

**STATE OF RHODE ISLAND**

**RHODE ISLAND TRAFFIC TRIBUNAL**

**STATE OF RHODE ISLAND**

**v.**

**ARTHUR WITTENBURG**

:  
:  
:  
:  
:

**C.A. No. T25-0005  
25408500406**

**DECISION**

**PER CURIAM:** Before this Panel on August 20, 2025—Magistrate Kruse Weller (Chair), Magistrate DiChiro, and Magistrate Welch—is the appeal of Arthur Wittenburg (Appellant) from a decision of Magistrate Noonan of the Rhode Island Traffic Tribunal, sustaining the charged violations of G.L. 1956 § 31-11-8(a), “Driving with a Suspended/Revoked/Canceled License – Second Offense” and G.L. 1956 § 31-3-1, “Operation of an Unregistered Vehicle.” 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**

At trial, Officer Murphy testified that on January 20, 2025, he was patrolling the area of Cooper and Hancock Street when he observed a white Cadillac with a rear license plate reading “Private American National, Not Commerce, Private Mode of Travel, Louisiana, ICOR721.” *See* Tr. at 9: 6-7.

Officer Murphy ran the plate, finding that it was not associated with a registered or unregistered vehicle. *Id.* He conducted a traffic stop and identified the Appellant. *Id.* Another passenger, later identified as Anna Borges, was in the passenger seat. The Officer further

testified that after a check, the vehicle was unregistered, and Appellant did not have an active license at the time of the stop. *Id.*

Appellant, appearing *pro se*, raised several constitutional concerns during trial. *See* (App.'s Mem. In Supp. Of Appeal (App.'s Mem.) 1.) Appellant argued that Officer Murphy's stop lacked probable cause thus violating his Fourth Amendment rights. Tr. at 12: 2-8 (*see also* App.'s Mem. at 3.) Appellant also asserts he has a right to travel under the Fourteenth Amendment. *Id.* Appellant also believed that Officer Murphy testifying at trial was the unauthorized practice of law and that his Sixth Amendment right to confront was violated because the state of Rhode Island did not have an attorney present to prosecute the case. *Id.*

Appellant also argued he was denied access to body camera footage and call records by the Pawtucket Police Department. *Id.* at 17: 14-16. Appellant stated he did not file for a request for discovery prior to trial and instead called the police in search of evidence. *Id.* At trial, Appellant moved to compel any potential evidence from the police department, which was denied due to the Appellant failing to follow the discovery procedures set by the Traffic Tribunal Rule 11. Tr. at 19: 2-9.

At trial, Appellant questioned Officer Murphy regarding whether there was probable cause to justify the stop and whether the Appellant had the right to request a supervisor on scene. Tr. at 16: 6-7. To aid in his defense, Appellant called passenger Anna Borges as a witness. Tr. at 22: 1-5. As she was present at the time of the stop, the Trial Magistrate allowed a limited line of questioning. Tr. at 24: 17-22. Ms. Borges testified that there was no erratic driving, nor speeding nor moving violation committed prior to the stop. *Id.*

After hearing all the evidence, the Court sustained the violations of G.L. 1956 § 31-11-8(a), "Driving with a Suspended/Revoked/Canceled License – Second Offense" and G.L. 1956 §

31-3-1, "Operation of an Unregistered Vehicle." 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

Appellant argues that the Trial Magistrate erred by sustaining the violations of G.L. 1956 § 31-11-8(a), “Driving with a Suspended/Revoked/Canceled License – Second Offense” and G.L. 1956 § 31-3-1, “Operation of an Unregistered Vehicle.” In his timely appeal he argues that the stop and subsequent trial raise violations of his Fourth and Sixth Amendment rights and procedural violations of due process pursuant to the Fourteenth Amendment. *See generally* (App.’s Mem. In Supp. Of Appeal.) This Court finds that Appellant’s rights have not been violated. The traffic stop on January 20, 2025 and the subsequent trial adhered to all federal and state procedures. There is no error in the finding of facts or a clear abuse of discretion in the decision.

#### A.

#### **Officer Murphy had the necessary probable cause to conduct a constitutional traffic stop of Appellant’s vehicle.**

Appellant argues that Officer Murphy did not have probable cause to conduct a traffic stop, violating his Fourth Amendment rights. Tr. at 12: 2-8. Specifically, Appellant argues that probable cause is required to search a registration plate. *See also* (App.’s Mem. at 3.) The Fourth Amendment protects against *unjust* searches and seizures. *State v. Halstead*, 414 A.2d 1138, 1146 (citing *Terry v. Ohio*, 391 U.S. 1, 19 (1968).) Regarding traffic stops, at the minimum, an officer needs reasonable suspicion to conduct a stop. *See Town of Cumberland v. Rosek Wojciech*

C.A. No. T15-0045, Feb. 3 2016, R.I. Traffic Trib. (referencing *State v. Quinlan*, 921 A.2d 96, 106 (R.I. 2007)). At most, probable cause is needed. *See State v. Bjerke*, 697 A.2d 1069, 1072 (R.I. 1997).

