COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURT

HAMPSHIRE, SS.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NUMBER: 2480CV00103

CHIEF OF POLICE FOR THE BELCHERTOWN POLICE DEPARTMENT, Plaintiff and COMMONWEALTH OF MASSACHUSETTS Intervenor v. CONNOR DORAN, AND THE EASTERN HAMPSHIRE DIVISION OF THE DISTRICT COURT Defendants	)

DEFENDANT CONNOR DORAN'S OPPOSITION TO PLAINTIFF'S MOTION FOR JUDGMENT ON THE PLEADINGS, AND CROSS MOTION FOR JUDGEMENT ON THE PLEADINGS PURSUANT TO STANDING ORDER 1-96 AND MASS. R. CIV. P. 12(c)

NOW COMES the Defendant, Connor Doran in the above-entitled matter and respectfully requests the Court deny Plaintiff's Motion for Judgment on the Pleadings, and allow Defendant Connor Doran's Cross Motion for Judgment on the Pleadings upholding Defendant Eastern Hampshire Division of the District Court' decision and order of the issuance of a license to carry to

Defendant, Connor Doran. As Grounds therefor, the Defendant, Connor Doran relies on the Memorandum of Law filed herewith.

Respectfully Submitted,
CONNOR DORAN,
By His Attorney,

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CHIEF OF POLICE FOR THE BELCHERTOWN POLICE DEPARTMENT,	)
Plaintiff	)
and	)
COMMONWEALTH OF MASSACHUSETTS	)
Intervenor	)
v.	)
CONNOR DORAN, AND THE EASTERN HAMPSHIRE DIVISION OF THE DISTRICT COURT	)
Defendants	)

MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S OPPOSITION AND CROSS MOTION FOR JUDGEMENT ON THE PLEADINGS PURSUANT TO STANDING ORDER 1-96 AND MASS. R. CIV. P. 12(c)

INTRODUCTION

The Defendant, Connor Doran, hereby respectfully requests this Court enter judgement upholding the decision of the District Court in this action for certiorari review and allow the Defendant's Cross Motion for Judgment on the Pleadings. The Defendant filed a motion for

judgement with the District Court on the ground that G.L. c. 140, § 131(d) and (f)[1] are facially unconstitutional under the Second Amendment. CR52.[2] The District Court, via the Hon. Bruce Melikian after hearing on the motion found as follows "[t]he discretionary denial of a constitutionally guaranteed right, together with the deference to that decision required of the courts, is inconsistent with the Bruen holding." CR105. The Plaintiff now contends that the District Court committed an error of law by holding that the requirement of the Massachusetts's firearm licensing statute, G.L. c. 140, § 131(d) violates the Second Amendment. They both cite to Commonwealth v. Marquis, 495 Mass. 434 (2025), for the proposition that G.L. c. 140, § 131(d) is facially valid.[3] However, the Plaintiff and the Plaintiff-Intervenor both fail to address the facial challenge to G.L. c. 140, § 131(f). The Defendant's allowed Motion for Judgment specifically challenged the facial constitutionality of 131(f) in the District Court. CR49. The District Court expressly found in its holding on the motion that not only was the discretionary denial of a constitutional right facially problematic but also "...the deference to that decision required of the courts." The discretionary

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[1] Effective October 2, 2024, Massachusetts firearms statutes were substantially amended. The former M.G.L. c.140 § 131(f), was recodified into M.G.L. c.140 § 121F. Specifically, the provisions were divided across M.G.L. c.140 § 121F(u)(2), M.G.L. c.140 § 121F(v)(2), and M.G.L. c.140 § 121F(v)(3). However, the provisions themselves in substance remain the same as M.G.L. c.140 § 131(f), with virtually identical wording.

[2] The Certified Court Record of the proceedings in the Eastern Hampshire Division of the District Court is cited in this memorandum as "CR[page number]."

[3] The Massachusetts Supreme Judicial Court recently decided the case of Commonwealth v. Marquis, 495 Mass. 434 (2025). That case, in dicta, addressed suitability pursuant to 131(d) as a concept, and the discretion given to a licensing authority in reviewing applications pursuant to 131(d). There, the court discussed that 131(d) does not give too much discretion to a licensing authority, and that the concept of suitability analysis in 131(d) is not facially unconstitutional. This discussion is wholly distinct, and different, from the judicial review standard codified in 131(f), which outlines the decisional analysis and standard a court is bound to apply in review of a licensing authority's decision, which is the subject of the facial challenge here.

denial portion addresses the 131(d) issue, and admittedly the Massachusetts Supreme Judicial Court does appear to conclude in Marquis (seemingly in dicta) that 131(d) is facially valid. However, the District Court determination in its holding regarding the impermissible "...deference to that decision required by the courts" squarely implicates 131(f). The Marquis Court addressed 131(d), but in no way was the facial constitutionality of 131(f) addressed. In fact, the Marquis Court doesn't address 131(f) in any way. The Defendant is asking for this court to declare 131(f) facially unconstitutional . The determination of the facial constitutionality of section 131(f) is necessary as a precondition to applying it in any underlying evidentiary hearing. It is purely a legal question, which is tailor made for certiorari review. The role of the Superior Court is to examine the record of the proceedings in the District Court and to "correct substantial errors of law apparent on the record adversely affecting material rights." Firearms Records Bureau v. Simkin, 466 Mass. 168, 180 (2013)(emphasis added), quoting Cambridge Housing Authority v. Civil Service Commission, 7 Mass. App. Ct. 586, 587 (1979). M.G.L.c. 140, § 131(f) provides that, if a license to carry firearms is denied, suspended or revoked by a licensing authority, that licensing authority is required to provide the applicant with written notice of that denial, setting forth the specific "reasons" for that determination. Subsection (f) of section 131 further provides that, within 90 days of receiving such notification, the applicant or licensee may file a petition for judicial review of that decision of the licensing authority, in the District Court, and that if, after a hearing, a justice of that court finds that there was **no reasonable ground** for denying, suspending or revoking the license and that the petitioner is not prohibited by law from possessing a license, the justice **may** order a license to be issued or reinstated to the petitioner. 131(f) is a statute which, on its face, confines a citizen's right to the exercise of a specifically enumerated, fundamental right contained within the Bill of Rights to the ex parte discretion of a non-judicial government agent, without providing any constitutionally

permissible level of judicial review, and, as such, is in violation of the Second and Fourteenth Amendments to the Constitution of the United States. In fact, the entire decisional paradigm underpinning § 131(f) is based on the impermissible use of "rational basis analysis".[See: Chief of Police of the City of Worcester v. Holden, 470 Mass. 845, 853 - 854 (2015). In addition, the Supreme Court Decision in New York State Rifle and Pistol Assn., Inc. v. Bruen, et al, 597 US. 1 (2022) laid out the test, which all laws and regulations on the 2nd Amendment must pass. In Bruen, the Supreme Court stated that, "[w]hen the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation." Bruen at 24. The Plaintiffs in this case do not, and cannot, point to any law or regulation in our nation's history and tradition that allowed the denial or stripping of ones Second Amendment rights. As such, for the reasons set forth herein, Plaintiff's Motion for Judgment on the Pleadings should be denied and the Defendant's Cross Motion for Judgment on the Pleadings should be allowed.

FACTUAL & PROCEDURAL BACKGROUND

Both the Plaintiff and to some degree Plaintiff- Intervenor purport to recite the factual background of this case when in fact no evidentiary hearing was ever held to determine the underlying facts. The District Court simply made a ruling on Defendant's facial challenge to both 131(d) and 131(f). Plaintiff acknowledges no evidentiary hearing was ever held, and in fact complains that it is error, yet, the Plaintiff spends large chunks of its Motion challenging factual determinations that were never made, involving evidence that was ever tested at a hearing.

The essential facts in this case are that the Defendant applied to the Belchertown Police Department for a renewal of his license to carry firearms in 2024.[4] CR 45. Then, by letter dated February 17, 2024, the Police Chief informed the Defendant that his application for a license to carry was denied. CR 47. Following the Police Chief's denial decision, on or about April 19, 2024, the Defendant filed a Petition for Judicial Review of the Police Chief's decision. CR 6-11 . The Defendant filed a "Motion for Judgment to Enter in Favor of Petitioner as M.G.L. c. 140 §, 131 (d) & (f) are Unconstitutional in Light of New York State Rifle and Pistol Ass'n, Inc. v. Bruen, et al., 597 U.S. 1 (2022)" on July 25, 2024. CR 60-75. provided written notice of the constitutional challenge to the Attorney General, who did not intervene during the District Court proceedings, but has now intervened. CR 52, 57. The Motion was heard by the Eastern Hampshire District Court on July 25, 2024, and by decision dated July 29, 2024, the District Court via the Hon. Bruce Melikian, entered judgment allowing Defendant's motion challenging the constitutionality of M.G.L. c. 140 §, 131 (d) & (f) and ordering the Chief to issue Defendant a license to carry firearms. CR 102-105.

