raised by motion by non-party Susan A. McCoy. As of today's date, there are almost 700 docket entries in this action with no indication that Judge Randle will cease her unconstitutional conduct.

Western Housing Court, Springfield, Massachusetts, 24H79CV000851, *Chase Hunter v. Susan McCoy and Joanne Auclair*, filed on October 24, 2024, still pending because the clerk of the court will not assemble the record for Chase Hunter's appeal (without explanation). This Court's Petitioner, Chase Hunter, is the state court plaintiff who seeks

protection from being illegally locked out of her residence which is owned by Chase Hunter and Joanne Auclair, as of July 9, 2022, by operation of law, because the residence is owned by Chase Hunter and Joanne Aculair's late mother, Darlene Joyce Calabrese, who died on July 9, 2022.

Palmer District Court, Massachusetts, *Chase Hunter v. Susan A. McCoy*, 2543RO000212, filed on July 22, 2025. Denied on August 1, 2025; still pending because the clerk of the court has refused, without valid reason, to assemble the record for Chase Hunter's timely appeal. Seeks relief from harassment by Susan A. McCoy (*see* Massachusetts General Law 258E). The clerk of the Palmer District Court has not docketed all the documents in this case, including Chase Hunter's two Notices of Appeal. But Chase Hunter has attested copies of these Notices of Appeal.

Single Justice of Massachusetts Appeals Court, *C.H. v. S.M.*, No. 2025-J-0663, filed 9/15/2025. C.H. is Chase Hunter and S.M. is Susan McCoy. Denied 9/17/2025. Seeks permission to appeal without assembly of the record regarding Palmer District Court action *Chase Hunter v. Susan A. McCoy*, 2543RO000212.

Palmer District Court, Massachusetts, *Commonwealth v. Chase Hunter*, 2543CR001380, pending. Criminal complaint prompted by Susan A. McCoy, in September 2025, which falsely accuses Chase Hunter of trespassing on her own residence on July 23, 2025, which is owned by Chase Hunter and Joanne Auclair, as of July 9, 2022, by operation of law, because the residence is owned by Chase Hunter and Joanne Aculair's late mother, Darlene Joyce Calabrese, who died on July 9, 2022.

TABLE OF CONTENTS

TABLE OF CONTENTS OF APPENDIX

TABLE OF AUTHORITIES

Cases

Statutes

Rules

Constitutional Provisions

INTENTIONALLY LEFT BLANK
CONTINUED ON NEXT PAGE

PETITION FOR A WRIT OF CERTIORARI

OPINIONS BELOW

The Appeals Court Panel order dated February 27, 2025, dismissed state Appeal No. 2023-P-1503, no citation (Pet. App 4a-6a).

The Appeals Court Panel order in Appeal No. 2023-P-1503 that punished the Petitioner with a $30,044 money judgment is dated May 22, 2025, no citation (Pet. App 12a-14a).

JURISDICTION

The Supreme Judicial Court denied the timely-filed Application for Further Appellate Review Number 30243 on April 17, 2025 (Pet. App 11a) (arising from Appeals Court Panel order in 2023-P-1503 dated February 27, 2025).

The Supreme Judicial Court denied the timely-filed Application for Further Appellate Review Number 30243B on July 25, 2025 (Pet. App 17a) (arising from Appeals Court Panel order in Appeal No. 2023-P-1503 dated May 22, 2025, which punished the Petitioner $30,044 for the reasons set forth in Appeals Court Panel Appeal No. 2023-P-1503 order dated February 27, 2025).

The Supreme Judicial Court denied Petitioner's timely-filed Motion for Reconsideration of its denial of the Application for Further Appellate Review Number 30243B on October 16, 2025 (Pet. App 18a).

This Court granted Petitioner's timely-filed Application for Extension to File this Petition for Writ of Certiorari on October 27, 2025. Extended to March 15, 2026, which was a Sunday (*see* 25A470).

Petitioner timely-filed her Petition for Writ of Certiorari with this Court on March 12, 2026. It was

rejected, due to technical error, by this Court's Clerk on March 18, 2026, who allowed Petitioner 60 days from March 18, 2026, to file this corrected Petition for Writ of Certiorari. Today's date is April 2, 2026.

Jurisdiction of this Court is invoked under 28 U.S.C. § 1257.

STATUTORY PROVISION INVOLVED

The relevant statutory provisions are reproduced in the Petitioner's Appendix I (the capital letter " i ") at Pet. App 19a-21a. The relevant rules of court are reproduced in the Petitioner's Appendix J at Pet. App 22a-23a.

