

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

**DISTRICT COURT
SIXTH DIVISION**

Stanley Joseph	:	
	:	
v.	:	A.A. No. 2025 - 065
	:	
State of Rhode Island	:	
(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 are 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 16th day of July, 2026.

Enter:

_____/s/_____
Jeanne E. LaFazia
Chief Judge

By Order:

_____/s/_____
Jamie Hainsworth
Chief Clerk

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

**DISTRICT COURT
SIXTH DIVISION**

Stanley Joseph	:	
	:	
V.	:	A.A. No. 2025-065
	:	(T25-0002)
State of Rhode Island	:	(24-001-544047)
(RITT Appeals Panel)	:	

FINDINGS & RECOMMENDATIONS

Ippolito, M. On December 8, 2024, a member of the Division of State Police cited Mr. Stanley Joseph (who shall also be identified as “Appellant” or “the Motorist”) for a civil traffic violation — Speeding, as prohibited by G.L. 1956 § 31-14-2 (Speeding 11+ MPH in Excess of the Posted Speed Limit). The case proceeded to trial on February 27, 2025, before a Magistrate of the Traffic Tribunal, who sustained the charge. After his initial appeal to the Appeals Panel of the Traffic Tribunal proved unsuccessful, Mr. Joseph now seeks relief from this Court, which is vested with jurisdiction to hear appeals from decisions of the Panel 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. On August 7, 2025, a briefing schedule was set by the Court, with Mr. Joseph’s memorandum due on October 20, 2025, and the State’s response due on November 19, 2025. But Appellant’s memorandum was not

received until January 20, 2026; after which, the State responded on February 19, 2026. Accordingly, the Court shall now proceed to decide the matter without further delay on the basis of the record which has been transmitted by the agency to this Court.¹

Applying the standard of review found in G.L. 1956 § 31-41.1-9(d), I have concluded that Appellant’s adjudication on the speeding charge was supported by competent evidence of record and the applicable law. I must therefore recommend that the decision rendered by the Appeals Panel in Mr. Joseph’s case be AFFIRMED.

I

Facts and Travel of the Case

A

The Incident and Proceedings Before the Trial Magistrate

On December 8, 2024, at about 11:55 p.m., Trooper Vandell Andrade (who shall also be referred to as “the Trooper”) of the Division of State Police was positioned in the breakdown lane of Interstate 95 North in Exeter, on a fixed radar post, when she observed a vehicle approaching at a high rate of speed. *Dec. of Appeals Panel*, at 1 (citing *Trial Tr.* at 12-13).² She used her radar device to determine that the car was traveling at a rate of 102 miles per hour in a 65-mile-per-hour zone. *Id.* (citing *Trial Tr.* at 12-13). At trial, she testified that she tested her radar device internally and externally before and after her shift. *Id.* (citing *Trial Tr.* at 12-13).

After stopping the vehicle, she approached it — and identified Mr. Joseph as the operator and observed a female front-seat passenger and two small children in the rear seat. *Id.* at 2 (citing *Trial Tr.* at 13). The passenger told the Trooper that she was

¹ See Electronic Docket Entries for this case.

² The Decision of the Appeals Panel may be found in the electronic record beginning on page 9. Henceforth, pages of the electronic record shall be cited as *ER* at [page #].

experiencing a medical emergency and needed a restroom. *Dec. of Appeals Panel*, at 2 (citing *Trial Tr.* at 13). The Trooper decided that the situation did not require summoning a rescue. *Id.* at 2 (citing *Trial Tr.* at 14).

In any event, the Trooper issued a Summons, number 24001544047, charging the Motorist with Speeding, more than 11 miles per hour over the limit, in violation of G.L. 1956 § 31-14-2. *Id.* at 2 (citing *Trial Tr.* at 5). At his arraignment on January 14, 2025, Mr. Joseph entered a plea of not guilty. *ER* at 96. And the case proceeded to trial on February 27, 2025. *ER* at 25.³

Trooper Andrade testified in a manner consistent with the foregoing narrative. *Trial Tr.* at 12-13. Regarding the female passenger's statement that she needed to use a restroom, the Trooper testified that she advised the Motorist that they had passed several gas stations before she stopped them. *Id.* at 14. On cross-examination by Mr. Joseph, the Trooper conceded that the lady seemed in some discomfort, and was grimacing, but all that was conveyed to her was that she needed to use the restroom. *Id.* at 14-15.