The Police Chief, filed a Motion for Reconsideration on August 9, 2024, arguing that G.L. c. 140 §, 131 specifically requires an evidentiary hearing and that, as one was never held, the judgment should be vacated, an evidentiary hearing should be held, and that, after such hearing, the Police Chief's decision should be upheld. CR 122-126. The Defendant objected to reconsideration. CR 132-138. The District Court denied the Motion for Reconsideration by decision dated September 18, 2024. See CR 141. In its September 18, 2024 Order, the District Court acknowledged that an evidentiary hearing was not conducted but reasoned that because judgment had been entered based on a "question of law" and as such no evidentiary hearing was necessary. CR 139-141. On

[4] The Defendant applied to renew is active LTC issued by the South Hadley Police Department. CR41

September 23, 2024, the Chief of Police filed a Complaint in the nature of certiorari pursuant to G.L. c. 249, § 4, seeking reversal of the Eastern Hampshire District Court's decision. Dkt. No. 1. The administrative record was filed as the District Court's response to the Complaint, pursuant to Superior Court Standing Order 1-96, on January 14, 2025. Dkt. No. 8. On February 4, 2025, the Attorney General moved to intervene in the litigation to defend the constitutionality of the suitability provision in the firearms licensing statute in Massachusetts. Dkt. No. 10.

ARGUMENT

The United States Supreme Court and the Supreme Judicial Court of Massachusetts have both determined that the Second Amendment to the Bill of Rights, applicable to the States through the Fourteenth Amendment, guarantees and individual the right to carry firearms outside, as well as within their home, and the Massachusetts licensing requirements for firearms are a restriction on that right. New York State Rifle and Pistol Assn., Inc. v. Bruen, et al, 597 US. 1 (2022); see also Commonwealth v. Guardado, 491 Mass. 666 (2023). See also District of Columbia v. Heller, 554 U.S. 570 (2008), and McDonald v. Chicago, 561 U.S. 742 (2010), (Holding that the Second and Fourteenth Amendments protect an individual right to keep and bear arms for self-defense.)

Since licensing requirements and the legal standard of review established in M.G.L. c. 140, § 131(f), are restrictions on one's Second Amendment Rights. The United States Supreme Court in District of Columbia v. Heller, 554 U.S. 570 (2008), and New York State Rifle and Pistol Assn., Inc. v. Bruen, et al, 597 US. 1 (2022) established the threshold test that must be employed to determine whether the judicial review structure as codified in the statue is constitutional. Those cases established that it is the government's burden to prove that the codified restriction on judicial review is in accordance with constitutional standards. In Bruen, the Supreme Court stated that, "[w]hen the

Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation." Bruen at 24. This is because constitutional rights have the scope they were understood to have when they were adopted. The Court explicitly rejected the balancing test employed in Chief of Police of the City of Worcester v. Holden, 470 Mass. 845 (2015), and previous Massachusetts appellate decisions, in favor of an historical analysis that places the burden to justify a regulation on the licensing authority. The Supreme Court's framework establishes that the government has the burden to prove a restriction is constitutional, which in this case, the restriction is the imposition of an unconstitutional standard of judicial review as codified in the statute. 131(f) states as follows: "If after a hearing a justice of the court finds that there was no reasonable ground for denying, suspending or revoking the license and that the petitioner is not prohibited by law from possessing a license, the justice may order a license to be issued or reinstated to the petitioner." By its plain meaning, this statute sets up an arbitrary, capricious, abuse of discretion standard, which is impermissible in light of Bruen. Indeed, this standard has been consistently interpreted and imposed upon petitioners as an arbitrary, capricious, abuse of discretion standard. The standard for judicial review of a licensing authority's imposition of a restriction decision cannot be based on a standard of whether the licensing authority's actions were arbitrary, capricious, or an abuse of discretion on the part of the licensing authority in making its decision.[5] The Supreme Court in Heller specifically rejected a rational basis analysis, and Bruen

[5] The Massachusetts Supreme Judicial Court recently decided the case of Commonwealth v. Marquis, 495 Mass. 434 (2025). That case, in dicta, addressed suitability pursuant to 131(d) as a concept, and the discretion given to a licensing authority in reviewing applications pursuant to 131(d). There, the court discussed that 131(d) does not give too much discretion to a licensing

ultimately clarified the appropriate legal standard. Egregiously, 131(f) has also been interpreted in Massachusetts as requiring the petitioner to bear the legal burden of establishing that they are in fact not a prohibited or unsuitable person. As opposed to the licensing authority having to carry the burden of proving that a petitioner is in fact prohibited / unsuitable. Chief of Police of Shelburne v. Moyer, 16 Mass. App. 543, 546 - 547 (1983)("The burden is upon the applicant to produce substantial evidence that he is a proper person to hold a license to carry a firearm.") The judicial review outlined in 131(f) and the legal burdens placed on the petitioner cannot be constitutional in light of the current state of the law. Otherwise, the long historical tradition of constitutional rights analysis in this county would be turned on its head. The Heller, Bruen, and Guardado Courts already established that individuals come clothed with the constitutional right to bear arms, and as such, making the petitioner bear the legal burden to establish they are entitled to this right, pursuant to a codified arbitrary and capricious judicial review analysis, is wholly outside constitutional bounds and is based on an erroneous presumption that Second Amendment rights are not pre-existing.

In addition, based on the description by the Supreme Judicial Court, in Commonwealth v. Souza, 492 Mass. 615 (2023), of the effect of Guardado, it is clear that the entire decisional paradigm, upon which the constitutional legitimacy of M.G.L.c. 140, § 131(f) has been assumed by the decisions of the SJC and Appeals Court in interpreting and applying that licensing scheme, has been upended by the decision in Guardado:

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authority, and that the concept of suitability analysis in 131(d) is not facially unconstitutional. This discussion is wholly distinct, and different, from the judicial review standard codified in 131(f), which outlines the decisional analysis and standard a court is bound to apply in review of a licensing authority's decision, which is the subject of the facial challenge here.

> Our decision was based on the United States Supreme Court's recognition, in New York State Rifle & Pistol Ass'n v. Bruen, 142 S. Ct. 2111, 2122)(Bruen), that the Second Amendment to the United States Constitution protects an individual's right to carry firearms outside the home. For that reason, **our precedent predicated on a narrower view of the rights secured by the Second Amendment**, see Commonwealth v. Gouse, 461 Mass. 787, 807 (2012), **no longer was valid**. Guardado, supra at 689 - 690. The Guardado holding applied prospectively and to those cases, like this one, that were active or pending on direct review as of the date of the issuance of Bruen.

Commonwealth v. Souza, 492 Mass. 615, 638 (2023)(emphasis added). In particular, the Bruen decision leads to the inescapable conclusion that G.L.c. 140 § 131(f) is on its face a violation of the Second and Fourteenth Amendments to the Constitution of the United States, which, in turn, also constitutes a violation of Article 12 of the Massachusetts Declaration of Rights.

In District of Columbia v. Heller, 554 U.S. 570 (2008), the Court specifically rejected "rational basis" as an appropriate way to analyze Second Amendment rights. The Court explicitly stated that rational basis analysis cannot "be used to evaluate the extent to which a legislature may regulate a specific enumerated right, be it the freedom of speech, the guarantee against double jeopardy, the right to counsel, or the right to keep and bear arms." Id, 628, note 27. The United States Supreme Court went further in the Bruen case by explaining that in fact no "means-ends" scrutiny test was appropriate for evaluating regulations on the Second Amendment. The Court determined that while Courts of Appeals had been employing a two-step approach whereby at the first step the government may justify its regulation by "establish[ing] that the challenged law regulates activity falling outside the scope of the right as originally understood." New York State Rifle & Pistol Ass'n, Inc. v. Bruen, 597 U.S. 1, 18 (2022). Then at the second step, Courts of Appeals often analyze how close the law comes to the core of the Second Amendment right and the severity of the law's burden on that right. The Courts of Appeals generally maintain "that the core Second Amendment right is limited to self-defense in the home." Gould v. Morgan, 907 F.3d 659, 671 (CA1

2018)(emphasis added). But see Wrenn v. District of Columbia, 864 F.3d 650, 659 (CADC 2017) ("[T]he Amendment's core generally covers carrying in public for self-defense"). If a "core" Second Amendment right is burdened, Courts of Appeals had been applying "strict scrutiny" and asking whether the Government can prove that the law is "narrowly tailored to achieve a compelling governmental interest." Kolbe v. Hogan, 849 F.3d 114, 133 (CA4 2017) (internal quotation marks omitted). Otherwise, they applied intermediate scrutiny and consider whether the Government can show that the regulation is "substantially related to the achievement of an important governmental interest." Kachalsky v. County of Westchester, 701 F.3d 81, 96 (CA2 2012). New York State Rifle & Pistol Ass'n, Inc. v. Bruen, 597 U.S. 1, 18–19 (2022).

The Bruen Court concluded however that no means-ends scrutiny is appropriate in the Second Amendment context and described the appropriate standard as follows:

> Despite the popularity of this two-step approach, it is one step too many. Step one of the predominant framework is broadly consistent with Heller, which demands a test rooted in the Second Amendment's text, as informed by history. But Heller and McDonald **do not support applying means-end scrutiny in the Second Amendment context. Instead, the government must affirmatively prove that its firearms regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms.**

New York State Rifle & Pistol Ass'n, Inc. v. Bruen, 597 U.S. 1, 19 (2022) (emphasis added). The Bruen court further elaborated on the required Constitutional analysis as follows:

> We reiterate that the standard for applying the Second Amendment is as follows: When the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation. Only then may a court conclude that the individual's conduct falls outside the Second Amendment's unqualified command.

New York State Rifle & Pistol Ass'n, Inc. v. Bruen, 597 U.S. 1, 24 (2022).

