

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CRANSTON, RITT

RHODE ISLAND TRAFFIC TRIBUNAL

TOWN OF MIDDLETOWN

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v.

C.A. No. M11-0022

TEDDY MAGHUYOP

STATE OF RHODE ISLAND
TRAFFIC TRIBUNAL
FILED
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DECISION

PER CURIAM: Before this Panel on January 11, 2012—Judge Almeida (Chair, presiding), Magistrate Noonan, and Magistrate Goulart, sitting—is Teddy Maghuyop’s (Appellant) appeal from a decision of Judge Regan (trial judge) of the Middletown Municipal Court, sustaining the charged violation of G.L. 1956 § 31-20-9, “Obedience to stop signs.” Appellant appeared before this Panel pro se. Jurisdiction is pursuant to G.L. 1956 § 31-41.1-8.

Facts and Travel

On September 11, 2011, Officer Scott Naso (Officer Naso) of the Middletown Police Department charged Appellant with the aforementioned violation of the motor vehicle code. Appellant contested the charge, and the matter proceeded to trial on October 25, 2011.

Prior to the traffic stop, Officer Naso was at a stationary traffic post near the intersection of Chases Lane and Casey Drive in the town of Middletown when he first observed the Appellant. (Tr. at 1.) At the time, the Appellant was operating a blue GMC pick-up truck. Officer Naso saw the Appellant approach a stop sign on Casey Drive. Id. As the Appellant approached the stop sign, he slowed down and made a left turn onto Chases Lane. Id. However, Officer Naso stated that the Appellant did not come to a complete stop at the stop sign.

Id. Officer Naso also stated that he had a clear, unobstructed view of the Appellant's actions. (Tr. at 2.)

The Appellant continued on Chases Lane when Officer Naso conducted a traffic stop. At the conclusion of the stop, Officer Naso cited Appellant for failing to make a complete stop at the stop sign. At trial, Officer Naso recounted the aforementioned facts.

At trial, the Appellant testified on his own behalf. Appellant testified that as he approached the intersection he came to a complete stop. (Tr. at 3.) As he proceeded into the intersection, the Appellant observed Officer Naso and slowed down in the middle of the intersection. Id. Appellant also contended that it was impossible for Officer Naso to observe Appellant's complete stop based on Officer Naso's positioning on Chases Lane. Id. In support of that contention, Appellant submitted into evidence photographs demonstrating the point of view Officer Naso had and also other photographs depicting the intersection.

In addition to his testimony and photographs, Appellant also called Fallon Manley (Manley)—a passenger in the vehicle at the time of the stop—to testify. Manley testified consistently with the Appellant's version of the events. Manley also stated that after Appellant came to a complete stop, the Appellant drove forward so that he could see the intersection more clearly. (Tr. at 4.)

At the conclusion of Manley's testimony, the trial judge asked Officer Naso to indicate on the photographs where he was located when he observed the violation. Officer Naso indicated on the photographs that he was located in the eastbound lane on Chases Lane. (Tr. at 5.) Appellant contended that Officer Naso was in the westbound lane. (Tr. at 7.)

Thereafter, each party rested their case in chief. The trial judge then issued a lengthy bench decision sustaining the charged violation. Appellant timely filed this appeal.

Standard of Review

Pursuant to G.L. 1956 § 8-18-9, any person may appeal an adverse decision from a municipal court and seek review from this Panel pursuant to the procedures set forth in § 31-41.1-8. Section 31-41.1-8 states that 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 contends that the trial judge’s decision to sustain the violation was an abuse of discretion. Specifically, Appellant contends that the trial judge’s decision to credit Officer Naso’s testimony over the Appellant and Manley’s testimony was an abuse of discretion.

Section 31-20-9 states, in pertinent part, that when approaching a stop sign every “driver shall stop at a clearly marked stop line. . . .” Sec. 31-20-9. In order to sustain a violation of this section, the prosecution bears the burden of proving that a motorist failed to stop at the stop line. The statute demands that a stop be made, which means a complete stop. The issue that the trial judge was presented in this matter was whether Officer Naso was in a position to observe the Appellant fail to make a complete stop at the stop line in violation of the statute.

