

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**CRANSTON, RITT**

**RHODE ISLAND TRAFFIC TRIBUNAL**

**STATE OF RHODE ISLAND**

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v.

**C.A. No. T16-0001  
15001524710**

**JOHN C. SPENGOS**

**DECISION**

**PER CURIAM:** Before this Panel on March 23, 2016—Administrative Magistrate DiSandro III (Chair), Chief Magistrate Guglietta, and Magistrate Abbate, sitting—is John C. Spengos’ (Appellant) appeal from a decision of Magistrate Noonan (Trial Magistrate), denying Appellant’s Motion for Relief from Judgment. The judgment was entered on November 17, 2015 and sustained the charged violations of G.L. 1956 § 31-15-5, “Overtaking on the right” and § 31-15-16, “Use of emergency break-down lane for travel.” Jurisdiction is pursuant to § 31-41.1-8.

**Facts and Travel**

On September 6, 2015, Trooper Damien Maddox of the Rhode Island State Police (Trooper) charged the Appellant with the aforementioned violations of the motor vehicle code. Appellant contested the charges, and the matter proceeded to trial on November 17, 2015. At trial, both charges, § 31-15-5 and § 31-15-16, were sustained by the Trial Magistrate.

The Trooper had also charged the Appellant with a violation of § 31-27-2(d)(1), “Driving under influence of liquor or drugs” (D.U.I.). A criminal complaint was subsequently filed in District Court in Kent County, Rhode Island. (Compl. No. 31-2015-08277.)

On or about November 30, 2015, Appellant entered a plea of nolo contendere to the D.U.I. charge in the District Court. (Tr. at 4.) The plea was entered based on an agreement that

the Attorney General's Office would request dismissal of the previously adjudicated violations in the Traffic Tribunal. (Tr. at 5.) On December 10, 2015, Appellant filed a Motion for Approval of Stipulation in the Traffic Tribunal. The Motion was heard on January 8, 2016.

As an initial matter, the Trial Magistrate granted Appellant permission to amend his Motion for Approval of Stipulation to a Motion for Relief from Judgment. (Tr. at 3-4.) Appellant then proceeded to detail the events that occurred in the District Court. He ultimately requested that the previously adjudicated traffic violations be dismissed in the interests of justice pursuant to Rule 20 and Rule 26(b) of the Rhode Island Traffic Tribunal Rules (the Rules). (Tr. at 4-5.) The attorney from the Attorney General's Office did not object to the dismissal. (Tr. at 5.)

The Trial Magistrate proceeded to deny the motion, repeatedly citing Rule 26(c) as a road block. (Tr. at 5; 7-8, 10.) The Trial Magistrate explained that Rule 26(b) does permit the Court to dismiss a case in the interests of justice; however, Rule 26(c) makes clear that dismissal cannot occur once the violation has been adjudicated. (Tr. at 5; 7-8.) The Trial Magistrate also expounded on the general posture of plea agreements, stating that "global resolutions" are negotiated prior to adjudication. (Tr. at 6-7.) He additionally noted that, from a policy standpoint, the Court has an interest in preserving finality, as opposed to opening an avenue for litigants to seek relief from the District Court if they receive a resolution in the Traffic Tribunal that they find unsatisfactory. (Tr. at 6.) Accordingly Appellant's motion was denied. Aggrieved by the Trial Magistrate's decision, Appellant timely filed this appeal.

### 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 Mut. Ins. 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 Envtl. 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.” Id. at 1348 (internal quotation marks omitted). 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 Magistrate’s decision was affected by error of law, arbitrary or capricious, and characterized as an abuse of discretion. Specifically, Appellant argues that Rule 26(c) prohibits dismissal after adjudication but only by the prosecuting officer, attorney for the State, agency, or municipality. Appellant maintains that the Rules are devoid of any similar limitation on the court’s authority to dismiss violations after adjudication. Appellant claims that the adjudicated violations should be dismissed by this Panel in the interest of justice pursuant to Rule 20 and Rule 26(b) because the Appellant is not receiving the “benefit of [his] bargain” under his agreement in the District Court. (Appellant’s Mem. at 6.) Finally, Appellant contends that policy considerations should not limit this Panel’s authority as it is clear that the Rules permit dismissal under these circumstances.

Rule 20 states, in pertinent part: “The [C]ourt may . . . relieve a party . . . from a judgment or order for . . . (f) [a]ny other reason justifying relief from the operation of the judgment, or order, including that relief is warranted in the interests of justice.” Rule 26(b) also gives the Court the authority to “dismiss [a] summons in the interest of justice.” Subsection (c) delineates a limitation on this authority: “No summons shall be terminated pursuant to subsection (a) of this rule following the adjudication of a violation of the law.”

While the Trial Magistrate recognized this limitation, he expanded its scope by additionally applying the limitation to subsection (b). The express language of subsection (c) is clear and unambiguous; a summons cannot be terminated following the adjudication “pursuant to subsection (a).” (Emphasis added). See State v. DiCiccio, 707 A.2d 251, 253 (R.I. 1998) (“It is

well settled that when the language of a statute is clear and unambiguous, this Court must interpret the statute literally and must give the words of the statute their plain and ordinary meanings.” (quoting Accent Store Design, Inc. v. Marathon House, Inc., 674 A.2d 1223, 1226 (R.I. 1996)) (internal quotation marks omitted). According to the maxim expressio unius est exclusion alterius, the Supreme Court did not intend to limit a court’s authority to dismiss a violation following adjudication in the same manner the Court intended to limit a prosecutor’s authority. See 2A Sutherland Statutory Construction § 47:23 (7th ed. 2015). As a result, this Panel does have the discretion to dismiss a case in the interests of justice pursuant to Rule 26(b), even if that case has already been adjudicated. Likewise, this Panel has the authority to relieve a party from a judgment for the same reason under Rule 20(f).

That being said, substantial rights of the Appellant have not been prejudiced by this misinterpretation. This Panel finds that the error was harmless as the decision was not affected by such. In detailing the policy considerations underlying his decision, the Trial Magistrate explained why these circumstances would not constitute dismissal “in the interests of justice.” (Tr. at 6.) The Trial Magistrate stated that dismissing the violations under the current circumstances would result in a “moot court.” Id. at 6. He defined a “moot court” as one “where the people come over [to the Traffic Tribunal] and try cases, and if it works out, they go one way; and if it didn’t work out, they go over and work out a deal in District Court.” Id. This Panel agrees, and notes that the Traffic Tribunal has a strong interest in preserving the finality of its decisions. See Jolicoeur Furniture Co., Inc. v. Baldelli, 653 A.2d 740, 754 (R.I. 1995) (“Judgments are ‘presumed to have been made up after careful deliberation’ and are not to be disturbed without a substantial reason” (quoting Chase v. Almardon Mills, Inc., 102 R.I. 579, 581, 232 A.2d 390, 391-92 (1967))). If this Panel were to dismiss adjudicated violations

pursuant to subsequent plea arrangements made in a different court, a Traffic Tribunal decision would hold little weight and impose nearly no implications for defendants with related charges pending in another court. It is within this Panel's discretion to define the "interests of justice." Creating a moot court, wasting numerous judicial resources, and disrespecting judicial finality do not fit the bill.

This Panel is cognizant of the importance of plea bargaining. See State v. Traficante, 636 A.2d 692, 695 (R.I. 1994). However, plea negotiations are centered on resolving a situation in a way that can "benefit all concerned." Id. (quoting Blackledge v. Allison, 431 U.S. 53, 71 (1977)) (internal quotation marks omitted). It does not benefit the Traffic Tribunal to hold that a plea arrangement made in another court can undermine the decision of the Traffic Tribunal. For the reasons discussed above, we conclude that it is not in the interests of justice to dismiss the sustained charges. Therefore, the Trial Magistrate decision was not arbitrary, capricious, or made in an abuse of discretion. Substantial rights of the Appellant have not been prejudiced.

**Conclusion**

This Panel has reviewed the entire record before it. For all the reasons stated above, the members of this Panel are satisfied that the Trial Magistrate's decision was not affected by error of law, arbitrary or capricious, or characterized as an abuse of discretion. Substantial rights of the Appellant have not been prejudiced. Accordingly, Appellant's appeal is denied, and the charged violations are sustained.

ENTERED:

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Administrative Magistrate Domenic A. DiSandro III (Chair)

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Chief Magistrate William R. Guglietta

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Magistrate Joseph A. Abbate

DATE: \_\_\_\_\_