

NOTICE: Summary decisions issued by the Appeals Court pursuant to M.A.C. Rule 23.0, as appearing in 97 Mass. App. Ct. 1017 (2020) (formerly known as rule 1:28, as amended by 73 Mass. App. Ct. 1001 [2009]), are primarily directed to the parties and, therefore, may not fully address the facts of the case or the panel's decisional rationale. Moreover, such decisions are not circulated to the entire court and, therefore, represent only the views of the panel that decided the case. A summary decision pursuant to rule 23.0 or rule 1:28 issued after February 25, 2008, may be cited for its persuasive value but, because of the limitations noted above, not as binding precedent. See Chace v. Curran, 71 Mass. App. Ct. 258, 260 n.4 (2008).

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

25-P-309

COMMONWEALTH

vs.

BRENDAN RODDY.

MEMORANDUM AND ORDER PURSUANT TO RULE 23.0

After a jury-waived trial, the defendant was convicted of operating a motor vehicle while under the influence of alcohol (OUI) and negligent operation of a motor vehicle.¹ In a subsequent proceeding, the defendant pleaded guilty to the subsequent offense portion of the indictment charging OUI, fifth offense.² On appeal, he claims the evidence was insufficient to support his OUI conviction. We affirm.

The defendant claims that the evidence was insufficient to support his conviction of OUI, arguing that the underlying

¹ The defendant does not challenge his conviction of negligent operation.

² The defendant was indicted for OUI, seventh offense, but, by agreement, the charge was reduced to OUI, fifth offense.

circumstances and his statements to police did not establish the elements of the crime. We disagree.

When analyzing whether the record evidence is sufficient to support a conviction, an appellate court is not required to "ask itself whether it believes that the evidence at the trial established guilt beyond a reasonable doubt." Commonwealth v. Hartnett, 72 Mass. App. Ct. 467, 475 (2008), quoting Commonwealth v. Velasquez, 48 Mass. App. Ct. 147, 152 (1999). Nor are we obligated to "reread the record from a [defendant]'s perspective." Palmariello v. Superintendent of M.C.I. Norfolk, 873 F.2d 491, 493 (1st Cir.), cert. denied, 493 U.S. 865 (1989). See Commonwealth v. Duncan, 71 Mass. App. Ct. 150, 152 (2008). Rather, the relevant "question is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." Commonwealth v. Latimore, 378 Mass. 671, 677 (1979), quoting Jackson v. Virginia, 443 U.S. 307, 319 (1979).

When evaluating sufficiency, the evidence must be reviewed with specific reference to the substantive elements of the offense. See Jackson, 443 U.S. at 324 n.16; Latimore, 378 Mass. at 677-678. To sustain the defendant's OUI conviction in violation of G. L. c. 90, § 24 (1) (a) (1), "the Commonwealth was required to prove that the defendant (1) operated a motor

vehicle, (2) on a public way, (3) while under the influence of alcohol." Commonwealth v. Gallagher, 91 Mass. App. Ct. 385, 392 (2017).

The standard for the corroboration of an admission or confession is low. In fact, there need only be "some evidence, besides the confession, that the criminal act was committed by someone, that is, that the crime was real and not imaginary." Commonwealth v. Forde, 392 Mass. 453, 458 (1984). "The corroborating evidence need not point to the accused's identity as the doer of the crime." Id.

Here, viewed in the light most favorable to the Commonwealth, the factfinder was entitled to find that the defendant's admission that he had operated³ the car and had consumed alcohol was sufficiently corroborated.⁴ When the Falmouth police arrived at the scene of the accident, they discovered the defendant's disabled car resting on a curb, completely blocking the northbound lane of the road. The

³ The defendant admitted that he had been at a wake in West Roxbury, had dropped off a friend in South Attleboro, and was unsure why he was on Cape Cod.

⁴ The defendant admitted to drinking "a few beers.". There were also a couple of beer cans on the side of road within twenty to twenty-five feet of the car. One can was empty; the other was half full. The police also found the same type of beer in the trunk that had been found by the side of the road. At booking, the defendant further admitted that he drank "multiple" shots of Fireball whiskey.

defendant was standing by the open driver's side door of the sedan, and the front passenger's side tire was completely detached and wedged underneath the car. No one else was present in the car or nearby. These circumstances provided the requisite corroboration that the crime was "real and not imaginary." Forde, 392 Mass. at 458.⁵

In addition, the officers, trained in investigating OUI cases, testified that the defendant smelled of alcohol, had glassy bloodshot eyes, was slurring his speech, was lethargic, and was unsteady on his feet to the point of almost falling over. Based on these "classic symptoms of alcohol intoxication," Gallagher, 91 Mass. App. Ct. at 392, and the defendant's admissions, any rational trier of fact could have found that all the elements of OUI had been proven beyond a

⁵ The defendant claims that "the corroborating evidence needs to show not that an accident occurred, but that the defendant himself operated the car while intoxicated, and that he did so in a negligent manner." However, as stated above, the corroboration rule is not so strictly structured. In fact, the corroborating evidence need not identify the defendant as the perpetrator of the crime. See Forde, 392 Mass. at 458.

reasonable doubt. See Latimore, 378 Mass. at 677.⁶

Judgments affirmed.

By the Court (Vuono, Meade &
Hillman, JJ.⁷),

A handwritten signature in blue ink, appearing to read "Paul Little".

Clerk

Entered: October 5, 2026.

⁶ The defendant claims there was insufficient evidence that the accident occurred due to the fact that he was inebriated, because he explained to the police that the accident occurred when he dropped his key. Putting aside that the defendant may have dropped his key because he was intoxicated, "to indulge this argument, we would have to view the evidence in the light least favorable to the Commonwealth, which, of course, we cannot do." Commonwealth v. Arias, 78 Mass. App. Ct. 429, 435 (2010).

⁷ The panelists are listed in order of seniority.