The evidence presented to the trial judge on this issue was clearly conflicting. Officer Naso testified that he had a clear, unobstructed view of the intersection. (Tr. at 2.) Officer Naso went on to testify that the Appellant failed to come to a complete stop in violation of the statute. To the contrary, the Appellant testified that he did, in fact, come to a complete stop, which Manley corroborated. Also to the contrary, the Appellant contended that due to Officer Naso’s positioning, he did not have a clear, unobstructed view of the intersection.

In rendering his decision, the trial judge went through a complete recitation of the facts, including those discussed supra. In rendering his decision, the trial judge determined that Officer Naso was a credible witness and testified consistently throughout the trial. The trial judge also

determined that the issue before him was whether Officer Naso had a clear, unobstructed view of the intersection. In sustaining the violation, the trial judge accepted Officer Naso's testimony that he was in the eastbound lane on Chases Lane with a clear, unobstructed view of the intersection. The trial judge specifically rejected the Appellant's contention that Officer Naso was on the opposite side of the street with an obstructed view of the intersection.

It is well-settled that this Panel's review of the record is limited. This Panel is without authority to judge the credibility of the witnesses and weigh the evidence. See Link v. State, 633 A.2d at 1348. It is with these basic principles in mind that leads this Panel to the conclusion that the trial judge's decision was not an abuse of discretion. The trial judge carefully weighed all of the evidence before him and made certain determinations regarding the credibility of the witnesses. It was these decisions that drove his decision to sustain the charged violation. Furthermore, the trial judge's decision was supported by the evidence presented before him. See id. Thus, this Panel sees no abuse of discretion in any aspect of his decision.

Finally, Appellant contends that he should be afforded an opportunity to present additional evidence—any available video recordings¹ and an additional witness—and to have an attorney present. Appellant's request to present video recordings, assuming arguendo such information exists, is untimely. Appellant appeared for his trial and informed the trial judge he was ready to proceed with the trial. At this point, the opportunity for discovery had passed because Appellant failed to comply with our rules of procedure regarding discovery. See Traffic Trib. R. P. 1 (Rhode Island Traffic Tribunal rules apply to municipal courts as well); see also Traffic Trib. R. P. 11 (e) (motion for discovery must be made within fourteen days after the arraignment or with leave from the court). Appellant's failure to comply with our discovery

¹ Appellant is neither in possession of any video recordings nor does he know whether such information exists. Appellant simply asks that his case be remanded so that he may pursue discovery requests.

rules and his willingness to proceed with the trial do not warrant the matter to be remanded for further discovery.

Appellant's contention that he should be afforded an opportunity to call another witness is similarly without merit. Before the trial began, the trial judge asked the Appellant if his witnesses were present and if the Appellant was ready to proceed to trial. (Tr. at 1.) The Appellant told the trial judge his witnesses were present and he was ready for trial. Id. At the close of evidence, the trial judge again asked the Appellant if he would like to add anything else, and the Appellant told the trial judge he was finished presenting evidence. (Tr. at 7.) This Panel sees no reason to remand a matter when the Appellant himself was satisfied with the evidence presented at the trial. It was only after he received an adverse verdict did he wish to present additional evidence.

Finally, Appellant's argument that the matter should be remanded so that the Appellant can be represented by counsel is similarly without merit. There is no right to counsel for a civil traffic violation. See Dunn v. Petit, 120 R.I. 486, 388 A.2d 809 (R.I. 1978) (Our Supreme Court held there is no right to counsel for a violation of section 31-27-2.1 of the motor vehicle code because it is a civil infraction.). Appellant chose to proceed to trial pro se. It would not be in the interests of justice to allow this matter to be remanded so that Appellant can be afforded the opportunity for a second trial. The first trial was conducted consistent with our rules of procedure and a verdict was rendered.

Conclusion

This Panel has reviewed the entire record before it. Having done so, the members of this Panel are satisfied that the trial judge's decision was not an abuse of discretion 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 sustained.