In Rhode Island, a driver does not have an expectation of privacy in his or her registration plate. *Id.* When a registration plate is not active or associated with a registered or unregistered vehicle, the officer then has sufficient cause to conduct a traffic stop. *Id.* An officer seeing a probable violation of Rhode Island traffic laws has the authority to conduct a stop. In Rhode Island “the decision to stop an automobile is reasonable where the police have probable cause to believe that a traffic violation has occurred.” *See Bjerke* 697 A.2d at 1072.

Here, Officer Murphy witnessed a white Cadillac with a rear license plate reading, “Private American National, Not Commerce, Private Mode of Travel, Louisiana, ICOR721”, which does not conform to the standard plates issued by a state.

After a search of the registration plate he found that no vehicle was associated with those plates, which constitutes a violation of G.L. 1956 § 31-3-1 “Operation of an Unregistered Vehicle” and is enough to justify a traffic stop in Rhode Island.

## **B.**

### **Officers are allowed to testify to their personal knowledge of traffic stops they conducted and doing so is not the unauthorized practice of law in Rhode Island.**

Appellant claims that Officer Murphy’s appearance as a representative of the state of Rhode Island amounted to the unauthorized practice of law during trial. Appellant’s contention is rooted in the fact that there was no prosecuting attorney for the state at trial.

In Rhode Island, the practice of law can include,

(1) The appearance or acting as the attorney, solicitor, or representative of another person before any court, referee, master, auditor, division, department, commission, board, judicial person, or body authorized or constituted by law to determine any question of law or fact or to exercise any judicial power . . .

See G.L. 1956 § 11-27-2 (1).

The Rhode Island Supreme Court has the exclusive authority to regulate and control the practice of law in the state.<sup>1</sup> See G.L. 1956 § 8-1-2 “Jurisdiction and powers of court” ([The Supreme Court] “shall by general or special rules regulate the admission of attorneys to practice in all the courts of the state.”).

This precise issue has been specifically addressed in the case of *Judith Crowell v. State of Rhode Island*, A.A. No. 10-209, Feb. 15, 2012, Gorman, J. where the Appellant argued that the police officer who appeared at her hearing was engaged in the unauthorized practice of law, and as such the proceeding before the Traffic Tribunal was invalid. The Court disagreed with Ms. Crowell, finding that the Trial Magistrate’s decision was not affected by error of law because “law enforcement officers testifying during traffic court hearings are not partaking in the unauthorized practice of law.” *Id.* The activities engaged in are “established practice of the Traffic Tribunal for many years [and] constitutes an activity that can safely be conducted by the police officers who are present to testify as eyewitnesses of the motor vehicle infraction.” *Id.* In *Crowell*, and in this case, the officer testified about his observations and the issuance of a summons to the motorist.

In its analysis the Court also relied on *In re Town of Little Compton*, 37 A.3d 85 (R.I. 2012). In that case, the Unauthorized Practice of Law Committee (The Committee) investigated a complaint filed against the Town of Little Compton’s Firefighter’s Union. Specifically, the town contended that the Union violated G.L. 1956 § 11–27–2, by allowing its nonlawyer agent to

---

<sup>1</sup> Complaints alleging the unauthorized practice of law are governed by the Supreme Court of Rhode Island’s Unauthorized Practice of Law Committee (UPLC), pursuant to ULPC Rule 2 and Chapter 11-27 of the Rhode Island General Laws.

represent the union at a labor arbitration hearing. The Committee sought guidance from the Court, submitting a report that “ultimately concluded that the union representative’s actions on behalf of the union constituted a “technical violation” of the statute governing the unauthorized practice of law.” *In re Town of Little Compton*, 37 A.3d at 86. However, the Committee was mindful that “this type of lay representation of unions in labor arbitrations is a common practice in Rhode Island.” *Id.* Ultimately, the Court declined to limit agents from representing unions during arbitration. Although the representation of unions during arbitration fell within the language of § 11-27-2, there had been a “long-standing involvement of nonlawyer union employees at public grievance arbitrations.” *Id.*

At the Rhode Island Traffic Tribunal, there are some duties that lawyers engage in that overlap with the duties that police officers can perform. *See* Traffic Trib. R. P. 6(a). Under Rule 6(a), an officer may represent his or her police department as a “prosecuting officer.” *See Crowell*, A.A. No. 10-209.

In the instant case, while Officer Murphy did appear before a “judicial person” authorized to determine a question of law or fact, he testified as a witness to the violation, he did not identify himself as a representative of the state, nor did he engage in activities expected of a lawyer such as giving legal advice, preparing instruments in business or trust relations, or assisting in the execution of those documents.” *See Crowell* A.A. No. 10-209 (citing *Rhode Island Bar Association v. Automobile Service Association*, 179 A. 2d 139, 144 (R. I. 1935).) He submitted no written or oral argument, presented no witnesses, and did not cross-examine any witness. Officer Murphy testified purely to his knowledge of the traffic stop as a witness thereto. As such, we discern no error in the Trial Magistrate’s decision.

