

**STATE OF RHODE ISLAND**  
**RHODE ISLAND TRAFFIC TRIBUNAL**

<b>STATE OF RHODE ISLAND</b>	:	
	:	
v.	:	<b>C.A. No. M25-0011</b>
	:	<b>25408501916</b>
<b>ASHLEY MEEK</b>	:	

**DECISION**

**PER CURIAM:** Before this Panel on October 29, 2025—Magistrate Abilheira (Chair), Magistrate Noonan, and Magistrate Landroche—is the appeal of Ashley Meek (Appellant) from a decision of Judge McBurney of the Pawtucket Municipal Court, sustaining the violation of G.L. 1956 § 31-17-6 “Yielding to Emergency Vehicle.” Appellant appeared through her attorney, Attorney Carl S. Levin (Attorney Levin), 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 GRANTED.

**I**

**Facts and Travel**

On April 2, 2025, Patrolman Jesse Kassed (Patrolman Kassed) of the Pawtucket Police Department charged Appellant with G.L. 1956 § 31-17-6 “Yielding to Emergency Vehicle.” *See* Summons No. 25408501916. Appellant contested the charges and the matter proceeded to trial on September 5, 2025.

Patrolman Kassed testified that on April 2, 2025, he responded to an accident at the intersection of Pine Street and Main Street in Pawtucket, Rhode Island. Tr. 44: 14-16. After his arrival, he identified and spoke with the Appellant. *Id.* Patrolman Kassed testified that Appellant told him that she was traveling westbound on Main Street and was approaching the Pine Street intersection. *Id.* She saw the green traffic signal and she entered the intersection. *Id.* She did not

see or hear any vehicle upon entering, however she collided with an ambulance driven by Emily Massey (Firefighter Massey). Tr. 47: 18-23.

At trial, Firefighter Massey testified that on April 2, 2025 she was operating a fire rescue vehicle equipped with emergency lights and sirens. Tr. 6: 25-28. She was dispatched to Kennedy Manor on Broad Street and was traveling northbound on Pine Street. *Id.*

She testified it is standard practice for her to activate her lights and siren when going through intersections and any sort of traffic. *See* Tr. 8: 1-4. Firefighter Massey testified that she remembered her lights and sirens being active as she approached the intersection of Pine Street and Main Street. *Id.*

While approaching the intersection, Firefighter Massey saw that the traffic light was green. Tr. 9: 5. As she continued to drive, she changed the tone of her siren to a “wobble tone.” *Id.* While notifying drivers of her presence, she also slowed her vehicle down in order to travel with due regard of others. *Id.* Firefighter Massey testified that she hit her brakes slightly while going through the intersection. *Id.*

Firefighter Massey testified she observed a vehicle traveling westbound on Main Street while she was entering the intersection. Tr. 11: 19-21. As the vehicle continued to approach the ambulance, she attempted to move to the left, but was unable to due to traffic. *Id.* The ambulance was then struck on the passenger’s side by the Appellant’s vehicle. *Id.* The lieutenant traveling with her did not witness the accident, as he was reaching behind himself at the time of the collision. *Id.*

Appellant testified on her behalf. She testified that she was on her way to meet with a client in North Kingstown at the time of the collision. *See* Tr. 64: 3-4. While traveling to North Kingstown and approaching the intersection of Pine Street and Main Street, there were other cars

driving ahead of her. *Id.* The Appellant testified that she saw another car in front of her go through a green light at the intersection. *Id.* Prior to the collision, she was driving at approximately 20 mph. *Id.* While driving, she did not have the radio on, her windows were up, and she was not distracted. *Id.* The Appellant did not hear sirens or see the flashing lights standard of emergency vehicles. *Id.* As she entered the intersection, believing she had the green light, she struck the ambulance in the right passenger side. *Id.* The collision left her vehicle damaged, specifically in her left front bumper. *Id.*

