**SAMPLE INFORMAL REPLY BRIEF**

**COMMONWEALTH OF MASSACHUSETTS**

**APPEALS COURT**

**Docket Number: 202#-P-0123**

**The Three Bears, plaintiffs-appellees**

**vs.**

**Goldilocks, defendant-appellant**

**On Appeal From Norfolk Superior Court**

**Informal Appellant Reply Brief of Goldilocks**

July 5, 2025

Goldilocks (She/her)

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**Important Note: This is a sample informal reply brief intended to show how a party may prepare an informal reply brief. This sample is for demonstration purposes only and not intended to provide legal advice. The case law cited here is fictitious and does not represent real statements of the law, and must not be relied upon in any way.**

**LEGAL ARGUMENT**

 The judge was wrong to instruct the jury to ignore my defense of necessity, and this error severely prejudiced my case. (RA p.60) The Bears claim in their appellee brief that the judge was right because I created my own emergency and did not exhaust other reasonable options before entering their cottage, therefore the defense was not available.

 Whether I created my own "emergency" was a question of fact, and the jury -- not the judge -- should have decided this question. Big Bad Wolf v. Three Little Pigs, 987 Mass. 789, 790 (1979). While it is true that I left my home without food, water, a compass, a phone, or a map, that does not mean I gave up the right to claim the necessity defense. In Beast v. Belle, 222 Mass. 150, 155 (2002), the court allowed the jury to consider Belle's necessity defense when she entered Beast's castle without Beast's permission to escape a dangerous blizzard; the judge did not instruct the jury not to consider the defense because Belle forgot a map and failed to dress appropriately for winter weather. Same here, the jury should have been allowed to consider my defense of necessity and decide if I created my own emergency.

 Furthermore, the Bears claimed that I did not exhaust all reasonable alternatives before entering their cottage. (RA p.70-72) See Silver-furred Wolf v. Little Red Riding Hood, 389 Mass. 581, 590-592 (1983) (defense of necessity permits individual to take actions that would otherwise be unlawful when they are necessary to prevent greater harm). Again, whether I exhausted all reasonable alternatives before entering the Bears' cottage was a question of fact for the jury. The Bears say that I could have planned my walk better, asked for help from one of the Bears' neighbors, or found a Park Ranger's Station, but I say that I was lost, exhausted, starving, and had been walking in the freezing forest for four hours. (Goldilocks testimony, transcript vol.2, p.52)

 In my mind, those options were not viable. (TR.2, p.53) I thought I was going to die alone in the forest if I did not immediately find food and shelter. (Tr.2, p.53) For all these reasons, the judge should not have taken my necessity defense away from the jury's consideration by instructing them to ignore it.

**CONCLUSION/RELIEF REQUESTED**

 Based on everything I said here and in my main brief, I ask the Appeals Court to reverse the Superior Court's judgment finding me liable for trespass, conversion of property, and infliction of emotional distress, and vacate the jury's damage award. The Appeals Court should either enter a new judgment for me on all claims or remand for a new trial.

Respectfully submitted,

/s/ Goldilocks

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July 5, 2025

**CERTIFICATE OF SERVICE**

 Pursuant to Mass. R.A.P. 13 (e), I hereby certify, under the penalties of perjury, that on this date of July 2, 2025, I served via the Appeals Court's electronic filing system a complete copy of this Informal reply Brief by sending it to the parties listed below at their email address:

Papa Bear and Mama Bear, thethreebears@bluehillsforest.com

/s/ Goldilocks

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