

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT
FOR THE COMMONWEALTH

No. _____

APPEALS COURT No. 2025-P-0288

ESSEX COUNTY

ALEXANDER RENTAS,
Appellant

v.

COMMONWEALTH OF MASSACHUSETTS,
Appellee

DEFENDANT'S APPLICATION FOR LEAVE TO
OBTAIN FURTHER APPELLATE REVIEW
OF THE DECISION OF THE APPEALS COURT

MEMORANDUM OF THE APPELLANT
IN FORMA PAUPERIS

AUGUST 2026

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COURT

REQUEST FOR LEAVE TO OBTAIN FURTHER APPELLATE
REVIEW

Now comes the defendant, Alexander Rentas, and applies for further appellate review of the order and decision of the Massachusetts Appeals Court issued July 31, 2026, affirming judgments of conviction from Suffolk Superior Court of offenses including home invasion, General Law chapter 265, section 18C, and armed robbery, General Law chapter 265, section 17. The defendant's request is founded upon substantial reasons affecting the interests of justice.

STATEMENT OF PRIOR PROCEEDINGS

On June 25, 2018, an Essex County grand jury returned several indictments against Rentas that included charges of home invasion, armed robbery, two counts of assault and battery on a public employee, and two counts of assault. (Docket No. 1877CR00374).

The defendant moved to suppress a witness's identification from a show-up procedure that was unnecessarily suggestive and items seized as a result of the stop of the vehicle in which he was a passenger. After hearings the court (Tabit, J.) denied the motions.

A jury trial commenced on July 12, 2021, before the Honorable James F. Lang.

The court denied the defendant's motion for required findings of not guilty filed at the close of the Commonwealth's case. At the close of all evidence, the defendant renewed the motion and asked the court to reserve ruling on it.

On the second day of deliberations the jury sent a note to the court stating, "For Indictments 1 and 2 we are at a standstill. We are decided on [all other] Indictments." The court reinstructed the jury on the deliberative process and deliberations resumed. Later the jury sent a

note stating, “We are hopelessly deadlocked on Indictments 1 and 2. It is unlikely to change.” The court provided a Tuey-Rodriguez instruction and deliberations resumed. The jury found Rentas guilty of home invasion, armed robbery, two counts of assault and battery on a public employee, and two counts of assault.

On August 1, 2023, Justice Lang presided over a jury-waived bifurcated proceeding on habitual offender indictments relating to counts 1 and 2, and found Rentas guilty on both indictments. The court also considered and denied the previously reserved motion for required findings of not guilty.

The court sentenced Rentas as follows: on count 2, to life in state prison with parole eligibility at 15 years; on count 1, to three years of probation from and after count 2; on counts 6, 7, 8, and 9, to terms of two and a half years in a house of correction to be served concurrently with each other and with count 2.

On October 13, 2023, the court allowed the defendant’s motion to late file a Notice of Appeal, which was docketed on October 19, 2023.

The case was entered in the Appeals Court on March 10, 2025. On April 22, 2025, the Appeals Court allowed the defendant’s motion to

deem his Late Notice of Appeal timely, nunc pro tunc. A panel of justices (Sacks, Singh, Hodgens, JJ.) heard oral argument on June 5, 2026. The court issued an unpublished opinion on July 31, 2026, affirming the convictions. The defendant files this application for leave to obtain further appellate review of the Appeals Court's decision.

STATEMENT OF FACTS

The Motion To Suppress

The following Findings of Fact from the court's decision on the motion to suppress are relevant to the constitutionality of the show-up identification procedure.

At 10:15AM on April 27, 2018, two men entered Joanna Lekakos's Lynn apartment, robbed her of personal belongings including money, jewelry, and a green laptop computer, then fled in a white motor vehicle.

Over an hour later, police officers elsewhere in Lynn observed and followed a white vehicle driven by Mark West with passenger Brian Redondo. Through investigation they learned that West owned the car, that it had an expired safety inspection sticker, and that Sergeant Avery recently gave West a verbal warning for unlicensed operation of

this vehicle. West parked the car and its occupants, including the defendant, walked away. Officers learned that Rentas had outstanding arrest warrants and waited for the men to return. Redondo removed some items from the vehicle and left on foot, and West and Rentas departed in the vehicle. Officers stopped the car on Rockaway Street five feet from the curb and partially blocking a driveway.

Rentas was immediately removed and arrested on the warrants. Police observed a bag of items in the rear of the vehicle where Rentas had been seated. The officers then realized that this might be the vehicle involved in the home invasion. West was also arrested at some point.

Sgt. Avery arrived, opened the driver's side rear door and observed an open bag containing a laptop and what appeared to be a firearm. He radioed Officer White at Lekakos's home and learned that a green laptop was stolen. Avery removed the green laptop and placed it on the car's trunk.

White transported Lekakos to Rockaway Street to perform a show-up identification. From the cruiser, Lekakos observed Rentas and identified him as one of the intruders, saying she was 60% certain and

noting that the grey jacket was the same as worn during the robbery.

Rentas was handcuffed and standing between Avery, who was in plain clothes, and another uniformed officer.

White then drove Lekakos over to West's vehicle, which was ten to fifteen feet from Rentas and Avery. She looked into the open door and identified a bag as belonging to her, as well as the green laptop on the trunk. She said the car was the same shade of white and same size as the vehicle from the home invasion.