The Bruen court determined that the most relevant history in determining if a law is consistent with the Nation's historical tradition of firearms regulation is the period between the Ratification of the

Constitution and the Civil War. New York State Rifle & Pistol Ass'n, Inc. v. Bruen, 597 U.S. 1, 35 (2022).

> ...in Heller we reiterated that evidence of "how the Second Amendment was interpreted from immediately after its ratification through the end of the 19th century" represented a "critical tool of constitutional interpretation." 554 U.S. at 605, 128 S.Ct. 2783."

New York State Rifle & Pistol Ass'n, Inc. v. Bruen, 597 U.S. 1, 35 (2022). The Bruen court cautioned against giving much weight to historical laws or regulations that pre-date the ratification of the constitution, as these practices largely became obsolete and were never acted upon by the colonies or during the founding of the nation at ratification and periods immediately thereafter. Id. Therefore, English common law would not be a useful source in evaluating the constitutionality of a law or statute. Id. Similarly, the court cautioned against giving much weight to post civil war authorities, as they took place too long after the ratification of the country to hold much meaning.

> As we recognized in Heller itself, because post-Civil War discussions of the right to keep and bear arms "took place 75 years after the ratification of the Second Amendment, they do not provide as much insight into its original meaning as earlier sources."

New York State Rifle & Pistol Ass'n, Inc. v. Bruen, 597 U.S. 1, 36 (2022). The Court went on to describe that any modern firearms law needs to have some basis in history and so one is to look for historical laws analogous to the modern law. If no history and tradition can be found covering the relevant conduct during this period, the modern law is unconstitutional.

In Massachusetts, the Supreme Judicial Court has held, in its decision in Guardado, supra, that the Second Amendment right enunciated in Heller, and found to be applicable to the states pursuant to the Fourteenth Amendment in McDonald v. Chicago, 561 U.S. 742 (2010), which guarantees the rights of members of the public to possess firearms in their homes, also guarantees the rights of members of the public to carry firearms outside of the home. The Supreme Judicial Court acknowledged in Guardado that, prior to Bruen, it had taken the position that the Second

Amendment right to carry firearms in the home was not applicable to carrying such firearms outside of the home, such that the Massachusetts laws regulating the carrying of firearms outside of the home were not implicated by the rulings in Heller and McDonald, but that Bruen has made clear that the right to carry firearms outside the home is equally encompassed within the Second Amendment, as it is within the home. As the Court stated in Guardado:

> In the wake of Bruen, this court's reasoning in Gouse, 461 Mass. at 802, is no longer valid. It is now incontrovertible that a general prohibition against carrying firearms outside the home is unconstitutional. Because possession of a firearm outside the home is constitutionally protected conduct, it cannot, absent some extenuating factor, such as failure to comply with licensing requirements, be punished by the Commonwealth." Commonwealth v. Guardado, supra, 689 - 690 (citations omitted) (emphasis added).

The Court therefore acknowledged that individuals come clothed in a constitutional right to bear firearms both inside and outside their home, with the caveat that licensing requirements are a restriction / exception to that right. As such, the constitutional validity of the restriction here rests upon whether M.G.L. c. 140, § 131(f) is constitutional and meets the requirements of constitutionality as laid out by Bruen. Similarly, Article 12 of the Massachusetts Declaration of Rights explicitly prohibits a person from being deprived of his or her rights except in accordance with "the law of the land"; and, it is now clear that this includes what Bruen, McDonald and Heller have enunciated, in regard to the Second Amendment to the federal constitution. In addition, the Massachusetts Civil Rights Act specifically provides that, in addition to acting to protect a person's "rights secured by the constitution or laws of the Commonwealth", that Act is intended to protect a person's "rights secured under the Constitution or laws of the United States". M.G.L.c. 12, § 11 H(a)(1).

The licensing authority has an affirmative burden to prove that the provisions of M.G.L.c. 140, § 131(f) is part of the Nation's history and tradition of firearms regulation and, in the absence

of such proof, the restriction in the statute must be found to be unconstitutional. Specifically, under subsection (f) of section 131, a licensing authority's ex parte determination of "unsuitability" cannot be overturned on appeal to a District Court, unless it is found by that Court to be arbitrary, capricious or an abuse of discretion, i.e. under the "rational basis" standard, which Heller and Bruen have found to be an impermissible basis for excluding a person from the exercise of his or her rights under the Second Amendment. [Cf. Chief of Police of Taunton, et al v. Caras, et al, 95 Mass. App. Ct. 182, 186 - 187 (2019)(judge may not second guess the licensing authority's decision to take one reasonable action over another)]. This language is so impermissibly vague that it leaves it to the licensing authority to make an ex parte decision, and a court must sustain that licensing authority's decision if any reasonable grounds exist. This is rational basis analysis as expressly prohibited by the United States Supreme Court.

The provision for judicial review of a denial, suspension or revocation of an LTC fails to meet the constitutional requirements described in Bruen. Specifically, M.G.L.c. 140, § 131(f) provides that, if a license to carry firearms is denied, suspended or revoked by a licensing authority, that licensing authority is required to provide the applicant with written notice of that denial, setting forth the specific "reasons" for that determination. Subsection (f) of section 131 further provides that, within 90 days of receiving such notification, the applicant or licensee may file a petition for judicial review of that decision of the licensing authority, in the District Court, and that if, after a hearing, a justice of that court finds that there was no reasonable ground for denying, suspending or revoking the license and that the petitioner is not prohibited by law from possessing a license, the justice **may** order a license to be issued or reinstated to the petitioner. No parameters are set out in subsection (f) guiding a District Court's exercise of that discretionary power to order a license to be issued or reinstated. The review of such a decision of a District Court is by way of an action in the

nature of certiorari, pursuant to M.G.L.c. 249, § 4, in which the role of the Superior Court is to examine the record of the proceedings in the District Court and to "correct substantial errors of law apparent on the record adversely affecting material rights." Firearms Records Bureau v. Simkin, 466 Mass. 168, 180 (2013)(emphasis added), quoting Cambridge Housing Authority v. Civil Service Commission, 7 Mass. App. Ct. 586, 587 (1979). The procedure for that review by the Superior Court takes place in accordance with the provisions of Superior Court Standing Order 11 1-96; and, the established standard of review in that certiorari action is whether the decision of the licensing authority was arbitrary, capricious or an abuse of discretion, i.e. a standard of rational basis analysis. Firearms Records Bureau v. Simkin, supra, 179. Application of that standard is described in Chief of Police of Taunton, et al v. Caras, 95 Mass. App. Ct. 182, 186 - 187 (2019), in which the Appeals Court overturned a Superior Court judge's decision upholding a District Court judge's reversal of a licensing authority's decision to revoke a license, as follows:

> The District Court judge's role is to ensure that the licensing authority's decision is based on objective evidence reasonably suggesting that the individual would pose a risk to public safety if allowed to carry a firearm, and is not otherwise arbitrary or capricious. **The judge, however, may not second guess the licensing authority's decision to take one reasonable action over another**. Notwithstanding Caras's laudable behavior after he discovered his grandson had stolen his gun, the chief could reasonably determine from this incident that Caras's continued holding of a license to carry might endanger the public. None of the additional evidence before the District Court judge materially undermined the chief's conclusion.

Id, 186 – 187 (emphasis added). Consequently, G.L.c. 140, § 131(f) falls squarely within the category of licensing statutes governing the constitutional right to carry firearms, which Bruen holds to be impermissible. It is a statute which, on its face, confines a citizen's right to the exercise of a specifically enumerated, fundamental right contained within the Bill of Rights to the ex parte discretion of a non-judicial government agent, without providing any constitutionally permissible level of judicial review, and, as such, is in violation of the Second and Fourteenth Amendments to

the Constitution of the United States. In fact, the entire decisional paradigm underpinning § 131(f) is based on the impermissible use of "rational basis analysis".[See: Chief of Police of the City of Worcester v. Holden, 470 Mass. 845, 853 - 854 (2015)(". . . the "suitable person" standard passes muster under rational basis analysis."); Chardin vs. Police Commissioner of Boston, 465 Mass. 314, 316 (2013)(licensing authority vested with broad discretion in making licensing decision); Nichols vs. Chief of Police of Natick, 94 Mass. App. Ct. 739, 744 (2019)(conclusion that licensing authority lacked any reasonable ground to deny license reviewed on standard of arbitrary, capricious or abuse of discretion); Chief of Police of Wakefield vs. DeSisto, 99 Mass. App. Ct. 782, 786 (2021)(Commonwealth's interest in regulating firearms of "utmost importance" such that arbitrary, capricious or abuse of discretion standard applicable); Chief of Police of Taunton, et al v. Caras, et al, supra, 186 - 187 (2019)(judge may not second guess the licensing authority's decision to take one reasonable action over another); Chief of Police of Shelburne v. Moyer, 16 Mass. App. 543, 546 - 547 (1983)("The burden is upon the applicant to produce substantial evidence that he is a proper person to hold a license to carry a firearm."); Ruggerio v. Police Commissioner of Boston, 18 Mass. App. Ct. 256, 258 - 259 (1984)("It has been said about § 131 that it was intended to have local licensing authorities employ every conceivable means of preventing deadly weapons in the form of firearms from coming into the hands of evildoers.")(emphasis added); Nichols v. Chief of Police of Natick, 94 Mass. App. Ct. 739 - 745 (2019)(conclusion that licensing authority lacked any reasonable ground to deny license is warranted only upon a showing that refusal was arbitrary, capricious or abuse of discretion); Phipps v. Police Commissioner of Boston, 94 Mass. App. Ct. 725, 739 (2019)(Although licensing authority's restriction and revocation of license was arbitrary and capricious in absence of facts showing reasonable nexus to public safety, "Nothing we have said in this opinion should be read as diminishing in any way the broad discretion that the licensing

authority has to determine whether an applicant for a firearms license is a suitable person . . . .")(emphasis added)]. In fact, the recent decision of the SJC in Commonwealth v. Souza, 492 Mass. 615 (2023), citing Guardado, supra, further demonstrates that the statutory and decisional structure, which relies on "rational basis analysis" to justify the restriction on Second Amendment rights represented by M.G.L.c. 140, § 131(f), cannot be sustained, in light of the Bruen decision. Specifically, in discussing its ruling in Guardado placing the burden on the Commonwealth to prove the lack of a license on the part of a defendant beyond a reasonable doubt, in a prosecution for carrying a firearm without a license, the Souza opinion says:

