

STATE OF RHODE ISLAND
RHODE ISLAND TRAFFIC TRIBUNAL

STATE OF RHODE ISLAND	:	
	:	
v.	:	C.A. No. M24-0005
	:	24404500321
EVERETT STAMATAKOS	:	

DECISION

PER CURIAM: Before this Panel on November 13, 2024—Magistrate Kruse Weller (Chair), Magistrate Noonan, and Magistrate DiChiro—is the appeal of Everett Stamatakos (Appellant) from a decision of Judge William Maaia (Trial Judge) of the East Providence Municipal Court, finding him guilty of the charged violation of G.L. 1956 § 31-15-11, “Laned Roadway Violation.” Appellant appeared *pro se* before this Panel. Jurisdiction is pursuant to G.L. 1956 § 31-41.1-8. For reasons set forth in this Decision, Appellant’s appeal is denied.

I

Facts and Travel

On March 3, 2024, Patrol Officer Jason Nogler of the East Providence Police Department charged the Appellant with violating § 31-15-11, “Laned Roadway Violation.” (Summons No. 24404500321.) The violation occurred at or around 940 Warren Avenue in East Providence, Rhode Island. *See* Docket. Appellant contested the violation and the matter proceeded to trial on June 20, 2024. *Id.*

At trial, Appellant testified that he sent requests for production and interrogatories to the East Providence Police Department but had only received a response from the Police Department at or around 7:40 a.m. the morning of the trial. (06/20/2024 Tr. at 4:20-23.) The trial proceeded

in light of this, and Officer Nogler testified that on March 3, 2024, he witnessed Appellant drive up onto the sidewalk traveling eastbound on Warren Avenue in East Providence. Appellant's vehicle then turned onto Highland Avenue and drove over the dividing line and traveled in both eastbound travel lanes, near the border of Seekonk, Massachusetts. *Id.* at 7:9-13. Officer Nogler pulled over Appellant, and there was also a presence of police from the Seekonk Police Department. *Id.* at 9:4-9. The matter proceeded to trial, where Trial Judge found Appellant guilty of the charged Laned Roadway Violation. *Id.* at 10:27.

Aggrieved by the decision, Appellant filed this appeal.

II

Standard of Review

Pursuant to § 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. 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." *Id.* (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 '[c]learly 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.* "Otherwise, it must affirm the hearing judge's [or magistrate's] conclusions" on appeal. *Id.*; see *Janes*, 586 A.2d at 537.

III

Analysis

Under G.L. § 31-41.1-8(d), this Panel must evaluate whether the Appellant has demonstrated sufficient grounds to overturn the trial court's decision based on the claims raised. Appellant's arguments include claims that excusable neglect was a basis for the filing of Appellant's untimely appeal and that the Appellant suffered alleged prejudice due to a delayed response to discovery requests by the East Providence Police Department. In addressing these issues, this Panel is guided by the applicable statutory provisions, procedural rules, and case law precedent. Each claim is analyzed in turn below.

A

Appeal Filed Out of Time

Under R.I.G.L. § 31-41.1-8(d), a party may appeal a trial decision within ten (10) days after notice of the decision unless the failure to file within that time is attributable to "excusable neglect." 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 accepting 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.

The Rhode Island Supreme Court has defined excusable neglect as "that course of conduct which a reasonably prudent person would take under similar circumstances." *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)). Excusable 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. *Jacksonbay Builders, Inc. v. Azarmi*, 869 A.2d 580, 584 (R.I. 2005).

Here, Appellant did not provide sufficient evidence of excusable neglect. His justification for the delayed filing lacked credible corroboration and fell short of demonstrating a valid, unavoidable obstacle. The burden of proof rested on Appellant to establish that his failure to file

timely was not due to his carelessness or inattention. *Pari*, 558 A.2d at 635. Appellant's conduct does not meet the standard of excusable neglect under these circumstances, and Appellant's appeal was filed out of time.

B

Failure of Police to Respond to Requests for Production and Interrogatories

Appellant further argued that the East Providence Police Department failed to respond promptly to his interrogatories, thereby prejudicing his ability to prepare a defense. Under Rule 11(b) of the Rhode Island Traffic Tribunal Rules of Procedure, a defendant may request discovery of documents within the possession, custody, or control of the state, city, town, or agency, provided that the defendant can show that those documents are material to their defense and the request is reasonable. *See Traffic Trib. R. P. 11(b)*.

The record before this Panel demonstrates that Appellant submitted interrogatories and requests for production to the East Providence Police Department but only received response on the morning of his trial. However, Rule 11(b) mandates that a defendant to file a motion with the court to compel discovery if the requested information is not provided. The rule further provides that a trial judge may take appropriate actions to address noncompliance with discovery requests, including permitting the discovery, granting a continuance, or issuing such orders as deemed reasonable and just under the circumstances. *See Traffic Trib. R. P. 11(f)(2)*.

This Panel previously emphasized in *State v. L.F., C.A. No. T16-0021* (R.I. Traffic Trib. Nov. 16, 2016), that a trial court must issue an order for discovery before a violation of Rule 11(b) can be established. There, the defendant argued that a verbal request for discovery placed the prosecuting agency on notice of the request. Still, the Court rejected this contention, holding

that a written motion must be granted before the court can determine whether a party's failure to respond amounts to noncompliance. *Id.*

Here, Appellant did not file a motion to compel the East Providence Police Department to provide the requested discovery. Although Appellant claimed the late receipt of responses prejudiced him, the court could only evaluate whether the discovery materials were material to his defense with a proper motion to compel an accompanying court order. Absent such a motion and order, the Trial Judge was not in a position to determine whether the delay constituted a willful failure to comply with Rule 11(b).

Rule 11(b) further does not obligate a prosecuting authority to produce documents absent a court order or motion to compel. Rather, a defendant must actively pursue and engage in the discovery process by seeking judicial intervention when a response to interrogatories or requests for production is not provided. The court's role is to ensure that discovery disputes are resolved per procedural rules and to provide remedies when a party demonstrates prejudice. *Traffic Trib. R. P. 11(b), (f)(2)*.

In this case, Appellant's failure to file a motion to compel discovery precludes a finding that the East Providence Police Department violated Rule 11(b). As such, the trial court correctly proceeded with the trial, and no error in the discovery process warrants a reversal of the conviction.

IV

Conclusion

This Panel has reviewed the entire record on this matter. Having done so, the members of this Panel are satisfied that the Trial Magistrate's decision was neither clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record nor arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. The substantial rights of the Appellant have not been prejudiced. Accordingly, Appellant's appeal is denied.

ENTERED:

/S/
Magistrate Erika Kruse Weller (Chair)

/S/
Magistrate William T. Noonan

/S/
Magistrate Michael DiChiro

DATE: December 20, 2024