The next witness was the female passenger, whose name is Christina Landais, a resident of Brockton, Massachusetts. *Id.* at 16-17. Directed by the Court to give her testimony regarding the incident on December 8, 2024, she began by indicating that she had been having issues with her stomach since June, but the doctors have not determined a reason; she described her symptoms. *Id.* at 18. The witness then testified that, in November, she became "tired" of the staff at the hospital telling her there was nothing wrong, and she asked Mr. Joseph to take her to a hospital in Boston. *Id.* at 19. The hospital in Boston diagnosed gallstones. *Id.* She then turned to the night that the

³ The Trial Transcript may be found in the electronic record beginning on page 25. This Court shall cite exclusively to the Trial Transcript page, not to the *ER* page.

citation was issued.

Ms. Landais said that she and Mr. Joseph were returning from New York. *Id.* at 24. She testified that her “gallstone attack” began while they were still in Connecticut. *Id.* at 23. And they had to stop several times to let her attacks subside. *Id.* But Mr. Joseph was trying to get her as close to Boston as possible because of insurance issues if she received treatment outside of her jurisdiction. *Trial Tr.* at 24. Moreover, she had been told that, when she had another attack, she would need immediate surgery. *Id.*⁴

The witness set the scene just before the vehicle was stopped thusly:

... I’m in the car screaming, vomiting, diarrhea, screaming, and he’s like, kind of panicking. I don’t, I don’t know if he realized how fast we were going. I didn’t feel anything, and then I saw the lights behind me, and I started like, getting dizzy. I — after she pulled us over, I recall getting out of the car. ...

Trial Tr. at 22. Ms. Landais said that, when the vehicle was stopped by Trooper Andrade, she got out of the car and was vomiting, and had a “really bad” accident involving vomiting and diarrhea everywhere in the car. *Id.* at 23.

Next, Mr. Joseph testified. *Id.* at 27 *et seq.* He testified that, after he received the citation, he drove Ms. Landais to Tufts Medical in Boston. *Id.* at 28. Regarding his speed, Mr. Joseph said he was driving his mother’s vehicle and he did not realize the speedometer was broken. *Id.* at 29. And he presented as evidence his Massachusetts abstract, which, in his opinion showed “no major violations.” *Id.* at 30-31.

Finally, Mr. Joseph summed up his position:

Your Honor, I just want you to take into consideration, I never had any speeding tickets before. That was my first time

⁴ Ms. Landais indicated that she did have surgery “right after” this incident, on December 16, 2024, or a few days later. *Trial Tr.* at 24-26. She explained the issues this raised in terms of childcare. *Id.* at 26.

getting a ticket from a trooper. And that night was a bad night. It was an emergency. I rushed her to the hospital that same night. And she, she didn't print out the medical record, but she have it on her — she has it on her phone, she said. Also, um, I wanted to ta-, I would like you to take into consideration that that, that wasn't my car. That was my mother's car, but I was driving it. But the (odometer 21:19) didn't work. Is that s-, yeah, I didn't know. She just got this car. She just got, she just got this car not, not even 3 months ago, I believe. And I didn't realize that, and I realize that when the trooper pulled me over because (unintelligible 21:31) 60, it, it showed me a different number. ... I just realized I did (unintelligible 21:37) didn't work, when the trooper pulled me over. ...

Trial Tr. at 33.

