

STATE OF RHODE ISLAND
RHODE ISLAND TRAFFIC TRIBUNAL

STATE OF RHODE ISLAND	:	
	:	
v.	:	C.A. No. M25-0013
	:	25403501561
	:	
IRENA MANDEL	:	

DECISION

PER CURIAM: Before this Panel on June 24, 2026—Magistrate Kruse Weller (Chair), Magistrate Landroche, and Magistrate Welch—is the appeal of Irena Mandel (Appellant) from a decision of the Honorable Judge Partington of the Cumberland Municipal Court, sustaining the charged violation of G.L. 1956 § 31-14-2 “Speeding 1 to 10 MPH in Excess of Posted Speed Limit – First Offense.” Appellant did not appear 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

Captain Peter Sweet testified on July 18, 2025, he was in a marked cruiser, traveling eastbound on Pine Swamp Road, between Little Street and West Wrentham Road in Cumberland, Rhode Island. Tr. 6: 13-16. Captain Sweet testified that he conducted a traffic stop after witnessing a motorist traveling at a “high rate of speed” traveling westbound. *Id.* The Officer followed the vehicle, stopping the motorist as the vehicle turned onto West Wrentham Road.

Captain Sweet testified that he had a “clear unobstructed view of the driver.” Tr. 7: 4-5. At trial, the State entered a certificate of accuracy for the internal radar system for Cruiser 410, the vehicle Captain Sweet drove. Captain Sweet further testified that on Route 114, that the speed limit signs were visible. Tr. 10: 25. The signs had a speed limit of 40 MPH. See Tr. 11: 7-8. During the

stop, Captain Sweet identified the motorist by her driver's license. He further testified that he estimated Appellant's speed at approximately 60 MPH and the radar unit captured it at 59 MPH. He used his discretion and reduced the charged speed to 50 upon issuing the ticket.

Appellant testified at trial that on the day of the traffic stop, the speed signage was heavily obstructed by the coverage and the light at 6:38 PM created obstructing conditions. Tr. 31: 22-23. In support of her argument, Appellant presented several photographs of the area. The photos were taken by Appellant on July 23, 2025, five days after the traffic stop. Tr. 32: 19-22. Captain Sweet testified that the photos were an accurate depiction of the signage on Pine Swamp Road during the daytime. See Tr. 13: 6-7. Appellant testified that she recently moved to the area and traveled Pine Swamp Road daily and assumed the speed limit was 50. Tr. 34: 3-5.

Upon hearing all the evidence, the Trial Judge relied on the Captain's testimony and the photographic evidence provided by Appellant in his findings of fact. Tr. 45: 17-19. The Court found the Appellant guilty of Rhode Island Gen. Laws 1956 § 31-14-2 "Speeding 1 to 10 MPH in Excess of Posted Speed Limit – First Offense." 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 (RITT) 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

On appeal, Appellant argues that the Trial Judge failed to consider her defense, contending that the court overlooked her evidence that the municipality failed to provide adequate notice of the speed limit because the speed limit sign was obstructed by foliage.

Upon review of the record, it is clear that the municipality did not fail to provide adequate notice of the speed limit. Captain Sweet testified that there were four to five signs on the stretch of road in question. In addition, the Trial Judge, while viewing the photographic evidence, observed the 40 miles per hour sign, even with the purported partial obstruction of a branch. Tr. 40: 26-28. Regardless of the light obstruction argued by Appellant, there was adequate signage posting the speed limit prior to the traffic stop.

Because this Panel may not substitute its judgment for that of the Trial Magistrate concerning the weight of the evidence, the credibility of witnesses, or the reasonable inferences drawn from the evidence, it will not disturb the Trial Magistrate's findings. Accordingly, this Panel concludes that the Trial Magistrate's decision was not "affected by . . . error of law" and was not "[c]learly erroneous in view of the reliable, probative, and substantial evidence on the whole record." *See* § 31-41.1-8(f)(4)-(5).