During the motion hearing the court noted that due to the close proximity of Rentas to West's vehicle and the placement of the green laptop on its trunk, it did not find credible the assertion that Lekakos "wouldn't have seen it all at the same time."

At Trial

Trial Exhibit 49 was comprised of a video compilation from exterior building cameras at the time of the housebreak. It showed a white sedan in the driveway. At various times three people exited and entered the car: "Person 1" wore a light-colored sweatshirt with a white front graphic and a raised hood, dark pants, and black sneakers; "Person 2" was bearded and wore dark plaid pants and a light-colored

long-sleeved shirt with dark graphics on the front; “Person 3” wore black pants, a black sweatshirt with a raised hood, and black shoes. Persons 1 and 3 removed a screen from and entered a first-floor window. A few minutes later Person 3 exited the window carrying a messenger bag, then received a green laptop and multiple bags from Person 1 who then also exited. They entered the white car, which rapidly departed.

Ms. Lekakos testified that she returned home to her first-floor apartment then heard sounds in another room. She saw a male with a gun enter through the living room window three to four feet away from her, followed by a second man. She described the intruders as a Black male approximately 6’1”, tall and thin, wearing all dark clothing without a raised hood, and a shorter Black or Hispanic male wearing dark clothing and a sweatshirt with a raised hood and no mask or gloves.

Both men repeatedly asked for the whereabouts of Jamal, pills, and gold, but Lekakos did not know what they were asking about.

While she sat on the couch guarded by the taller male holding a gun,¹ the shorter male searched her bedroom. She saw the white roof of a car in the driveway. The men took her green HP laptop computer, money, jewelry, purse, a Bath and Body bag and other bags. The taller male answered a phone call, told the caller they were coming out the way they came in, then yelled to the shorter male that it was time to go. They departed through the window.

Lekakos waited a few minutes, noted that the white car was gone, then called the police. She provided a description of the intruders as two Black males aged early to mid-twenties; one was 6'1", thin, wearing all dark clothing with a raised hoodie; the second was shorter, had a scruffy goatee, wore dark clothing and either a hoodie or hat.

About one hour after the break-in, Officers Scali and Ricupero were on patrol on Sheridan Street when they observed a white sedan and recognized front passenger Brian Redondo. Scali could see two people in the front seat but could not see into the backseat. While the officers looped around and briefly lost sight of the car, Ricupero queried

¹ Lekakos did not know if this was a second gun, or the gun originally held by the first male.

the registration and learned that Mark West was its owner, West did not have a Massachusetts driver's license, and the vehicle had a failed inspection sticker. The officers re-encountered the vehicle as it stopped on Sheriden Street, and the officers observed Redondo exit the front passenger side, West exit the driver's seat, and Alexander Rentas exit the backseat. Redondo wore black sweatpants and a black sweatshirt. West wore a dark shirt and dark sweatpants. Rentas wore light gray sweatpants and a light gray sweatshirt. The three men walked onto Chestnut Avenue toward Chestnut Street, and Scali lost sight of them.

Scali queried Rentas on the cruiser's mobile CJIS terminal and learned that he had active arrest warrants. Less than three minutes later the three men returned. Rentas entered the backseat, West entered the driver's seat, and Redondo retrieved a backpack from the car then left on foot. The officers followed the car to Rockaway Street and at 11:35AM they effectuated a stop to arrest Rentas on the warrants and because West was not licensed to drive.

Scali approached the driver's side and Ricupero approached the passenger side. Ricupero ordered Rentas to step out of the rear passenger seat, handcuffed him, and escorted him to the cruiser. He

searched Rentas and recovered a variety of jewelry. Scali removed West from the car and arrested him for unlicensed operation.

Numerous other police units also responded to Rockaway Street. In the white car's backseat Sgt. Avery saw a Bath and Bodyworks bag, an unzipped multi-colored bag inside of which he observed a laptop and what appeared to be a black firearm. He removed the gun and realized it was a pellet or BB gun. Avery removed the laptop and the bag that held the pellet gun and put those items on the car's trunk before Lekakos arrived for a show-up identification procedure.

Officers still at Lekakos's home informed her that police had pulled over a car and wanted her to look at something to see if anything looked familiar. She "was glad they found someone." Det. McCollin instructed her on show-up identification procedures, then Officer White took her to Rockaway Street in his cruiser. Lekakos testified that upon arrival she saw a white car with her green laptop on its hood. Although she had not seen the entirety of the car outside her window, this car had a "bright white, clean" roof that was the "exact same" as that car. She then saw a Black or dark-skinned male "far away" whom the police had arrested. Her first observation from this distance was that he had

an orange streak or braid in his hair. Officers opened the white car's door so she could see inside as the cruiser rolled forward, and moved things around so she could see the items inside. As the cruiser moved forward, "my stuff caught my attention," including her Bath and Body lotion, jewelry case, and travel bag, which she observed inside the white vehicle.