The Trial Magistrate then proceeded to render his bench decision. He began by recounting, in detail, the testimony of Trooper Andrade, both as to her experience, qualifications, and training, and as to the events of the stop of the car Mr. Joseph was driving in the late evening hours of December 8, 2024. *Id.* at 35-37. His summary was fairly done; and he closed this part of his decision by noting that, according to Trooper Andrade, Ms. Landais did not ask for a rescue or to be taken to the hospital. *Id.* at 36-37.

The Trial Magistrate then related the testimony of Ms. Landais. *Id.* at 37-38. On the issue of the speed Mr. Joseph was driving, she indicated that she did not realize that he was going that fast due to her condition. *Id.* at 38. She indicated that she was taking Oxycotin and she was on her way to the hospital in Boston. *Id.* The Trial Magistrate summarized Mr. Joseph's testimony that the speedometer in the vehicle he was driving was broken. *Id.* He also commented on the contents of the Motorist's Massachusetts driving abstract. *Id.*

The Trial Magistrate then found that the testimony of Trooper Andrade was entirely credible. *Id.* at 39. Indeed, he accepted that testimony as constituting clear and

convincing evidence of Mr. Joseph's guilt — as to her training and experience, as to the three elements of *State v. Sprague*,⁵ and as to the specific speed-reading she obtained on Mr. Joseph's vehicle. *Id.* Furthermore, he relied on her identification of Mr. Joseph as being the motorist whom she stopped. *Id.* at 40.

Finally, the Trial Magistrate focused on Ms. Landais' condition. He conceded that, on the evening in question, she was experiencing something more than the need for a simple bathroom break. *Id.* But he declared that the defense did not prove that the extreme speed Mr. Joseph was driving was necessary. *Trial Tr.* at 40-41.

The Trial Magistrate also did not credit Mr. Joseph's testimony that he did not realize he was travelling over 100 miles per hour. *Id.* at 41. In addition, he found that no evidence had been presented showing that the speedometer of the vehicle in question was truly broken. *Id.* In closing, the Trial Magistrate noted that there were two children in the car when Mr. Joseph was traveling at a speed of 102 miles per hour. *Id.*

Based on these findings, the Trial Judge found Mr. Joseph guilty of speeding, in violation of G.L. 1956 § 31-14-2. *Id.* at 42. He imposed a fine of \$465.00 and ordered Mr. Joseph's driver's license to be suspended for a period of ninety days. *Id.* at 43. Mr. Joseph filed a timely appeal.

B

Before the Appeals Panel

In his Notice of Appeal, Mr. Joseph argued that he should not have been found guilty because the speedometer on the car he was driving was broken. *See Notice of Appeal — Appeals Panel; ER* at 85-87. He also accused the Trial Magistrate of being unfair to him. *Id.* And he asserted that his driving record has been good in recent years. *ER* at

⁵ 113 R.I. 351, 322 A.2d 36 (1974).

86-87.

On June 25, 2025, oral arguments in the case were heard by an Appeals Panel composed of Magistrate DiChiro (Chair), Chief Magistrate DiSandro, and Magistrate Welch. *Dec. of Appeals Panel*, at 1. In its decision, which was published on August 20, 2025, the Panel addressed two issues: (a) whether the radar evidence was admitted in satisfaction of the prerequisites set forth in *State v. Sprague*, 113 R.I. 351, 322 A.2d 36 (1974); and (b), whether Ms. Landais' medical condition provided a legal justification for the speed he was driving.

1

The Admissibility of the Radar Speed Readings

In the first instance, the Panel reviewed the propriety of the admission into evidence of the speed reading produced by the radar device used by Officer Andrade. It did so by setting forth the rule in *Sprague*, which provides that radar device readings are only admissible upon proof that (a) the officer was trained and certified in radar use; (b) the unit was tested for accuracy both before and after use; and (c) the vehicle was observed by the officer before obtaining the reading. *Dec. of Appeals Panel*, at 4 (citing *Sprague*, 113 R.I. at 354-55, 322 A.2d at 38-39).

