

Module 15: Execution Before Judgment

Enforcement, Police Power, and the Drift from Process to Immediate Coercion

Section 1: Module Summary & History

Module 15 examines the structural tension between foundational procedural sequences and modern administrative enforcement. The central theme explores the "enforcement-first world," where the initial point of contact between a citizen and the state is often the exercise of force, such as an arrest, a license suspension, or the seizure of property, rather than the conclusion of a legal process. This module identifies a systemic drift where the administrative state has reversed the traditional order of governance, frequently placing the practical consequences of power before any meaningful adjudication has occurred.

The core friction exists between the common-law presumption of process and the modern reality of immediate administrative intervention. In contemporary governance, enforcement is often used as a mechanism to compel a process that should have authorized the enforcement in the first place. This creates a procedural crisis where the exercise of power is assumed to be proof of its own authority. To address this friction, the module poses the specific **Firewall Question**: "*Was force or enforcement imposed before lawful judgment was rendered?*"

The Timeline of Drift (1776 to Present)

The transition from a process-centered legal framework to an enforcement-centered administrative framework occurred through several distinct historical phases:

- **Phase One: 1776 and the Presumption of Process:** At the founding of the American republic, common-law tradition dictated that process mattered above all. Before the government could interfere with life, liberty, or property, an identifiable chain of authority, such as a complaint, warrant, or evidence review, was required. Force was viewed as the result of a legal process already underway, not the starting point.
- **Phase Two: Late 19th Century and the First Crack (1887):** The creation of the Interstate Commerce Commission (ICC) in 1887 marked the shift from adjudication to supervision. While traditional courts resolved disputes after they occurred, administrative bodies were designed to manage conduct continuously. This introduced the concept of government as a "manager" rather than just an adjudicator.
- **Phase Three: The New Deal and Normalization (1930s):** Economic crisis accelerated the expansion of administrative governance. New agencies acquired permanent authority to investigate, license, and compel compliance. Enforcement became a routine feature of public life, and the sequence shifted from "Claim → Process → Judgment → Enforcement" to "Investigation → Administrative Action → Compliance → Review."
- **Phase Four: The Administrative Procedure Act and Institutionalization (1946):** The APA sought to standardize the expanding administrative state. However, it also reflected the reality that administrative adjudication had become a normal component of governance. Procedural protections remained, but their position in the chronology shifted to occur *after* the initial administrative action.

The Rule of Law: Breakdown, Record and Exposure

- **Phase Five: The Licensed Society (1970s):** Administrative governance expanded into daily activities (driving, professional practice, business permits). Compliance became a prerequisite to activity. Government increasingly required citizens to challenge agency actions after sanctions were already imposed.
- **Phase Six: Judicial Deference (1980s):** Courts developed doctrines of restraint, deferring to the specialized expertise of agencies. This further deferred judicial review until after administrative consequences had already taken effect, reinforcing the enforcement-first sequence.
- **Phase Seven: The Age of Emergency Governance (2001–Present):** Following the 9/11 attacks, the logic of "immediate action to prevent harm" became a permanent feature of governance. This reasoning, applied to national security, public health, and finance, prioritizes immediate intervention, with review occurring only after the danger is perceived to have passed.

Core Operational Concepts

- **The Burden Shift:** In the traditional constitutional model, the government bears the responsibility of establishing its authority and proving its case before acting. In the modern administrative model, the burden shifts to the citizen. Because enforcement occurs first, the citizen must devote time, resources, and effort to challenging an established condition or reversing a consequence that has already been imposed.
- **The Operational Mechanism:** The administrative state normalizes this drift through "Continuous Management." By focusing on precaution, prevention, and supervision, institutions justify immediate intervention. This mechanism moves the "process" behind the initial act, effectively making enforcement the starting point for all subsequent legal review.

Glossary of Key Terms

- **Affidavit of Default:** A sworn evidentiary record that formally places the documented chronology (notice, opportunity, and nonresponse) into evidence.
 - **Chronology:** The fundamental method used in constitutional review to determine whether lawful process preceded enforcement or if the sequence was reversed.
 - **Default:** The documented fact that a recipient was provided a meaningful opportunity to respond to a notice and failed to do so within the specified timeframe.
 - **Firewall Question:** The specific analytical inquiry used to test authority: "Was force or enforcement imposed before lawful judgment was rendered?"
 - **Notice:** The first operational instrument of the Chain of Authority Notice System; a documented request for an institution to demonstrate its authority.
 - **Notice of Default:** A record-preservation instrument used to document the expiration of a response period and the recipient's failure to provide an answer.
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The Rule of Law: Breakdown, Record and Exposure