Lekakos testified that prior to observing her belongings, she did not recognize the male at all. She could see that he was under arrest and walking with an officer behind him and his hands behind his back. She could see that he was a Black male and that his complexion was "about the same" as the robber. She testified that the robber's hood was always up and because of its shadow she did not see his face or hair beyond observing that he was a dark-skinned male. The man's bright orange hair "completely threw [her] off." His shirt "looked almost the same" "[b]ecause it was dark and had a little bit of grayish writing in it," although she "couldn't really see 100 percent if it was the same writing as the guy in my apartment." She told the officer that she recognized the male and was "maybe 60 to 70 percent certain. Just because of the clothing. I couldn't really tell the face, and I couldn't give

him any information about the hair because he had the hood. And this person didn't have the hood."

The police witnesses described that during the show-up procedure Rentas was handcuffed behind his back and standing between Lt. Godbout in full uniform and Sgt. Avery in plainclothes. Rentas wore a light gray hooded sweatshirt. His numerous distinctive neck tattoos and large earrings were visible. The doors of West's car were opened and Lekakos's green laptop computer was on the hood. White's cruiser was 30 to 40 feet away from Rentas, and West's vehicle was in front of or behind them.

Rentas was transported to the Lynn Police Department where he was booked. Rentas possessed approximately \$800, and Xanax tablets.

Sgt. Avery and Det. Pohle interviewed Rentas and located a gold ring with two pearls in Rentas's sock. Rentas said that Patrick Severino, with whom the police were familiar, looked like him and could have been the person involved. Det. Pohle, lead detective on the case, said that he would investigate Severino but did not recall if he did.

Later, Lekakos met with Det. Pohle and viewed items seized from Rentas and from West's vehicle, some that did not belong to her and

several which she identified as her computer, jewelry case, Bath and Body bag and lotions, travel bag, and several items of jewelry.

The defense presented the testimony of Rentas, his mother, and her former boyfriend regarding Rentas's activities during the morning of the housebreak. They described that he helped his mother to pack for a move, then departed abruptly after an argument with his girlfriend.

Rentas testified that he went to a music studio in Lynn where his rap group, consisting of Rentas, Patrick Severino, and two other members all bearing the same hairstyle of dreadlocks with the right side dyed blond and strawberry, recorded. There, Severino told Rentas that Redondo and West wanted to buy Xanax. Rentas arranged to meet them at another location and drove there in a borrowed car because he did not have a license. Redondo did not have enough cash for the purchase, so they arranged a trade of pills for miscellaneous jewelry.

When they returned to the street, a police car drove by slowly causing Rentas to enter West's car and request a ride to his borrowed car. There were many items in the backseat of West's car, none that belonged to Rentas. West was quickly stopped by police, who immediately removed and arrested Rentas on open warrants. Police

found jewelry in his pockets that he initially said belonged to his aunt, and later said Redondo gave to him. He told police alternate versions of how he got to the music studio and where he encountered Redondo and West in order to hide his unlicensed operation of the borrowed car.

Witnesses also testified about an incident the following day when Rentas was receiving medical treatment at a hospital which was the basis of additional indictments but is not relevant to the current appeal.

At the second phase of the bifurcated trial, the Commonwealth presented evidence of Rentas's prior felony convictions and records of the associated state prison sentences.

POINTS WITH RESPECT TO WHICH
FURTHER APPELLATE REVIEW IS SOUGHT

1. Did the Appeals Court err in affirming the denial of the motion to suppress the identification where the circumstances of the show-up procedure were so unnecessarily suggestive that they infringed Rentas's due process rights?
2. Did the Appeals Court err in affirming the denial of Rentas's motions for required findings of not guilty of home invasion and armed robbery where the evidence did not prove beyond a reasonable doubt his identity as a perpetrator of these offenses?

REASONS WHY FURTHER APPELLATE REVIEW IS APPROPRIATE

Further appellate review is appropriate where Rentas established that the police created unnecessarily suggestive circumstances for a show-up identification procedure by staging a scene where the witness viewed him at the same time as the suspected getaway car and items readily identifiable as her own stolen belongings. This stacked the deck against Rentas with special elements of unfairness and rendered the identification inadmissible as violative of due process.

Further appellate review is also warranted where the Commonwealth failed to prove beyond a reasonable doubt that Rentas was a perpetrator of the home invasion and armed robbery, where even when considered in the light most favorable to the Commonwealth, the question of his guilt is impermissibly left to conjecture and surmise.

ARGUMENTS

I. THE APPEALS COURT ERRED IN DENYING RENTAS'S MOTION TO SUPPRESS WHERE THE CIRCUMSTANCES OF THE SHOW-UP PROCEDURE WERE SO UNNECESSARILY SUGGESTIVE AS TO INFRINGE HIS DUE PROCESS RIGHTS.

One-on-one identifications are generally disfavored because they are inherently suggestive. See *Commonwealth v. Martin*, 447 Mass. 274, 279 (2006); *United States v. Wade*, 388 U.S. 218, 228 (1967). Even

where, as here, good reason to secure a prompt identification exists, a show-up identification may still be suppressed based on due process concerns if it so needlessly adds to the suggestiveness inherent in such an identification that it is conducive to irreparable mistaken identification. See *Commonwealth v. Figueroa*, 468 Mass. 204, 217 (2014); *Simmons v. United States*, 390 U.S. 377, 384 (1968). Rentas met his burden of demonstrating by a preponderance of the evidence that Lekakos “was subjected by the State to a confrontation that was unnecessarily suggestive and thus offensive to due process,” and so the identification should have been suppressed. See *Commonwealth v. Meas*, 467 Mass. 434, 441 (2014).