**C.**

**Appellant's Sixth Amendment rights were not violated during trial, as due process was properly applied.**

The Appellant in this instant case argues that his Sixth Amendment rights were violated because there was no prosecuting attorney for the state. He believes he has been denied the right to confront his accuser.

In Rhode Island, the Sixth Amendment right to confront is exclusive to criminal proceedings. *State v. Roscoe*, 198 A.3d 1232, 1245 (R.I. 2019). The Sixth Amendment guarantees a defendant's right to a fair trial. *Id.* A defendant must be given a "full opportunity to establish the best and fullest defense available to him [or her]." *State v. Lomba*, 37 A.3d 615, 621 (R.I. 2012). A defendant must be given the ability to "meaningfully cross-examine the state's witnesses." *State v. Doctor*, 690 A.2d 321, 327 (R.I. 1997). The Sixth Amendment of the United States Constitution is incorporated by the states through the Fourteenth Amendment. *See* U.S. CONST. amend VI.

Appellant's argument fails on two fronts. First, the Sixth Amendment rests on the ability to confront one's accusers, which Appellant was able to do through questioning Officer Murphy. Appellant was able to cross-examine his accuser at trial. He was able to question the prosecuting officer and engage in meaningful cross examination of the witness.

Second, the Traffic Tribunal exclusively handles civil administrative hearings. *See* Traffic Trib. R. P. 2. The Traffic Tribunal Rules of Procedure govern the adjudication of civil, not criminal, violations of the motor vehicle code. *Id.* As such the Fourteenth Amendment right to due process applies. *See generally Morrissey v. Brewer*, 408 U.S. 471, 481 (1972).

Procedural due process requires an individual to be provided notice of his charges and hearing; an opportunity to be before an impartial judge; an opportunity to present evidence in

one's defense; and the right to cross-examine witnesses. *State v. Pompey*, 934 A.2d 210, 214 (R.I. 2007). In the instant matter, Appellant was provided notice of his charges and hearing date. The hearing was held before an impartial judge, where the Appellant testified and cross-examined the officer who conducted the traffic stop and presented his own witness. All the requirements in *Pompey* were fulfilled and reflected upon in the record. As a result, this Panel declines to find any violation of the Appellant's Sixth Amendment rights.

**D.**

**Appellant's right to discovery was not denied, as he failed to follow court procedures to compel discovery.**

Lastly, the Appellant contends that he was denied access to discovery. (App.'s Mem. at 4.) Specifically, the Appellant claims he requested body camera information and phone call records from the Pawtucket Police Department, but it was not provided. Tr. at 17: 14-16. At trial, Appellant made an oral motion to compel discovery, which was denied. *Id.*

The Rhode Island Traffic Tribunal Rule 11 governs discovery. *See* Traffic Trib. R. P. 11. Rule 11 requires an Appellant to file a written motion if he or she reasonably requested materials and was not provided with them. The burden to compel falls on the Appellant, in which "[p]olice reports of examinations and tests and statements showing that the defendant has been advised of the defendant's rights shall be made available to the defendant *upon written request . . .*" *See* Traffic Trib. R. P. 11(a) (emphasis added).

Here, the Appellant failed to file a written request with the Court and rather made an oral motion during trial in an attempt to compel discovery. The Appellant is not the first to make this procedural error. In the matter of *Everett Stamatakos v. City of East Providence*, the Defendant argued he was denied information essential to his defense when his oral motion for discovery was denied. *See* *Everett Stamatakos v. City of East Providence*, A.A. No. 2025-012, Sept. 23,

2025, Ippolito, J. He contended that making an oral motion was enough to put the prosecution on notice after not receiving discovery from the East Providence Police Department. *Id.*

The Rhode Island Traffic Tribunal Appeal Panel found that “Mr. Stamatakos failed to bring a motion to order discovery, as required under Rule 11(b); nor did he bring a motion to compel, as permitted under Rule 11(f)(2).” *Id.* In *Stamatakos*, the Court upheld the Panel’s decision because the denial of the oral motion was purely due to the Defendant failing to comply with Rule 11. The same circumstances exist here.

Further, there is no prejudice in the decision to deny the oral motion because the requested materials are not integral to Appellant’s defense. There are no factual disputes in this matter that Appellant would need phone records or body camera footage to use in his defense of the charged violations. During trial, Appellant and Officer Murphy agreed that Appellant had been pulled over due to the registration plate on Appellant’s vehicle, that Appellant requested to speak to a supervisor and that Appellant called the police station himself. *See* Tr. 16: 1-4. Additionally, Appellant presented an eyewitness that testified at trial which corroborated the testimony of Officer Murphy and the Appellant.

In this case, as proper procedure under Rule 11 was not followed, the Panel sees no error in the denial of Appellant’s oral motion. The “production of discovery must be ordered by the Court” and the Appeals Panel is bound to apply Rule 11 as it is written. *See Stamatakos*, A.A. No. 2025-012.

**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 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 Kruse Weller (Chair)

\_\_\_\_\_/S/  
Magistrate DiChiro

\_\_\_\_\_/S/  
Magistrate Welch

DATE: April 8, 2026