The Panel then recalled that Trooper Andrade testified that the radar device she used had been tested internally and externally before and after its use, and that she was trained and certified in its use through the Rhode Island State Police Academy. *Id.* at 4. The Panel then found that there was nothing in the record that called into question the accuracy of the radar reading. *Id.* at 4-5. It therefore found that the Magistrate's decision crediting the radar results was supported by competent evidence of record and it was not clearly erroneous. *Id.* at 5.

The Defense of Necessity

The Appeals Panel began its discussion of Appellant’s second argument, that is, that his speeding was justified by medical necessity, by citing and quoting from the sole Rhode Island Supreme Court case explaining the defense of necessity — *State v. Champa*, 494 A.2d 102 (R.I. 1985). *Dec. of Appeals Panel*, at 5. In *Champa*, our highest Court stated that:

“[t]he defense of necessity does not arise from a ‘choice’ of several courses of action, it is instead based on a real emergency. It can be asserted only by a defendant who was confronted with such a crisis as a personal danger, a crisis which did not permit a selection from among several solutions, some of which did not involve criminal acts.”

Id. (citing *Champa*, 494 A.2d at 105 (quoting *United States v. Seward*, 687 F.2d 1270, 1276 (10th Cir. 1982)).⁶ According to the Appeals Panel, the Supreme Court found in *Champa* that “all of the required elements for successful use of the necessity defense [were] lacking...” *Id.* (citing *Champa*, 494 A.2d at 105). This is so, as phrased by the Panel, because “(1) legal means were available; (2) the conduct was not reasonably calculated to avoid imminent harm; and (3) there was no direct causal link between the conduct and the prevention of harm.” *Id.* (citing *Champa*, 494 A.2d at 105).

Applying the elements of the defense to Mr. Joseph’s case, the Panel found that the facts of the case did not constitute legal justification, particularly where the Trooper testified that the situation did not warrant rescue services. *Id.* at 5. The Panel further found that the situation did not present:

... an imminent personal danger necessitating travel at 102

⁶ In *Champa*, the defense of necessity was offered by three individuals charged with vandalism who, as a protest against the construction of Trident missiles at the General Dynamics plant at Quonset, entered onto that property and spray painted on a number of missile tubes. *Champa*, 494 A.2d at 104.

miles per hour, nor was there any indication that safer alternatives, such as stopping for aid or traveling at a lawful speed, were unavailable. Absent credible evidence of an unavoidable emergency and the lack of legal alternatives on the record, the necessity defense is not applicable. Accordingly, the Panel finds no error in the magistrate's conclusion. *See Champa*, 494 A.2d at 105.

Dec. of Appeals Panel, at 5-6. And so, the Panel affirmed the Trial Magistrate's decision not to find the defense of necessity applicable to Mr. Joseph's case; and Appellant's adjudication for speeding was affirmed. *Id.* at 6.

II Standard of Review

The standard of review which must be employed when this Court is hearing appeals from the Traffic Tribunal Appeals Panel is set forth in G.L. 1956 § 31-41.1-9(d), which states:

(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 identical to the standard of review found in the Administrative Procedures Act, G.L. 1956 § 42-35-15(g); therefore, we can rely on cases interpreting that standard as guideposts in this process. Under that 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 Soc. Welfare*, 122 R.I. 583, 588, 410 A.2d 425, 428 (1980). And reviewing 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 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)). This Court’s 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.” *Id.* at 1348 (citing *Env’tl. Sci. Corp. v. Durfee*, 621 A.2d 200, 208 (R.I. 1993)).