The court’s written Findings of Fact material to a consideration of the unnecessarily suggestive aspects of the procedure include that prior to Lekakos’s arrival, Sgt. Avery removed a green laptop from a bag in West’s car and put it on the trunk, and that when Avery did so he was aware that this belonged to Lekakos and was stolen in the home invasion. Rentas was handcuffed and flanked by Sgt. Avery in plainclothes and another officer in full uniform. Lekakos observed Rentas and the two officers at a distance of 30 feet, and West’s vehicle

was ten to fifteen feet from them, situated five feet from the curb and partially blocking a driveway.

Additionally, at the hearing the court orally noted that due to the positioning of the parties and West's vehicle, it was not credible that Lekakos would not have seen her stolen laptop displayed on the trunk of West's car at the same time she viewed Rentas:

THE COURT: If you bring a person to a scene where they know they're going to encounter a potential subject, they drive by or see the vehicle that is similar to the vehicle that was seen leaving the apartment, they see items that are theirs or they believe are theirs on the car, next to the car you have a person in handcuffs next to police, I mean, how is -- and even then she only says that she's 60 percent sure, but how is she not going to identify this person as a suspect? ... But do you - - do you believe that they drove up this close to one another and that she saw these individuals and didn't see the car and didn't see the -- her stuff outside the car? I mean, that's just not credible -- ... -- that she wouldn't have seen it all at the same time. ... I just don't find that credible.

The court nevertheless found that the procedures were not so unnecessarily suggestive as to create a substantial risk of a mistaken identification and denied the motion. Because the issue before this court is one of constitutional dimensions, the motion judge's rulings of law are open for reexamination as to whether the suggestiveness stemming

from these aspects of the procedure render the identification per se excludable. See *Martin*, 447 Mass. at 280.

The totality of the circumstances of the show-up procedure were impermissibly “permeated by ‘special elements of unfairness’ which are designed by the police to suggest to the victim that the defendant is the criminal.” See *Commonwealth v. Coy*, 10 Mass.App.Ct. 367, 372 (1980). The logistics and layout of the scene for Lekakos’s viewing of Rentas were entirely within the control and selection of the police, who easily could have moved Rentas to a location where West’s car and Lekakos’s recently-stolen and easily-identifiable green laptop would not be visible, or have had Officer White approach the scene from a different angle. Sgt. Avery chose to remove the green laptop and place it in a highly visible spot and to stand Rentas within ten feet of West’s precariously parked vehicle for the procedure. Regardless of whether these were nefarious or merely careless decisions by the police, in either circumstance they had the result of permeating the procedure with “special elements of unfairness, indicating a desire on the part of the police to ‘stack the deck’ against the defendant” and rendering the out-

of-court identification inadmissible. See *Commonwealth v. Leaster*, 395 Mass. 96, 103 (1985).

The Appeals Court’s comparison to *Commonwealth v. Travis*, 100 Mass.App.Ct. 607 (2022) is inapt and omits critical factors that distinguish *Travis* from this case. The Appeals Court here recounted that in *Travis* it found that the presence of “the victims’ stolen car and at least three uniformed officers” during the show-up procedure “could not ‘be attributed to any police wrongdoing” and that the same could be said of the circumstances here. See *Commonwealth v. Rentas*, 107 Mass.App.Ct. 1109, *6-7 (2026). However, it omitted that a material factor to its conclusion in *Travis* that the presence of the victims’ stolen car “was not a circumstance created by the police” was that the car was crashed into a telephone pole and the defendant was in the process of receiving medical treatment for his injuries. See *Travis*, 100 Mass.App.Ct. at 615-616. The relative positions of the defendant and the stolen vehicle were not circumstances orchestrated by the police in order to stack the deck against the defendant but were indisputably the result of the collision. See *Travis*, 100 Mass.App.Ct. at 615-616.

Unlike *Travis*, the unnecessarily suggestive circumstances here were brought about by police conduct. West's car, the suspected getaway vehicle, was in an unusual position several feet from a curb and blocking a driveway because police effectuated a traffic stop there. Sgt. Avery then elected to position Rentas in proximity to the vehicle. The victim's readily identifiable stolen property did not end up on the trunk of West's car through benign circumstances. Sgt. Avery chose to move that evidence, which was previously out of view, to a highly visible location where Lekakos's attention would be drawn to it immediately upon her arrival. Contrast *Commonwealth v. Coy*, 10 Mass.App.Ct. 367, 373 (1980) ("police scrupulously avoided mentioning to the victim other incriminating facts known to them").

The defendant proved by a preponderance of the evidence that special elements of unfairness designed by the police to suggest to the victim that he was the criminal pervaded the identification procedure. See *Coy*, 10 Mass.App.Ct. at 372. The court erred in denying the motion to suppress the identification. See *Martin*, 447 Mass. 280; Fifth Amendment, United States Constitution; article 12, Massachusetts Declaration of Rights.

II. THE APPEALS COURT ERRED IN AFFIRMING THE DENIAL OF RENTAS'S MOTIONS FOR REQUIRED FINDINGS OF NOT GUILTY WHERE THE COMMONWEALTH FAILED TO PROVE BEYOND A REASONABLE DOUBT HIS IDENTITY AS A PERPETRATOR OF THE HOME INVASION AND ARMED ROBBERY, RESULTING IN CONVICTIONS BASED ON INSUFFICIENT EVIDENCE.

