

STATE OF RHODE ISLAND
RHODE ISLAND TRAFFIC TRIBUNAL

STATE OF RHODE ISLAND	:	
	:	
v.	:	C.A. No. T25-0015
	:	24001545215
DARNELL TAYLOR	:	

DECISION

PER CURIAM: Before this Panel on October 29, 2025—Magistrate Abilheira (Chair), Magistrate Noonan, and Magistrate Landroche—is the appeal of Darnell Taylor (Appellant) from a decision of Magistrate Kruse Weller of the Rhode Island Traffic Tribunal, sustaining the violation of G.L. 1956 § 31-11-20 “Permitting Unauthorized Person to Drive.” 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 granted.

I

Facts and Travel

On December 22, 2024, Corporal Conor O’Donnell (Corporal O’Donnell) of the Rhode Island State Police charged Appellant with G.L. 1956 § 31-11-20 “Permitting Unauthorized Person to Drive.” *See* Summons No. 24001545215. Appellant contested the charge, and the matter proceeded to trial on June 30, 2025.

Corporal O’Donnell testified that at 3:59 A.M. on December 22, 2024 he conducted a traffic stop on Huntington Avenue in Providence, Rhode Island. *See* Tr. 6: 14-16. The vehicle was stopped due to the operator not wearing a seatbelt. The vehicle was a silver 2011 Nissan Altima bearing the registration plate number, 1SA709, which he determined was registered to the Appellant. *Id.* The operator was identified as Eugene Grundy (Mr. Grundy), who Corporal

O'Donnell determined possessed a suspended driver's license. *Id.* Corporal O'Donnell testified that during his discussion with Mr. Grundy, he indicated that he had rented the vehicle, but did not indicate who the vehicle was rented from. *Id.* However, Corporal O'Donnell testified that Appellant has several vehicles registered under his name and a rental businesses name. Tr. 7: 2-3. The Corporal testified that other unlicensed drivers had rented vehicles from Appellant in the past and have received similar citations. *Id.* Based on this knowledge and the present vehicle being registered to the Appellant, he was mailed a universal traffic summons. *See* Tr. 7: 1-2.

Appellant then testified on his own behalf. *See* Tr. 12: 4-7. He testified that he never gave Mr. Grundy permission to drive his vehicle. *Id.* He then argued that the only evidence against him was hearsay evidence from Corporal O'Donnell since Mr. Grundy was not present to testify at trial. *Id.*

After hearing all the evidence, the Trial Magistrate found the Corporal's testimony to be the most credible and adopted his testimony as the Court's finding of fact. The Court held that G.L. 1956 § 31-11-20 "Permitting Unauthorized Person to Drive" "doesn't provide that the vehicle need be rented." *See* Tr. 14: 22-23. Rather, "it provides that the owner of the vehicle shall not permit someone to drive the vehicle who's not authorized to drive." *Id.*

As such, the Court found that the violation was proven beyond clear and convincing evidence based on the Corporal's testimony that Mr. Grundy had a suspended driver's license at the time he was operating the vehicle registered to the Appellant. The Court also found that Mr. Grundy's admission to renting the vehicle was a statement against interest and as such, was admissible as an exception to the hearsay rule. Aggrieved by the decision, the 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 is affected by error of law. *See* (App.’s Mem. In Supp. Of Appeal (App.’s Mem.) 1.) Specifically, Appellant contends that Corporal O’Donnell’s testimony contains impermissible hearsay. *Id.* Further, Appellant argues that he was wrongfully convicted because the state failed to prove that he violated G.L. 1956 § 31-11-20 “Permitting Unauthorized Person to Drive.” *Id.*

A. Corporal O’Donnell’s testimony contained impermissible hearsay as to the out of court statements of Mr. Grundy.

On appeal, Appellant argues that the Trial Magistrate’s decision is affected by error of law. Specifically, Appellant contends that Corporal O’Donnell’s testimony that Mr. Grundy rented the vehicle is impermissible hearsay testimony.