> Our decision was based on the United States Supreme Court's recognition, in New York State Rifle & Pistol Ass'n v. Bruen, 142 S. Ct. 2111, 2122)(Bruen), that the Second Amendment to the United States Constitution protects an individual's right to carry firearms outside the home. For that reason, **our precedent predicated on a narrower view of the rights secured by the Second Amendment**, see Commonwealth v. Gouse, 461 Mass. 787, 807 (2012), no longer was valid. Guardado, supra at 689 - 690. The Guardado holding applied prospectively and to those cases, like this one, that were active or pending on direct review as of the date of the issuance of Bruen." Commonwealth v. Souza, supra, 638 (emphasis added).

As a result, it is clear that the entire statutory and decisional structure based on "rational basis analysis" underlying the purported validity of the judicial review standard codified under M.G.L.c. 140, § 131(f) is in violation of the Second Amendment. Consequently, prohibiting a person from exercising his or her established rights to carry firearms in Massachusetts, by denying that person a license to do so utilizing a codified unconstitutional judicial review structure, is facially in violation of clearly established law, under the Second and Fourteenth Amendments to the Constitution of the United States. This is compounded by the fact that 131(f) has been interpreted to require the petitioner to present evidence and carry the substantial legal burden, not the licensing authority. Chief of Police of Shelburne v. Moyer, 16 Mass. App. 543, 546 - 547 (1983)("The burden is upon the applicant to produce substantial evidence that he is a proper person to hold a license to

carry a firearm."). The fact remains that M.G.L.c. 140, § 131 (f) is facially in violation of the Second and Fourteenth Amendments and the judicial review standard under that statutory scheme is impermissible as to any person, including the Defendant.

Ironically, no lesser authority than the Attorney General for the Commonwealth has, by joining with Attorney Generals of 24 other jurisdictions in an amicus brief in support of the position of the petitioner, i.e. the federal government, in the Supreme Court of the United States case of United States of America v. Zackey Rahimi, Docket No. 22-915, demonstrates the variance between the above-referenced standards and provisions for judicial review under the Massachusetts restrictions. In particular, in that amicus brief, the argument is made that the federal statute for prohibiting the possession of firearms by domestic abusers meets constitutional requirements under Bruen because that statute contains rigorous procedural protections for an alleged abuser's fundamental Second Amendment rights, such as are commonly contained in the various state statutes providing for the seizure of firearms by such individuals, including Mass. Gen. Laws Ch. 209A, § 3B and 3C. That amicus brief makes the point that, because of rigorous protections, such statutes are not "rubber stamps" and are "not unlike other state-law proceedings in which the exercise of constitutional rights may be circumscribed." Rahimi amicus brief, pgs. 11 to 18 and addendum, Office of Attorney General, Press Release 8/22/2023 containing link to Rahimi amicus brief. In that regard, the provisions for denial or suspension of a license and the judicial review of that denial or suspension contained in M.G.L. ch. 140, § 131 (f) pale in comparison with the Massachusetts provisions for procedural protections in M.G.L. c. 209A, § 3B, 3C & 4 for seizure of firearms from an alleged domestic abuser, which require a showing by a plaintiff to a court of a substantial likelihood of immediate danger of abuse, with a requirement that the defendant be allowed to petition the court and be provided a hearing before that court to take place "no later than

ten court business days after the receipt of the notice of petition by the court", at which the plaintiff bears the burden of proof. See: Frizado v. Frizado, 420 Mass. 592 (1995).

Indeed, this view was reinforced by the Supreme Court in its ultimate decision in Rahimi, where Justice Roberts, writing for the majority, stressed that the statutory scheme in question was constitutional since it is the judicial authority in the first instance, which makes a determination as to whether someone should be disarmed. This of course is not what is occurring in Massachusetts, where an ex parte decision by a licensing authority is mandated by statute to be upheld unless arbitrary and capricious.

Writing for the majority, Justice Roberts, stated in Rahimi:

> The burden that Section 922(g)(8) imposes on the right to bear arms also fits within the Nation's regulatory tradition. While the Court does not suggest that the Second Amendment prohibits the enactment of laws banning the possession of guns by categories of persons thought by a legislature to present a special danger of misuse, see Heller, 554 U.S., at 626, 128 S.Ct. 2783, **Section 922(g)(8) applies only once a court has found that the defendant "represents a credible threat to the physical safety" of another, § 922(g)(8)(C)(i), which notably matches the similar judicial determinations required in the surety and going armed laws**. (Emphasis Added).

United States v. Rahimi, 602 U.S. 680, 682 (2024). This is similarly reinforced in Justice Gorsuch's concurring opinion, where he states:

> Proceeding with this well in mind today, the Court rightly holds that Mr. Rahimi's facial challenge to §922(g)(8) can not succeed. It cannot because, through surety laws and restrictions on "going armed," the people in this country have understood from the start that the government may disarm an individual temporarily after a '**judicial determinatio[n]**' that he "likely would threaten or ha[s] threatened another with a weapon.' ...And, at least in some cases, the statute before us works in the same way and does so for the same reasons: **It permits a court to disarm a person only if, after notice and hearing, it finds that he "represents a credible threat to the physical safety" of others.** §§922(g)(8)(A), (g)(8)(C)(i). A court, too, may disarm an individual only for so long as its order is in effect. §922(g)(8). (emphasis added)

United States v. Rahimi, 602 U.S. 680, 711 (2024).

Finally, multiple district court decisions here in the Commonwealth have found that the

judicial review standard codified in M.G.L. c.140 § 131(f) is unconstitutional. Hon. William Hadley, found as much in a decision he released from the Holyoke District Court on May 20, 2024 (attached hereto as Exhibit A). The Hon. Kevin Finnerty in a case out of the Fall River District Court similarly found that M.G.L. c. 140, § 131 was unconstitutional. Judge Finnerty wrote "The Court agrees that the discretionary suspension (or grant) of a constitutionally guaranteed right **to which our case law requires courts to defer is inconsistent with Bruen**." (emphasis added) (See Judge Finnerty's decision attached hereto as, Exhibit B). The Hon. William Mazanec in a case in the Greenfield District Court found Massachusetts suitability standard unconstitutional. Judge Mazanec wrote "...the Bruen decision renders unconstitutional both the discretionary determination of unsuitability by the licensing authority as articulated in c.140, § 131 **as well as the deference to that decision required by the courts by case law in Massachusetts**". (emphasis added) (See Judge Mazanec's decision attached hereto as, Exhibit C).

For the good and valid reasons set forth above, the Plaintiff's Motion for Judgment on the Pleadings should be denied and the Defendant's Cross Motion for Judgment on the Pleadings should be allowed.

Respectfully Submitted,
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CERTIFICATE OF SERVICE

I, Daniel C. Hagan Jr, hereby certify that on the below date, I served a copy of the foregoing *Opposition to Plaintiff's Motion for Judgment on the Pleadings, and Cross Motion for Judgment on the Pleadings and Memorandum Of Law In Support thereof*, by electronic mail only, to the following counsel of record:

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Date: June 27, 2025

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EXHIBIT A

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss

HOLYOKE DISTRICT COURT

DOCKET NUMBER: 2317CV0154

RANDY WESTBROOK,

Petitioner

v.

DAVID PRATT,

Chief, Holyoke Police Department, as

Licensing Authority,

Respondent

Decision on Petition for Judicial Review of Denial of License to Carry a Firearm

Summary of Decision

This is an appeal from the denial of a license to carry a firearm pursuant to G.L. c. 140, § 131. The law applicable to these matters has changed significantly in recent years as a result of a trilogy of decisions from the United States Supreme Court and statutory amendments enacted by the Massachusetts legislature. Constitutional balancing tests no longer control, and only reliable and credible information may be considered by a licensing authority and a reviewing court. Information concerning sealed criminal records is admissible. A licensing authority now must justify its regulation of the fundamental constitutional right to bear arms by demonstrating that it is consistent with the nation's historical tradition of firearm regulation. Any law that restrains this right must be narrow and objective and must provide definite standards that limit the discretion to be exercised by a licensing authority. G.L. c.140, § 131 is generally consistent with an historic tradition of denying firearms to dangerous persons, but its standard for determining whether an applicant is dangerous is not narrow and objective. It impairs an individual's right to bear arms for self-defense based on a determination that his or her past behavior "suggests" the individual "may" be dangerous if armed, giving the licensing authority an impermissible amount of discretion. For this reason, the decision to deny the plaintiff a license must be reversed.