"Identification ... is a key element in every criminal trial, and the absence of identification has always been a basis requiring acquittal."

Commonwealth v. Koney, 421 Mass. 295, 302 (1995). Even when the evidence is viewed in the light most favorable to the Commonwealth as is required, no rational trier of fact could have found beyond a reasonable doubt that Rentas was a perpetrator of the home invasion and armed robbery. See *Commonwealth v. Latimore*, 378 Mass. 671, 678 (1979), citing *Jackson v. Virginia*, 443 U.S. 307, 318-319 (1979).

Rentas's motions for required findings of not guilty on counts 1 and 2 were erroneously denied in violation of his constitutional due process rights. See Fourteenth Amendment, U.S. Constitution; article 12, Massachusetts Declaration of Rights. See *In re Winship*, 397 U.S. 358, 364 (1970).

The best evidence regarding the identity of the intruders was the security video compilation in which the person alleged to be Rentas is

seen wearing a light-colored sweatshirt with a raised hood, dark pants, and black sneakers – different than the light gray sweatsuit officers described that Rentas wore at the time of his arrest an hour after the housebreak. The video’s resolution is not of sufficiency clarity to make a comparison to Rentas’s facial features² or to determine if the white graphic on the shirt matched the North Face graphic on his sweatshirt.

Lekakos’s identification of Rentas was equivocal, based on a general similarity of his complexion and shirt to the perpetrator’s, and tainted by the contemporaneous display of her stolen belongings and the getaway vehicle. Lekakos never saw the intruder’s face or hair, noting only that he was Black, Hispanic, or dark-skinned. She did not recognize Rentas’s face and said his bright orange braid “completely threw [her] off,” although he was a Black³ male whose complexion was “about the same” as the intruder. She did not mention whether Rentas’s beard was like the intruder’s scruffy goatee, or whether his numerous distinctive neck and hand tattoos were characteristics shared by the

² The defendant disagrees with the Appeals Court’s statement that the video shows “a segment of lighter, orange colored hair on the top right side of his head.” See *Commonwealth v. Rentas*, 107 Mass.App.Ct. 1109, *11 (2026).

³ Rentas is Hispanic.

intruder. Although Rentas wore a light gray sweatshirt and light gray sweatpants and not dark clothing like she described, Lekakos said the shirt “looked almost the same to me” “[b]ecause it was dark and had a little bit of grayish writing in it,” although she “couldn’t really see 100 percent if it was the same writing as the guy in my apartment.”

Lekakos’s testimony demonstrated that the identification was tainted by the suggestive factors of concern at the motion hearing. Immediately upon her arrival she saw the white car and her green computer on its hood, and as she viewed Rentas “my stuff caught my attention.” Prior to observing her belongings, she did not recognize the male at all. Lekakos’s identification was simultaneous with and heavily influenced by her observations of her stolen belongings on top and inside of the vehicle in which the assailants fled from the robbery.

The circumstantial evidence does not raise the sufficiency to the constitutional requirement. “A conviction may be based on circumstantial evidence alone, as long as that evidence is sufficient to find the defendant guilty beyond a reasonable doubt.” *Commonwealth v. Platt*, 440 Mass. 396, 401 (2003). Rentas’s possession of \$820 was not incriminating where currency is fungible and Rentas’s money was

similar to Lekakos's only in a broad manner. The significance of Rentas's presence in West's vehicle with the contraband is diminished by the break in time between this observation and the robbery, as well as that police officers observing West's vehicle did not see Rentas inside when they first encountered the car. When Rentas came to possess some of Lekakos's jewelry is left to speculation.

The motions for required findings of not guilty were denied in error and the convictions violated constitutional rights to due process. See Fourteenth Amendment, U.S. Constitution; Article 12, Massachusetts Declaration of Rights; *Winship*, 397 U.S. at 364.

CONCLUSION

The interests of justice require further appellate review of the decision entered in this case.

Respectfully submitted,
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Date: August 11, 2026

Commonwealth v. Rentas.

Appeals Court of Massachusetts

July 31, 2026, Entered

25-P-288

Reporter

2026 Mass. App. Unpub. LEXIS 575 *; 2026 LX 414528

COMMONWEALTH vs. ALEXANDER RENTAS.

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, 881 N.E.2d 792 \(2008\)](#).

Disposition: Judgments affirmed.

Judges: Sacks, Singh & Hodgens, JJ. [*1]

Opinion

MEMORANDUM AND ORDER PURSUANT TO [RULE 23.0](#)

After a jury trial in the Superior Court, the defendant, Alexander Rentas, was convicted of home invasion and armed robbery.¹ On appeal, he argues two errors, each pertaining to evidence of his identity as the perpetrator of the crimes. First, he argues that the showup at which the witness identified him was unnecessarily suggestive and his motion to suppress it should have been allowed. Second, he argues that there was insufficient evidence

at trial of his identity as the perpetrator. We affirm.