STATEMENT OF THE CASE

This an estate matter in which Massachusetts refers to the parties as "interested person" [1]. The "interested persons", Chase Hunter and Joanne Auclair, are sisters. Their mother, Darlene Joyce Calabrese ("Ms. Calabrese"), died on July 9, 2022, with about $250,000 in assets. The Respondent asserted in her initial trial court petition (filed in 11/2022) that the asset value was about $350,000. Whether Ms. Calabrese died intestate is in dispute and has been in dispute since 2022. Petitioner asserts that Ms. Calabrese had a Last Will and Testament ("Will") that the Respondent looted from Ms. Calabrese's residence "right after" Ms. Calabrese died. The Respondent asserts that Ms. Calabrese died intestate. Only the Petitioner served discovery requests in the trial court. The Respondent's only discovery activity has been to make blanket objections

[1] Defined in Massachusetts General Law ch 190B, § 1-201(24) (App 19a).

to, and to obstruct, Petitioner's party and non-party discovery requests.

This appeal is Petitioner's only option to directly appeal the unconstitutional $30,044 penalty that the Appellate Court Panel ("ACP") ordered on May 22, 2025.

This is an interlocutory appeal pursuant to "present execution";[2] Massachusetts General Law ch 231, § 118, second paragraph (preliminary injunction) (App 21a); and Massachusetts General Law ch 190B, § 3-614 (App 19a) (appointment of a "special personal representative" which is a temporary estate executor with limited authority[3]).

The ACP (a) silently rejected its duty to determine jurisdiction early [4] (i.e. upon the filing of the Petitioner's docketing statement) (App 24a-29a), (b) dismissed the appeal fourteen months later, after extensive litigation, for lack of appellate jurisdiction, and (c) sucker-punched the Petitioner (for allegedly appealing frivolously), with a money judgment of $30,044 for "just damages" and "costs" arising from the non-party's voluntary efforts to defend the appeal.[5]

---

[2] which is the federal equivalent of "collateral order doctrine"; *see* footnote 5 of *CP 200 State, LLC v. CIEE, Inc.* 488 Mass. 847 (2022); *see also e.g. Willbur v. Tunnell,* 98 Mass. App. Ct. 19 at 20 which describes the guidelines for "present execution" appeals.

[3] Massachusetts allows such an appointment for up to 180 days.

[4] "Even if the appellee does not challenge the timeliness of the notice of appeal, the appellate court has the duty to consider sua sponte whether it has jurisdiction. See *Federal Nat'l Mtge. Ass'n* v. *Gordon,* 91 Mass. App. Ct. 527, 531 (2017). Accord *Krimkowitz v. Aliev,* 102 Mass. App. Ct. 46, 48-50 (2022)." *See Wells Fargo Bank, NA v. Sutton*, 103 Mass. App. Ct. 148.

[5] The non-party, voluntary appellee is Mr. Siegel who is not the Respondent but is the Respondent's trial court attorney ("Attorney Siegel") who signed every document he filed as a pro

This petition is not focused on the trial court's orders, is not focused on the ACP's opinion regarding the trial court's orders, but is laser focused on Massachusetts' unconstitutional appellate trap which is vividly and neatly exposed in this appeal record.

The unconstitutional appellate trap has five main elements:

(1) There exists a jurisdictional black hole whereby no courts have jurisdiction while the appeal is pending, including the trial court and the appellate court. But the appellate parties are unaware of the black hole because common law automatically vests the appellate court with jurisdiction but the appellate court silently rejects its duty to determine appellate jurisdiction early.

(2) The trap unnecessarily bleeds the litigants of appellate costs because the appellate parties are unaware of the black hole and extensively litigate the appeal believing that the appellate court has jurisdiction and will resolve the controversy.

(3) The appellate court rejects appellate jurisdiction after extensive briefing for reasons that are easily established by the appellant's docketing statement.

(4) The appellate court uses the black hole and the appellate parties' briefs to offer a view of the improper appeal "where supported by concerns of efficiency and court administration"[6]. But common sense indicates that concerns of efficiency are best

---

se, self-represented party and not in a representative capacity on behalf of the Respondent. Petitioner filed many motions objecting to Attorney Siegel's defense of this appeal. The Appeals Court Panel did not rule on these motions which means that the motions were denied; *see Hubbard v. Peairs*, 509 N.E.2d 41, 24 Mass. App. Ct. 372 (1987); .

[6] *See* footnote 6 of *GCP Newton Hotel LP v. Commonwealth Development LLC*, 257 N.E.3d 85 (2025), 105 Mass. App. Ct. 416 at 90

addressed by acting on its appellate duty to determine jurisdiction early and to promptly dismiss improper appeals.

(5) The appellate court penalizes the appellant for appealing and requires her to pay the appellee's costs to defend the appeal – when the appellant's docketing statement was sufficient to determine appellate jurisdiction before the appellant's brief was filed and before the appellee incurred appellate costs.

The moment an appeal is "entered"[7] in the ACP, the trial court is "divested of jurisdiction" and the ACP "accepts jurisdiction", *Commonwealth v. Cronk*, 484 N.E.2d 1330 (1985), 396 Mass. 194 at 197.