Section 2: Assessment and Review

Multiple-Choice Quiz

1. **What is the primary objective of Module 15?** A. To accuse public officials of misconduct. B. To determine if a specific enforcement action was morally right. C. To establish the order of events in the exercise of authority. D. To advocate for the abolition of administrative agencies.
2. **Which principle requires that constitutional examination be conducted with professionalism and restraint?** A. Veritas Potissimum B. Mutua Observantia C. Conlationem Gratuiti D. The Burden Shift
3. **According to the 1776 procedural baseline, force was viewed as:** A. Proof of authority. B. The beginning of a legal controversy. C. The result of a legal process already underway. D. An unnecessary exception to governance.
4. **What significant shift occurred with the creation of the Interstate Commerce Commission in 1887?** A. The abolition of common law courts. B. The shift from adjudication of disputes to continuous supervision of conduct. C. The requirement that all enforcement be preceded by a jury trial. D. The elimination of federal police power.
5. **How did the New Deal era alter the governing sequence?** A. It moved review to the end of the chain, after administrative action and compliance. B. It required all agencies to obtain a court order before investigating. C. It eliminated the role of the investigator. D. It placed adjudication before investigation.
6. **The Administrative Procedure Act of 1946 is significant because it:** A. Ended the administrative state. B. Institutionalized administrative adjudication as a normal component of governance. C. Forbade enforcement before judgment. D. Required all administrative disputes to be heard in Article III courts.
7. **In the "Licensed Society," what becomes the primary prerequisite for daily activity?** A. Final judgment by a court. B. Administrative approval/compliance. C. A grand jury indictment. D. Personal affidavit of intent.
8. **What is the purpose of a "Notice of Default"?** A. To argue the merits of the original claim. B. To prove the recipient has no authority. C. To preserve the fact that an opportunity to respond passed without an answer. D. To demand an immediate apology from the agency.
9. **A "Default" established in the record proves:** A. That every statement in the original notice is true. B. That the sender has won the legal argument. C. That notice was provided, opportunity was afforded, and no response was received. D. That the recipient's office is now abolished.
10. **The Bureau of Justice Statistics flowchart reveals that in the criminal justice system:** A. Adjudication occurs before arrest. B. Arrest and detention occur near the beginning, while final judgment occurs much later. C. Police power is only exercised after sentencing. D. No process exists after the arrest event.

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Answer Key and Explanations Table

Question	Answer	Explanation
1	C	The module focuses on establishing chronology and understanding the sequence of authority.
2	B	<i>Mutua Observantia</i> emphasizes professionalism and accuracy over hostility.
3	C	In the 1776 baseline, process was expected to precede or authorize the exercise of force.
4	B	The ICC marked the "First Crack," shifting government's role from adjudicator to manager.
5	A	The New Deal normalized a sequence where investigation and action precede meaningful review.
6	B	The APA brought order to agencies but solidified their role as primary adjudicators.
7	B	In a licensed society, compliance is a condition of participation, often preceding review.
8	C	The Notice of Default is a record-preservation tool, not an argumentative one.
9	C	Default records the observable fact of nonresponse; it does not resolve the merits.
10	B	The BJS flowchart demonstrates that the consequence (arrest) precedes the adjudication.

Essay Format Questions

1. **Analyze the "Enforcement-First" Assumption:** Explain how the modern citizen's assumption that "the act proves the authority" differs from the 1776 procedural baseline. How does this shift affect the structural "Firewall" between the citizen and the state?
 2. **The Evolution of Emergency Governance:** Discuss how the logic of "immediate intervention" during crises (national security, public health) has transitioned from a temporary exception to a permanent institutional capability. What are the constitutional implications for the timing of process?
 3. **Synthesis of Record Construction:** Explain the operational relationship between the Notice and the Notice of Default. Why does the Intermediate Course emphasize documenting "silence" as a factual event rather than attempting to compel a response through argument?
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The Rule of Law: Breakdown, Record and Exposure

Section 3: Exemplars Summary and Relevance

Exemplar	Summary	Relevance to Material
Bureau of Justice Statistics (BJS) Flowchart	A map of the criminal justice system showing the sequence: Crime Reported → Investigation → Arrest → Charging → Adjudication.	Illustrates the modern sequence where the initial loss of liberty (arrest) occurs long before final adjudication or judgment.
Child Protective Services (CPS) Sequence	A procedural path involving Allegation → Investigation → Removal (Emergency Measure) → Hearing → Final Disposition.	Demonstrates that significant consequences (separation of parent and child) can occur near the beginning of the process, prior to final adjudication.
Notice of Default Instrument	An operational document recording that a Notice was served, time was provided, and no response was received.	Serves as the primary tool for transforming a recipient's silence or non-response into a documented, evidentiary fact within a record.

Section 4: Expanded Homework Assignment and Practical Application Exercise

Case File: A student is reviewing a case involving a "Lawful Notification of Failure to Demonstrate Lawful Authority Regarding CPS Intervention, Administrative Adjudication, and Parental Rights." The original Notice was properly served on a government agency. The agency received the document and was granted a ten-business-day response period to provide a sworn affidavit demonstrating their authority. The response period has now expired. No response, documentation, or demonstration of authority was provided by the agency.

Procedural Review Assignment

The student must apply the module's review standard to preserve the chronology of this non-response.

