

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

**DISTRICT COURT  
SIXTH DIVISION**

**Edna Diaz** :  
 :  
**v.** : **A.A. No. 2025 - 074**  
 :  
**City of Pawtucket** :  
**(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 27<sup>th</sup> day of February, 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**

<b>Edna Diaz</b>	:	
	:	
<b>v.</b>	:	<b>A.A. No. 2025-074</b>
	:	<b>(M25-004)</b>
<b>City of Pawtucket</b>	:	<b>(24-408-506751)</b>
<b>(RITT Appeals Panel)</b>	:	

**FINDINGS & RECOMMENDATIONS**

**Ippolito, M.** On December 13, 2024, a member of the Pawtucket Police Department cited Ms. Edna Diaz (who shall also be identified as “the Motorist”) for a civil traffic violation — “Obedience to Traffic Control Devices,” pursuant to G.L. 1956 § 31-13-4 — which arose from an accident which occurred in that City on December 10, 2024, at approximately 6:00 a.m. The case proceeded to trial on March 7, 2025, before a judge of the Pawtucket Municipal Court, who sustained the charge. After her initial appeal to the Appeals Panel of the Traffic Tribunal proved unsuccessful, Ms. Diaz has sought review in 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 September 18, 2025, a briefing schedule was set by the Court, with Ms. Diaz’s memorandum due on October 20, 2025, and the City’s response due on November 19, 2025. While the City’s memorandum was received when due, Appellant’s was not received until December 4, 2025. Accordingly, the Court

shall proceed to decide the matter without further delay, on the basis of the record which has been transmitted by the agency to this Court.

Applying the standard of review found in G.L. 1956 § 31-41.1-9(d), I have concluded that Appellant’s adjudication on the 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 Ms. Diaz’s case be AFFIRMED.

## I

### Facts and Travel of the Case

#### A

#### The Incident and Proceedings Before the Municipal Court

On December 10, 2024, at about 6:00 a.m., Patrol Officer Travis Plausse of the Pawtucket Police Department (who shall also be referred to as “the Officer” or “the Patrolman”) was directed to proceed to Division Street near Portuguese Social Club Way, the scene of a reported accident.<sup>1</sup> When he arrived, he spoke to Mr. Lydel Hall, who stated he was proceeding westbound on Division Street through a green light when he was struck by Ms. Diaz’s vehicle, which was entering the intersection from Portuguese Social Club Way.<sup>2</sup> Next, he spoke to Ms. Diaz, who said she was traveling southbound on Portuguese Social Club Way with a green signal.<sup>3</sup> Finally, the Officer spoke to Mr. Kevin Cleaveland, who said he was following Mr. Hall’s vehicle in his own when the collision occurred.<sup>4</sup> Consequently, on December 13, 2024, Officer Plausse charged Ms. Diaz with the civil

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<sup>1</sup> *Dec. of Appeals Panel*, at 1; and *see Trial Tr.* at 6. The Decision of the Appeals Panel may be found beginning on page 11 of the electronic record attached to this case, which may be found by clicking on the PDF symbol associated with the docket entry “09/17/2025 Administrative Appeal Filed.” The Trial Transcript may be found beginning on page 22. Henceforth, references to the electronic record will be designated as “*ER*.”

<sup>2</sup> *Id.* at 1; and *see Trial Tr.* at 6.

<sup>3</sup> *Dec. of Appeals Panel*, at 1-2; and *see Trial Tr.* at 7, 10.

<sup>4</sup> *Dec. of Appeals Panel*, at 2; and *see Trial Tr.* at 7.

traffic violation of failing to act in obedience to a traffic control device.<sup>5</sup>

The trial was set for March 7, 2025 at 9:00 a.m. in the Pawtucket Municipal Court. At that time, the City presented three witnesses, Officer Plausse, Mr. Hall, and Mr. Cleaveland.<sup>6</sup> Mr. Hall testified consistently with the statement he gave Officer Plausse — that is, that he was proceeding westbound on Division Street through a green light when his car was struck.<sup>7</sup> Mr. Cleaveland testified that he followed Mr. Hall’s vehicle through the intersection and saw the collision occur; he stated the light on Division Street was green.<sup>8</sup> Then, Ms. Diaz testified on her own behalf. She stated that she stopped for the red light on Portuguese Social Club Way, at the corner of Division Street, that her light turned green; she proceeded, and she was struck by Mr. Hall’s vehicle.<sup>9</sup>

In formulating his verdict, Judge McBurney gave great weight to the testimony of Mr. Cleaveland, whom he found to be independent, disinterested, and credible.<sup>10</sup> Consequently, the Trial Judge decided, by clear and convincing evidence, that at the time of the collision, the green signal was facing those vehicles proceeding westbound on Division Street and that Ms. Diaz entered the intersection under a red light.<sup>11</sup> He therefore found Ms. Diaz guilty of the signal violation and imposed a fine of \$86.00 plus costs.<sup>12</sup> The Motorist then filed a timely appeal to the Appeals Panel of the Traffic Tribunal.<sup>13</sup>

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<sup>5</sup> See SUMMONS (No. 24-408-506751); *ER* at 61.

<sup>6</sup> *Dec. of Appeals Panel*, at 1-2; and see *Trial Tr.* at 5-6.

<sup>7</sup> *Dec. of Appeals Panel*, at 2; and see *Trial Tr.* at 10-11.

<sup>8</sup> *Dec. of Appeals Panel*, at 2; and see *Trial Tr.* at 12-13.

<sup>9</sup> *Dec. of Appeals Panel*, at 2; and see *Trial Tr.* at 13-14.

