

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
: PENNSYLVANIA

V.

MICHAEL RODDY

Appellant

: No. 1956 EDA 2025

Appeal from the Judgment of Sentence Entered June 25, 2025
In the Court of Common Pleas of Philadelphia County
Criminal Division at No(s): CP-51-CR-0001749-2024

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
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V.

MICHAEL RODDY

Appellant

: No. 1957 EDA 2025

Appeal from the Judgment of Sentence Entered June 25, 2025
In the Court of Common Pleas of Philadelphia County
Criminal Division at No(s): CP-51-CR-0001750-2024

BEFORE: PANELLA, P.J.E., NICHOLS, J., and NEUMAN, J.

MEMORANDUM BY PANELLA, P.J.E.:

FILED SEPTEMBER 28, 2026

Michael Roddy appeals from his judgment of sentence entered in the Court of Common Pleas of Philadelphia County for his convictions of two counts each of criminal mischief, 18 Pa.C.S.A. § 3304(a)(5), graded as a third-degree felony, possessing an instrument of crime (“PIC”), 18 Pa.C.S.A. § 907(a), and summary harassment, 18 Pa.C.S.A. § 2709(a)(1), and one count of recklessly endangering another person (“REAP”), 18 Pa.C.S.A. § 2705. Roddy argues

that the evidence was insufficient to support the third-degree felony gradation of his criminal mischief convictions. After careful review, we affirm.

The trial court summarized Roddy's egregious conduct.

Bridgette DePalma, Complainant on Docket CP-51-CR-0001749-2024 has lived at 6260 Cottage Street since 1991 and currently lives there with her wheelchair bound mother. Desiree Decker, Complainant on Docket CP-51-CR-0001750-2024, has lived at 6254 Cottage Street for twenty-one years and currently lives there with her two children. [Roddy] lives at 6256 Cottage Street and has been a neighbor of both Complainants throughout the time they have lived on Cottage Street.

On January 11, 2024, the internet went out at Bridgette DePalma's home. Ms. DePalma went outside to investigate why her internet went out. She saw the wire for her Comcast and Verizon service were cut where the lines connected to the main wire hub for several houses. A main wire hub is where the cable and internet wires of multiple homes meet. This main wire hub was attached to the back of the vacant home of 6258 Cottage Street. [Roddy] and Ms. DePalma live on each side of the vacant 6258 Cottage St home. Ms. DePalma saw the wires were cut on the side closest to [Roddy's] home and thought [Roddy] cut them due to prior undescribed incidents between the parties.

On January 13, 2024, Ms. DePalma was at work when she received a live notification from her home video surveillance cameras that the cameras were seeing a person by her house. She saw [Roddy] cutting her PECO[, which is her electricity provider,] meter ground wires. Ms. DePalma immediately called the police, who responded. After the police left, [Roddy] returned to the back of the houses and cut the cable lines above Ms. DePalma's door. As a result, Ms. DePalma's home faced a fire hazard from the exposed wires, and lost all PECO services, cable services, and internet services. Her mother could not call 911 due to the outages. Later that day, Ms. DePalma called the police again. When Ms. DePalma inspected the damaged wires she noticed the cuts to the wires were clean. Due to the wire's thick protective casings, they could not have been broken or severed by hand. Ms. DePalma hired an electrician to come and temporarily return service to her house until PECO and Comcast could replace and fix the damaged wires later that week.

On January 15, 2024, [Roddy] went to the back of the houses and cut Ms. Decker's main PECO wires. Ms. Decker was able to see this on her home video surveillance system. Ms. Decker called the police. Once officers arrived, Ms. Decker went to meet them in the back alley behind the homes. To do this, Ms. Decker opened her back door and the aluminum on the door hit the cut exposed wires. As the door hit the wires, the wires['] sparks flew off the door and an electrical arc formed around the door, it sounded like a mini explosion. Due to the wire damage, Ms. Decker could not exit her home and lost all PECO services to her home. Ms. Decker hired an electrician who provided splicing services to her damaged wires to temporarily restore services until PECO replaced and fixed the wires later that week. Ms. Decker's electrical repairs totaled \$5,200. [Although an unspecified amount of the repair cost was to fix a preexisting issue with a floodlight.]

Trial Court Opinion, 9/22/25, at 1-4 (record citations and footnotes omitted).

A bench trial was held on April 9, 2025. At each docket number, Roddy was found guilty of criminal mischief, PIC, and summary harassment. Additionally, at docket number 1750-2024 he was found guilty of REAP. On June 25, 2025, the trial court sentenced Roddy to an aggregate sentence of eight to sixteen months incarceration followed by four years of probation. This consisted of a four to eight month sentence, imposed consecutively, for each criminal mischief conviction, four years of probation for each PIC conviction, imposed concurrently to each other, and no further penalty for the summary harassment and REAP convictions. He filed post-sentence motions which were denied without a hearing.