- **Step One: Document Service:** Identify the original Notice and the specific date it was served to establish when the "clock" began.
- **Step Two: Calculate Opportunity:** Identify the exact response deadline (ten business days) and confirm that this period has fully expired.
- **Step Three: Verify Non-Response:** Confirm that no sworn affidavit or demonstration of authority was received before the deadline.
- **Step Four: Preserve the Chronology:** Draft the instrument that records these factual events without engaging in argument or accusations regarding the underlying merits of the CPS case.

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Required Document Preparation

The student is required to draft a formal **Notice of Default**. The document must record and preserve the following:

1. **Identity of the Original Notice:** Clearly reference the title and intent of the first document sent.
2. **Proof of Service/Receipt:** State the date the recipient received the original Notice.
3. **The Deadline:** State the specific date the response period expired.
4. **The Fact of Non-Response:** Formally record that no sworn affidavit response or demonstration of authority was provided.
5. **The Entry of Default:** State that a default is now entered upon the record.
6. **Reservation of Rights:** Explicitly include a statement preserving all rights and unrebutted facts.

Final Review Question

How does the formal preservation of a Notice of Default change the evidentiary record when the government has exercised enforcement power before rendering a final judgment?



EXHIBIT B

Commonwealth of Massachusetts Department of Children and Families*

Intake Report - 51A Report

Intake Information		
Intake Name & ID	Encarnacion - 4507824	Hotline <input type="checkbox"/> Office
Report Type & Date	51A Report - 02/06/2025 - 02:22 PM	Worker and Agency Amy Vaughan North Central Intake Unit C
Decision & Date	Screened In: Non-Emergency Response - 02/07/2025 - 02:56 PM	
Status & Date	Approved - 02/07/2025	

Information on Children

Name	[REDACTED]	Birth Sex	Male	Role(s) Reported Child (In Home)
DOB-Age-SSN	05/25/2024 - 8 Months	Primary Language	English	
Address (H)	[REDACTED]	ICWA Race	Unable to Determine	
Other Contact Information				

Name	[REDACTED]	Birth Sex	Male	Role(s) Non-Reported Child (In Home)
DOB-Age-SSN	10/28/2019 - 5 Years	Primary Language	English	
Address	[REDACTED]	ICWA Race	Unknown Black	
Other Contact Information				(C) [REDACTED]

Name	[REDACTED]	Birth Sex	Male	Role(s) Non-Reported Child (In Home)
DOB-Age-SSN	10/21/2014 - 10 Years	Primary Language	English	
Address	[REDACTED]	ICWA Race	No Black	
Other Contact Information				[REDACTED]

Information on Reporter			
Name	Behzad Goharfar	Report Source	Medical Personnel
Type	Mandated		
Address	(B) 19 Pierce Avenue, Pediatrics West Pc Fitchburg, MA 01420	Phone	(B) (978) 577-0437
Other contact information			
What is the reporter's relationship to the child(ren)? No Relationship			
Relationship description: Pediatrician			
Incident date and description: 02/06/2025 - Medical neglect			
When was the reporter's last contact with the family? 2/6/25			
Does the reporter have knowledge of prior abuse/neglect in this family? No			
Has the reporter informed the family that s/he is making the report? Yes			

Reported Concern(s) or Reason(s) for Intake
<p>Mandated reporter alleges the neglect of [REDACTED] age 8 months by father [REDACTED] and mother [REDACTED]. Reporter is unsure if parents live together but father did bring the child into reporters office today. Also in the home but not reported are [REDACTED] age 10, [REDACTED] age 9 , and [REDACTED] age 5.</p> <p>* to note when case last closed the parents were not together, 2021.</p> <p>Reporter stated that child is medically neglected. Reporter stated that the parents did bring the child into the office for his initial newborn visit, and he was seen 2 two days later for a weight check. This was May 29th and May 31st. They had not seen them after this date. Reporter stated he needs a followup for a 1 month and 2 month well child.</p> <p>Reporter stated that the parents had refused vaccinations but still wanted to have him seen for growth and development. They have not showed up to any scheduled appointments. Reporter stated in July of 2024 there was a no show and then on July 18th they sent a letter and have made calls that he needs to be seen. No responses and then on August 7th called again but nothing.</p> <p>Reporter stated that then they got a call from father stating that they are going to Reliant Medical. Reporter stated okay and went over with them how to go about it.</p> <p>Reporter stated that in January of 2025, father called asking for a letter for [REDACTED] for SSI. Reporter stated no and that he needs to be seen and that his records were still at their office and he is still their patient.</p> <p>Reporter was able to see in his virtual records of Er's, that in October of 2024, he was seen in the ER for cold like symptoms, and then on Nov 17th was in the ER , and then he was sent to UMASS on the Nov 17th to Nov 19th due to Pneumonia. It was recommended that he follow up with his pediatrician and that never happened.</p> <p>Reporter stated again last week, father called to get him seen but for the SSI letter. Father said he is healthy and he did not know about the hospital stay and why they did not follow up. Father was told of the 51A.</p> <p>[REDACTED] looks well and is healthy. Reporter stated that the parent's wanted the letter and that is why they came today. Reporter tried to find out where the other three children go but could not find out where and they do not come to reporter's practice. No further appointment was made.</p>