III

Analysis

A

The Law Regarding the Proof of Speeding by Radar and Other Devices

1

Generally

The device most frequently used by police to determine the speed of vehicles travelling on our streets, roads, and highways is the radar *speedmeter*. 3 Barbara E. Bergman, WHARTON’S CRIMINAL EVIDENCE at § 13:61 (15th ed. March 2023 Update). 1 Robert E. Mosteller, MCCORMICK ON EVIDENCE, § 204.3 *Physics and Electronics: Speed Detection and Recording — Radar* (8th ed. July 2022 Update). When, in the 1950s, law enforcement officers were supplied with radar speed detection devices, and put them to use, the admissibility of radar readings was disputed in courtrooms across America by defendant-motorists. To work through these issues, several courts employed a three-part test (for the admissibility of testimony based on scientific instruments) which had been set forth in 1937 by America’s preeminent scholar of evidence, Professor John H. Wigmore, which stated:

A. The type of apparatus purporting to be constructed on scientific principles must be accepted as dependable for the proposed purpose by the profession concerned in that branch of science or its related art. This can be evidenced by qualified expert testimony; or, if notorious, it will be judicially noticed by the judge without evidence.

B. The particular apparatus used by the witness must be one constructed according to an accepted type and must be in good condition for accurate work. This may be evidenced by a qualified expert.

C. The witness using the apparatus as the source of his testimony must be one qualified for its use by training and experience.⁷

City of E. Cleveland v. Ferrell, 168 Ohio St. 298, 301, 154 N.E. 2d 630, 632 (1958) (quoting J. H. Wigmore, *THE SCIENCE OF JUDICIAL PROOF*, § 220 at 450 (3rd ed. 1937)). *See also State v. Ahern*, 122 N.H. 744, 745, 449 A.2d 1224, 1225 (1982). Naturally, the first prong of the test (establishing the acceptance of the dependability of the underlying science of the device for the proposed purpose) was the first one addressed. But, it was not long before courts began to take judicial notice of the soundness of the scientific principles upon which radar devices operate and the ability of radar devices to detect the speed of vehicles with sufficient accuracy; as a result, prosecutors were relieved of the duty to present expert testimony in support of the technology. *See State v. Dantonio*, 18 N.J. 570, 115 A.2d 35, 40 (1955); *People v. Magri*, 3 N.Y.2d 562, 170 N.Y.S.2d 335, 147 N.E.2d 728, 730 (1958); *Ferrell, supra*, 154 N.E. 2d at 633. *And see* 1 MCCORMICK ON EVIDENCE § 204.3 *and* 8 AM. JUR.2d *Automobiles* § 947. Over the past seventy years, evidence from speed-detecting radar devices has been ruled to be admissible in virtually all states.

⁷ In any event, in revised form, this test has become a part of the jurisprudential firmament in this area of the law. *See* Thomas J. Goger, ANNOT., *Proof, By Radar or Other Mech. or Elec. Devices, of Violation of Speed Regulations*, 47 A.L.R.3d 822, § 2[a] (1973) (substituting, under paragraph A, the *Daubert v. Merrill Dow Pharm.*, 509 U.S. 579, 113 S.Ct. 2786 (1993) standard of *reliability* in lieu of the *Frye v. United States*, 293 F. 1013 (D.C. App. 1923) standard of professional *acceptance*).

In Rhode Island

Though decided fifty years ago, *State v. Sprague* remains the entire corpus of the Rhode Island Supreme Court's teaching regarding the admissibility of readings taken from radar speed detection devices. *Sprague*, 113 R.I. at 357, 322 A.2d at 39-40.

Nevertheless, it has much to teach us. *First*, the decision implicitly recognizes radar speedmeters to be reliable, though no expert testimony had been received on that subject nor was judicial notice taken on that point. *Sprague*, 113 R.I. at 356, 322 A.2d at 39. *Second*, the Supreme Court affirmed the trial judge's admission of the radar speed reading even though only one tuning-fork test was performed and the tuning fork used had not, itself, been tested. *Sprague*, 113 R.I. at 357, 322 A.2d at 39-40.⁸ *Third*, the rule of the case is perceived to be that radar speed readings are admissible upon proof of (a) the training and experience of the citing officer in the use of such devices, and (b) the accuracy (or operational efficiency) of the instrument as shown by testing within a reasonable time and by an appropriate method.⁹

The Admissibility of the Radar Evidence in the Instant Case

At the outset, it must be noted that the trial transcript reveals that Mr. Joseph did not object to the Trial Magistrate's admission of the radar device's reading of