This trap exists because (a) Massachusetts has no statute (referred to in Massachusetts as a "General Law") that uniformly establishes appellate jurisdiction, (b) the ACP commonly shirks its duty to determine appellate jurisdiction early (i.e. upon the filing of the appellant's docketing statement), and (c) the ACP allows the appeal to be fully briefed before deciding if the facts set forth in the docketing statement require it to retroactively rescind its automatic acceptance of jurisdiction. Part of the trap in this appeal is the fact that neither the trial court nor the ACP had jurisdiction for fourteen months while the appeal was pending. For interlocutory appeals like this appeal, this litigation black hole has potential to substantially impede trial court litigation and subvert the administration of justice only because the ACP did not act on its duty to determine appellate jurisdiction from the appellant's docketing statement; *see e.g.* footnote 4 of *GCP Newton Hotel LP v.*

---

[7] *Commonwealth v. Cronk* does not define "entered". A review of Appeals Court Panel appeals at ma-appellatecourts.org indicates "entry" dates begin when the assembly of the record is received by the Appeals Court Clerk.

Commonwealth Development LLC, 257 N.E.3d 85 (2025), 105 Mass. App. Ct. 416 at 90 which states, "[w]e note that the entry of UniBank's appeal in this court vested jurisdiction of UniBank's claim for a jury trial in this court, until the appeal was decided or this court ordered otherwise."

In *GCP Newton Hotel LP*, the appellant pursued an interlocutory appeal pursuant to "present execution" on the simple issue of the trial court's order striking its jury demand which facially does not meet "present execution" analysis (which matches federal "collateral order" doctrine, *see* footnote 2 on page 3 above). *Id.* The appellate court record for *GCP Newton Hotel LP* is publicly available at ma-appellatecourts.org; and it indicates that the *GCP Newton Hotel LP* appeal "entry" date is April 25, 2024; the docketing statement was filed on May 7, 2024; and the decision to dismiss the appeal for lack of jurisdiction is April 8, 2025. *Id.* On April 1, 2025, the appellant in *GCP Newton Hotel LP* filed a "status report" with the ACP requesting leave to file a motion to dismiss its trial court claim that was the subject of the appeal. *Id.* On April 2, 2025, the motion was denied. On April 8, 2025, the ACP dismissed the appeal for lack of jurisdiction. In footnote four of its dismissal order, ACP held, "Although the Superior Court exercised its discretion to advance this case to trial-ready status, the Superior Court lacked jurisdiction to go forward with a trial of UniBank's claim or to otherwise act inconsistently with our appellate jurisdiction." *Id.* The trap is boldly exposed in *GCP Newton Hotel LP* in footnote 6 in which it states:

> "We have in the past expressed a view on the merits, even though an interlocutory appeal was improper, where supported by concerns of efficiency and court administration. See Landry v.

> Massachusetts Port Auth., 89 Mass. App. Ct. 307, 310 (2016)." *Id.*

Part of the unconstitutional trap of *Landry v. Massachusetts Port Auth.*, which also applies to this appeal, is the fact that the appellant in *GCP Newton Hotel LP* did not pursue its appeal to obtain the ACP's "view". It sought reversal of the trial court's order striking its jury demand. And common sense dictates that the "concerns of efficiency and court administration" are better served by promptly dismissing a facially-improper appeal upon the filing of the docketing statement. The ACP could have dismissed the *GCP Newton Hotel LP* appeal in May 2024 after the appellant filed its docketing statement but did not. Unlike this appeal, the appellant in *GCP Newton Hotel LP* was not penalized for appealing.

This appeal reveals another part of the appellate trap that imposes financial penalty upon the Petitioner pursuant to Massachusetts Rule of Appellate Procedure 25 (App 23a) and Massachusetts General Law ch 211A, § 15 (App 20a) which allow the ACP to sanction the appellant for the appellee's appellate costs. But neither Mass.R.A.P. 25 nor Massachusetts General Law ch Law ch 211A, § 15 apply. Neither stipulate that they apply to appeals for which the ACP lacks jurisdiction. Mass.R.A.P. 25 allows for "just damages and single or double costs to the appellee" for frivolous appeals, but the only acting appellee is a non-party, volunteer, Mr. Siegel. Massachusetts General Law ch 211A, § 15 stipulates that it applies "if upon the hearing of an appeal…". No appellate hearing was held.

Since at least 1988 (*see* fn 8 on page 8), the state appellate courts have established sprawling common law which grants the appellate courts unfettered discretion to liberalize their exercise of appellate jurisdiction over appeals for which they have no

appellate jurisdiction, including, but not limited to, appeals barred by statute. [8] The common law on appellate jurisdiction is vague. The appellate courts' broad discretion is derived from self-promulgated appellate rules. Like this appeal, most civil and criminal state appeals are taken pursuant to Massachusetts Rule of Appellate Procedure[9] 4 (App 22a-23a).