Background. We recite the uncontroverted facts, reserving certain details for later discussion. On April 27, 2018, at approximately 10:00 A.M., three men engaged in an armed home invasion and robbery in Lynn. Two of the men entered the victim's ground-floor apartment through a window; robbed her of personal belongings including jewelry, cash, and a green laptop computer; and fled, leaving through the window and into a white car that was waiting outside. One of these men held what appeared to be a gun during the robbery and was described as being the shorter of the two. The third man served as the driver and waited outside in the white [*2] car. Once the men left the victim's apartment, she called 911. Several police officers (investigating officers) were dispatched to the scene.

Meanwhile, two other officers on routine patrol (patrolling officers) heard about the home invasion over their radio, but they did not respond and continued their patrol. At approximately 11:30 A.M., they saw a white car drive past them with a passenger, Brian Redondo, whom they recognized from his prior history with the police. The officers checked the car's license plate and learned that it did not have a current inspection sticker and that the registered owner, Mark West, had been recently stopped and warned about driving without a Massachusetts license. With this information, the officers decided to watch the car. They saw it pull over, and three men got out and walked away: West, Redondo, and a third person, who the police identified as the defendant based on their previous experience with him.

The officers ran the defendant's information and learned that he had outstanding warrants for motor vehicle infractions. A few minutes later, three men returned to the white car; it is undisputed that the defendant was one of them.

After returning to [*3] the car, Redondo removed some belongings and walked away, West returned to the driver's seat, and the defendant sat in the back seat.

¹ He was also convicted of two counts of assault and battery on a public employee and two counts of assault. His present arguments, however, pertain only to his convictions of home invasion and armed robbery.

Once the car drove away, the patrolling officers followed it briefly, then pulled it over. They ordered the defendant out and arrested him, cuffing his hands behind his back. One of the officers searched the defendant incident to arrest and found several pieces of jewelry in a pocket of the defendant's grey hooded sweatshirt. The defendant claimed the jewelry belonged to someone he knew.

From outside the car, the patrolling officers could see a number of personal belongings in the backseat, of which both West and the defendant disclaimed ownership. The officers realized that the car might be connected to the home invasion that they had heard about earlier that morning, so they broadcast information about the stop over their radio. Sergeant Robert Avery, who had been one of the investigating officers, responded to the location of the car. Looking inside it, Avery saw a green laptop and what looked like a gun. He confirmed with another investigating officer that the stolen laptop was green, then removed it from the car and placed it on the car's trunk.

[*4] The police decided to conduct a showup identification and so they drove the victim to the defendant's location in a cruiser. The defendant was still in handcuffs, standing near the white car, with Avery standing beside him in plain clothes and another officer nearby in uniform. As the cruiser approached the area, the victim identified the defendant by his clothes, with sixty percent certainty, as the shorter man who had the gun during the robbery. While there, looking out from the police cruiser, the victim also identified as hers the green laptop and several of the personal belongings in the car's back seat. She further identified the white car as being the same color and style as the one waiting outside of her apartment during the robbery.

The defendant was then brought to the police station. During booking, the police found more jewelry in the defendant's sock, as well as \$820 in cash on his person. The victim identified the jewelry in the defendant's sweatshirt pocket and in his sock as hers.

1. *Motion to suppress.* The defendant moved to suppress the victim's identification of him. After an evidentiary hearing, a judge denied the motion, ruling that there was good reason for the showup [*5] and that there were no special elements of unfairness requiring suppression.² The defendant does not dispute that there

was good reason, but he argues that the identification was so unduly suggestive as to infringe on his due process rights. We see no error by the motion judge.

Although showups are generally disfavored due to their inherently suggestive nature, "a one-on-one pretrial identification raises no due process concerns unless it is determined to be *unnecessarily* suggestive" (citations omitted). [*Commonwealth v. Martin*, 447 Mass. 274, 279, 850 N.E.2d 555 \(2006\)](#). This inquiry "does not depend on the availability or reasonableness of pursuing an alternative identification procedure" (citations omitted). [*Commonwealth v. Dew*, 478 Mass. 304, 308, 85 N.E.3d 22 \(2017\)](#). It depends instead on whether, in the totality of the circumstances, the police "so needlessly add[ed] to the suggestiveness inherent in such an identification that it is 'conducive to irreparable mistaken identification.'" [*Commonwealth v. Figueroa*, 468 Mass. 204, 217, 9 N.E.3d 812 \(2014\)](#), quoting [*Commonwealth v. Phillips*, 452 Mass. 617, 628, 897 N.E.2d 31 \(2008\)](#).

We recite additional facts found by the motion judge pertinent to the suppression issue, none of which is challenged on appeal. [*Commonwealth v. Isaiah I.*, 448 Mass. 334, 337, 861 N.E.2d 404 \(2007\)](#), S.C., [*450 Mass. 818, 882 N.E.2d 328 \(2008\)*](#). We review independently whether the defendant met his burden "to prove, by a preponderance of the evidence, that the showup was so unnecessarily suggestive and conducive to [*6] irreparable mistaken identification as to deny [the defendant] due process of law" (quotations and citation omitted). [*Dew*, 478 Mass. at 306-307](#). See [*Commonwealth v. Jimenez*, 438 Mass. 213, 218, 780 N.E.2d 2 \(2002\)](#).