Procedural History

The plaintiff, Randy Westbrook (Westbrook), applied for a license to carry a firearm (LTC) pursuant to G.L. c.140, § 131. The defendant, David Pratt, in his capacity as the Chief of the Holyoke Police Department (the Chief), reviewed the application and notified Westbrook in writing that his application had been denied. In his written notice of denial, the Chief stated that he had determined Westbrook was an "unsuitable person" for an LTC. He indicated this decision was:

> Based on Holyoke Police Department Arrest Report #10-600-AR in which you were charged with A&B Domestic and Aggravated A&B. The latter charge you accepted a CWOF on. Also, you accepted a CWOF on the charges of Conspiracy to Violate the Controlled Substances Act and Possession with the Intent to Distribute a Class B Substance in Northern Berkshire District Court.

Westbrook filed a complaint for judicial review pursuant to G.L. c.140, § 131(f). He asserts that, under the "traditional" Massachusetts standard of judicial review for LTC denials, the decision to deny him an LTC was unreasonable, arbitrary or capricious, an abuse of discretion and was not supported by substantial evidence. He maintains, however, that the traditional standard of judicial review of a licensing authority's denial of a firearm application is no longer applicable after the United State Supreme Court's decision in New York State Rifle & Pistol Association Assoc., Inc. v. Bruen, 597 U.S. 1 (2022). In addition, he contends that the "suitability" standard set out in G.L. c. 140, § 131 is impermissibly vague and overbroad and is therefore unconstitutional. (Westbrook gave the Attorney General notice of his constitutional challenge as required by Mass. R. Civ. P. 24(d). The Attorney General has not intervened.)

An evidentiary hearing was held on March 1, 2023. The Chief was the only witness. He testified that his decision was based on information contained in two police reports and in other police records he reviewed, and his 37 years of experience in law enforcement.

Westbrook objected to the introduction of the disposition of a criminal charge that was sealed pursuant to G.L. c. 276, § 100A. He objected to the introduction of and any reference to one of the police reports. He also objected to hearsay statements that gave rise to a criminal charge. Westbrook's objections were taken under advisement and the evidence was admitted de bene. For the following reasons, these objections are overruled.

Sealed Records

Pursuant to G.L. c. 276, § 100A individuals who have "a record of criminal court appearances and dispositions in the commonwealth on file with the office of the commissioner of probation" may "request that the commissioner seal the file." When these records are sealed by the

commissioner in his files, the clerks and probation officers of the courts in which the dispositions occurred are to "seal records of the same proceedings in their files." The statute, in pertinent part, also provides that "sealed records shall not operate to disqualify a person in any examination, appointment or application for public service ... nor shall such sealed records be admissible in evidence or used in any way in any court proceedings...." G.L. c. 276, §100A.

This section of the law, however, appears to conflict with G.L. c. 6, § 172. That statute provides that the Department of Criminal Justice Information Services (CJIS) is to maintain criminal offender record information in a database. G.L. c.6, § 172(a)(1) provides that "Criminal justice agencies may obtain all criminal offender record information, including sealed records, for the actual performance of their criminal justice duties. Licensing authorities, as defined in section 121 of chapter 140, may obtain all criminal offender record information, including sealed records, for the purpose of firearms licensing in accordance with sections 121 to 131P, inclusive, of chapter 140."

A sealed record provides a mechanism whereby a disposition is, in most instances, shielded from public view. Section 100A, however, does not have the same reach or effect as statutes governing expungement or a pardon. In the case of a pardon, for example, "all records relating to the offense for which the person received the pardon" are sealed and they, by statute, no longer disqualify a person from obtaining a license. G.L. c. 127, § 152. See DeLuca v. Chief of Police of Newton, 415 Mass. 155 (1993); Rzeznik v. Chief of Police of Southampton, 374 Mass. 475 (1978); Chief of Police of Shelburne v. Moyer, 16 Mass. App. Ct. 543 (1983). However, even when a person is pardoned after a conviction, the historical facts that underly the conviction may be considered if relevant to a government agency's decision on character and suitability. Commissioner of Metropolitan District Commission v. Director of Civil Service, 348 Mass. 184 (1964).

"A fundamental tenet of statutory interpretation is that statutory language should be given effect consistent with its plain meaning and in light of the aim of the legislature unless to do so would achieve an illogical result." Sullivan v. Brookline, 435 Mass. 353, 360 (2001). Hypothetically, if an individual has been convicted of a felony, he or she would be statutorily disqualified from obtaining an LTC and the police chief would have to deny his or her application. To interpret Section 100A as prohibiting a police chief from introducing any evidence of the mandatory disqualifying event when his or her denial is challenged in court defies common sense and cannot be what the Legislature intended. Interpreting the relevant statutes in the manner suggested by Westbrook would achieve an illogical result.

A New Jersey appellate court considered somewhat similar circumstances when that state's expungement remedy appeared to conflict with a statute relating to firearm licensing. In that case, the plaintiff had the record of a psychiatric commitment expunged and later applied for a gun permit. The court ruled that the New Jersey expungement privilege was not absolute. It found that in the context of gun ownership, the legislature had crafted a strict regulatory scheme intended to protect society and individuals. The firearm permit application was deemed

to be a constructive waiver of the expungement privilege that allowed the trial court to inquire into and consider expunged evidence. In re Appeal of the Denial of M.U.'s Application for a Handgun Purchase Permit, 475 N.J. Super. 148 (App. Div. 2023).

The New Jersey approach to the reconciliation of the two conflicting statutes may be appropriate here but is not required. As noted above, Section 100A only relates to the admissibility and use of sealed records of criminal appearances and criminal dispositions in the files of the commissioner of probation, court clerks and probation officers. In this case, neither party sought to introduce an actual probation record or a court record. Unlike the statutes governing pardons, Section 100A does not seal or proscribe the admission and consideration of any other documents, records or testimony from other sources.

Here, the Chief, in this capacity as the firearms licensing authority for the City of Holyoke, lawfully obtained sealed records and utilized them in the performance of his duty. For all the above reasons, Westbrook's objection is overruled, and the proffered evidence is admitted.

Hearsay

Westbrook also objects to what he asserts is unreliable hearsay contained in two police reports the Chief sought to introduce. One report, dated March 14, 2010, indicates that officers were dispatched to an apartment in Holyoke for a report of a domestic disturbance. They met the apartment resident and learned that the alleged victim was hiding in a bathroom. The police observed that the alleged victim's "right eye was swollen, partially closed and her eyelid was bulging out." She reported that Westbrook was her ex-boyfriend and that after an argument he had started shaking her "and then punched her several times in the face and the back of her head." She reported that she ran to her friend's apartment, and that Westbrook followed her there. The friend told the officers that she was able to lock Westbrook out of her apartment. The alleged victim also told the police she was nine months pregnant. Officers went to Westbrook's home and left word that they wished to speak with him. Later that evening Westbrook reported to police headquarters. He was subsequently charged with both domestic assault battery and assault and battery on a pregnant woman.

In his LTC application, which was introduced without objection, Westbrook stated (apparently incorrectly) that he had "pled Guilty" and had been convicted of "domestic violence." He also disclosed that he had been the subject of a 209A order "because of the domestic violence." According to an internal record that was considered by the Chief, on May 4, 2010, the first charge was nolle prosed and the second was continued without a finding. The Chief testified that the second charge was later dismissed after a period of probation. Westbrook objected only to the admissibility of this information. Its accuracy was not challenged.

The second report offered by the Chief was created by a Massachusetts State Police trooper. He reported that on April 4, 2014, he saw a van operating at high rate of speed above the posted limit and he followed it. He conducted a traffic stop. Westbrook was the front seat passenger in the van. The operator indicated he did not have a driver's license in his possession. The trooper

returned to his vehicle and performed a computer inquiry that revealed that the operator's license had been suspended. The trooper requested assistance and other members of the State Police arrived on the scene. The trooper directed the operator and Westbrook to exit the vehicle so that an inventory could be conducted before the vehicle was towed.

A trooper found two suboxone sublingual film strips in the floor center console of the van. He found a ripped corner of a plastic sandwich bag in the center console. It appeared to have white residual powder residue in it. Under the van's gas cap, a trooper found several plastic baggies holding a total of 17 smaller baggies containing a white substance the trooper believed was consistent with cocaine. The driver stated that the cocaine found in the gas cap belonged to him and that he did not want to get Westbrook in trouble. He claimed that all the cocaine was intended for his personal use that evening while he "partied with girls." Both Westbrook and the van driver were arrested and charged with possession with intent to distribute cocaine.

At the hearing in this case, the Chief testified that according to police records this charge was continued without a finding and later dismissed following probation. Once again, the accuracy of this assertion was not challenged.

In Chief of Police of the City of Worcester v. Holden, 470 Mass. 845 (2015), the Supreme Judicial Court dealt with similar circumstances. It found that "The hearsay evidence on which the chief relied was reliable and relevant, and it was the kind and quality of evidence on which judges often rely in probation revocation hearings." *Id.* at 863. Despite citing Commonwealth v. Durling, 407 Mass. 108 (1990), however, the Holden Court quoted Chief of Police of Shelburne v. Moyer, 16 Mass. App. Ct. 543 at 547 (1983), stating "'The full panoply of procedures usually available at a trial is not required in the review by a District Court in a case of this nature. The hearsay rule should not be applied to evidence proffered by a chief of police in support of the reasonableness of his denial. The test should be one of relevance.'" Holden at 863.