The lack of clarity regarding appellate jurisdiction exposed the Petitioner (the state appellant) to the whims of a wildly unpredictable appellate process that contravenes (a) procedural and substantive due process, (b) this Court's precedents, and (c) state statutes. State statutes explicitly permit this appeal; but the ACP used its broad discretion to make common law superior to state statutes (*see* footnote 8 on this page in which the Supreme Judicial Court asserts that its discretion includes repositioning long-standing legal hierarchy to make common law superior to state statutes).

The ACP's conclusion regarding appellate jurisdiction was set forth in ACP Order 2/27/25 as follows:

> "See *DeLucia v. Kfoury*, 93 Mass. App. Ct. 166, 170 (2018) ("timely notice of appeal is a jurisdictional prerequisite to our authority to consider any matter on appeal"). (App 5a, 1st ¶).

This is an incorrect statement because, *inter alia*, *DeLucia* involved an appeal period set by statute, and this appeal involves appeals from several trial court

---

[8] see *Croteau v. Swansea Lounge, Inc.*; 402 Mass. 419 (1988) at 422, 522 N.E.2d 967, in which the Massachusetts Supreme Judicial Court ruled that the judiciary is not divested of its discretion pursuant to its rules of court to extend statutory deadlines.

[9] Herein abbreviated as "Mass.R.A.P."

orders for which the appeal period was not set by statute as follows:

a) an appeal pursuant to "present execution"; and
b) Massachusetts General Law ch 190B, § 3-614 (App 19a)

Regarding untimeliness, the ACP Order 2/27/25 incorrectly stated only,

> "In addition, Hunter's notice of appeal was untimely with respect to each of these orders, except the order appointing a special personal representative." (App 5a, 1st ¶)

This is an incorrect statement (see excerpts from Petitioner's docketing statement in App 24a-29a). But even if it is a correct statement, the state appellate courts have established sprawling common law which grants the appellate courts unrestrained discretion to exercise appellate jurisdiction over appeals for which they have no appellate jurisdiction. Therefore, because Massachusetts has no statutes that establish appellate jurisdiction, the Petitioner could not have known in advance if this unrestrained discretion might be applied liberally to the facts of her appeal or might be applied to limit the Petitioner's appellate rights. In this appeal, the ACP did not explain why it deemed the appeal untimely. The trial court created a customized timeliness rule for filing documents (App 25a); and maybe the ACP did not accept the trial court's customized timeliness rule. Or maybe the ACP believes that an appeal cannot be taken from motions for reconsideration. Some of the trial court orders appealed blocked the parties from filing documents without first requesting and obtaining permission from the judge via off-record email communications. By October 2023 when the Petitioner filed her first notices of appeal, more than 250 off-record emails were exchanged between the parties and the judge's Assistant Judicial Case Manager who communicated

the parties' requests to the judge and who communicated the judge's decisions to the parties. The Petitioner's state appellant docketing statement explained:

> "the trial court established a timeliness rule -- which was communicated by email -- that a motion was timely filed if permission requested to file a motion was timely received. And the clock to determine timeliness for filing was based on the date the request for permission to file was allowed by the trial court (via email) -- and this extended the deadline for filing." (App 25a)

Regarding the Appeals Court Panel's determination that Petitioner had no right to appeal because this is an interlocutory appeal, ACP Order 2/27/25 incorrectly states only,

> "Because these orders were interlocutory rulings, the appellant is not entitled to appellate review of the rulings prior to entry of judgment. See Linder v. Pollak, 102 Mass. App. Ct. 386, 390 (2023)." (footnote omitted) (App 4a-5a)

This is incorrect. But the ACP arrived at this conclusion by using its broad discretion[10] to make the common law of *Linder v. Pollak* superior to state statutes and "present execution" doctrine. *Linder* appealed a denial of a motion to set aside a default judgment. The appellate jurisdiction in this appeal does not involve a default judgment and is invoked in the Petitioner's docketing statement as follows:

(a) an appeal pursuant to "present execution" is a permitted interlocutory appeal, and appellate jurisdiction is derived from Mass.R.A.P. 4 (App 22a-23a; *see also* footnote 2 above on page 3 which cites to Massachusetts common law that compares "present execution" with federal "collateral order doctrine");

---

[10] *See* footnote 8 above on page 8

(b) Massachusetts General Law ch 231, § 118, second paragraph, (App 21a) permits an immediate appeal (and appellate jurisdiction is statutory); and

(c) Massachusetts General Law ch 190B, § 3-614 (App 19a) allows for immediate appeal, and appellate jurisdiction is derived from Mass.R.A.P. 4. (*see* Massachusetts General Law ch 215, § 10 at Pet 20a).

