

STATE OF RHODE ISLAND

RHODE ISLAND TRAFFIC TRIBUNAL

STATE OF RHODE ISLAND	:	
	:	
v.	:	C.A. No. T25-0020
	:	25001610592
NICHOLAS SAKALAUSKAS	:	

DECISION

PER CURIAM: Before this Panel on January 28, 2026—Magistrate Welch (Chair), Chief Magistrate DiSandro, and Magistrate Landroche—is the appeal of Nicholas Sakalauskas (Appellant) from a decision of Magistrate Kruse Weller of the Rhode Island Traffic Tribunal, sustaining the charged violation of G.L. 1956 § 31-14-2, “Speeding 1 to 10 MPH in Excess of Posted Speed Limit.” Appellant did not appear 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 June 26, 2025, Trooper Zachary Mattera (Trooper Mattera) of the Rhode Island State Police charged Appellant with the aforementioned charge. *See* Summons No. 25001610592. Appellant contested the charges and the matter proceeded to trial on September 23, 2025.

Trooper Mattera testified at trial that on June 26, 2025, at approximately 11:03 PM, Trooper Mattera was on a “stationary radar post facing southbound traffic in the official Baker Pines turnaround on Route 95.” Tr. 11: 16-20. While on post he observed a tan pickup Ram model 1500, bearing a New Jersey registration plate, Y10TFZ, approach his location “at a speed greater than the normal flow of traffic.” *Id.* The Trooper testified that he obtained a “locked radar speed of 95 miles-per-hour in a posted 65 miles-per-hour zone” from the Ram model 1500. *Id.*

After the vehicle passed him, Trooper Mattera left his post and conducted a traffic stop. *Id.* The Trooper testified that during the stop he made contact with the Appellant, identifying him through his Pennsylvania driver's license. *Id.*

Finally, Trooper Mattera testified that he was trained in the use of radar at the 2016 State Police Trooper Academy and the radar in his cruiser was calibrated prior to and after his shift and it was found to be in good working order. *See* Tr. 13: 6-9.

Appellant questioned Trooper Mattera at trial prior to testifying in his own defense. Appellant asked the Trooper what speed was written on the ticket given to him the day of the traffic stop. The Trooper testified that he wrote a speed of 95 MPH as that was the Appellants' actual speed. The motorist claimed his copy stated something different, but he did not have said ticket at trial.

Appellant argued that in the "notes section" of his ticket, the speed was written as 75 to 80 miles-per-hour, which he believed to be the "marketed speed of the average flow of traffic." Tr. 14: 17-21. Trooper Mattera testified that he wrote 95 miles-per-hour for the Appellants speed because "that [was] the speed [Appellant] [was] actually going" prior to the traffic stop. *Id.*

After questioning the Trooper, Appellant testified that he was not contesting that he was the motorist pulled over by Trooper Mattera. Further, Appellant did not object to the cruiser's radar reading because "he [knew] for a fact [the Trooper's] radar's accurate." Tr. 16: 1-4. Appellant, argued that he was "not necessarily speeding" but rather, "traveling faster than the flow of traffic." Tr. 14: 20-21. Appellant contends that due to extraordinary circumstances the flow of traffic exceeded the posted speed limit, and he was following it out of safety concerns.

After hearing all the evidence, the Court sustained the violation of G.L. 1956 § 31-14-2, "Speeding 1 to 10 MPH in Excess of Posted Speed Limit." The Trial Magistrate adopted the

Trooper's testimony as her findings of fact. The Trial Magistrate found that the Trooper was educated in the use of radar, the radar was tested properly and in good working order and that Appellant was operating in excess of the speed limit. As a result, the Trial Magistrate found that the state had satisfied its burden of proof through clear and convincing evidence that the violation had been committed. *See* Tr. 23: 17-23. 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

Appellant argues that the Trial Magistrate erred by sustaining the violation of G.L. 1956 § 31-14-2, “Speeding 1 to 10 MPH in Excess of Posted Speed Limit.” Appellant argues that the speed limit on the day of the violation should have been higher and that he was not speeding, but rather traveling with the flow of traffic. There are no factual disputes in this matter. *See* Tr. 23: 16-17.

A. Speeding

In speeding cases involving the use of radar, *State v. Sprague*, 322 A.2d 36 (1974), is applied. In *Sprague*, the Rhode Island Supreme Court held that in order for radar unit readings to be admissible as evidence during trial, a testifying officer must satisfy two preliminary requirements: the officer must show that “the operational efficiency of the radar unit was tested within a reasonable time by an appropriate method,” and provide “testimony setting forth [the officer’s] training and experience in the use of a radar unit[.]” *Sprague*, 322 A.2d at 39-40.

First, Trooper Mattera fulfilled the first prong of *Sprague* because he showed during trial that “the operational efficiency of the radar unit was tested within a reasonable time by an

appropriate method.” *Id.* The Trooper testified that his radar gun was calibrated prior to and after his shift and it was found to be in good working order. *See* Tr. 13: 6-9. Further, in the Trial Magistrate’s findings of fact, she made a specific finding that the Trooper’s radar which was tested before and after his shift was therefore tested within a “reasonable time by an appropriate method.”

Second, Trooper Mattera fulfilled the second prong set in *Sprague* because he provided “testimony setting forth [his] training and experience in the use of a radar unit” by testifying that he was trained in the use of radar in the State Police Trooper Academy in 2016. Tr. 13: 6-9.

B. Credibility

Regarding trial testimony this Appeal Panel “lacks the authority to assess witness credibility or to substitute its judgment for that of the hearing judge concerning the weight of the evidence on questions of fact.” *Link*, at 1348. This Panel’s review is governed by a limited standard. Pursuant to § 31-41.1-8(f), this Tribunal “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 only reverse or modify if the trial court’s decision is clearly erroneous, affected by error of law, or constitutes an abuse of discretion. *See Link* at 1348; *Liberty Mut. Ins. Co. v. Janes*, 586 A.2d 536, 537 (R.I. 1991).

The record demonstrates that the Trial Magistrate’s Decision was supported by clear and convincing evidence. 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). The clear and convincing evidence standard does not require that the evidence negate all reasonable doubt or that the evidence must be

uncontroverted.” *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))).

The record shows that the Trial Magistrate found that the state fulfilled its burden of proving Appellant violated G.L. 1956 § 31-14-2, “Speeding 1 to 10 MPH in Excess of Posted Speed Limit.” Trooper Mattera testified to the speed in which Appellant was driving and showed that his radar gun was in good working order on the day of the traffic stop. Appellant agreed that he was going above the posted speed limit and believed the Trooper’s radar to be accurate. There was no dispute at trial that the Appellant was the individual charged with the violation. Accordingly, the finding of guilt was neither clearly erroneous nor affected by error of law.