EXHIBIT C

**Commonwealth of Massachusetts
Department of Children and Families***

Intake Report - 51A Report

Intake Information			
Intake Name & ID	Encarnacion Rivera - 4515187	Hotline <input type="checkbox"/>	Office
Report Type & Date	51A Report - 03/07/2025 - 09:42 AM	Worker and Agency	
Decision & Date	Screened In: Non-Emergency Response - 03/07/2025 - 10:28 AM	Gillian Jurado North Central Intake Unit D	
Status & Date	Approved - 03/07/2025		

Information on Children

Name	[REDACTED]	Birth Sex	Female	Role(s) Reported Child (In Home)
DOB-Age	02/18/2021 - 4 Years	Primary Language	English	
SSN		ICWA Race	Unable to Determine	
Address	[REDACTED]	Other Contact Information		

Name	[REDACTED]	Birth Sex	Male	Role(s) Reported Child (In Home)
DOB-Age	10/21/2014 - 10 Years	Primary Language	English	
SSN		ICWA Race	No Black	
Address	[REDACTED]	Other Contact Information		

Name	[REDACTED]	Birth Sex	Male	Role(s) Reported Child (In Home)
DOB-Age	05/25/2024 - 9 Months	Primary Language	English	
SSN		ICWA Race	Unable to Determine	
Address	[REDACTED]	Phone		
		Other Contact Information		

EXHIBIT D



Fitchburg Police Department Incident Report

Page: 1
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Incident #: 25-9484-E-OF
Call #: 25-9484

Date/Time Reported: 03/05/2025 1221
Report Date/Time: 03/06/2025 1454
Status: Incident Open

Involves: Juveniles
Reporting Officer: Detective TABITHA PEPPLA
Approving Officer: Detective Lt DANIEL BELLOFATTO

Signature: _____

Signature: _____

#	SUSPECT(S)	SEX	RACE	AGE	SSN	PHONE
1	[REDACTED]	F	B	30	[REDACTED]	[REDACTED]

Military Active Duty: N
 HEIGHT: 504 WEIGHT: 250 HAIR: BROWN EYES: BROWN
 BODY: NOT AVAIL. COMPLEXION: NOT AVAIL.
 DOB: 12/20/1994 PLACE OF BIRTH: NOT AVAIL.
 LICENSE NUMBER: MA [REDACTED] ETHNICITY: HISPANIC

[CONTACT INFORMATION]

Home Phone (Primary) [REDACTED]

[APPEARANCE]

GLASSES WORN: NO

#	OFFENSE(S)	ATTEMPTED	TYPE
	LOCATION TYPE: Residence/Home/Apt./Condo Zone: Crew 5		
1	KIDNAPPING MINOR BY RELATIVE 265/26A/A 265 26A OCCURRED: 03/05/2025 1221 WEAPON/FORCED USED: None	N	Felony
2	KIDNAPPING MINOR BY RELATIVE 265/26A/A 265 26A OCCURRED: 03/05/2025 1221 WEAPON/FORCED USED: None	N	Felony
3	KIDNAPPING MINOR BY RELATIVE 265/26A/A 265 26A OCCURRED: 03/05/2025 1221 WEAPON/FORCED USED: None	N	Felony

Fitchburg Police Department
Incident Report

Page: 2
03/31/2025


Incident #: 25-9484-E-OF
Call #: 25-9484

#	OFFENSE(S)	ATTEMPTED	TYPE
4	KIDNAPPING MINOR BY RELATIVE 265/26A/A 265 26A OCCURRED: 03/05/2025 1221 WEAPON/FORCED USED: None	N	Felony
5	KIDNAPPING MINOR BY RELATIVE 265/26A/A 265 26A OCCURRED: 03/05/2025 1221 WEAPON/FORCED USED: None	N	Felony

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
1	[REDACTED] DOB: 10/21/2014 INJURIES: None ETHNICITY: Hispanic RESIDENT STATUS: Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 1 RELATION TO: [REDACTED] CONTACT INFORMATION: Home Phone (Primary) [REDACTED]	M	W	10	NOT AVAIL	[REDACTED]
2	[REDACTED] DOB: 08/31/2015 INJURIES: None ETHNICITY: Hispanic RESIDENT STATUS: Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 2 RELATION TO: [REDACTED] CONTACT INFORMATION: Home Phone (Primary) [REDACTED]	M	W	9	NOT AVAIL	[REDACTED]
3	[REDACTED] DOB: 10/28/2019 INJURIES: None ETHNICITY: Hispanic RESIDENT STATUS: Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 3 RELATION TO: [REDACTED] CONTACT INFORMATION: Home Phone (Primary) [REDACTED]	M	W	5	NOT AVAIL	[REDACTED]