This appellate trap created a litigation black hole and unnecessarily (a) bled the Petitioner's litigation resources and (b) caused avoidable delays. *Commonwealth v. Cronk* [11] is the only law that divests the trial court of jurisdiction when an appeal is taken. And *Cronk* is vague. But the Petitioner relied upon *Cronk* and believed that when trial court jurisdiction is divested, common sense indicates that jurisdiction has been accepted by the appellate court. When the ACP did not reveal that it had rejected its duty to determine jurisdiction early, it created the illusion that it had accepted appellate jurisdiction. The Petitioner (who is the state appellant) believed that she was freely exercising her constitutional rights to appeal, that the appellate court had jurisdiction, and that the appellate court would resolve the controversy. But instead, this appeal reveals that the lack of clarity regarding appellate jurisdiction created a litigation black hole for fourteen months. Neither the trial court nor the appellate court had jurisdiction over the issues on appeal. And the ACP ordered the Petitioner to pay $30,044 for this meaningless litigation to compensate the non-party who voluntarily opposed the appeal. The trial court did not move to strike the Petitioner's

---

[11] *see Commonwealth v. Cronk*, 484 N.E.2d 1330 (1985), 396 Mass. 194 , at 197; *see also Commonwealth v. Montgomery* 53 Mass. App. Ct. 350 (2001) at 351; *see also* footnote 4 of *GCP Newton Hotel LP v. Commonwealth Development LLC,* 257 N.E.3d 85 (2025), 105 Mass. App. Ct. 416 at 90

notices of appeal. Neither the Respondent nor the non-party, voluntary appellee moved to strike them. And the ACP did not move to strike them. ACP Order 5/22/25 was nothing more than a $30,044 sucker-punch added to the fourteen months of black hole jurisdiction and delay.

Commonwealth v. Cronk confused this Petitioner on the issue of appellate jurisdiction because it states at 197:

> "Once a party enters an appeal, however, the court issuing the judgment or order from which an appeal was taken is divested of jurisdiction to act on motions to rehear or vacate." (citations omitted) *see* footnote 11 on page 11.

Cronk does not define "enters an appeal" which creates uncertainty as to when jurisdiction is divested. *Id.* The various possibilities include: (a) when the Notice of Appeal is filed, (b) when the appellate Clerk receives the assembly of the record, (c) when the appellant files his docketing statement, or (d) when the appellant pays the filing fee.

Cronk implies that the ACP "accepts jurisdiction" automatically upon "entry" of the appeal as follows:

> "[t]he Commonwealth noticed its appeal on the same date the District Court judge entered an order dismissing the complaint against Cronk, June 15, 1984, and the appeal was entered in the Appeals Court by August 24, 1984. The District Court judge's order vacating the earlier dismissal of the complaint was not entered until September 28, 1984, well after the Appeals Court had accepted jurisdiction of the appeal." *Id.*

Cronk does not specify the event that triggered the moment the Appeals Court "accepted jurisdiction". *Id.* The implication is that the "entry" of the appeal automatically establishes appellate jurisdiction.

Footnote 4 of *GCP Newton Hotel LP v. Commonwealth Development LLC* [12] broadens *Cronk's* holding as follows:

> "We note that the entry of UniBank's appeal in this court vested jurisdiction of UniBank's claim for a jury trial in this court, until the appeal was decided or this court ordered otherwise. See Commonwealth v. Cronk, 396 Mass. 194, 197, 484 N.E.2d 1330 (1985). Although the Superior Court exercised its discretion to advance this case to trial-ready status, the Superior Court lacked jurisdiction to go forward with a trial of UniBank's claim or to otherwise act inconsistently with our appellate jurisdiction. As we have now resolved the appeal, jurisdiction over the claim will return to the Superior Court."

The Petitioner relied upon the relevant Massachusetts statute for this appeal which is Massachusetts General Law ch 215, § 10 which establishes the process to appeal from the underlying Probate and Family Court orders as follows, "The procedure upon an appeal from an order, decree or denial of a probate court shall be in accordance with the Massachusetts Rules of Appellate Procedure.".

The ACP order of dismissal was entered on February 27, 2025, (App 4a-6a), and it subjectively accused the Petitioner of appealing "frivolous[ly]" and ordered the Petitioner to pay an undetermined amount to the non-party, voluntary appellee, Mr. Siegel.

---

[12] *GCP Newton Hotel LP v. Commonwealth Development LLC,* 257 N.E.3d 85 (2025), 105 Mass. App. Ct. 416 at 90

The Appeals Court Panel entered its $30,044 punishment[13] on May 22, 2025 ("ACP Order 5/22/25") (App 12a-14a).

The sole basis for ACP Order 5/22/25 is found in ACP Order 2/27/25 and is as follows:

> "Hunter had 'no reasonable expectation of a reversal,' Allen v. Batchelder, 17 Mass. App. Ct. 453, 458 (1984), we agree that her appeal was frivolous, and an award of appellate attorney's fees and costs is appropriate." (App 5a-6a at footnote 3)

It is not relevant to this petition that ACP Order 2/27/25 contains incorrect conclusions. Even if the conclusions of ACP Order 2/27/25 are correct, the First, Sixth, and Fourteenth Amendments and this Court's precedents establish that the ACP was required to promptly dismiss the appeal for lack of jurisdiction without penalizing the Petitioner for appealing.