After hearing all the evidence, the Court sustained the violation of G.L. 1956 § 31-17-6 “Yielding to Emergency Vehicle.” The Trial Judge found Appellant guilty of the violation by clear and convincing evidence. *See* Tr. 100: 16-28. The Trial Judge found that the City’s burden of proof had been met through the credible testimony of Firefighter Massey. *Id.* Aggrieved by the decision, Appellant filed this timely 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 prejudiced 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

Appellant argues that the Trial Judge erred by sustaining the violation of G.L. 1956 § 31-17-6 “Yielding to Emergency Vehicle.” Appellant argues that the trial record is insufficient to support the charge, as the City failed to prove, by clear and convincing evidence, that she violated G.L. 1956 § 31-17-6. *See generally* (App.’s Mem. In Supp. Of Appeal (App.’s Mem.)).

**A. The City of Pawtucket failed to prove an essential element of G.L. 1956 § 31-17-6 “Yielding to Emergency Vehicle,” as the record is void of any evidence as to the color of the lights on the emergency vehicle and whether they were visible from 500 feet.**

The language of the Rhode Island G.L. 1956 § 31-17-6 sets forth specific elements that must be proven beyond clear and convincing evidence to convict Appellant of “Yielding to

Emergency Vehicle.”

It states:

[u]pon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting any one or combination of red, blue, or white light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of the vehicle, and producing an audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

*See* G.L. 1956 § 31-17-6(a).

Here, the City simply proved that Firefighter Massey’s fire rescue vehicle was equipped with emergency lights and sirens. Tr. 6: 25-28. However, the record is devoid of any evidence as to whether “at least one lighted lamp exhibit[ed] any one or combination of red, blue, or white.” Nor was there any evidence presented that said lighted lamp was visible “under normal atmospheric conditions from a distance of five hundred (500) to the front of the vehicle.”

This Panel finds that those essential elements were not proven beyond clear and convincing evidence and as such, Appellant’s conviction for “Yielding to Emergency Vehicle” is affected by error of law.

**B. The Appellant’s Attorney was not denied discovery under the Traffic Tribunal Rules of Procedure.**

Appellant argues the City’s failure to comply with their discovery obligations denied the Appellant the ability to confront and cross-examine the police officer and EMT.

The Rhode Island Traffic Tribunal Rules of Procedure provide guidance on the access to discovery. *See Everett Stamatakos v. City of East Providence*, A.A. No. 2025-012, Sept. 23, 2025, Ippolito, J. An Appellant may request discovery of documents within the possession, custody, or control of the state, city, town, or agency, provided that the Appellant can show that

those documents are material to their defense and the request is reasonable. *Id.*; *see also* Traffic Trib. R. P. 11(b). Rule 11 further requires an Appellant to file a written motion to compel with the Court if he or she reasonably requested materials and was not provided with them. If a trial judge were to find non-compliance on behalf of a party, he or she could take appropriate actions to address non-compliance. Traffic Trib. R. P. 11(f)(2).

This Panel is satisfied that Appellant properly filed and served a Motion for Discovery and Inspection in this case. However, if Appellant believed she was not in receipt of specific reports and/or body worn camera footage that was in the possession of the City, Appellant should have filed a Motion to Compel. Without having done so, Appellant did not properly preserve this argument for Appeal.

**IV**

**Conclusion**

This Panel has reviewed the entire record in this matter. This Panel finds that an essential element of G.L. 1956 § 31-17-6 “Yielding to Emergency Vehicle” was not proven at trial beyond clear and convincing evidence. As such, the trial judge’s decision is affected by error of law. Accordingly, Appellant’s appeal is granted.

ENTERED:

\_\_\_\_\_/S/  
Magistrate Abilheira (Chair)

\_\_\_\_\_/S/  
Magistrate Noonan

\_\_\_\_\_/S/  
Magistrate Landroche

DATE: January 6, 2026