⁸ Whether instruments used to test the accuracy of radar devices must themselves be tested for accuracy is an issue that has been much litigated. *See Goger, ante*, 47 A.L.R.3d 822, at § 7[d]. According to Goger, "[m]any, but not all of these cases have ruled that proof of the accuracy of the testing apparatus is a necessary prerequisite to proof of the accuracy of the radar unit." *Id.* Thus, when compared with the holdings of many other state courts of ultimate jurisdiction, *Sprague* must be categorized as being among the least demanding regarding proof of speedmeter accuracy. *Id.*

⁹ Perhaps the most important thing the *Sprague* decision teaches us is that it is a rule regarding the *admissibility* of radar evidence, not a determination of the weight to be accorded radar evidence; nor does it constitute a judicially added element of proof. 113 R.I. at 355, 322 A.2d at 39.

the speed he was traveling on Route 95 North in Exeter on December 8, 2024. Therefore, this Court can find no error in its *admission*.

Nevertheless, the Appeals Panel did address the issue of admissibility in its decision, finding that the Trial Magistrate did not err in finding that the elements of the *Sprague* test had been satisfied. *See Dec. of Appeals Panel*, at 4-5. Mr. Joseph has identified no error and — since this Court is *required* by § 31-41.1-9(d)(5) to accept the findings of fact of the Trial Magistrate unless they are clearly erroneous — this Court finds no error.

B

The Defense of Necessity

At trial and subsequent thereto, Appellant Joseph has argued, without reference to any case law, that his speed was justified by the illness of his passenger, Ms. Landais, whom he was attempting to transport to a hospital in Boston without delay.¹⁰ Notwithstanding the human compassion one must feel for the situation in which this motorist and his passenger found themselves, one must also firmly state that, legally, the defense of necessity is no shield for his conduct.

Firstly, for the defense of necessity to aid Mr. Joseph in this case, it would have to justify not just speeding in the abstract, but highly excessive speeding, at speeds that are inherently dangerous. Secondly, as the Trial Magistrate and the Appeals Panel both noted, there were alternatives to his speeding, such as seeking aid along the route. Were there no hospitals in Connecticut that could have granted this lady relief from her symptoms? Mr. Joseph certainly passed one in Westerly. But the asking of this question triggers an answer, an answer that Ms. Landais gave during her testimony — she did not

¹⁰ It must be stated that it is not this Court's duty to assemble an effective *legal* argument from the Defense's assertions of an emergency. *See Tworog v. Tworog*, 140 A.3d 159, 160 (R.I. 2016) (Mem.).

want to stop at a hospital in Connecticut or Rhode Island because she believed they would not accept her insurance. *See Trial Tr.* at 23-24. Quite simply, *insurance* issues do not permit drivers to endanger innocent persons on the highway. The suggestion that the defense of necessity could provide an excuse for this conduct is completely without merit. Accordingly, no further discussion of this issue is necessary.

IV Conclusion

I recommend that this Court find that the decision rendered by the Appeals Panel ought to be affirmed. The Panel's adjudication was supported by competent evidence and not legally erroneous insofar as it affirmed the Trial Judge's verdict on the charge of speeding, based on the radar reading that was related to the Court by the Trooper, since it constituted competent evidence that he was speeding. Moreover, this Court agrees that the Appeals Panel's ruling affirming the Trial Magistrate's rejection of the application of the defense of necessity in this case is also legally and factually sound.

Accordingly, I find that the decision of the Appeals Panel is not clearly erroneous in the view of the reliable, probative, and substantial evidence of record; nor is it contrary to law or made upon an unlawful procedure. G.L. 1956 § 31-41.1-9(d)(3)-(5). Neither is it characterized by an abuse of discretion or a clearly unwarranted exercise of discretion. I therefore recommend that the decision that the Traffic Tribunal Appeals Panel rendered in this matter be AFFIRMED.

/s/
Joseph P. Ippolito
MAGISTRATE
JULY 16, 2026

