

STATE OF RHODE ISLAND
RHODE ISLAND TRAFFIC TRIBUNAL

STATE OF RHODE ISLAND	:	
	:	
v.	:	C.A. No. T25-0022
	:	24001536421
	:	24001536415
ANA BORGES	:	

DECISION

PER CURIAM: Before this Panel on January 28, 2026—Magistrate Welch (Chair), Chief Magistrate DiSandro, and Magistrate Landroche—is the appeal of Ana Borges (Appellant) from a decision of Administrative Magistrate DiChiro of the Rhode Island Traffic Tribunal, sustaining the charged violations of R.I. G.L. 1956 § 31-8-1, “Operation of Vehicles without Evidence of Registration”, R.I. G.L. 1956 § 31-3-1 “Operation of Unregistered Vehicle” and R.I. G.L. 1956 § 31-47-9, “Operating Motor Vehicle without Evidence of Insurance.” Appellant appeared *pro se* 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 granted in part.

I

Facts and Travel

At trial, Trooper Nathan Reilly (Trooper Reilly) testified that on October 14, 2024 at approximately 8:04 A.M., he was to patrol out of the State Police Lincoln Woods Barracks when he observed a white Cadillac with a rear license plate reading, “Louisiana Temporary Registration, ICOR721”, traveling on Old Louisquisset Pike in the Town of Lincoln. *See* Tr. at 17: 1-4. Trooper Reilly testified through “training and experience I know these registration plates to be counterfeit.” *Id.* Trooper Reilly testified that he also “observed [the vehicle] to have very dark windshield tint on all windows of the vehicle.” Tr. 17: 4-6.

Trooper Reilly conducted a traffic stop on Old Louisquisset Pike in the Town of Lincoln. *Id.* At the stop, he asked for her driver's license, registration, and proof of insurance. *Id.* The Appellant provided her driver's license but did not provide any other documentation. *Id.* He identified Ana Borges (Appellant) through her driver's license. Trooper Reilly testified that Appellant stated "the vehicle belonged to her husband and it was not registered and not insured", continuing that, "[it] did not need to be registered or insured because her husband is a private American national." Tr. 17 : 14-19. Trooper Reilly testified he found no proof of insurance during the traffic stop regarding the Cadillac. Tr. 20: 6-8.

Trooper Reilly testified he checked with the Rhode Island Department of Motor Vehicles and the vehicle was not registered, not insured and the plates were counterfeit as confirmed through Rhode Island State Police Telecommunications Unit. Trooper Reilly further testified he checked the VIN number of the vehicle through the Rhode Island State Police Telecommunications Unit, with the results as a not on file response for both VIN and plates. *Id.*

Based on the aforementioned, Trooper Reilly testified that the Appellant was issued the two summons which were the subject matter of the trial. At the conclusion of Trooper Reilly's testimony, the Appellant had the opportunity to cross examine him. At trial, Appellant cross-examined Trooper Reilly. During cross examination Trooper Reilly denied seeing any insurance documents for a Cadillac from the Appellant. Trooper Reilly further testified again to the plates on the vehicle being counterfeit and the windows heavily tinted.

After hearing all the evidence, the Trial Magistrate found the testimony of Trooper Reilly to be completely credible. The Trial Magistrate also found that Trooper Reilly on October 14, 2024 pulled over a white Cadillac operated by the Appellant. The Trial Magistrate further found after trial that it was proven by clear and convincing evidence that the vehicle was not registered and

was being operated without evidence of registration and found Appellant guilty of both registration violations.

The Trial Magistrate found that no proof of insurance for the vehicle that was stopped, the white Cadillac, had been presented and that it was required to be insured. In absence of such insurance proof, the Trial Magistrate found after trial that it was proven by clear and convincing evidence that the vehicle operated by the Appellant was being operated within the state of Rhode Island without insurance. 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 traffic stop conducted by Trooper Reilly violated her Fourth Amendment rights. See (App.’s Mem. In Supp. Of Appeal (App.’s Mem.) 1.) 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)).