EXHIBIT F

Date/Time Printed: 03-06-2025 16:50:35 Revised: 07/16

CRIMINAL COMPLAINT DEFENDANT COPY		DOCKET NUMBER 2516CR000220	NO. OF COUNTS 5	Trial Court of Massachusetts District Court Department	
DEFENDANT NAME & ADDRESS <div style="background-color: black; width: 100px; height: 50px; margin-top: 5px;"></div>				COURT NAME & ADDRESS Fitchburg District Court 100 Elm Street Fitchburg, MA 01420 (978)345-2111	
DEFENDANT DOB 02/25/1994	COMPLAINT ISSUED 03/06/2025	DATE OF OFFENSE 03/05/2025	ARREST DATE		
OFFENSE CITY / TOWN <div style="background-color: black; width: 50px; height: 15px; margin-top: 5px;"></div>		OFFENSE ADDRESS <div style="background-color: black; width: 80px; height: 15px; margin-top: 5px;"></div>		<b style="font-size: 2em; color: blue;">WARRANT	
POLICE DEPARTMENT Fitchburg PD		POLICE INCIDENT NUMBER 25-113-WA		NEXT SCHEDULED EVENT	
OBTN	PCF NUMBER 3107847	DEFENDANT XREF ID 12641836	ROOM / SESSION		
<p>The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date(s) indicated below the defendant committed the offense(s) listed below and on any attached pages.</p>					

COUNT	CODE	DESCRIPTION
1	265/26A/A	KIDNAPPING MINOR BY RELATIVE c265 §26A
<p>On 03/05/2025, being a relative of A.R. (10 yrs old) a child less than 18 years old, did, without lawful authority, hold or intend to hold such child permanently or for a protracted period, or did take or entice such child from such child's lawful custodian, in violation of G.L. c.265, §26A.</p> <p>PENALTY: house of correction not more than 1 year, or not more than \$1000; or both.</p>		
2	265/26A/A	KIDNAPPING MINOR BY RELATIVE c265 §26A
<p>On 03/05/2025, being a relative of A.R. (9 yrs old), a child less than 18 years old, did, without lawful authority, hold or intend to hold such child permanently or for a protracted period, or did take or entice such child from such child's lawful custodian, in violation of G.L. c.265, §26A.</p> <p>PENALTY: house of correction not more than 1 year, or not more than \$1000; or both.</p>		
3	265/26A/A	KIDNAPPING MINOR BY RELATIVE c265 §26A
<p>On 03/05/2025, being a relative of A.R. (5 yrs old), a child less than 18 years old, did, without lawful authority, hold or intend to hold such child permanently or for a protracted period, or did take or entice such child from such child's lawful custodian, in violation of G.L. c.265, §26A.</p> <p>PENALTY: house of correction not more than 1 year, or not more than \$1000; or both.</p>		
4	265/26A/A	KIDNAPPING MINOR BY RELATIVE c265 §26A
<p>On 03/05/2025, being a relative of A.H. (4 yrs old), a child less than 18 years old, did, without lawful authority, hold or intend to hold such child permanently or for a protracted period, or did take or entice such child from such child's lawful custodian, in violation of G.L. c.265, §26A.</p> <p>PENALTY: house of correction not more than 1 year, or not more than \$1000; or both.</p>		
5	265/26A/A	KIDNAPPING MINOR BY RELATIVE c265 §26A
<p>On 03/05/2025, being a relative of A.R. (9 months old), a child less than 18 years old, did, without lawful authority, hold or intend to hold such child permanently or for a protracted period, or did take or entice such child from such child's lawful custodian, in violation of G.L. c.265, §26A.</p> <p>PENALTY: house of correction not more than 1 year, or not more than \$1000; or both.</p>		

SIGNATURE OF COMPLAINANT <div style="font-size: 2em; font-family: cursive;">X</div>	SWORN TO BEFORE CLERK-MAGISTRATE/ASST CLERK/DEP. ASST. CLERK <div style="font-size: 2em; font-family: cursive;">X</div>	DATE
NAME OF COMPLAINANT	A TRUE COPY ATTEST <div style="font-size: 2em; font-family: cursive;">X</div>	CLERK-MAGISTRATE/ ASST. CLERK DATE

Notice to Defendant: 42 U.S.C. § 3796gg-4(e) requires this notice: If you are convicted of a misdemeanor crime of domestic violence you may be prohibited permanently from purchasing and/or possessing a firearm and/or ammunition pursuant to 18 U.S.C. § 922 (g) (9) and other applicable related Federal, State, or local laws.