Pursuant to Rule 15 of the Rules and Procedure for the Traffic Tribunal, the Rhode Island Rules of Evidence apply to all matters heard before the Traffic Tribunal. “Hearsay is not admissible except as provided by these rules or by any statute or rule of the United States or Rhode Island prescribed pursuant to statute or constitutional authority.” *See* R.I.R. Evi. 802. Hearsay is defined as “a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” *See* R.I.R. Evi. 801.

In this instant case, Mr. Grundy’s admission to renting the vehicle is hearsay because it is “a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” *Id.* The state failed to bring Mr. Grundy to

testify at trial.

Here, the Trial Magistrate found that the Mr. Grundy's statement to the Corporal fell under the hearsay exception of statements against interest. Rule 804(b)(3) defines the statement against interest as

“[a] statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject the declarant to civil or criminal liability, or to render invalid a claim by the declarant against another, that a reasonable person in the declarant's position would not have made the statement unless the declarant believed it to be true . . .”

See R.I.R. Evi. 804(b)(3). This exception does not apply in this case because Mr. Grundy's admission to renting the vehicle was not contrary to his own interests, but rather contrary to Appellant's interest.

B. The state failed to prove beyond clear and convincing evidence that Appellant violated G.L. 1956 § 31-11-20, as they could not prove Appellant authorized or knowingly permitted an unlicensed driver to operate the motor vehicle owned by him.

The Appellant argues that the state failed to meet their burden of proof to support the conviction under G.L. 1956 § 31-11-20 “Permitting Unauthorized Person to Drive.” The degree of proof needed to fulfill the clear and convincing standard is “different from a satisfaction by a ‘preponderance of the evidence’ which is the recognized burden in civil actions and from proof ‘beyond a reasonable doubt’ which is the required burden in criminal suits.” *Parker v. Parker*, 103 R.I. 238 A.2d 57, 60–61 (1968). Clear and convincing evidence can be “to establish a fact or an element.” *See Luis v. Gaugler*, 185 A.3d 497, 503 n. 9 (R.I. 2018) (citing *Rhode Island Mobile Sportfishermen, Inc. v. Nope's Island Conservation Association, Inc.*, 59 A.3d 112, 121 n.16 (R.I. 2013) (quoting *Cahill v. Morrow*, 11 A.3d 82, 88 n.7 (R.I. 2011))). Further,

“to establish a fact or an element by clear and convincing evidence a party . . . must produce in the mind of the factfinder a firm belief or conviction that the allegations in question are true. The clear and convincing evidence standard does not require that the evidence negate all reasonable doubt or that the evidence must be uncontroverted.”

Id.

G.L. 1956 § 31-11-20 “Permitting Unauthorized Person to Drive” states that “[n]o person shall authorize or knowingly permit a motor vehicle owned by him or her or under his or her control to be driven upon any highway by any person who is not authorized under this title or in violation of any of the provisions of this title.” Thus, in order to sustain this charge, the state would need to prove that the Appellant authorized or knowingly permitted Mr. Grundy to drive the vehicle registered to him and that Appellant knew Mr. Grundy was not authorized to drive because of his suspended driver’s license.

Here, the only evidence presented at trial was that Mr. Grundy was operating a motor vehicle owned by the Appellant, at a time when Mr. Grundy’s license was suspended. There was simply no evidence presented to prove that the Appellant knew that Mr. Grundy’s license was suspended. Nor was there any evidence that Appellant authorized or permitted Mr. Grundy to operate Appellant’s vehicle. Mr. Grundy’s testimony was crucial in this matter, as without it, there is nothing to prove that Appellant rented the vehicle to Mr. Grundy and thus had knowledge that his driver’s license was suspended. Without testimony from Mr. Grundy or any evidence to prove this necessary element this charge cannot be sustained.

IV

Conclusion

This Panel has reviewed the entire record in this matter. Having done so, the members of this Panel have found that impermissible hearsay testimony was admitted during trial, resulting in the Trial Magistrate’s decision being affected by error of law. Further, this Panel finds that the state failed to prove through clear and convincing evidence that the Appellant violated § 31-11-20. Accordingly, Appellant’s appeal is granted.

ENTERED:

_____/S/
Magistrate Abilheira (Chair)

_____/S/
Magistrate Noonan

_____/S/
Magistrate Landroche

DATE: February 11, 2026