“As a general matter, the decision to stop an automobile is reasonable when the police have probable cause to believe that a traffic violation has occurred.” *State v. Bjerke*, 697 A.2d 1069, 1072 (R.I. 1997), citing *State v. Soares*, 648 A.2d 804, 805 (R.I. 1994).

The Rhode Island Supreme Court has decided that a “Fourth Amendment search is only involved when the government intrudes into areas which an individual is said to have a reasonable expectation of privacy.” *Id.* at 1073. The Court further state that in Rhode Island, “[we] do not

believe...the public at large has any reasonable expectation of privacy in a motor vehicle registration license plate.” *Id.* at 1073.

An officer seeing a probable violation of Rhode Island traffic laws has the authority to conduct a stop. The Rhode Island Supreme Court reached the aforementioned conclusion “in view of the fact that such plates and information behind them are within the control and custody of the state through the Registry of Motor Vehicles.” *Id.* at 1073.

Here, Trooper Reilly 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 any state.

After a search of the registration plate through both the Rhode Island Department of Motor Vehicles and the Rhode Island State Police Telecommunications Unit, he found that no vehicle was associated with those plates, and no registration was associated with the VIN number appearing on the motor vehicle being driven by the Appellant. Both of which constitute a violation of R.I. G.L. 1956 § 31-3-1 “Operation of an Unregistered Vehicle” and a violation of R.I. G.L. 31-8-1 “Operation of Vehicles without Evidence of Registration.” Both enough to justify the traffic stop conducted by Trooper Reilly.

This Panel finds that Trooper Reilly did not violate Appellant’s Fourth Amendment rights as they relate to either the traffic stop or search of the registration. However, upon review of the entire record, this Appeals Panel finds issue with what flowed from the initial stop.

R.I. G.L. 1956 § 31-47-9(a) “Operating Motor Vehicle Without Evidence of Insurance” states:

Any owner of a motor vehicle registered or *required to be registered in this state* who shall knowingly operate the motor vehicle or knowingly permit it to be operated in this state without having in full force and effect the financial security required by the provisions of this chapter, and any other person who shall operate in this state any motor

vehicle registered or required to be registered in this state with the knowledge that the owner of it does not have in full force and effect financial security, except a person who, at the time of operation of the motor vehicle, had in effect an operator's policy of liability insurance with respect to his or her operation of the vehicle, may be subject to a mandatory suspension of license and registration as follows . . .¹ (emphasis added).

Under R.I. G.L. 1956 § 31-47-9(a), the State bears the burden of establishing, by clear and convincing evidence, that the vehicle at issue was required to be registered in Rhode Island and that the operator lacked the requisite insurance coverage. In this matter, the State failed to meet that burden, as it did not present clear and convincing evidence that the Appellant's vehicle was subject to Rhode Island's registration requirements. While the statute penalizes the operation of an uninsured vehicle, it does not authorize punishment based solely on an individual's failure to produce proof of insurance upon an officer's request.

¹ "For the purpose of this section, an "operator's policy of liability insurance" means a policy issued by an insurance carrier duly authorized to transact business in this state that shall insure the person named in it as insured, against loss from the liability imposed upon him or her by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person and injury to or destruction of property arising out of the use by him or her of any motor vehicle not owned by him or her, subject to the same minimum provisions and approval required by this chapter with respect to an owner's policy of liability insurance." See R.I. G.L. 1956 § 31-47-9(d).

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, as to the violations of R.I. G.L. 1956 § 31-8-1, "Operation of Vehicle without Evidences of Registration" and R.I. G.L. 1956 § 31-3-1 "Operation of Unregistered Vehicle" 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. Accordingly, Appellant's appeal to the violations of R.I. G.L. 1956 § 31-8-1 and R.I. G.L. 1956 § 31-3-1 is denied. Further, this Panel finds that the State failed to prove through clear and convincing evidence that the Appellant violated R.I. G.L. 1956 § 31-47-9 "Operating Motor Vehicle Without Evidence of Insurance." Accordingly, Appellant's appeal is granted as to a violation of R.I. G.L. 1956 § 31-47-9.

ENTERED:

/S/
Magistrate Welch (Chair)

/S/
Chief Magistrate DiSandro

/S/
Magistrate Landroche

DATE: June 18, 2026