

MASSACHUSETTS APPEALS COURT

Commonwealth v. Justin J. Bustard

No. 24-P-1177 (Mass. App. Ct. Jan. 16, 2026) · No. 24-P-1177 · Decided January 16, 2026

SUMMARY

The Massachusetts Appeals Court held that the evidence was insufficient to prove beyond a reasonable doubt that Justin J. Bustard sent a Snapchat message allegedly violating an abuse prevention order. The court emphasized the lack of adequate identifying or authenticating circumstances connecting the account and message to the defendant, reversed the judgment, set aside the finding, and ordered judgment for the defendant.

CASE DETAILS

COURT	Massachusetts Appeals Court
WRITING FOR THE COURT	Ditkoff, J.; D'Angelo, J.; Wood, J.
JURISDICTION	Massachusetts Appeals Court
DECIDED	January 16, 2026
DOCKET	24-P-1177
DISPOSITION	reversed
PROCEDURAL POSTURE	The defendant appealed from a conviction after a jury-waived trial in the Plymouth Division of the Massachusetts District Court for violating an abuse prevention order. The Appeals Court reviewed the denial of the defendant's motion for a required finding of not guilty.
STANDARD OF REVIEW	On review of the denial of a motion for a required finding of not guilty, the court considers the evidence in the light most favorable to the Commonwealth and asks whether a rational fact finder could have found the essential elements of the offense beyond a reasonable doubt.
PRECEDENTIAL VALUE	published and precedential Massachusetts Appeals Court opinion
PARTIES	Justin J. Bustard v. Commonwealth

TOPICS

- authentication
- evidence
- criminal procedure
- standard of review
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to establish beyond a reasonable doubt that the defendant authored or sent the Snapchat message alleged to violate the abuse prevention order.
2. Whether the defendant's motion for a required finding of not guilty should have been allowed.

HOLDINGS

1. The evidence was insufficient to permit a rational fact finder to conclude beyond a reasonable doubt that the defendant sent the Snapchat message stating "You happy." Similar bitmojis, the account's display-name discrepancy, and the timing of the message did not establish the defendant's authorship or access to the account.
2. The defendant's motion for a required finding of not guilty should have been allowed because the Commonwealth failed to prove beyond a reasonable doubt that the defendant violated the abuse prevention order.

KEY QUOTATIONS

"Here, the meager communication record provided an inadequate basis to find beyond a reasonable doubt that the defendant sent the jesseman94 "You happy" message." (at 10)

"Even if the piling of inferences were permissible (which it is not), "[e]vidence that the defendant's name is written as the author of an e-mail or that the electronic communication originates from an e-mail or a social networking Web site . . . that bears the defendant's name is not sufficient alone to authenticate the electronic communication as having been authored or sent by the defendant."" (at 12)

FACTUAL BACKGROUND

The victim had an abuse prevention order against the defendant prohibiting direct or indirect contact. After the victim had blocked the defendant's known Snapchat account, she received a message stating "You happy" from an account named "jesseman94" with the display name "Jesse Cunningham" and a bitmoji similar, but not identical, to the defendant's bitmoji. The evidence did not establish that the defendant owned or accessed the account, that he had used the name Jesse Cunningham, or that the message contained personal references or information uniquely connecting it to him.

PROCEDURAL HISTORY

The complaint was received and sworn to in the Plymouth Division of the District Court Department on January 10, 2023. After a jury-waived trial before Judge Scott D. Peterson, the defendant was found guilty. The trial judge denied the defendant's motion for a required finding of not guilty, and the defendant appealed.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The judgment was reversed, the finding was set aside, and judgment was ordered for the defendant. No further fact-finding or retrial was directed.

CASES CITED

- Commonwealth v. Quinones, 95 Mass. App. Ct. 156, 162 (2019)
- Commonwealth v. Faherty, 93 Mass. App. Ct. 129, 133 (2018)
- Commonwealth v. Sabin, 104 Mass. App. Ct. 303, 305 (2024)
- Commonwealth v. Howe, 103 Mass. App. Ct. 354, 357 (2023)
- Commonwealth v. Ayala, 481 Mass. 46, 51 (2018)
- Commonwealth v. Carino, 496 Mass. 783, 786 (2025)
- Commonwealth v. Dufresne, 489 Mass. 195, 200 (2022)
- Commonwealth v. Blackmer, 77 Mass. App. Ct. 474, 483 (2010)
- Commonwealth v. Davila, 17 Mass. App. Ct. 511, 512 (1984)
- Commonwealth v. McMann, 97 Mass. App. Ct. 558, 559-561 (2020)
- Commonwealth v. Gonzalez, 99 Mass. App. Ct. 161, 170 (2021)
- Commonwealth v. Sepheus, 468 Mass. 160, 164 (2014)
- Commonwealth v. Farnsworth, 76 Mass. App. Ct. 87, 98 (2010)
- Commonwealth v. Alden, 93 Mass. App. Ct. 438, 440-441, 444 (2018)
- Commonwealth v. Williams, 456 Mass. 857, 867-869 (2010)
- Commonwealth v. Troche, 493 Mass. 34, 48-49 (2023)
- Commonwealth v. Gilman, 89 Mass. App. Ct. 752, 759 (2016)
- Commonwealth v. Welch, 487 Mass. 425, 441 (2021)
- Commonwealth v. Oppenheim, 86 Mass. App. Ct. 359, 364, 368 (2014)
- Commonwealth v. Gonsalves, 99 Mass. App. Ct. 638, 641-642 (2021)
- Commonwealth v. Hartford, 346 Mass. 482, 488 (1963)
- Commonwealth v. Lopez, 484 Mass. 211, 216 (2020)
- Commonwealth v. Mandile, 403 Mass. 93, 94 (1988)
- Commonwealth v. Rodriguez, 496 Mass. 627, 629 (2025)
- Commonwealth v. Carrasquillo, 489 Mass. 107, 108-110 (2022)