CourtView Justice Solutions

Fitchburg District Court

Event Maintenance

Restricted

Reminder

2516AG000257WR Fitchburg Police Department v. Rivera, Isael

* Event Type

* Session

Judge Type ▾

Judge

Location Type ▾

Courtroom

Locality ▾

Session Calendar

Scheduled Date/Time : 1

BLK FULL	Date	Start Time	End Time	Session	Judge	Courtroom	Virtual Event Type
<input checked="" type="checkbox"/>	03/06/2025	09:00 AM	09:15 AM	Magistrate's Review			In Person ▾

Schedule Resource(s) : 0

* Resource Type	* Resource	* Start Time	* End Time	Result	Result Date	Comments

Event Length : 0

Start Time	End Time	Duration

Interpreter Information : 0

Party Name	Party Type	Language

Scheduled Participants :

Name/Alias	Party Type	Party Number	STATUS	Dismiss Date	Appeared
<input type="checkbox"/> Rivera, Isael	Defendant				<input type="checkbox"/>
<input type="checkbox"/> Fitchburg Police Department	Applicant	1			<input type="checkbox"/>

Scheduled Motions : 0

Motion Type	Motion Status	Motion Role	Full Name	Party Type	Nbr

Scheduled Sub Actons/Subjects : 0

Sub Action/Subject Number	Action Code	Sub Action/Subject Status	Status Date	Pleading Party	Respondent Party

Straight Warrant

DOCKET NUMBER
2516CR000219

NO. OF COUNTS
5

**Trial Court of Massachusetts
District Court Department**



DEFENDANT NAME
[REDACTED]

COURT NAME & ADDRESS

Fitchburg District Court
100 Elm Street
Fitchburg, MA 01420
(978)345-2111

EXHIBIT F-1

ADDRESS
[REDACTED]

DATE OF COMPLAINT
03/06/2025

DOB
12/20/1994

GENDER
Female

SID NO.

POLICE DEPARTMENT OF OFFENSE
Fitchburg PD

PCF NO.
5312133

OFFENSE LOCATION
Fitchburg

SOC. SEC. NO.
[REDACTED]

DRIVER'S LICENSE NUMBER
[REDACTED]

STATE
MA

ETHNICITY
Not known / Not repo

COMPLEXION

HAIR
Black

EYES
Brown

HEIGHT
5'6"

WEIGHT
210

HOME PHONE
[REDACTED]

EMPLOYER NAME
[REDACTED]

FIRST TEN OFFENSE COUNTS

COUNT	CODE	OFFENSE DESCRIPTION	DATE OF OFFENSE
1	265/26A/A	KIDNAPPING MINOR BY RELATIVE c265 §26A	03/05/2025
2	265/26A/A	KIDNAPPING MINOR BY RELATIVE c265 §26A	03/05/2025
3	265/26A/A	KIDNAPPING MINOR BY RELATIVE c265 §26A	03/05/2025
4	265/26A/A	KIDNAPPING MINOR BY RELATIVE c265 §26A	03/05/2025
5	265/26A/A	KIDNAPPING MINOR BY RELATIVE c265 §26A	03/05/2025

REASON FOR WARRANT

Defendant May Not Appear Unless Arrested

TO ANY OFFICER AUTHORIZED TO SERVE CRIMINAL PROCESS:

You are hereby commanded to arrest the above-named defendant and to bring the defendant forthwith before this court to answer to the offense(s) listed above and to be dealt with according to law.

TESTE OF FIRST JUSTICE
WITNESS: Hon. Christopher P. LoConto

DATE ISSUED
03/06/2025

SIGNATURE OF CLERK-MAGISTRATE / ASST. CLERK

X

RETURN OF SERVICE

A TRUE COPY ATTEST

I certify that the defendant has been arrested and surrendered to the court.

At the request of the prosecutor, I am returning this warrant without service to the court, and I request that it be cancelled pursuant to Mass. R. Crim. P 6(c)(4)

DATE & TIME OF RETURN

SIGNATURE OF OFFICER

X

TITLE OF PERSON MAKING RETURN

X

A TRUE COPY ATTEST

CLERK-MAGISTRATE/ ASST. CLERK

X

ON (DATE)

APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO.(COURT USE ONLY)

PAGE

1 of 2

Trial Court of Massachusetts District Court Department



**Fitchburg District Court
100 ELM ST
FITCHBURG, MA. 01420**

ARREST STATUS OF ACCUSED

HAS HAS NOT been arrested

INFORMATION ABOUT ACCUSED

NAME (FIRST MI LAST) AND ADDRESS EXHIBIT F-2 [REDACTED]				BIRTH DATE 12/20/1994		SOCIAL SECURITY NUMBER [REDACTED]	
				PCF NO.		MARITAL STATUS	
				DRIVERS LICENSE NO. [REDACTED]			STATE MA
HAIR BRO		RACE B	COMPLEXION	SCARS/MARKS/TATTOOS	INTERPRETER NEEDED (language)	BIRTH STATE OR COUNTRY	DAY PHONE [REDACTED]
EMPLOYER/SCHOOL			MOTHER'S MAIDEN NAME (FIRST MI LAST)		FATHER'S NAME (FIRST MI LAST)		

CASE INFORMATION

COMPLAINANT NAME (FIRST MI LAST) TABITHA L PEPPE		COMPLAINANT TYPE <input checked="" type="checkbox"/> POLICE <input type="checkbox"/> CITIZEN <input type="checkbox"/> OTHER		PD FIT
ADDRESS Fitchburg Police Department 20 Elm Street Fitchburg, MA. 01420		PLACE OF OFFENSE Fitchburg, MA		
		INCIDENT REPORT NO. 25-112-WA	OBTN	
CITATION NO(S).				