In Moyer, however, the Appeals Court had indicated that the Declaration of Rights of the Massachusetts Constitution does not protect the right to keep and bear arms and procedures for obtaining an LTC did not involve a property right. Moreover, in Moyer the Appeals Court relied on Lotto v. Commonwealth, 369 Mass. 775 (1976), a decision that involved the termination of a license to rent out boats in a state park, not a constitutional right.

Constitutionally speaking, the landscape has changed substantially since Lotto, Moyer and even Holden were decided. In District of Columbia v. Heller, 554 U.S. 570 (2008), the United States Supreme Court recognized that the Second Amendment protects an individual's right to keep and bear arms for self-defense. In McDonald v. City of Chicago, Ill.,561 U.S.742 (2010), the Supreme Court held that the Fourteenth Amendment makes this fundamental right fully applicable to the states. After Holden was decided, in Bruen the Supreme Court held that the Second Amendment to the United States Constitution protects the right of "ordinary, law-abiding citizens" to possess handguns in their homes and to carry them publicly for self-defense, without having to demonstrate any special need. Bruen at 1. Both Moyer and Holden were

decided when it was not clear that the right to possess a handgun outside of the home is constitutionally protected as a fundamental right applicable to the states.

Generally, as noted in In the Matter of G.P., 473 Mass. 112 (2015), (dealing with commitments under G.L. c. 123, § 35) the "flexible nature of due process" does not always require "strict adherence to the rules of evidence, so long as there is fairness in the proceeding." Id. at 122. "Allowing hearsay if it is credible preserves the 'due process touchstone of an accurate and reliable determination,' Durling, supra at 117-118, while accounting for practical considerations of § 35 hearings. But precisely because hearsay evidence may well play an extremely significant role in these hearings, the judge's obligation to ensure that any hearsay on which he or she relies is 'substantially reliable,' as required by rule 7(a), is critical, particularly in light of the clear and convincing evidence standard of proof required by rule 6(a)." Id.

Like a probation violation hearing or a civil commitment hearing, a hearing after the denial of an application for an LTC can present practical difficulties regarding the production of live testimony. This is particularly true with regard to allegations of prior criminal or violent behavior. The interests of the parties, however, call for a reliable, accurate evaluation. As noted in Durling, "when the government seeks to rely on evidence that is not subject to cross examination, the due process touchstone of an accurate and reliable determination still remains. The proper focus of inquiry in such situations is the reliability of the evidence presented." Id. at 117. Moreover, as Durling states, when hearsay is offered as the only evidence, the indicia of reliability should be substantial.

Indeed, the licensing statute now explicitly requires that a "determination of unsuitability shall be based on **reliable, articulable and credible information** that the applicant or licensee has exhibited or engaged in behavior that suggests that, if issued a license, the applicant or licensee may create a risk to public safety or a risk of danger to self or others." G.L. c. 140, §131 (d) (emphasis added).

Given the importance of the right that is at stake here, and given the plain language of the statute, a judge reviewing a police chief's denial of an LTC application based on unsuitability must determine whether the denial was based on reliable and credible information. Consistent with Darling and In the Matter of G.P., considering hearsay only if it is credible and reliable, preserves the due process touchstone of an accurate determination while accounting for practical considerations. When hearsay is the only evidence introduced to establish unsuitability, the reliability of the hearsay must be substantial. A lesser standard would be inconsistent with the basic principles of due process that are required to protect fundamental constitutional rights, including the right protected by the Second Amendment.

Applying these principles to the police reports in this case, the information set out above that is contained in the 2014 report is substantially reliable, credible hearsay and it is admissible. It is factually detailed and states primary facts, not mere conclusions or opinions. It sets out personal observations by officers that were recorded close in time to the reported events. For

the same reasons, the personal, first-hand observations recorded by the troopers in the 2010 report constitute substantially reliable, credible hearsay. They are also admissible.

As to the hearsay statements of the complaining witness that are contained in the 2010 report, they are also substantially reliable and credible when considered together with the documented observation of a recent injury to the victim and the fact that Westbrook subsequently admitted there were sufficient facts to warrant a finding of guilty.

No guilty finding entered, but a finding did enter, and a disposition was made. For this to occur, a court had to find that the facts stated by the prosecutor satisfied the essential elements of the alleged crime; were voluntarily admitted by the plaintiff; and were sufficient to warrant a finding of guilt. This allows an admission to sufficient facts to be treated as a guilty plea in many respects. Commonwealth v. Rossetti, 95 Mass. App. Ct. 552 (2019). In the words of the Supreme Judicial Court:

> Commentators and the established practice in the District Court indicate that a judge would not and should not accept an admission to sufficient facts unless that admission had a factual basis to support a finding of guilt of the crime charged. See E.B. Cypher, Criminal Practice and Procedure § 24:76 (4th ed. 2014). Indeed, it is illogical to conclude that a defendant could receive the disposition of a CWOF without first admitting to sufficient facts that satisfied the judge that he or she was guilty. See Mass. R. Crim. P. 28(b), 378 Mass. 898 (1979). See also Commonwealth v. Norrell, 423 Mass. 725, 727 n. 5, 673 N.E.2d 19 (1996). The reason an admission to sufficient facts triggers the same safeguards as a guilty plea is that a violation of the conditions of a CWOF may result in the immediate adjudication of guilt and imposition of sentence without requiring the Commonwealth to offer any further evidence of the underlying offense. See Commonwealth v. Tim T., 437 Mass. 592, 596–597, 773 N.E.2d 968 (2002). See also Commonwealth v. Mahadeo, 397 Mass. 314, 316, 491 N.E.2d 601 (1986). If a judge can enter a finding of guilty and impose sentence without taking any further evidence of the underlying offense after a violation of the conditions of a CWOF, it follows that an implicit determination has been made that the defendant "has violated or failed to comply with the law." Tirado v Board of Appeal on Motor Vehicle Liability Policies and Bonds, 472 Mass. 333, 339 (2015).

For all these reasons, I find the information relied upon by the Chief was substantially reliable and credible. The hearsay objections are overruled.

Judicial Review Before and After Bruen

Holden, cited above, appears to be the last time the Massachusetts Supreme Judicial Court broadly addressed the "suitable person" standard in G.L. c 140, § 131. In that decision, the Court found that the core of the Second Amendment is the right to possess firearms for use in defense of the home and that prohibitions on carrying concealed weapons outside of the home are presumptively lawful. It noted that the purpose of the LTC statute was to limit access to

deadly weapons by irresponsible persons and to keep firearms out of the hands of people who posed a palpable risk that they would not use a firearm responsibly. Using a balancing test, the Court found the law promoted important government interests and bore a substantial relationship to public health and safety. Consequently, it determined the statute passed constitutional muster under a rational basis analysis.

In view of the evidence, particularly the evidence supporting the charge of aggravated domestic assault battery, if Holden and earlier decisions dealing with LTC appeals still controlled, the decision to deny Westbrook an LTC would be upheld. Protecting the public from danger related to the misuse of firearms is an important government interest, and given the discretion formerly afforded to a police chief in Massachusetts, the Chief's decision was neither arbitrary nor capricious, and it was not an abuse of discretion. Several sections of the statute that were applicable to Holden, however, have been amended, and the United States Supreme Court has set out a completely different standard for evaluating firearms licensing. As noted above, the constitutional landscape has greatly changed. Historical analysis is now required.

Currently, when an individual applies for an LTC in Massachusetts, the licensing authority must determine whether the applicant is a "prohibited person," for example, a convicted felon or a person who falls into one of the other categorical exclusions that are specifically listed in G.L. c. 140, § 131(d)(i)-(x). If the applicant falls into one of these categories, he or she shall not be issued an LTC. Previously, a licensing authority could deny an application for an LTC "if, in a reasonable exercise of discretion," the authority determined the applicant was unsuitable to be issued an LTC. The quoted language regarding discretion has been deleted.

Even if the applicant is not a statutorily prohibited person, the licensing authority shall deny the applicant an LTC if the applicant is "unsuitable." Previously, the statute provided no definition of the term unsuitable. Now unsuitability means that there is "reliable, articulable and credible information that the applicant ... has exhibited or engaged in behavior that suggests that, if issued a license, the applicant ... may create a risk to public safety or a risk of danger to self or others." G.L. c. 140, § 131(d).

In Bruen, the Supreme Court stated that, "[w]hen the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation." Bruen at 24. This is because constitutional rights have the scope they were understood to have when they were adopted. The Court explicitly rejected the balancing test employed in Holden, and previous Massachusetts appellate decisions, in favor of an historical analysis that places the burden to justify regulation on the licensing authority.

Consequently, since Bruen, a judge considering an LTC appeal initially must decide two things. First, the judge must determine whether the text of the Second Amendment applies to the applicant and to his proposed conduct. If it does, then the judge must determine whether the licensing authority has proven that the suitability standard contained within the LTC statute "is

part of the historical tradition that delimits the outer bounds of the right to keep and bear arms." Bruen at 18.

