

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, S.C.

RHODE ISLAND TRAFFIC TRIBUNAL

TOWN OF BRISTOL

v.

JOAN MCMASTER

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C.A. No. M11-0004

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STATE OF RHODE ISLAND
TRAFFIC TRIBUNAL
FILED

DECISION

PER CURIAM: Before this Panel on June 1, 2011—Chief Magistrate Guglietta (Chair, presiding), Judge Ciullo and Magistrate Goulart, sitting—is Joan McMaster’s (Appellant) appeal from a decision of the Bristol Municipal Court, sustaining the charged violations of G.L. 1956 § 31-20-9, “Obedience to stop signs.” Appellant appeared before this Panel pro se. Jurisdiction is pursuant to § 31-41.1-8.

Facts and Travel

On December 2, 2010 Officer Rachel Gaffney (Officer Gaffney, the officer) cited Appellant for the aforementioned violation of the motor vehicle code. Appellant contested the charges and the matter proceeded to trial before Judge Grasso of the Bristol Municipal Court on February 22, 2011.

At trial, Officer Gaffney testified that on December 2, 2010 she was “at a fixed traffic post at the corner of Dartmouth Street and Naomi Street monitoring the stop signs at that intersection.” (Tr. at 4.) While posted, she testified that she “observed [Appellant’s] vehicle. . . traveling south on Naomi Street and failed to make a complete stop at the clearly posted stop sign.” Id. She then initiated a traffic stop of the vehicle and “issued [Appellant] a summons for obedience to a stop sign.” Id.

Next, the Appellant testified and recalled a different set of events. She claimed that she was, in fact, driving on Naomi Street but when “[she] came to the sign[], . . . [she] stopped completely. (Tr. at 4.) Behind her, Appellant claimed, came a speeding police vehicle, “barreling out of nowhere and was traveling maybe 80 miles per hour down that street.” (Tr. at 5.) Appellant claimed that she protested with the officer, arguing that she did, in fact, stop. *Id.* Appellant testified that while issuing the ticket, the officer informed her that she could use her good driving record to avoid the citation, or if she wished to contest the charge, she could request a trial. (Tr. at 7.)

After Appellant had completed her testimony, the trial judge issued a ruling sustaining the charged violation. In doing so, he announced that he “f[ound] clear and convincing evidence that [Appellant] was guilty.” (Tr. at 8.) Appellant appealed.

Standard of Review

Pursuant to G.L. 1956 § 31-41.1-8, the Appeals Panel of the Rhode Island Traffic Tribunal possesses appellate jurisdiction to review an order of a judge or magistrate of the Rhode Island Traffic Tribunal. Section 31-41.1-8(f) provides in pertinent part:

The appeals panel shall not substitute its judgment for that of the judge or magistrate as to the weight of the evidence on questions of fact. The appeals panel may affirm the decision of the judge or magistrate, or it may remand the case for further proceedings or reverse or modify the decision if the substantial rights of the appellant have been prejudicial because the judge's findings, inferences, conclusions or decisions are:

- (1) In violation of constitutional or statutory provisions;
- (2) In excess of the statutory authority of the judge or magistrate;
- (3) Made upon unlawful procedure;
- (4) Affected by other error of law;

- (5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

In reviewing a hearing judge or magistrate's decision pursuant to § 31-41.1-8, this Panel "lacks the authority to assess witness credibility or to substitute its judgment for that of the hearing judge [or magistrate] concerning the weight of the evidence on questions of fact." Link v. State, 633 A.2d 1345, 1348 (R.I. 1993) (citing Liberty Mutual Insurance Co. v. Janes, 586 A.2d 536, 537 (R.I. 1991)). "The review of the Appeals Panel is confined to a reading of the record to determine whether the judge's [or magistrate's] decision is supported by legally competent evidence or is affected by an error of law." Link, 633 A.2d at 1348 (citing Environmental Scientific Corp. v. Durfee, 621 A.2d 200, 208 (R.I. 1993)). "In circumstances in which the Appeals Panel determines that the decision is clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record or is affected by error of law, it may remand, reverse, or modify the decision." Link, 633 A.2d at 1348. Otherwise, it must affirm the hearing judge's [or magistrate's] conclusions on appeal. See Janes, 586 A.2d at 537.

Analysis

On appeal, Appellant argues that the trial judge's decision is affected by error of law; clearly erroneous based on the reliable, probative, and substantial record evidence; and characterized by abuse of discretion. Specifically, she claims that she did not commit the alleged infraction, and that it was plain error for the trial judge to conclude otherwise.

This Panel is mindful that the scope of review on appeal is to determine whether the trial judge's decision was supported by legally competent record evidence. Since this

Panel cannot substitute its judgment for that of the trial judge, we must conclude that her decision to sustain Appellant's violation of § 31-20-9 was based on credible evidence adduced at trial. See Marran v. State, 672 A.2d 875, 876 (R.I. 1996). The trial judge found the testimony of Officer Gaffney indicating that she "observed [Appellant's] vehicle. . . traveling south on Naomi Street and failed to make a complete stop at the clearly posted stop sign, " more credible than Appellant's denial of the same. Her testimony taken as true and probative by the trier of fact equates to there being reliable, probative, and substantial evidence in the record that Appellant did not obey the posted stop signs. This Panel is satisfied that the trial "judge's decision is supported by legally competent evidence [in the form of the officer's testimony accepted as credible and] is [un]affected by an error of law." Link, 633 A.2d at 1348.

Conclusion

This Panel has reviewed the entire record before it. Having done so, the members of this Panel are satisfied that the trial magistrate's decision was not an abuse of discretion, erroneous in light of the reliable, probative, and substantial record evidence, in excess of statutory authority or affected by other error of law.

Substantial rights of Appellant have not been prejudiced. Accordingly, Appellant's appeal is denied, and the charged violation is sustained.

ENTERED: