

**STATE OF RHODE ISLAND
PROVIDENCE, Sc.**

**DISTRICT COURT
SIXTH DIVISION**

Everett Stamatakos :
:
v. : **A.A. No. 2025 - 012**
:
City of East Providence :
(RITT Appeals Panel) :

ORDER

This matter is before the Court pursuant to § 8-8-8.1 of the General Laws for review of the Findings and Recommendations of the Magistrate.

After a de novo review of the record and the memoranda of counsel, the Court finds that the Findings & Recommendations of the Magistrate are supported by the record, and they constitute an appropriate disposition of the facts and the law applicable thereto.

It is, therefore, ORDERED, ADJUDGED AND DECREED,
that the Findings and Recommendations of the Magistrate are adopted by reference as the Decision of the Court and the decision of the Appeals Panel is AFFIRMED.

Entered as an Order of this Court at Providence on this 23rd day of September, 2025.

By Order:

_____/s/_____
Jamie Hainsworth
Chief Clerk

Enter:

_____/s/_____
Jeanne E. LaFazia
Chief Judge

STATE OF RHODE ISLAND
PROVIDENCE, Sc.

DISTRICT COURT
SIXTH DIVISION

Everett Stamatakos	:	
	:	
v.	:	A.A. No. 2025-012
	:	(M24-0005)
City of East Providence	:	(24-404-500321)
(RITT Appeals Panel)	:	

FINDINGS & RECOMMENDATIONS

Ippolito, M. After he was cited by an officer of the East Providence Police Department for violating G.L. 1956 § 31-15-11, entitled “Laned Roadways,” Mr. Everett Stamatakos was tried on that civil traffic violation before a Judge of that City’s Municipal Court — and found guilty. Thereafter, his conviction was affirmed by an Appeals Panel of the Traffic Tribunal; he now comes to this Court, seeking further review.

Jurisdiction for the instant appeal is vested in the District Court by G.L. 1956 § 31-41.1-9; this matter has been referred to me for the making of findings and recommendations pursuant to G.L. 1956 § 8-8-8.1. For the reasons which shall be set forth in this opinion, I have concluded that the decision of the Appeals Panel ought to be AFFIRMED. I so recommend.

I
Facts and Travel of the Case

A
Issuance of the Citation & Proceedings Before the Municipal Court

On March 3, 2024, Officer Jason Nogler of the East Providence Police Department initiated a motor vehicle stop at the intersection of Warren Avenue and Evergreen Drive, during which he cited the operator, Mr. Everett Stamatakis, for a laned roadway violation. *Dec. of Appeals Panel*, at 1 (citing *Summons No. 24-404-500321*).¹ At his arraignment on April 4, 2024, he entered a plea of not guilty and the matter was set for trial before a judge of the East Providence Municipal Court. *See Case Information Work Sheet, ER* at 58.

When, on June 20, 2024, the parties were assembled for trial, Mr. Stamatakis asked for a continuance, because he had not received a response to a request for production and interrogatories until 7:41 that morning. *See Trial Transcript*, at 4-5.²

Notwithstanding this request, the case proceeded to trial and Officer Nogler testified that he saw Mr. Stamatakis's vehicle drive up on the sidewalk adjacent to the eastbound lane of Warren Avenue, after which it turned onto

¹ The Decision of the Appeals Panel may be found in the Electronic Record (*ER*) of this case, by clicking on the PDF symbol associated with the docket entry "01/10/2025 Administrative Appeal Filed." It may be found beginning on page 14. The summons referenced by the Panel may be found on page 59.

² The trial transcript may be found beginning on page 30 of the Electronic Record (*ER*). It may also be noted that the trial was set for 5:00 p.m. on that date. *ER* at 55.

Highland Avenue and crossed over the dividing line of the eastbound lanes. *See Dec. of Appeals Panel*, at 1-2 (citing *Trial Tr.* at 7). The Officer pulled over the vehicle; and during the stop Seekonk Police were present. *Dec. of App. Panel*, at 2 (citing *Trial Tr.* at 9).

When the Officer was asked by Appellant why he did not pull him over sooner, he responded that he had an inebriated person in the vehicle because he was giving that person a “sober ride” into Seekonk. *Trial Tr.* at 8. At about this juncture Mr. Stamatakos renewed his motion for a continuance, suggesting conflicts existed between the statements of the East Providence Police and the Seekonk Police. *Id.* at 8-9. But the Trial Judge then attempted to elicit from the Motorist his version of the events in question. *Id.* at 10. However, Mr. Stamatakos once again asked why he was not stopped by East Providence Police when he was stopped at the light. *Id.* The Trial Judge then found Appellant guilty of the Laned Roadway violation and fined him \$86.00 plus costs. *Id.*

B

Proceedings Before the Traffic Tribunal Appeals Panel and Decision

Mr. Stamatakos filed a notice of appeal, and the matter was heard on November 13, 2024, by an Appeals Panel of the Traffic Tribunal composed of Magistrate Kruse Weller (Chair), Magistrate Noonan, and Magistrate DiChiro. *Dec. of Appeals Panel*, at 1. Mr. Stamatakos appeared *pro-se*. *Id.*

The Decision of the Appeals Panel was issued on December 27, 2024. At the outset of its decision, the Panel recited the facts and travel of the case, *id.* at 1-2, and set forth its standard of review, *id.* at 2-3. It then turned to the two legal issues which, in the Panel’s opinion, were presented by the case.

1

Mr. Stamatakos’s Late Appeal

The Appeals Panel first addressed the fact that Mr. Stamatakos’s appeal from the decision of the East Providence Municipal Court was filed after the expiration of the ten-day appeal period set forth in G.L. 1956 § 31-41.1-8(d).

In its Decision, the Appeals Panel recounted the sequence of events of Mr. Stamatakos’s appeal thusly:

... In this case Appellant’s trial concluded on June 20, 2024, and the ten-day period expired on July 1, 2024. However, Appellant filed his appeal on July 5, 2024, beyond the statutory deadline.

At the Appeal, the Appellant stated that he attempted to file his appeal at 3:00 p.m. on July 1, 2024, and when he arrived to do so the Rhode Island Traffic Tribunal was closed. Despite this assertion, the court’s scheduling records confirm the courthouse remained open and accepted filings until 3:30 p.m., and the building closed at 4:00 p.m. Consequently, Appellant’s failure to file within the required timeframe is not attributable to any court closure or procedural barrier, but rather to his inattention to detail.

Dec. of Appeals Panel, at 4; *ER* at 17. The Panel then acknowledged that the ten-day period may be extended for excusable neglect — which it defined to be “that course of conduct which a reasonably prudent person would take under similar

circumstances.” *Id.* at 4 (quoting *Pleasant Management, LLC v. Carrasco*, 960 A.2d 216, 222 (R.I. 2008) (quoting *Pari v. Pari*, 558 A.2d 632, 635 (R.I. 1989))). The Panel added that “[e]xcusable neglect does not encompass failures arising from carelessness or disregard by an Appellant for court processes but instead applies to situations involving unexpected or unavoidable hindrances.” *Dec. of Appeals Panel*, at 4 (citing *Jacksonbay Builders, Inc. v. Azarmi*, 869 A.2d 580, 584 (R.I. 2005)).

Turning to Mr. Stamatakos’s case, the Panel found that he had not provided sufficient evidence of excusable neglect. *Id.* at 4. It decided that his excuse for his tardiness “lacked credible corroboration and fell short of demonstrating a valid, unavoidable obstacle.” *Id.* And so, it held that he failed to satisfy his burden of showing “that his failure to file on time was not due to his carelessness or inattention.” *Id.* at 4-5 (citing *Pari, supra*, 558 A.2d at 635).

2

The City’s Failure to Respond to Appellant’s Discovery Request in a Timely Manner

Notwithstanding its ruling on the late-appeal issue, the Appeals Panel also addressed Mr. Stamatakos’s allegation that his defense was prejudiced by the City’s failure to respond to his interrogatories until the morning of trial. *Id.* at 5-6. The Panel began this discussion by referencing Rule 11(b) of the Traffic Tribunal Rules of Procedure, which permits a defendant to “request” discovery of documents material to the case. *Id.* at 5. It then stated that “the record” before the

Panel demonstrates that Appellant submitted “interrogatories and requests for production” to the East Providence Police Department but only received a response on the morning of the trial. *Dec. of Appeals Panel*, at 5.

The Appeals Panel then opined that defendants whose discovery requests remain unanswered must file motions to compel. *Id.* at 5 (citing Traffic. Trib. R. P. 11(b)). And, if such a motion is granted, the Trial Judge may take appropriate action to require compliance. *Id.* at 5 (citing Traffic. Trib. R. P. 11(f)(2)). To buttress its position, the Panel then cited its earlier opinion in *State v. L.F.*, C.A. No. T16-0021 (Traffic Trib. 08/22/2017).³ In *L.F.*, the Appeals Panel held that, in the absence of a prior order requiring a discovery request to be answered, no *violation* of Rule 11(b) can be found; and, consequently, there can be no *sanctions* for noncompliance where no discovery order was entered. *Id.* at 5-6.

The Appeals Panel then focused on Mr. Stamatakos’s case. It noted that Appellant did not seek an order of discovery under Rule 11(b); nor did he bring a motion to compel under Rule 11(f)(2). *Id.* at 6. As such, the Court could not consider whether the prosecution’s failure to comply in a timely manner was willful; and, because the Court had not made a prior finding that the information sought was material to the defense, the Court had no basis upon which to determine prejudice. *Id.* Under these circumstances, the Panel held that the Trial

³ This opinion may be located on the website of the Rhode Island Judicial Department at <https://www.courts.ri.gov/Decisions/T16-0021.pdf>.

Judge did not err in failing to find a discovery violation and ordering the trial to proceed. *Id.* at 6.

And so, the Appeals Panel affirmed Mr. Stamatakos's conviction on the Laned Roadway violation. *Id.* at 7.

C

Proceedings Before the District Court

On January 10, 2025, Mr. Stamatakos filed an appeal of the Panel's decision in the Sixth Division District Court. Included with his Notice of Appeal was a statement of his reasons for appeal. *ER* at 5-7.⁴ From the congeries of assertions he presented therein, we may discern the following allegations of error:

1. Mr. Stamatakos asserted that "the judge showed prejudice and treated me as a joke!" *ER* at 6.⁵
2. He claimed that while his request for a continuance was denied, a lawyer obtained a continuance without justifying it; so, he was not treated "equally." *Id.*
3. Appellant claimed that the Appeals Panel has flexibility on the rules regarding time. He then asserted that he had made a good faith effort to obtain the trial transcript within the time allowed. Accordingly, he argued that he should

⁴ As we explained *supra* at note 1, the Electronic Record (*ER*) of this case, may be found by clicking on the PDF symbol associated with the electronic docket entry "01/10/2025 Administrative Appeal Filed."

⁵ The numeration of his arguments is my own, and not that of Mr. Stamatakos.

not be punished for the lateness of the transcript as his actions fell within the realm of excusable neglect. *ER* at 6.

4. Next, Mr. Stamatakos observes that Rule 11(b) of the Traffic Tribunal Rules of Procedure does not require a Motion to Compel. *ER* at 6.

5. Appellant then reminds us of the stated purpose of the Traffic Tribunal Rules —

These rules are intended to provide for the just determination of every civil traffic violation proceeding and other violations assigned to the court for adjudication pursuant to state law. They shall be construed to secure simplicity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay; they shall also be construed consistent with the fact that they constitute the rules for the adjudication of civil, not criminal, violations of the motor vehicle code and other statutes within the court's jurisdiction

Id. (citing Traffic Trib. R. P. 2). And so, he expressed the hope that the Court would allow him a new hearing and access to the information he needed to prove his innocence. *Id.*

6. And *finally*, Mr. Stamatakos reiterated his incredulity at the version of events put forward by the East Providence Police officers. *Id.* at 7.

II

Standard of Review

When hearing administrative appeals, this Court's role is very limited. We are not permitted to conduct a new trial; instead, we may only undertake a review of the record certified to us. After doing so, we may affirm, reverse, or remand the matter for further proceedings.

The standard of review which we must employ is enumerated in G.L. 1956 § 31-41.1-9(d), which states as follows:

(d) *Standard of review.* The judge of the district court shall not substitute his or her judgment for that of the appeals panel as to the weight of the evidence on questions of fact. The district court judge may affirm the decision of the appeals panel, or 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 appeals panel's findings, inferences, conclusions or decisions are:

- (1) In violation of constitutional or statutory provisions;
- (2) In excess of the statutory authority of the appeals panel;
- (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.

This provision is a mirror-image of the standard of review found in G.L. 1956 § 42-35-15(g) — a provision of the Rhode Island Administrative Procedures Act (APA).

Accordingly, we can rely on cases interpreting the APA standard as guideposts in this process.

Under the APA standard, the District Court “... may not substitute its judgment for that of the agency and must affirm the decision of the agency unless its findings are ‘clearly erroneous.’” *Guarino v. Dep’t of Social Welfare*, 122 R.I. 583, 584, 410 A.2d 425 (1980) (citing G.L. 1956 § 42-35-15(g)(5)). *See also Link v. State*, 633 A.2d 1345, 1348 (R.I. 1993). And, our Supreme Court has reminded us that, when reviewing convictions for traffic citations, appellate courts lack “the authority to assess witness credibility or to substitute its judgment for that of the hearing judge concerning the weight of the evidence on questions of fact.” *Link*, 633 A.2d at 1348 (citing *Liberty Mut. Ins. Co. v. Janes*, 586 A.2d 536, 537 (R.I. 1991)). Our review “... is confined to a reading of the record to determine whether the judge’s decision is supported by legally competent evidence or is affected by an error of law.” *Link, id.* (citing *Env’t Sci. Corp. v. Durfee*, 621 A.2d 200, 208 (R.I. 1993)).

III

Discussion

As recounted *supra*, the Appeals Panel addressed two issues in its Decision: (a) his late appeal from the municipal court verdict, and (b) the judge’s failure to postpone the trial when his discovery request was answered on the morning of trial. We shall now discuss these issues *seriatim*.

A
The Late Appeal

In his itemization of his “Reasons for Appeal,” Mr. Stamatakos discussed the late appeal issue. He began by declaring broadly that — “As far as the appeal panel they have some flexibility on Rules regarding time.” *ER* at 6. And that’s all he said in his initial appeal documents regarding the late filing of his appeal from the verdict of the East Providence Municipal Court to the Appeals Panel of the Traffic Tribunal. Appellant proffered no grounds that would constitute excusable neglect for the tardy filing of his initial appeal.

Of course, Appellant did present a short discourse on why he also filed the *trial transcript* tardily, but that’s a separate issue — one the Appeals Panel never addressed.⁶ It formed no part of the Panel’s late-appeal analysis.

Thereafter, Mr. Stamatakos did offer, on two occasions, some additional justification for the lateness of his appeal. The first of these came when he appeared before the Appeals Panel on November 13, 2024. Appellant stated that he attempted to present his appeal documents at the offices of the Traffic Tribunal at 3:00 p.m. on July 1, 2024, but the office was closed. *Dec. of Appeals Panel*, at 4.⁷ However, the Appeals Panel was unable to confirm this story; it

⁶ The transcript issue is one involving the time period for *perfecting* an appeal after it has previously been filed.

⁷ By listening to the recording of the proceedings before the Panel, the undersigned did confirm that Mr. Stamatakos did say that he appeared at the Traffic Tribunal to file his appeal *on the first*. At that time, one of the members of the Panel inquired why, if he had such

researched the question and learned that, on July 1, 2024, the courthouse was open until 4:00 p.m. and that filings were accepted until 3:30 p.m. *Id.* And so, the Panel found that Mr. Stamatakos failed to satisfy his burden of showing that his tardiness in filing his appeal was attributable to excusable neglect.

Appellant again raised this issue in the Memorandum he filed with this Court on March 24, 2025. In that document he stated that he attempted to file his appeal, not on July 1, 2024, but on July 3, 2024, and not at 3:00 p.m., but at 3:40 p.m. *Appellant's Mem.* at 5.⁸

This representation brings three comments immediately to mind: *first*, there is a patent factual conflict between the two stories — one relates to July 1, the other to July 3, 2024 — which must prompt any reasonable person to question the credibility of these representations; *second*, because the question of whether excusable neglect existed with regard to Mr. Stamatakos's late appeal is a question of fact,⁹ this Court is bound by the factual record certified to us by the Traffic Tribunal and cannot consider this new version of events to constitute evidence; and *third*, even if we *could* consider the substance of Mr. Stamatakos's newest statement regarding his interaction with the Tribunal's clerk's office, it

difficulty on July 1, 2024, did he not return the next day? No response was given.

⁸ The City also filed a Memorandum, in which it urged this Court to affirm Appellant's conviction; it also argued that his appeal to this Court was also tardy. Of course, the Court's acceptance of our recommendation to affirm would obviate the need to reach that issue.

⁹ See *Pari v. Pari*, 558 A.2d 632, 635 (R.I. 1989).

would be immaterial, because July 3, 2024 was after the expiration of the ten-day appeal period.¹⁰ And so, I can perceive no basis upon which to find that the Appeals Panel erred when it found that Appellant had not shown that the lateness of his appeal was made under circumstances constituting excusable neglect, as that term is defined in *Pari* and *Jacksonbay Builders*, cited *supra* at 5, as no external forces precluded Mr. Stamatakos from filing his appeal in a timely manner. *Id.* See also *Glassie v. Doucette*, 336 A.3d 1100, 1108-09 (R.I. 2025) and *UAG West Bay Am, LLC v. Cambio*, 987 A.2d 873, 880-81 (R.I. 2010). The Panel finding that Appellant failed to satisfy his burden to show a cause for his tardiness beyond his control is supported by reasonable inferences from the evidence of record — and the lack thereof. I must therefore recommend affirmance on this point.

And while our efforts in this case could be properly terminated at this juncture, I shall do as the Appeals Panel did, and address his further claim of error relating to the discovery request he made prior to trial.

¹⁰ It seems that Appellant may have, in passing, let slip the real reason for his late appeal: “The Appellant was surprised by the amount of time given regarding the filing of the appeal....” *Appellant’s Mem.* at 5. But a subjective misunderstanding of the law cannot be construed to be excusable neglect, or the time periods set would be meaningless.

B

The Failure of the Police to Respond to Appellant's Discovery Request in a Timely Manner

Mr. Stamatakos has also argued, in both his Notice of Appeal and the Memorandum he submitted to this Court, that the Municipal Court Judge erred when he refused to grant his request for a continuance because his discovery request was not answered until the morning of trial. As related *supra*, the Appeals Panel rejected this argument because Mr. Stamatakos failed to bring a motion to order discovery, as required under Rule 11(b); nor did he bring a motion to compel, as permitted under Rule 11(f)(2). *Dec. of Appeals Panel*, at 5-6 (citing *L.F.*). But in both his Notice of Appeal and his Memorandum, Appellant denies that either is required under the Rules. So, let us work through this issue to see how discovery in civil traffic violations is established in the relevant statutory law and court rules.

We begin from core principles. Municipal courts are authorized to hear and decide certain civil traffic violations by G.L. 1956 § 8-18-3 of the State and Municipal Court Compact. *See also* G.L. 1956 § 31-41.1-6(a). The charge in the instant case, the Laned Roadway violation, is specifically cited in § 8-18-3(a) as being within the jurisdiction of a Municipal Court. When hearing civil traffic violations, the Municipal Courts are bound by, and must apply, the Traffic Tribunal Rules of Procedure. *See* G.L. 1956 § 8-18-4(b). Accordingly, in order to learn what discovery a defendant may obtain prior to the trial of a civil traffic

violation, and by what procedure he or she may do so, we must look to those rules — particularly Rule 11, entitled Discovery and Inspection, in which the procedure to be utilized varies depending on the type of material requested.

For instance, by making a written request, a defendant may obtain police reports regarding examinations and tests done in the case, and statements showing that he was advised of his rights. *See* Traffic Trib. R. P. 11(a). But, other material within the possession, custody, or control of the agency may only be obtained if ordered by the court upon a showing of materiality and reasonableness; thus, to obtain access to these materials, a motion for an order of discovery must be filed. *See* Traffic Trib. R. P. 11(b). Now, if the prosecuting agency fails to comply after receiving a request under Rule 11(a) or an order under Rule 11(b), the Defendant may bring a motion to compel or for certain other forms of relief. *See* Traffic Trib. R. P. 11(f)(2).

Having reviewed the framework under which discovery may be obtained in the trial of a civil traffic violation, we may now consider whether Appellant proceeded in conformity with this rule. Clearly, he did not.

First of all, Mr. Stamatakos entitled his discovery demand “Interrogatories and Request for Production.” Interrogatories are simply not permitted under the Traffic Tribunal Rules. This is undoubtedly why he cites Rule 33 in the discovery argument he presents on page 6 of his Memorandum. Mr.

Stamatakos, and all other defendants in civil traffic offenses, simply have no right to pose interrogatories to the charging agency.

In addition, the Panel was clearly correct in finding that, except for those materials discoverable under Rule 11(a), the production of discovery must be ordered by the Court. That is the ineluctable meaning of the language of Rule 11(b); and this Court, the Appeals Panel, and the East Providence Municipal Court are bound to apply it. And so, I can discern no error in the Appeals Panel's decision on this issue.

IV

Conclusion

Upon careful review of the evidence, I recommend that this Court find that the decision of the Appeals Panel was not made upon error of law. G.L. 1956 § 31-41.1-9. Furthermore, said decision is not clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record. G.L. 1956 § 31-41.1-9. Accordingly, I recommend that the decision that the Traffic Tribunal Appeals Panel issued in this matter dismissing Mr. Stamatakos's appeal for lateness be AFFIRMED.

/s/
Joseph P. Ippolito
MAGISTRATE

September 23, 2025