Roddy timely filed a notice of appeal from both docket numbers. We consolidated the cases *sua sponte*. **See** Order, 10/23/25. Both Roddy and the

trial court complied with Pennsylvania Rule of Appellate Procedure 1925. **See** Pa.R.A.P. 1925(a)-(b).

Roddy raises the following issue.

Whether the Commonwealth presented sufficient evidence to prove beyond a reasonable doubt that Mr. Roddy either caused pecuniary loss in an amount exceeding \$500[0] or caused a substantial interruption or impairment of a public service where he on two separate occasions cut the wires supplying electricity, internet, and phone service to private homes for brief periods lasting less than 24 hours and where no evidence concerning the amount of pecuniary loss incurred by his actions was presented?

Appellant's Brief, at 2.

When reviewing a sufficiency claim, we face a question of law. Accordingly, our standard of review is *de novo*. We view the evidence in the light most favorable to the Commonwealth, as the verdict winner, and we draw all reasonable inferences therefrom in the Commonwealth's favor. Through this lens, we must ascertain whether the Commonwealth proved all of the elements of the crime at issue beyond a reasonable doubt.

Commonwealth v. Castaneira, 322 A.3d 223, 227 (Pa. Super. 2024)

(brackets and citation omitted).

"A person is guilty of criminal mischief if he: . . . (5) intentionally damages real or personal property of another[.]" 18 Pa.C.S.A. § 3304(a)(5).

The grading of the offense is determined by the following:

(b) Grading.—Criminal mischief is a felony of the third degree if the actor intentionally causes pecuniary loss in excess of \$5,000, or a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service. It is a misdemeanor of the second degree if the actor intentionally causes pecuniary loss in excess of \$1,000, or a misdemeanor of the third degree if he intentionally or recklessly causes pecuniary loss in excess of \$500 or causes a loss

in excess of \$150 for a violation of subsection (a)(4). Otherwise criminal mischief is a summary offense.

18 Pa.C.S.A. § 3304(b).

Roddy asserts that the Commonwealth did not present sufficient evidence for his criminal mischief convictions to be graded as a third-degree felony. He argues that neither the trial court nor the Commonwealth asserted that his conduct caused pecuniary loss in excess of \$5,000. **See** Appellant's Brief, at 7-8. Further, he argues that the Commonwealth and trial court incorrectly concluded that he caused a substantial interruption or impairment to Decker and DePalma's public communications or supply of power. **See id.** at 8. In support of his position, he argues that **Commonwealth v. Herman**, 924 A.2d 1231 (Pa. Super. 2007), which the trial court relied on, is distinguishable. **See id.** at 8-9. Specifically, he argues that **Herman** concerned a business, which meant that multiple people were affected, which is not the case here. **See id.** Additionally, he argues that any interruption to Decker and DePalma's service was "brief" and therefore, was not a "substantial interruption or impairment." **Id.** at 9-10.

The Commonwealth argues that there was a substantial impairment to services because communication and power for the homes were totally impaired, and the duration of the impairment is not relevant. **See** Appellee's Brief, at 7-9. Additionally, the Commonwealth argues that the court's rationale in **Herman** did not rely on how many people were affected by the impairment of public services. **See id.** at 9 n.2. Alternatively, the Commonwealth argues

that there was sufficient evidence to conclude that Roddy caused an excess of \$5,000 in damages to both houses. **See** Appellee's Brief, at 10. We agree with the Commonwealth.

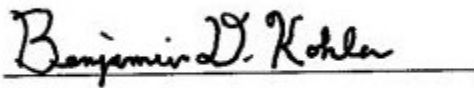
In **Herman**, during an attempted robbery at night, the appellant cut the phone line to a grocery store. **See Herman**, 924 A.2d at 1232. On appeal, the appellant argued that there was insufficient evidence to support his conviction of criminal mischief graded as a third-degree felony because the grocery store was closed, and therefore, there was no substantial interruption or impairment of public communication or a public service. **See id.** at 1232-33. He further argued that the Commonwealth had to establish that multiple users of the public service at issue were affected. **See id.** at 1233. Although the court noted that the appellant's actions "rendered the store owner, its employees, and its customers, completely without telephone service[,]" it clearly rejected the appellant's argument that the Commonwealth had to establish that "multiple users of the public service at issue were affected." **Id.** (record citation omitted). Therefore, the court affirmed the appellant's judgment of sentence. **See id.** at 1234.

Here, Roddy cut the power and cable lines to DePalma's home and the power lines to Decker's homes. Not only did the exposed wires create a fire hazard but his actions caused them to lose all electrical services in their homes. The "brief" interruption, as Roddy puts it, was only for a short period because they were able to quickly enlist the services of an electrician to

temporarily restore services. However, such a disruption is clearly a “substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service.” Roddy’s arguments to the contrary are unpersuasive. Accordingly, the Commonwealth presented sufficient evidence to support the third-degree felony gradation for Roddy’s two criminal mischief convictions.¹ Therefore, we affirm.

Judgment of sentence affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 9/28/2026

¹ Based on our disposition, we decline to reach the alternative argument regarding pecuniary loss.