Before the showup procedure, one of the officers gave the victim instructions consistent with those given in [*Commonwealth v. Meas*, 467 Mass. 434, 436-443, 5 N.E.3d 864](#), cert. denied, 574 U.S. 858, 135 S. Ct. 150, 190 L. Ed. 2d 110 (2014). When she arrived at the scene, the defendant was handcuffed, standing between two officers — one in plain clothes and one in uniform — about ten to fifteen feet away from the white car. As she neared the scene, the victim first identified the defendant, then identified her belongings and the car.³

the defendant's arguments on this subject.

³Although at the hearing the judge expressed doubt that events occurred in this sequence, he ultimately found that they did, and that finding was not clearly erroneous.

²There is no dispute about whether the denial of the motion to suppress is properly before us and so we need not address

First, that the defendant was visibly handcuffed did not render the showup unnecessarily suggestive. See [*Figueroa*, 468 Mass. at 218](#) (defendant stood near police van, flanked by plain clothes officers, with hands cuffed behind his back); [*Phillips*, 452 Mass. at 628](#) (suspect detained in police wagon, handcuffed, and flanked by two officers). After all, "[a] witness ordinarily expects to be asked to make an identification of someone who either fits the description of a suspect or is suspected to have been involved in the reported crime." [*Commonwealth v. Meas*, 467 Mass. 434, 443, 5 N.E.3d 864 \(2014\)](#).

Next, regarding the presence of police and proximity to the victim's stolen property, the present case bears significant similarities to [*Commonwealth v. Travis*, 100 Mass. App. Ct. 607, 180 N.E.3d 1023 \(2022\)](#). There, the showup was conducted [*7] in view of the victims' stolen car and at least three uniformed officers. We determined that the police did not so needlessly add to the suggestiveness of the showup as to require suppression where, among other things, the presence of the car could not "be attributed to any police wrongdoing," the victims "identified the defendant as the assailant by his appearance," and there was "nothing to suggest that either victim identified the defendant due to the presence of the car or other suggestive factors." [*Id.* at 615-616](#).

Likewise, here, the presence of the white car and the victim's stolen property was not attributable to any police wrongdoing. We recognize that the police arguably contributed to the suggestiveness of the showup when Avery moved the stolen laptop out of the back seat and onto the trunk of the car. RA49. However, there is no indication that this change was prompted by "a desire on the part of the police to 'stack the deck' against the defendant" (citations omitted). [*Dew*, 478 Mass. at 307](#). Moreover, as in [*Travis*](#), the victim "identified the defendant as the assailant by his appearance," and the motion judge found nothing to "suggest that [the] victim identified the defendant due to the presence of the car or other [*8] suggestive factors." [*Travis*, 100 Mass. App. Ct. at 616](#). Moving the laptop did not "so needlessly add[] to the suggestiveness" of the showup as to risk "irreparable mistaken identification." [*Figueroa*, 468 Mass. at 217](#).

Finally, although the defendant argues that the police should have moved him away from the car and stolen property prior to the showup, the record does not show

that such an option was feasible.⁴ There is also no factual basis from which to conclude that the police conducted the identification in view of the car because they desired to make him appear to be the culprit. RA49-50. See [*Travis*, 100 Mass. App. Ct. at 615](#). Absent such a showing by the defendant, the possibility that the police could have conducted a less suggestive identification does not render an identification unnecessarily suggestive. See, e.g., [*Dew*, 478 Mass. at 308](#); [*Martin*, 447 Mass. at 280](#).

While there were suggestive elements to the showup here, as in any showup, we do not think they constituted the "special elements of unfairness" necessary to render the identification inadmissible. [*Commonwealth v. Coy*, 10 Mass. App. Ct. 367, 372, 407 N.E.2d 1310 \(1980\)](#). See [*Commonwealth v. Crayton*, 470 Mass. 228, 235, 21 N.E.3d 157 \(2014\)](#) (suggestiveness alone insufficient to render showup identification inadmissible). We also note that the instructions provided to the witness tended to mitigate the suggestiveness. These instructions expressly discouraged the witness from assuming she [*9] was viewing the perpetrator: "The person you saw may or may not be among the people you are about to view. It is just as important to clear innocent persons from suspicion as it is to identify the guilty." Ultimately, there is nothing to indicate that any of the elements of suggestiveness, either individually or collectively, were needlessly added by the police to stack the deck against the defendant. Furthermore, the defendant did not meet his burden of proving that any suggestive elements affected the victim's identification. The motion to suppress was properly denied.

2. *Sufficiency of the evidence.* At the close of the Commonwealth's evidence, the defendant moved for a required finding of not guilty, asserting that the Commonwealth presented insufficient evidence of the defendant's involvement in the home invasion and robbery. Specifically, he argued that the victim's equivocal identification of him based on his clothing, and her failure to mention his distinctive tattoos, left a reasonable doubt about his identity. The trial judge denied the motion and helpfully summarized the additional evidence — including circumstantial evidence and video surveillance footage from outside the [*10]

⁴ To the contrary, although the judge did not make any findings on this subject, the evidence suggests that, due to the presence of another suspect in the car, it could have been inefficient, at the least, for police to move the defendant while keeping the car, stolen property, and other suspect secure.

victim's apartment — from which the jury could reasonably conclude that the defendant was the perpetrator. The defendant now argues that the evidence against him is equally consistent with innocence, such that it is speculative to conclude he was the culprit. Again, we see no error.