REASONS FOR GRANTING THE PETITION

I. THERE IS A CLEAR AND INTRACTABLE CONFLICT OVER A SIGNIFICANT QUESTION

For many years, (at least since 1993[14]), the state appellate courts have frequently exercised jurisdiction over facially untimely appeals. The reasoning offered is that doing so reserves judicial resources [15] .

---

[13] See *Avery vs. Steele*, 414 Mass. 450 (1993); 608 N.E.2d 1014 in which the Mass. Supreme Judicial Court repeatedly refers to Massachusetts Rule of Appellate Procedure 25 as "sanctions" and as "punishment".

[14] See e.g. *Avery vs. Steele*, 414 Mass. 450 (1993); 608 N.E.2d 1014 which was an untimely appeal that was adjudicated without appellate jurisdiction in which the appellate court sanctioned the appellant pursuant to Massachusetts Rule of Appellate Procedure 25 because her appellant brief contained offensive language.

[15] see e.g. *Commonwealth v. Trussell* 68 Mass. App. Ct. 452 (2007) at 458-460 which substantively states that it is better use of judicial resources to adjudicate late appeals than to deny them

Sometimes, the final appellate result is (a) "commentary" or a "view" without precedential value and/or (b) an opinion that establishes a new rule or precedent. However, it violates, *inter alia,* the First and Fourteenth Amendments when the appellate court (a) exercises appellate jurisdiction when it has no jurisdiction only to allow the parties to litigate extensively, (b) dismisses the appeal as untimely, and (c) penalizes the appellant for appealing or for some offense contained in her brief. Under these circumstances, a sanction of even one cent against the appellant is unconstitutional.

This case demonstrates the intractable conflict over a significant First and Fourteenth Amendment question about Massachusetts' decades-long practice ("Practice") of exercising appellate jurisdiction over untimely and improper appeals only to find a defect with which it can bludgeon the appellant. This Practice violates the First Amendment because it strikes fear in Massachusetts litigants who may believe that they have a right to appeal but do not appeal only because they fear that the appellate court will mislead them for many months on the issue of appellate jurisdiction and hit them with a whale-sized fine that could have been easily avoided.

Section 1 of the Fourteenth Amendment is: "nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The First Amendment states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of

---

because denying them paves a path for the appellant to take a "resource-consuming procedural tour" of more appeals to return him to the "same door" a year later.

the people peaceably to assemble, and to petition the Government for a redress of grievances."

There were no evidentiary hearings in the trial court prior to this appeal. The $30,044 damages money judgment constitutes unliquidated damages that are based on nothing more than a self-serving affidavit offered by the voluntary, non-party appellee, Mr. Siegel, who had no standing to defend the appeal.[16]

Massachusetts law does not permit unliquidated damages to be determined by affidavit. See e.g. *Akbarian* which held that documents presented as evidence of damages are inadmissible hearsay unless the creator of the documents is called as a witness. *see Akbarian v. Public Service Mutual Insurance Company*, 2004 Mass. App.1, Div 87 at 89-90; citing *Commonwealth v. Silanskas*, 433 Mass. 678, 693 (2001).

This $30,044 fine is solely for the benefit of Mr. Siegel who is not the appellee. Mass.R.A.P. 25 states that the penalty against the appellant is for the benefit of the "appellee".

This fine is contrary to this Court's holding in *Lackey v. Stinney et al.* (23-621, 2/25/2025) because there is no prevailing party (and because it is contrary to the "American Rule" as discussed in *Lackey*).

An appellate sanction entered pursuant to Mass.R.A.P. 25 in a facially-untimely or facially-

---

[16] Massachusetts law regarding standing for this appeal does not require the showing of a "concrete injury". Standing is established by Massachusetts General Law ch 190B, § 1-201(24) (App 19a) which defines "interested persons" to an estate matter. This appeal is an estate matter. *see Caputo v. Moulton*, 102 Mass. App. Ct. 251, 258 (2023) which held that a party to an estate matter must show a "definite interest in the matter being litigated such that [his] rights will be significantly affected by a resolution of the contested point."

improper appeal is an unnecessary and avoidable punishment that violates the Sixth Amendment and Fourteenth Amendment due process protections; (see *Avery vs. Steele*, 608 N.E.2d 1014, 414 Mass. 450 (1993); in which the Mass. Supreme Judicial Court repeatedly refers to sanctions pursuant to Mass.R.A.P. 25 as "punishment").

Massachusetts appellate law does not offer the required "evenhanded, predictable, and consistent development of legal principles", does not "foster reliance on judicial decisions", and does not "contribute to the actual and perceived integrity of the judicial process." (quoted from *Kimble v. Marvel Entertainment, LLC*, 576 U.S. 446 (2015)).

