

STATE OF RHODE ISLAND

RHODE ISLAND TRAFFIC TRIBUNAL

STATE OF RHODE ISLAND

v.

RICHARD VIEIRA

:
:
:
:
:

**C.A. No. T25-0012
24001539701**

DECISION

PER CURIAM: Before this Panel on September 24, 2025—Magistrate Kruse Weller (Chair), Chief Magistrate DiSandro, and Magistrate Welch—is the appeal of Richard Vieira (Appellant) from a decision of Magistrate Abilheira of the Rhode Island Traffic Tribunal, sustaining the charged violations of G.L. 1956 § 31-14-2, “Speeding 11+ MPH in Excess of Posted Speed Limit” and G.L. § 31-15-11, “Laned Roadway Violations.” Appellant appeared through his attorney, Victoria McDonald (Attorney McDonald), before this Panel. Jurisdiction is pursuant to G.L. 1956 § 31-41.1-8. For the reasons set forth in this Decision, Appellant’s appeal is denied.

I

Facts and Travel

On November 7, 2024, Trooper Sherrill of the State Police was patrolling Route 37 westbound, going onto 295 northbound in Cranston, Rhode Island. Tr. 8: 24-26. As he emerged from 295 North, he witnessed a black Harley Davidson traveling at a high speed and continuing to accelerate. *Id.* Trooper Sherrill testified that with no obstructions between him and the motorcyclist, his own speed was 105 miles per hour. Tr. 9: 4-7. The Trooper continued to follow the motorcyclist up Phenix Avenue. *Id.*

Continuing to follow the motorcycle Trooper Sherrill testified that he maintained a speed of 105 miles per hour, and that the motorcyclist pulled away from Trooper Sherrill multiple

times. *Id.* When confronted with traffic, the Trooper saw the motorcycle weave in and out of traffic, splitting the lanes. *Id.* While splitting lanes, the motorcyclist did not use his turn signal. *Id.*

Trooper Sherrill further testified that his 2023 Ford Explorer was equipped with a working speedometer on November 7, 2024, and that the dash camera in his vehicle activates 30 seconds before hitting 90 miles per hour. Tr. 9: 22-24. The Trooper made the decision to not activate his emergency lights until he was able to properly read the motorcycle's registration plate. *Id.* In the past, his experience as a Trooper has been that activating his lights before collecting the necessary information results in the motorcycles pulling away from his vehicle. *Id.*

As he continued North, Trooper Sherrill testified that he once again had to accelerate over a 105 miles per hour to maintain speed with the motorcycle. *Id.* The motorcyclist continued to create distance between himself and Trooper Sherrill. *Id.* Trooper Sherrill testified that he followed the motorist with no other vehicles obstructing his view for 1.3 miles. Tr. 21: 26-27. North of the Plainfield Pike area, Trooper Sherrill managed to catch the motorcyclist and activated his emergency lights. *Id.* The motorcycle came to rest on Route 6, west of Atwood Avenue, where Trooper Sherrill conducted a traffic stop. *Id.*

During the stop, Trooper Sherrill identified the motorcyclist as the Appellant, and arrested him for reckless driving. *Id.* At trial, Trooper Sherrill provided a calibration sheet of his speedometer. Tr. 11: 4-7. Magistrate Abilheira accepted the sheet as "Exhibit 1" for the state. *Id.* There was no objection to this admission of evidence. *Id.*

The Appellant appeared through counsel who cross-examined Trooper Sherrill. Trooper Sherrill testified that the speedometer and radar units in his vehicle are calibrated regularly and that the calibration sheet provided by Trooper Sherrill was valid for six months, with the

calibration last conducted on July 3, 2024. *Id.*

Appellant introduced dash camera footage of the chase, which was provided by the State Police. *See* Tr. 25: 15-17. It was admitted into evidence as Exhibit A for the defense. *Id.* Trooper Sherrill testified that his vehicle’s dash camera automatically activates when his vehicle hits 90 MPH. *Id.* The video showed that Trooper Sherrill did hit traffic causing him to slow down, however, at this point, Trooper Sherrill’s camera had already activated, showing him having to drive upwards of 90 MPH to follow the Appellant. *Id.* Trooper Sherrill testified that at that point, he was following the Appellant to conduct a traffic stop, as he had already clocked him violating § 31-14-2. *See* Tr. 34: 1-3.

After hearing all the evidence and reviewing the video submitted by Appellant, the Court sustained the violations of G.L. 1956 § 31-14-2, “Speeding 11+ MPH in Excess of Posted Speed Limit” and G.L. § 31-15-11, “Laned Roadway Violations.” 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

On appeal, Appellant argues that the Trial Magistrate’s decision was an error of law because it was legal error to rely on Trooper Sherrill’s testimony that his dash camera activates at 90 MPH. *See* Tr. 34: 1-3. Appellant maintains that because the dash camera is not properly calibrated in speed or tested regularly, the Court cannot rely on this evidence to establish speed. *See* (App.’s Mem. Of Appeal (App.’s Mem.)).

In Rhode Island, it is well-established that *State v. Mancino* sets the standard for clocking cases. *See State v. Mancino*, 340 A.2d 128, 132 (1975). *Mancino* requires the prosecution to establish that the speedometer used to clock a motorist was tested against another speed-testing standard and that the speedometer was operating properly at the time of the alleged violation. *Mancino*, 340 A.2d at 132. The prosecution must also prove that the “operational efficiency of the device has been tested by an appropriate method within a reasonable period of time.” *Id.* (citing *State v. Tomanelli*, 216 A.2d 625, 625 (1966)).

The record reflects that the elements of *Mancino* were satisfied at trial. Trooper Sherrill testified during cross-examination that the speedometer in his vehicle was “calibrated with a radar unit” on July 3, 2024. *See* Tr. 15: 7-24. The trooper also presented his vehicle’s calibration sheet which was accepted into evidence by the Trial Magistrate as State’s Exhibit 1. *See also* Tr. 12: 27-28. Under *Mancino*, a calibration sheet is sufficient to show that the speedometer was operating properly on November 7, 2024. The calibration sheet admitted into evidence was valid for six months, which the Trial Magistrate found was a reasonable time because “cases have found that a reasonable time [can] be within one year.” *Id.*

At trial, the Trial Magistrate relied on Trooper Sherrill’s credible testimony which was consistent throughout direct and cross-examination. *See* Tr. 14: 11-12. He “never strayed” from his statements that he clocked the Appellant from Phenix Avenue to Scituate Avenue for a distance of approximately 1.3 miles. *Id.* Trooper Sherrill also testified to traveling 105 MPH to catch the Appellant. *See* Tr. 9: 4-7. The trooper followed Appellant from 295 northbound to Route 6 eastbound, where he and the Appellant made contact post-chase. That is a sufficient amount of distance covered which supports the credibility of the trooper’s testimony and shows

that the trooper clocked the Appellant's speed in the unobstructed 1.3 miles where he was traveling upwards of 105 MPH.

While the Court mentioned the testimony of the trooper that his dash camera activates at 90 MPH, it is clear upon review of the record that the Trial Magistrate's decision was not based on the activation of the camera to establish the speed; the activation of the camera simply corroborated the Trooper's testimony.

The Magistrate's decision was supported by clear and convincing evidence. This Panel affirms that decision. Accordingly, the finding of guilt was neither clearly erroneous nor affected by error of law.

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. Accordingly, Appellant's appeal is denied.

ENTERED:

_____/S/_____
Magistrate Kruse Weller (Chair)

_____/S/_____
Chief Magistrate DiSandro

_____/S/_____
Magistrate Welch

DATE: March 16, 2026