OFFENSE CODE 265/26A/A	DESCRIPTION KIDNAPPING MINOR BY RELATIVE	OFFENSE DATE 03/05/2025
1 VARIABLES (e.g. victim name, controlled substance, type and value of property, other variable information; see Complaint Language Manual) A.R. (10 years old) VICTIM(S): The victim is otherwise known to the commonwealth; WEAPON(S): Unknown;		
OFFENSE CODE 265/26A/A	DESCRIPTION KIDNAPPING MINOR BY RELATIVE	OFFENSE DATE 03/06/2025
2 VARIABLES A.H. (9 years old) VICTIM(S): The victim is otherwise known to the commonwealth; WEAPON(S): None;		
OFFENSE CODE 265/26A/A	DESCRIPTION KIDNAPPING MINOR BY RELATIVE	OFFENSE DATE 03/06/2025
3 VARIABLES A.R. (5 years old) VICTIM(S): The victim is otherwise known to the commonwealth; WEAPON(S): None;		

REMARKS SID#	COMPLAINANT'S SIGNATURE X [Signature]	DATE FILED 05/06/2025
COURT USE ONLY	A HEARING UPON THIS COMPLAINT APPLICATION } WILL BE HELD AT THE ABOVE COURT ADDRESS ON	DATE OF HEARING [Signature]
		TIME OF HEARING [Signature]

DATE	PROCESSING OF NON-ARREST APPLICATION(COURT USE ONLY)	CLERK/JUDGE
NOTICE SENT OF CLERK'S HEARING SCHEDULED ON:		
NOTICE SENT OF JUDGE'S HEARING SCHEDULED ON:		
HEARING CONTINUED TO:		
APPLICATION DECIDED WITHOUT NOTICE TO ACCUSED BECAUSE: <input type="checkbox"/> IMMINENT THREAT OF <input type="checkbox"/> BODILY INJURY <input type="checkbox"/> CRIME <input type="checkbox"/> FLIGHT BY ACCUSED <input type="checkbox"/> FELONY CHARGED AND POLICE DO NOT REQUEST NOTICE <input type="checkbox"/> FELONY CHARGED BY CIVILIAN; NO NOTICE AT CLERK'S DISCRETION		

A TRUE COPY ATTEST

[Signature]

DATE	COMPLAINT TO ISSUE	COMPLAINT DENIED	CLERK/JUDGE
	<input type="checkbox"/> PROBABLE CAUSE FOUND FOR ABOVE OFFENSE(S) NO(S). <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. BASED ON <input type="checkbox"/> FACTS SET FORTH IN ATTACHED STATEMENT(S) <input type="checkbox"/> TESTIMONY RECORDED: TAPE NO. _____ START NO. _____ END NO. _____ <input type="checkbox"/> WARRANT <input type="checkbox"/> SUMMONS TO ISSUE ARRAIGNMENT DATE:	<input type="checkbox"/> NO PROBABLE CAUSE FOUND <input type="checkbox"/> REQUEST OF COMPLAINANT <input type="checkbox"/> FAILURE TO PROSECUTE <input type="checkbox"/> AGREEMENT OF BOTH PARTIES <input type="checkbox"/> OTHER:	CLERK-MAGISTRATE
COMMENT			

LAWFUL NOTIFICATION OF FAILURE TO DEMONSTRATE LAWFUL AUTHORITY REGARDING CPS INTERVENTION, ADMINISTRATIVE ADJUDICATION, AND PARENTAL RIGHTS

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

I, _____, one of the People, as recognized in the constitutions of the several States, republican in form, and sui juris, do present you with this lawful notification so that you and your agents may provide due care and exact and constant observance of the limitations imposed upon you, including the duty to act only within lawful authority and the corresponding prohibition against acting beyond, outside, or in the absence of such authority.

IDENTIFICATION OF THE ACT

Please take notice that the following act is hereby formally identified and placed upon the record:

That within the several States of the Union, Child Protective Services agencies, departments, contractors, administrative tribunals, administrative hearing officers, family courts, and associated governmental actors have engaged in the investigation, adjudication, restriction, supervision, removal, or transfer of parental custody and parental rights through administrative and quasi-administrative procedures operating under claim of lawful authority.

Said acts have been directed toward parents, families, and children, affecting parental authority, family integrity, liberty interests, custodial rights, and due process protections, and have been carried out through investigations, administrative determinations, emergency removals, dependency proceedings, family court proceedings, administrative funding programs, and related enforcement mechanisms, all presently maintained and enforced under claim of lawful authority.