Massachusetts *stare decisis* for appellate jurisdiction is inconsistent and wide-ranging. The underlying state appeal was timely. But even if it was not timely; the Petitioner had no reason to believe that the appellate court would fine her $30,044. Massachusetts appellate courts consistently adjudicate untimely and/or improper appeals taken pursuant to Mass.R.A.P. 4 without fining the appellants. The state appellate courts have frequently used their discretion to treat untimely appeals as timely.[17] Sometimes, the state adjudicates appeals over which there is no appellate jurisdiction for the sole purpose of issuing an advisory opinion[18], for rule-

---

[17] see e.g. *Commonwealth v. Jordan*, 469 Mass. 134 at 145 ("On the present record, we would be well within our discretion to conclude that the Commonwealth's late filing of its notice of appeal were egregious and inexcusable. The Commonwealth's repeated missteps...reflect a complete disregard of court rules...Rather than dismiss the appeal, however, we shall address the merits.");

[18] *Ruth Adjartey & Others v. Central Division Of The Housing Court Department & Others*, 481 Mass. 830 (a facially-defective petition filed pursuant to Massachusetts General Law ch 211, §

making on the fly[19], or to save judicial resources[20]. Massachusetts appellate courts have *sua sponte* corrected alleged appellate defects by extending, *nunc pro tunc*, the date to file the Notice of Appeal pursuant to Mass.R.A.P. 4 [21]. The Massachusetts Supreme Judicial Court ruled in *Croteau v. Swansea Lounge, Inc* that the judiciary is not divested of its discretion pursuant to its rules of court to extend statutory deadlines.[22]

Massachusetts Constitution Article XXIX establishes that "[i]t is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial

---

3 which is used by appellants seeking to appeal pursuant to the appellate court's supervisory power)

[19] *See* footnote 17 above on page 17 in *Commonwealth v. Jordan*, 469 Mass. 134

[20] see *Commonwealth v. Trussell* 68 Mass. App. Ct. 452 (2007) at 458-460 which substantively states that it is better use of judicial resources to adjudicate late appeals than to deny them because denying them paves a path for the appellant to take a "resource-consuming procedural tour" of more appeals to return him to the "same door" a year later.

[21] *see Eyster v. Pechenik*, 71 Mass. App. Ct. 773 (2008) at 781-782; 887 N.E.2d 272 ("The appellate court maintains independent authority under Mass.R.A.P. 14(b) to extend the appellate time period, and we are not constrained by the prohibition of Mass.R.A.P. 15(c). Accordingly, we have chosen to exercise our discretion to enlarge the time for filing the notice of appeal, nunc pro tunc, to July 25, 2006, rendering the third notice of appeal, docketed that day, timely. See *Commonwealth v. White*, 429 Mass. 258, 263-264 (1999) (one-year anniversary of order terminates right to file notice of appeal, but does not terminate jurisdiction of appellate court to allow motion to enlarge time, nunc pro tunc). We do so having determined, in accordance with *Tisei v. Building Inspector of Marlborough*, 3 Mass. App. Ct. 377, 379 (1975), that the wife's underlying appeal, which has been fully briefed and argued by both parties, has raised meritorious appellate issues.")

[22] see *Croteau v. Swansea Lounge, Inc.*; 402 Mass. 419 (1988) at 422, 522 N.E.2d 967

interpretation of the laws, and administration of justice." There is no state constitutional support for the ACP to use appeals over which it has no jurisdiction only to divest the trial courts of jurisdiction and to offer "comments" or a "view". There is no constitutional support to use improper appeals to "express[] a view on the merits" "where supported by concerns of efficiency and court administration"; especially when common sense indicates that such concerns of efficiency are better served by promptly dismissing improper appeals; (quoting from footnote 6 of *GCP Newton Hotel LP v. Commonwealth Development LLC,* 257 N.E.3d 85 (2025), 105 Mass. App. Ct. 416 at 90).

The $30,044 penalty violates the First Amendment because it is the sum of the legal costs of the non-party, voluntary appellee. Such costs exist only because the ACP failed to act on its duty to promptly dismiss the untimely appeal. Therefore, the $30,044 penalty exists through no fault of the Petitioner who believed and still believes that her appeal was timely. When an innocent appellant is fined $30,044, it strikes fear in the appellant to appeal in the future and chills the appellant's First Amendment freedom to appeal in the future. The non-party, voluntary appellee's brief explicitly asked the ACP to chill the Petitioner's First Amendment rights as follows:

> "It is clear that unless this Court sends a strong message" [to sanction the appellant pursuant to Mass.R.A.P. 25] "that this abusive behavior will not be tolerated, the Objector/Appellant" [the Petitioner in this Court] "will file appeals *ad nauseam*."

This appeal was the Petitioner's first ACP appeal.