"In reviewing the denial of a required finding of not guilty, we review the evidence introduced up to the time the Commonwealth rested its case to determine whether the evidence, viewed in the light most favorable to the Commonwealth, was sufficient for a reasonable jury to infer the existence of each essential element of the crime charged, beyond a reasonable doubt." [*Commonwealth v. Rivera*, 460 Mass. 139, 141, 949 N.E.2d 916 \(2011\)](#). See [*Commonwealth v. Latimore*, 378 Mass. 671, 677, 393 N.E.2d 370 \(1979\)](#). Identification is an essential element in every criminal trial. [*Commonwealth v. Koney*, 421 Mass. 295, 302, 657 N.E.2d 210 \(1995\)](#). "Circumstantial evidence is competent to establish guilt beyond a reasonable doubt," [*Commonwealth v. White*, 452 Mass. 133, 135, 891 N.E.2d 675 \(2008\)](#), and "[f]act finders are not required to divorce themselves of common sense, but rather should apply to facts which they find proven such reasonable inferences as are justified in the light of their experience as to the natural inclinations of human beings" (quotations and citation omitted, [*Commonwealth v. Russell*, 46 Mass. App. Ct. 307, 309, 705 N.E.2d 1144 \(1999\)](#)).

The defendant focuses primarily on the victim's identification of him. To be sure, that identification [*11] lacked certainty; she testified that she had been sixty percent confident at the time but had relied on recognizing the man's clothes and his general skin tone, and she stated the man's stripe of strawberry blonde hair "completely threw [her] off" because the perpetrator had a hood up the entire time he was in her apartment. The victim was not asked to identify the defendant in the courtroom. The Commonwealth's case, however, did not rest entirely upon the identification at the showup. The jury could compare the perpetrator's appearance in video surveillance footage from outside the victim's apartment — showing a man with facial hair and a segment of lighter, orange colored hair on the top right side of his head, wearing a grey hooded sweatshirt with a large white logo on the front — with the defendant's appearance in his booking photos. The jury could reasonably conclude that the defendant's appearance in those photos was consistent with that of the man in the video and therefore that the defendant was the person

in the video.

There was also ample circumstantial evidence from which the jury could conclude that the defendant committed the home invasion and robbery. Shortly after the [*12] crime, the defendant was found in a car matching the one seen at the crime, sitting next to the stolen property. He had more stolen property on his person, both in his sweatshirt pocket and hidden in his sock. He also had cash on his person which, while not the exact amount stolen, was in denominations consistent with what was stolen.

Finally, the jury could consider consciousness of guilt evidence, including that the defendant lied to police about who owned the stolen jewelry, claiming first that it belonged to his girlfriend and later to his aunt. See [*Commonwealth v. Swartz*, 343 Mass. 709, 713, 180 N.E.2d 685 \(1962\)](#) (while not conclusive, consciousness of guilt may combine with other evidence to support guilty finding). Consciousness of guilt evidence "includes making false or inconsistent statements to police." [*Commonwealth v. Woods*, 466 Mass. 707, 715, 1 N.E.3d 762](#), cert. denied, 573 U.S. 937 (2014), S.C., [*480 Mass. 231, 102 N.E.3d 961*](#), cert. denied, 586 U.S. 1054 (2018). Viewing all of this evidence in the light most favorable to the Commonwealth, a reasonable jury could conclude that the defendant was the same person who entered the victim's home and stole her property.

The defendant argues that it is left to speculation when he came to possess the stolen jewelry and when he entered the car. Not so. As we have held previously, "the defendant's mere possession of [*13] recently stolen property may be relied upon by the jury as evidence that he had stolen it." [*Commonwealth v. Latney*, 44 Mass. App. Ct. 423, 425, 691 N.E.2d 601 \(1998\)](#). The jury here were free to use their common sense in rejecting the defendant's theory that he "merely stumbled upon the jetsam" of some other robbers. See *id.* They could similarly reject his theory that he merely got in a car with strangers who happened to be robbers only a few minutes before it was pulled over; they could instead conclude that the defendant got in the car immediately after he robbed the victim's apartment. The asserted shortcomings in the Commonwealth's evidence were properly argued to the jury; while the jury would have been entitled to reject the Commonwealth's theory, so too could they rationally reach guilty verdicts.

Finally, that the jury twice reported deadlock on the relevant counts does not establish that there was

insufficient evidence of identity. At best, as the defendant concedes, such difficulty in reaching a verdict might indicate that the evidence is not overwhelming, but evidence need not be overwhelming to be sufficient.

Judgments affirmed.

By the Court (Sacks, Singh & Hodgens, JJ.⁵),

Entered: July 31, 2026.

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⁵ The panelists are listed in order of seniority.

CERTIFICATE OF COMPLIANCE

I, Jennifer J. Cox, hereby certify, pursuant to Massachusetts Rule of Appellate Procedure 16(k), that this application complies with all applicable rules of court pertaining to the filing of briefs and the type-volume limitation of MRAP 20 and 27.1

1. The section indicating why further appellate review is appropriate contains 1,991 words.
2. The brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14 point Century Schoolbook.

/s/ Jennifer J. Cox

Jennifer J. Cox

CERTIFICATE OF SERVICE

I, Jennifer J. Cox, hereby certify that I have served the foregoing Application for Further Appellate Review upon the Commonwealth on August 11, 2026, via electronic filing to:

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