<sup>10</sup> *Dec. of Appeals Panel*, at 2; and see *Trial Tr.* at 15-16.

<sup>11</sup> *Dec. of Appeals Panel*, at 2; and see *Trial Tr.* at 17.

<sup>12</sup> *Dec. of Appeals Panel*, at 2 (citing JUDGMENT CARD; *ER* at 60).

<sup>13</sup> *Dec. of Appeals Panel*, at 2.

## B

### The Decision of the Appeals Panel

On July 30, 2025, oral arguments in the case were heard by an Appeals Panel composed of Magistrate Landroche (Chair), Chief Magistrate DiSandro, and Magistrate Welch.<sup>14</sup> In its decision, which was published on September 2, 2025,<sup>15</sup> the Panel addressed Ms. Diaz’s contention that she entered the intersection under a green signal; therefore, the Trial Judge erred in finding her guilty.<sup>16</sup> Commencing its analysis on this issue, the Panel explained that it lacks the authority to reevaluate the Officer’s credibility or to substitute its judgment for that of the Trial Judge on questions of fact.<sup>17</sup> The Panel further noted that it may not disturb a Trial Judge’s decision unless it is clearly erroneous, affected by error of law, or constitutes an abuse of discretion.<sup>18</sup>

The Appeals Panel began its analysis by noting that the Trial Judge found the testimony of Mr. Cleaveland to be credible.<sup>19</sup> It then synthesized the substance of his testimony:

Mr. Cleaveland, who was not involved in the accident, testified that he was directly behind Mr. Hall’s vehicle and observed both Division Street traffic lights turn green simultaneously before the collision occurred. ... His testimony corroborated that of Mr. Hall, who likewise testified that he lawfully entered the intersection on a green light. ...<sup>20</sup>

The Appeals Panel then conceded that Ms. Diaz had testified to the contrary — that is,

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<sup>14</sup> *Dec. of Appeals Panel*, at 1.

<sup>15</sup> *Dec. of Appeals Panel*, at 6.

<sup>16</sup> *Dec. of Appeals Panel*, at 4 (citing *Trial Tr.* at 14).

<sup>17</sup> *Dec. of Appeals Panel*, at 4 (citing G.L. 1956 § 31-41.1-8(f)).

<sup>18</sup> *Dec. of Appeals Panel*, at 4 (citing *Link v. State*, 633 A.2d 1345, 1348 (R.I. 1993) and *Liberty Mut. Ins. Co. v. Janes*, 586 A.2d 536, 537 (R.I.1991)).

<sup>19</sup> *Dec. of Appeals Panel*, at 4 (citing *Trial Tr.* at 15-16).

<sup>20</sup> *Dec. of Appeals Panel*, at 4 (citing *Trial Tr.* at 10-13) (internal citations omitted). The Panel further noted that this testimony was consistent with the statements Mr. Cleaveland and Mr. Hall had given to Officer Plausse after the accident. *Id.* (citing *Trial Tr.* at 5-6).

that *she* entered under the green signal.<sup>21</sup> In response, the Panel simply reiterated that the Trial Judge was entitled to resolve the conflict in testimony as he saw fit, and the Panel lacked the authority to assess credibility or weigh evidence anew.<sup>22</sup> And so, the Panel concluded that the Trial Judge’s decision was supported by clear and convincing evidence and the finding of guilt was neither clearly erroneous nor affected by error of law.<sup>23</sup>

## II Standard of Review

The standard of review which must be employed when this Court when 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

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<sup>21</sup> *Dec. of Appeals Panel*, at 4; and see *Trial Tr.* at 13-14.

<sup>22</sup> *Dec. of Appeals Panel*, at 4-5 (citing *Link*, 633 A.2d at 1348).

<sup>23</sup> *Dec. of Appeals Panel*, at 4-5 (citing *Trial Tr.* at 15-16).

substitute its judgment for that of the agency and must affirm the decision of the agency unless its findings are ‘clearly erroneous.’”<sup>24</sup> 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.”<sup>25</sup> 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.”<sup>26</sup>

### III Analysis

In the document she filed with this Court on December 4, 2025, styled “My Reason for the Appeal,” Ms. Diaz reiterated her protestations of innocence.<sup>27</sup> She is clearly not satisfied with the outcome of her trial and the initial review by the Appeals Panel; nevertheless, this Court’s review, like that of the Appeals Panel, is sharply limited by statute and case law with regard to matters of fact — particularly on matters of credibility, as explained in Part II of this opinion.

If found credible, the testimony of one witness is sufficient to prove all or some of the elements of an offense, whether it is a traffic violation or a criminal offense. And so, if the Trial Judge had chosen to believe Ms. Diaz’s version of events, we would be unable to set aside that decision, even though there were two witnesses against her; and we can do no more when the Trial Judge chose to credit the testimony of Mr. Hall and, particularly, Mr. Cleaveland. Accordingly, this Court is unable to grant relief to Ms. Diaz.

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<sup>24</sup> *Guarino v. Dep’t of Social Welfare*, 122 R.I. 583, 584, 410 A.2d 425 (1980) .

<sup>25</sup> *Link, ante*, 633 A.2d at 1348 (citing *Liberty Mut. Ins. Co. v. Janes*, 586 A.2d 536, 537 (R.I. 1991)).

<sup>26</sup> *Id.* at 1348 (citing *Environmental Science Corp. v. Durfee*, 621 A.2d 200, 208 (R.I. 1993)).

<sup>27</sup> See “*My Reason for Appeal.*” This document may be found by clicking on the PDF symbol associated with the docket entry “12/04/2025 Appellant Brief Filed.”