Historic Tradition and Dangerousness

As to the first issue, the United States Supreme Court explained in Heller that the Second Amendment's reference to the right of "the people" to bear arms refers to members of the entire political community. The right presumptively belongs to all Americans. In this case, Westbrook is not an automatically prohibited person and has Second Amendment rights. He seeks an LTC so that he may possess a firearm for self-defense outside of his home. The Second Amendment applies to his proposed conduct.

As to the more difficult second issue, the Chief has not identified anything that might support a determination that G.L. c. 140, § 131 falls within an historical tradition of regulating the right to keep and bear arms. Westbrook argues that there is no tradition of laws that would disarm an individual who has been charged but not convicted of a disqualifying offense. He also asserts that a generalized historic tradition of disarming individuals deemed dangerous does not satisfy the requirements of Bruen, and that the Massachusetts unsuitability provision is too subjective and is the equivalent of the law that was struck down in Bruen. He relies on a handful of decisions, including United States v. Quiroz, 629 F. Supp. 3rd 511 (W.D. Texas 2023) and United States v. Rahimi, 61 F.4th 443 (5th Cir. 2023) in support of his position.

These decisions, however, do not give sufficient weight to the Supreme Court's admonition in Bruen that judges are not to place a "regulatory straitjacket" on government by requiring a "historical twin" for every present-day statute in order for the statute to be constitutional. Bruen at 30. It has been suggested that the historical analysis called for in Bruen is not even centered on a determination whether an individual has been convicted of a felony or has engaged in what any particular jurisdiction deems felonious conduct.

As stated in United States v. Harrison, 654 F. Supp. 3d 1191 (W.D. Oklahoma 2023):

> While our Nation's history and tradition does not support disarming a person merely because they have engaged in felonious conduct, it does support a different proposition: 'that the legislature may disarm those who have demonstrated a proclivity for violence' through past violent, forceful, or threatening conduct (or past attempts at such conduct). Or, to put it another way, 'the historical record' demonstrates 'that the public understanding of the scope of the Second Amendment was tethered to the principle that the Constitution permitted the dispossession of persons who demonstrated that they would present a danger to the public if armed'. Id. at 1210 (internal citations omitted).

This analysis is supported by detailed historical research. See Greenlee, Joseph G.S., The Historical Justification for Prohibiting Dangerous Persons from Possessing Arms, Wyoming Law

Review. Vol. 20: No. 2, Article 7. In short, notwithstanding the decisions relied upon by Westbrook, when the Second Amendment was adopted, "the right to keep and bear arms was understood to exclude those who presented a danger to the public." Greenlee at 267.

The Determination of Suitability and Limitations on Discretion

In Holden, the Supreme Judicial Court stated that the Massachusetts suitability standard properly gave a police chief "'considerable latitude' or broad discretion in making a licensing decision.'" Holden at 854 (internal citations omitted). This is no longer permissible.

In Bruen, the New York firearm licensing statute in question included a provision that required an applicant to establish a "proper cause" for an LTC. (This term is used broadly here, as different jurisdictions use different terminology.) A proper cause was interpreted as a special need for self-defense that was distinguishable from that of the general community. After a lengthy historical analysis, the Supreme Court determined there was no historic tradition requiring a showing of special need before an individual could exercise the right to carry a firearm. The Court held that the Second Amendment did not allow government regulation that relies on a discretionary assessment of an individual's need or justification.

The Court, however, also stated that firearm licensing statutes may lawfully require applicants to undergo background checks or pass firearms safety courses, as requirements of this sort are objective and designed to ensure only that the people carrying firearms are in fact law-abiding and responsible citizens. Bruen, in fact, identifies 43 states where the Court determined LTCs are issued based on objective criteria. The Court stated that "nothing in our analysis should be interpreted to suggest the unconstitutionality of the 43 States' 'shall-issue' licensing regimes, under which 'a general desire for self-defense is sufficient to obtain a (permit).'" Bruen at 30, n.9 (internal citations omitted). The Court also noted that these 43 jurisdictions "appear to contain only 'narrow, objective, and definite standards' guiding licensing officials, *Shuttlesworth v. Birmingham*, 394 U.S. 147, 151, 89 S.Ct. 935, 22 L.Ed.2d 162 (1969), rather than requiring the 'appraisal of facts, the exercise of judgment, and the formation of an opinion,' *Cantwell v. Connecticut*, 310 U.S. 296, 305, 60 S.Ct. 900, 84 L.Ed. 1213 (1940)—features that typify proper-cause standards like New York's." Bruen at 30, n.9.[1]

Massachusetts was not one of the 43 so-called "shall-issue" states identified by the Supreme Court, but the Court indicated that three states- Connecticut, Delaware, and Rhode Island- that have suitability requirements in their licensing statutes appear to operate as "shall-issue" jurisdictions. As stated above, the Massachusetts legislature has amended the LTC statute since Bruen was decided. Consequently, Bruen does not explicitly state whether the current Massachusetts standard for suitability makes Massachusetts a "shall-issue" jurisdiction like

[1] Much of Note 9 in Bruen is dicta, but carefully considered United States Supreme Court dicta is accorded great weight and is treated as authoritative.

Connecticut, Delaware and Rhode Island. Antonyuk v Chiumento, 89 F. 4th 271 (2023) is informative on this issue.

In Antonyuk, the Second Circuit Court of Appeals addressed a constitutional attack on New York's requirement of "good character," a suitability standard of sorts. The Court took note of Bruen's apparent endorsement of multiple state suitability provisions and its simultaneous criticism of laws that give officials discretion to deny licenses based on a perceived lack of need or suitability. It examined the licensing regimes in Connecticut, Delaware, and Rhode Island and a dozen other states that were referred to in Bruen as "shall-issue" jurisdictions. The Antonyuk Court found that these licensing regimes all have some type of a suitability determination that requires "the appraisal of facts, the exercise of judgment, and the formation of an opinion," Antonyuk at 324, citing Bruen at 30 n.9. More particularly, the Court stated that the New York "good character" provision and the licensing laws in Connecticut, Delaware and Rhode Island, and the dozen other statutes identified (and arguably approved) by the Supreme Court in Bruen, all give licensing authorities a "modicum of discretion" that is "embedded in the licensing schemes...." Id. at 326.

The Second Circuit Court of Appeals ultimately found that Bruen suggests that states cannot deny LTC applications based on a suitable need or purpose but may do so based on an applicant's previous conduct, or lack of the character, temperament, or reputation in the community necessary to be entrusted with a weapon. Therefore, statutes that authorize a licensing authority to make a determination of unsuitability because an individual is likely to use a firearm unlawfully; will likely present a danger to himself if armed; or suffers from a condition or infirmity that prevents the safe handling of a gun, would be supported by a historic tradition focused on danger to an applicant or others. In addition, if a licensing regime does not prevent ordinary, law-abiding citizens from carrying handguns; is focused only on disarming those who would present a danger if armed; and only gives the licensing authority the "modicum" of discretion needed to make this determination on danger, it would meet the requirements set out in Bruen.

Narrow, Objective Standards

Having discerned the broad parameters of permissible government regulation of Second Amendment rights, the final, critical issue to be decided here is whether G.L. c. 140, § 131 meets the requirements set out in Bruen or is, as Westbrook contends, too subjective and overly broad, affording a police chief too much discretion.

In considering this question, it is significant that the Supreme Court cited two important First Amendment decisions in Bruen, Shuttlesworth v. Birmingham, 394 U.S. 147 (1969) and Cantwell v. Connecticut, 310 U.S. 296 (1940). In Shuttlesworth, a city ordinance that gave a local commission the power to prohibit demonstrations on city streets was found unconstitutional. The Supreme Court found that the local government was improperly "guided by their own ideas of 'public welfare, peace, safety, health, decency, good order, morals or convenience.'"

Shuttlesworth at 151 (internal citations omitted). The Court pointed out that many of its decisions hold that "a law subjecting the exercise of First Amendment freedoms to the prior restraint of a license, without narrow, objective, and definite standards to guide the licensing authority, is unconstitutional." Id. at 150-151.

Cantwell v. Connecticut dealt with the First Amendment right to exercise one's freedom of religion in public areas. In that case, the state suggested that if a licensing officer acts arbitrarily, capriciously or even corruptly, the harm is not irreparable, as individuals have a judicial remedy available. The Supreme Court responded to this argument by noting that "A statute authorizing previous restraint upon the exercise of the guaranteed freedom by judicial decision after trial is as obnoxious to the constitution as one providing for like restraint by administrative action." Cantwell at 306.

The inclusion of these two decisions in Bruen underscores the Supreme Courts' admonition that "The constitutional right to bear arms in public for self-defense is not "a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees." Bruen at 70, quoting McDonald, 561 U.S. at 780. It also underscores an argument that has been made by Westbrook, that a firearm licensing regime is not intended to be a two-step process involving both administrative action and judicial review.

In short, even if most reasonable people would agree that protecting individuals from a danger that is inherent in the possession of a firearm is a legitimate and important government interest, the government's regulation of Second Amendment rights, like the regulation of First Amendment rights, must incorporate constitutional protections and must do so from the start, that is, at the administrative hearing, not just upon further judicial review.