But ACP Order 5/22/25 that penalized the Petitioner $30,044 could not exist without the

comments asserted in ACP Order 2/27/25. The ACP exercised its unrestrained discretion to exercise appellate jurisdiction – after it determined that it had no jurisdiction -- only to issue ACP Order 2/27/25 which (a) does not resolve the issues appealed (b) eschews the precedent of *Mcmenimen v. Passatempo* [23] and (c) erroneously enmeshes the statutory "Single Justice" review process pursuant to Massachusetts General Law ch 231, § 118, first paragraph (App 20a-21a), with Appeals Court Panel appeals by implying that this appeal requested review of "Single Justice" orders when it did not. None of the documents filed by the appellate parties included citations to any "Single Justice" reviews (which are typically referred to as "appeals" but they are not "appeals" because they are not governed by the Mass.R.A.P. and are governed by Massachusetts Rules of Civil Procedure (*see* footnotes 25 and 26 below on page 21)). ACP Order 2/27/25 states,

> "In any event, we discern no error or abuse of discretion in any of the single justice's orders. See Commonwealth v. Jordan, 469 Mass. 134, 143-144 (2014)" [24] (App 5a at 2nd ¶)

Mcmenimen v. Passatempo confirms two distinct rights: (a) the right to appeal to the Appeals Court Panel and (b) the right to seek interlocutory review from a Single Justice of the Appeals Court and states that Mcmenimen had two alternatives to seeking relief pursuant to Massachusetts General Law ch 211, § 3: "He could have pursued" [a review pursuant to

---

[23] *Mcmenimen v. Passatempo*, 52 Mass. 178 (2008) at 188

[24] This appeal has no similarities with the criminal appeal in *Commonwealth v. Jordan*. This is a civil appeal from the trial court to the Appeals Court Panel pursuant to a) Mass.R.A.P. 4; b) Massachusetts General Law ch 231, § 118, second paragraph; c) Massachusetts General Law ch 190B, § 3-614; and d) "present execution".

Massachusetts General Law ch 231, § 118, first paragraph (App 20a-21a)[25] and an appeal pursuant to "present execution" [26] "if he was in doubt as to which one was correct" see *Mcmenimen v. Passatempo*, 52 Mass. 178 (2008) at 188; *see e.g. also DeLucia v. Kfoury,* 93 Mass. App. Ct. 166, 170 (2018).

II. THE QUESTION PRESENTED IS IMPORTANT AND WARRANTS REVIEW IN THIS CASE

A. This appeal highlights unresolved uncertainty of the state's appellate Practice of forsaking its duty to determine jurisdiction early and extensively adjudicating facially-untimely and/or facially-improper appeals over which the appeals court has no jurisdiction.

This confusion demands immediate resolution.

The conflict here is unmistakable and entrenched with no realistic prospect of resolving itself. Litigants face uncertainty and fear of retaliatory sanctions when deciding to appeal issues that affect their substantive legal and constitutional rights. This uncertainty has persisted for decades with no indication that state lawmakers will pass legislation to create uniform rules regarding appellate jurisdiction. This Court's intervention is urgently needed to provide definitive guidance on how to address the Practice of applying Mass.R.A.P. 25 and Massachusetts General Law ch 211A, § 15 to facially-untimely or facially-improper appeals.

---

[25] Review by a Single Justice of the Appeals Court which is governed by the Massachusetts Rule of Civil Procedure; *see* Massachusetts Rule of Civil Procedure 1 in App 22a.

[26] Appeal to the Appeals Court Panel which is governed by the Mass.R.A.P.; *see* Massachusetts Rule of Appellate Procedure 1 in App 22a.

The questions presented in this case are important, with sweeping implications for a) Massachusetts' appellants' First and Fourteenth Amendment rights, b) clarifying the analysis that the state appellate court must use to determine if an appeal is "frivolous", and c) establishing guidelines for assuring that fines pursuant to Mass.R.A.P. 25 and Massachusetts General Law ch 211A, § 15 comply with constitutional protections and this Court's precedents.

The decision below reached the extraordinary conclusion that the appellate court can (a) ignore the appellant's docketing statement which set forth the relevant dates when notices of appeal were filed and the nature of the orders appealed from, (b) exercise jurisdiction for fourteen months, (c) allow the litigants to incur legal fees and costs, (d) spontaneously dismiss the appeal for lack of jurisdiction and (e) punish the appellant $30,044 for appealing.

Clarity about this important question is critical. Potential appellants must know the steps they must take to successfully litigate their cases which requires understanding, at a basic level, that the state's procedural rules comply with the United States Constitution. As this Court has noted, the entire purpose of the rules of any court is to provide litigants with uniformity. *Hanna v. Plumer*, 380 U.S. 460, 472 (1965).

B. This appeal is the ideal vehicle to resolve this conflict. This clean presentation is the perfect backdrop for a definitive resolution of this issue by this Court.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted.

/s/ Chase Hunter

Chase Hunter, *Petitioner*
Pro Se
PO Box 2144
Springfield, MA 01101
USOneLove@pandgmail.com
Tel: 413-309-3866

April 2, 2026