

STATE OF RHODE ISLAND

RHODE ISLAND TRAFFIC TRIBUNAL

STATE OF RHODE ISLAND

v.

WILKINSON OSIAS

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**C.A. No. T25-0019
25001610192**

DECISION

PER CURIAM: Before this Panel on November 19, 2025—Magistrate DiChiro (Chair), Magistrate Kruse Weller, and Magistrate Welch—is the appeal of Wilkinson Osias (Appellant) from a decision of Magistrate Landroche of the Rhode Island Traffic Tribunal, sustaining the charged violation of G.L. 1956 § 31-14-2 “Speeding 11+ MPH in Excess of Posted Speed Limit – First Offense.” 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

On June 23, 2025, Appellant was charged with G.L. 1956 § 31-14-2 “Speeding 11+ MPH in Excess of Posted Speed Limit – First Offense” and G.L. 1956 § 31-8-1 “Operation of Vehicles Without Evidence of Registration.” *See* Summons No. 25001610192. The Appellant did not appear for his arraignment on August 5, 2025, resulting in a default judgement against him. Appellant motioned to vacate the default judgement against him, with a hearing on his motion continuing to September 8th.

Prior to the default entry, Appellant claims he emailed the Rhode Island Traffic Tribunal on July 29, 2025, requesting to schedule an “appeal date” because at the time he lived in New Jersey and traveling to Rhode Island to schedule a court date would be burdensome. Appellant

requested to plead not guilty and wanted an appeal date for his violations of G.L. 1956 § 31-14-2 “Speeding 11+ MPH in Excess of Posted Speed Limit – First Offense” and G.L. 1956 § 31-8-1 “Operation of Vehicles Without Evidence of Registration.” The Court did not receive the alleged email until 16 days after his arraignment date. *See* Tr. 4: 18-19. Appellant testified he had sent the same email earlier but had used the wrong email address. *Id.* The Trial Magistrate denied the motion, finding that the email received by the Court did not constitute excusable neglect on behalf of Appellant. *See* Tr. 5: 26-27, 6: 1-2.

However, since Appellant brought the registration for his vehicle, the Trial Magistrate dismissed G.L. 1956 § 31-8-1 “Operation of Vehicles Without Evidence of Registration.” Aggrieved by the denial of his motion upholding the speeding violation, 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 wrongly denied his motion to vacate. Specifically, Appellant contends that the Trial Magistrate wrongly found him to be neglectful in missing his initial arraignment. *See* Appellant’s Notice of Appeal.

Rule 20 of the Rhode Island Traffic Tribunal’s Rules and Procedures governs judicial relief. Pursuant to Rule 20(a), “[t]he court may, upon motion or on its own initiative, relieve a party or a party’s legal representative from a judgement or order for . . . [m]istake, inadvertence, surprise, or excusable neglect.” However, it is “well established . . . that unexplained neglect,

standing alone and without more . . . will not automatically excuse noncompliance with orderly procedural requirements.” *Santos v. D. Laikos, Inc.*, 139 A.3d 394, 398 (R.I. 2016) (quoting *Iddings v. McBurney*, 657 A.2d 550, 553 (R.I. 1995)).

The Rhode Island Supreme Court defines *excusable* neglect as

“[a] failure to take the proper steps at the proper time, not in consequence of the party’s own carelessness, inattention, or willful disregard of the process of the court, but in consequence of some unexpected or unavoidable hindrance or accident, or reliance on the care and vigilance of his counsel or on promises made by the adverse party,” *Pleasant Management, LLC v. Carrasco*, 960 A.2d 216, 224-5 (R.I. 2008) (quoting *Jacksonbay Builders, Inc. v. Azarmi*, 869 A.2d 580, 584 (R.I. 2005)).

Parties must “generally show that the circumstances that caused the party to miss a deadline were out of that part[ies] control” to establish excusable neglect. *Santos*, 139 A.3d at 399. Excusable neglect can be found when taking into account “all relevant circumstances surrounding the party’s omission.” *Pleasant Management, LLC*, 960 A.2d at 225. For excusable neglect to qualify for relief from judgment it needs to generally be conduct that a “reasonably prudent person would have taken under similar circumstances.” *Id.* Conduct to be considered includes whether the Appellant had reasonable control, the Appellant had acted in good faith, the reason for the error itself and the impact had on judicial proceedings.

In this instant case, there is no evidence to merit a finding of excusable neglect. Appellant was inexcusably neglectful in sending an email to the wrong address and only checking it had been delivered several days after his original trial date. This Panel finds that his absence was due to “his own carelessness [or] inattention.” *See Pleasant Management, LLC*, 960 A.2d 2 at 224-25. The lack of communication is conduct entirely the fault of the Appellant.

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 to the violation of G.L. 1956 § 31-14-2 “Speeding 11+ MPH in Excess of Posted Speed Limit – First Offense” is denied.

ENTERED:

_____/S/
Magistrate DiChiro (Chair)

_____/S/
Magistrate Kruse Weller

_____/S/
Magistrate Welch

DATE: April 9, 2026