Like the LTC statute, Massachusetts laws concerning civil commitments, discussed above, and the various statutes identified by the Supreme Court in Bruen, are centered on how determinations concerning danger to self or others will be made. Other statutes, however, require a determination whether such danger is reasonably foreseeable or likely. By way of example, in Massachusetts, an order to disarm an individual on an emergency basis must be based on a finding that "the plaintiff demonstrates a substantial likelihood of immediate danger...". G.L. c. 209A, §3B. These laws, and indeed most statutes that regulate conduct and limit individual liberty, require the appraisal of facts and the consideration of probabilities and likelihood.

G.L. c. 140, § 131 differs in its scope and in the amount of discretion it allows. The definition of suitability in the current statute allows a government official to deny an individual the right to bear arms in public for self-defense not based on a probability or reasonably foreseeable circumstances, but on behavior that merely "suggests" to the chief of police that an applicant "may" create a risk to public safety. This language is both broad and vague, and I have found no

historical tradition for a statute that delimits the right to bear arms (or any other constitutional right for that matter) in such soft, indeed spongy terms.[2]

Statutory words and phrases must be construed "according to the common and approved usage of the language." G.L. c. 4, §6. Black's Law Dictionary has provided a definition of the word "suggestion." It states that "it is in the nature of a hint or insinuation and lacks the element of probability. Facts which merely suggest do not raise an inference of the existence of the fact suggested, and therefore a suggestion is much less than an inference or presumption." *Black's Law Dictionary*, 1285 (1979 5th Edition). Similarly, dictionaries list the words imply, hint, intimate and insinuate as synonyms for the word suggest. *The American Heritage Dictionary of The English Language, 1731 (*2000 4th Edition).

A law that gives a local official broad discretion to deny a First Amendment right to publicly protest government action or to express a religious belief in public based on a hint or an insinuation of danger to the public would not be tolerated. Likewise, a standard of unsuitability based on a hint, an intimation or an insinuation is not permissible because it allows the government to exercise more than a modicum of discretion, and more than that which is allowed in the licensing regimes identified favorably in Bruen. The amount of discretion the terms of G.L. c. 140, §131 impart in their common usage is simply inconsistent with historical tradition and the narrow, objective, definite standard that is required to survive scrutiny post-Bruen.

Conclusion

The United States Supreme Court has decided that there is a fundamental right to carry a handgun in public for self-defense. Laws that regulate Second Amendment rights must be consistent with historical precedent and may not give licensing authorities more than the minimal amount of discretion necessary to determine whether applicants would present a danger to themselves or others if armed. Judges may no longer decide Second Amendment challenges based on traditional balancing tests, and the government has the burden of demonstrating a historical tradition that supports its restriction on the right to carry a handgun. In this case, I find that, as a matter of law, there is an historical tradition in this country of denying firearms to individuals who have demonstrated they would likely be dangerous if armed. The Chief, however, has not demonstrated an historical tradition that would support a law like G.L. c. 140, §131 that is based not on probability or even reasonable inference, but on a

[2] 1 Some courts have concluded that there is a very broad historical tradition of prohibiting individuals who are members of groups that are simply perceived to pose a danger to public safety if armed from having guns. As proof they cite bans on gun ownership by African Americans, Native Americans, and Catholics. Although such prohibitions unfortunately did exist, it is now clear they were based on racism and bigotry. The suggestion that racist and bigoted laws, that we now recognize as wholly unconstitutional, should be considered in determining what the Second Amendment means is not instructive and is somewhat disconcerting.

suggestion, a hint, or an insinuation that there may be danger. The law is inconsistent with what the United States Supreme Court stated in Bruen concerning the rights protected by the Second and Fourteenth Amendments.

Order

For all the above reasons, the decision denying Westbrook an LTC must be reversed and the LTC is to issue. Westbrook's petition for fees and costs and any further relief is denied.

William P. Hadley, First Justice

Holyoke District Court

May 20, 2024

EXHIBIT B

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss

District Court Department
Fall River Division
No.: 2232CV541

ISAIAH EMANUEL ECHEVERRE

v.

CHARLES J. CULLEN, DEPUTY CHIEF OF
FALL RIVER POLICE DEPARTMENT

JUDGMENT ON PETITION FOR JUDICIAL REVIEW

The court having heard form the parties and having considered the petition finds and rules as follows:

1. The petitioner was duly licensed to carry a firearm pursuant to G.L. c. 140 §131.
2. The licensing authority issued a notice of suspension deeming him unsuitable based on a criminal complaint which issued on July 19, 2021 (the complaint was issued January 9, 2021 and the petitioner was arraigned on July 19, 2021).
3. The complaint was ultimately dismissed.
4. The Notice of Suspension (dated 8/3/21 and received on May 2, 2022) is the only issue before the court in this petition for review.
5. The Petitioner contends that the suspension of his license on the licensing authority's discretionary determination of unsuitability is violative of the petitioner's rights under the Second and Fourteenth Amendments to the Constitution of the United States as recognized in *New York State Rifle and Pistol Assn., Inc. v. Bruen*, 597 U. S. 1 (2022).
6. The court agrees that the discretionary suspension (or grant) of a constitutionally guaranteed right to which our case law requires courts to defer (See *Howard v. Chief of Police of Wakefield*, 59 Mass. App. Ct. 901 (2003) and *Godfrey v. Chief of Police of Wellesley*, 35 Mass. App. Ct. 42 (1993)) is inconsistent with the *Bruen* holding.

There may be subsequent, statutorily disqualifying events in the Petitioner's history since the notice of suspension at issue in this case, but those are not before the court. For purposes of this petition appealing the August 3, 2021 notice of suspension, the appeal is ALLOWED.

Dated: May 14, 2024

Kevin J. Finnerty, District Court Judge

EXHIBIT C

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURT

FRANKLIN, ss.

DISTRICT COURT
DEPARTMENT
OF THE TRIAL COURT
GREENFIELD DIVISION
CIVIL ACTION NO. 23 41 CV 108

Christopher Hewitt,
Petitioner]
]
vs.]
]
Bernardston Police Department,]
Respondent]

The within matter came before the court for hearing on May 24, 2024 on an appeal from the decision of the Bernardston Police Department denying the Petitioner's application for a license to carry firearms by letter dated April 8, 2023.

FINDINGS OF FACT AND ANALYSIS:

After hearing the Petitioner as well as the Chief of the Bernardston Police Department and after reviewing all documentation offered by both parties the court finds and rules as follows:

1. The Petitioner was licensed to carry firearms through the City of Greenfield where he worked as a police officer for some period of time.
2. On June 20 and 22, 2022 the Petitioner had mental health related incidents which which raised concerns about self-harm and which resulted in his self-admittance to McClean Hospital for treatment after-which he was discharged on July 20, 2023.
3. On June 22, 2022 the Greenfield Police department revoked the Petitioner's license to carry presumably because of the mental health related incidents but then reinstated the license to carry after the petitioner's discharge from treatment.
4. On September 24, 2022 the Petitioner was arrested and charged with Operating Under the Influence by the Massachusetts State Police.
5. In the Fall of 2022 the Petitioner resigned his position as a Greenfield Police Officer.
6. In January of 2023 the Petitioner's license to carry issued through Greenfield expired.
7. In March of 2023 the Petitioner applied for a license to carry in the Town of Bernardston where he resided.
8. By letter dated March 24, 2023 the Petitioner's treating Psychologist, Dr. Scott Cornelius offered that he had ben treating the Petitioner for the previous year and a half and opined that the Petitioner was psychologically stable and was fit to exercise good judgement relative to firearms and this letter was submitted by the petitioner in

support of his application for a license to carry firearms but this letter is not in the form of an affidavit as required by M.G.L. c.140, § 131.

9. By letter dated April 28, 2023 the Bernardston Police Chief denied the Petitioner's application for unsuitability based upon multiple OUI events one past and one pending at that time as well as "a commitment to a hospital of institution for mental health, alcohol or substance abuse within the past five years" which would render the Petitioner a prohibited person.
10. On December 4, 2023 the Petitioner's pending Operating Under the Influence charge was dismissed.
11. The Petitioner's criminal history reveals a 2013 juvenile court charge of Operating Under the Influence was also dismissed.
12. Because the Petitioner's hospital admission was voluntary, he was not committed by a court or physician's order as contemplated by M.G.L. c.140, § 131 therefore the Petitioner's voluntary hospitalization did not render him a prohibited person.
13. The sole remaining basis of denial of the application in this case is the licensing authority's unsuitability determination based upon two dismissed criminal cases.
14. The Petitioner argues that the denial of his application for a license to carry based upon the licensing authority's discretionary determination of unsuitability violates his Constitutional rights as recognized by the United States Supreme Court in *New York State Rifle and Pistol Assn., Inc. v. Bruen, 597 U.S. 1 (2022).*
15. This court finds the *Bruen* decision renders unconstitutional both the discretionary determination of unsuitability by the licensing authority as articulated in M.G.L. c.140, § 131 as well as the deference to that decision required of the courts by case law in Massachusetts. *Howard v. Chief of police of Wakefield,* 59 Mass App. Ct. 901 (2003).

This Court finds that the decision of the Respondent violates the Petitioner's constitutional rights and as such it is therefore subject to reversal by this court in this case.

ORDER FOR JUDGMENT:

This court REVERSES the decision of the Bernardston Police Department denying the Petitioner's License to Carry Firearms application and the Petitioner's petition for judicial review is ALLOWED.

William F. Mazanec
Justice
Greenfield District Court

July 17, 2024