

STATE OF RHODE ISLAND
RHODE ISLAND TRAFFIC TRIBUNAL

STATE OF RHODE ISLAND	:	
	:	
v.	:	C.A. No. M24-0006
	:	24406500687
TIMOTHY JAWORSKI	:	

DECISION

PER CURIAM: Before this Panel on November 13, 2024—Magistrate Kruse Weller (Chair), Magistrate Noonan, and Magistrate DiChiro — is the appeal of Timothy Jaworski (Appellant) from a decision of Chief Judge Louis W. Grande (Trial Judge) of the Lincoln Municipal Court, finding Appellant guilty after trial. That judgment sustained the charged violation of G.L. 1956 § 31-14-2 “Speeding 1 to 10 MPH in Excess of Posted Speed – First Offense.” Appellant’s counsel, Guy John Settipane, appeared 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 June 13, 2024, at or around 10:29 a.m., Patrol Officer Jonathan Doiron (“Officer Doiron”) of the Lincoln Police Department charged Appellant with the aforementioned violation of the motor vehicle code. *See* Summons No. 24406500687. Appellant contested the charge, and the matter proceeded to trial on August 21, 2024. *See* Docket.

At trial, Officer Doiron testified that at the time of the incident, he observed a GMC Suburban, driven by Appellant, traveling approximately 38 miles per hour in a 20-mile-per-hour posted zone. (08/21/2024 Tr. at 12:5-27.) Officer Doiron, using his discretion, reduced the

charged violation to a 1-10 miles per hour violation instead of the 18 miles per hour plus school zone violations. *Id.* at 13:5-9. Counsel for Appellant asked the Officer at trial if Officer Doiron was certified to operate the radar used to determine Appellant's alleged speed. (*Id.* at 13:16-18.) Officer Doiron then testified that he graduated from the Rhode Island Municipal Police Academy, where he was “trained in the use of radar and laser.” (*Id.* at 20-22.) Further, Officer Doiron states that the handheld radar unit was “tested both internally and externally prior” to his post. *Id.* at 13:22-24.

Appellant testified that he was familiar with the area where the stop occurred as he regularly drives there. *Id.* at 15:10-15. Appellant further testified that there was a branch obstructing his view of the posted speed sign near where the incident occurred. *Id.* at 15:21. Appellant attempted to provide the Trial Judge with photos of the area, but the Judge noted that he was unable to authenticate the photos to enter them as proper evidence. *Id.* at 16:6-7. Appellant requested information related to the calibration log of the Officer’s radar device; however, this request was denied by the Trial Judge. *Id.* at 18:23-24. At the close of the trial, the Trial Judge found that Appellant had indeed violated the statute and found Appellant guilty. *Id.* at 20:12-16.

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 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 contends that the officer's testimony did not sufficiently establish that the radar device's operational efficiency was tested by an appropriate method. This Panel must determine whether the Trial Judge erred in admitting the radar evidence and sustaining the charged violation.

A

Device Testimony Under *Sprague*

The Rhode Island Supreme Court in *State v. Sprague* held that radar readings are admissible at trial only if the testifying officer satisfies two requirements: (1) the operational efficiency of the radar device must be tested "within a reasonable time by an appropriate method," and (2) the officer must provide testimony establishing their training and experience in the use of radar devices. *Sprague*, 322 A.2d 36, at 39-40 (R.I. 1974). Here, Officer Doiron testified that he graduated from the Rhode Island Municipal Police Academy, where he was trained in the use of radar. This testimony satisfies the second prong of *Sprague*, which requires the officer to establish his qualifications to operate the radar device.

However, Officer Doiron's testimony regarding the radar device's operational efficiency does not meet the requirements of the first prong. The officer stated that the radar unit was "tested both internally and externally prior" to his post. Still, he did not explain the specific method used, how the device was tested, or the aspects of the radar's functionality that were evaluated during calibration. *Sprague* requires that the device's operational efficiency be tested by an "appropriate method," but the officer's vague statements provided no details to assess

whether the method used was appropriate. Without more specific testimony, the first prong of *Sprague* remains unsatisfied, and the radar evidence should not have been admitted.

B

Distinguishing *Cinnamon*

Appellant's counsel cited *State v. Cinnamon*, C.A. No. T21-0015 (R.I. Traffic Trib. Oct. 27, 2021), in support of the argument that Officer Doiron's testimony was insufficient. In *Cinnamon*, the panel concluded that the testifying officer failed to satisfy the first prong of *Sprague* because the officer did not testify as to the date, time, or specific method of radar calibration. While *Cinnamon* is not binding on this Panel, it highlights the importance of detailed and specific testimony under *Sprague*. However, this Panel finds that *Cinnamon* imposed an additional burden not required by *Sprague* by suggesting that a lack of external calibration rendered the testimony insufficient.

Sprague does not mandate external calibration, as it requires only that the device be tested by an "appropriate method." Advances in radar technology since *Sprague* allow for internal calibration to meet this standard, provided the method and timing of the test are sufficiently explained. While *Cinnamon* emphasizes the need for comprehensive testimony, it unnecessarily heightens the standard under *Sprague* by treating external calibration as a requirement, which this Panel declines to adopt.

IV

Conclusion

This Panel has reviewed the entire record in this matter. Having done so, the members of this Panel are satisfied that the Trial Judge's decision to admit the radar evidence and sustain the charged violation constitutes an error. Officer Doiron failed to provide the necessary

foundational testimony regarding the radar device's operational efficiency under the *Sprague* standard. The substantial rights of the Appellant have been prejudiced. Accordingly, Appellant's appeal is granted, and the charged violation is dismissed without court costs.

ENTERED:

/S/
Magistrate Erika Kruse Weller (Chair)

/S/
Magistrate William T. Noonan

/S/
Magistrate Michael DiChiro

DATE: 2/25/2025