FINDINGS OF VIOLATION

Please take notice that the identified acts have been examined against the required elements of lawful authority.

The following defects appear upon review:

- Failure to demonstrate lawful source of authority
- Failure to demonstrate express constitutional delegation
- Jurisdictional defects requiring demonstration
- Combination of investigative, executive, and adjudicative functions
- Administrative substitution for constitutional process
- Jury displacement
- Due process concerns requiring demonstration
- Presumption replacing proof

- ☑ Institutional self-ratification and circular review
- ☑ Failure to demonstrate continuous accountability to the People
- ☑ Potential ultra vires execution absent demonstrated authority
- ☑ Rights conditioned through administrative process rather than secured through constitutional limitation

These findings correspond to recognized Firewall review categories, including jurisdictional defect, absence of delegation, procedural supersession, jury displacement, administrative circularity, combination of powers, and displacement of the People from their retained constitutional role.

FOUNDATIONAL LAW

Please take notice that all political power is inherent in the People and sovereignty itself remains with the People by whom and for whom all government exists and acts. Government therefore possesses only delegated authority and must remain accountable to those from whom that authority derives.

Please take notice that lawful authority cannot be presumed from office, title, procedure, institutional practice, administrative custom, or long-standing usage. Every exercise of governmental authority must remain traceable through a complete chain of lawful authority beginning with the People, proceeding through constitutional delegation, operating within lawful limitation, conforming to due process, and remaining continuously subject to accountability.

Please take notice that due process is a condition precedent to lawful deprivation of life, liberty, property, parental authority, reputation, or civil standing. Enforcement cannot lawfully precede authority, jurisdiction, and process.

Please take notice that where lawful authority cannot be demonstrated, the claimed authority does not arise and any act dependent upon that authority remains subject to challenge as void ab initio.

DEMAND FOR DEMONSTRATION OF AUTHORITY

You are hereby required to identify and demonstrate by sworn affidavit under penalty of perjury:

1. The constitutional source from which authority to interfere with parental rights is claimed.
2. The specific delegation authorizing administrative actors to investigate, supervise, restrict, remove, or transfer parental custody.
3. The specific delegation authorizing administrative tribunals, hearing officers, or non-jury proceedings to adjudicate matters affecting parental authority and family integrity.
4. The authority permitting investigative, prosecutorial, and adjudicative functions to exist within the same institutional framework.
5. The authority permitting deprivation or restriction of parental rights prior to final adjudication.

6. The authority permitting administrative findings to substitute for jury determination where protected rights are affected.
7. The accountability mechanism through which affected families may obtain independent review of the authority claimed.
8. The complete Chain of Authority supporting the acts identified herein.

FACT-SPECIFIC ANALYSIS

The following facts require demonstration or rebuttal:

- Administrative agencies investigate allegations involving parental authority.
- Agency personnel often initiate enforcement actions based upon internal determinations.
- Administrative findings are frequently relied upon in subsequent proceedings.
- Family matters are commonly adjudicated without participation of a traditional jury.
- Investigative, enforcement, and adjudicative functions frequently remain within interconnected institutional structures.
- Administrative procedures are frequently asserted as sufficient authority for actions affecting family integrity and parental rights.
- Authority is often presumed from institutional position rather than specifically demonstrated through a complete constitutional chain.

These findings are factual categories requiring response and demonstration rather than assumption. The purpose of this notice is review of authority, not accusation.

AUTHORITIES RELIED UPON

- U.S. Constitution, Article VI, Clause 2
- Fifth Amendment
- Fourteenth Amendment
- Yick Wo v. Hopkins, 118 U.S. 356 (1886)
- Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803)
- McCulloch v. Maryland, 17 U.S. (4 Wheat.) 316 (1819)
- Dr. Bonham's Case, 8 Co. Rep. 114a (1610)

DETERMINATION

Please take notice that lawful authority is not presumed.

Until the requested authority is demonstrated through a complete constitutional chain, the acts identified herein remain subject to findings of:

- Source of authority failure
- Jurisdictional defect
- Absence of demonstrated delegation
- Procedural supersession
- Administrative substitution

- Jury displacement
- Institutional self-ratification
- Failure of accountability

Where any required condition of lawful authority fails, lawful authority does not arise. If lawful authority cannot be demonstrated, the act is unlawful and void ab initio.

CONCLUSION AND DEMAND

You are required to respond within ten (10) business days by sworn affidavit under penalty of perjury fully tracing the lawful authority relied upon for the acts identified herein.

Failure to respond shall be preserved as part of the constitutional record and may give rise to evidentiary presumptions arising from unrebutted facts, omissions, and failures to demonstrate authority.

This Notice is provided in peace and for the purpose of constitutional review, lawful record construction, and preservation of the rights and authority retained by the People.

Executed this _____ day of _____, 20.

Autograph: _____

Printed Name: _____

Address: _____

Witness #1: _____

Witness #2: _____