

STATE OF RHODE ISLAND
RHODE ISLAND TRAFFIC TRIBUNAL

STATE OF RHODE ISLAND	:	
	:	
v.	:	C.A. No. T26-0006
	:	26406500137
	:	
ALYIA MCCAFFREY	:	

DECISION

PER CURIAM: Before this Panel on May 20, 2026—Magistrate Abilheira (Chair), Chief Magistrate DiSandro, and Administrative Magistrate DiChiro—is the appeal of Alyia McCaffrey (Appellant) from a decision of Magistrate Landroche of the Rhode Island Traffic Tribunal, sustaining the charged violation of G.L. 1956 § 31-22-30 “Distracted Driving – 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 January 15, 2026, Lieutenant Matthew Paradis (Lieutenant Paradis), charged the motorist/Appellant, Alyia McCaffrey, with G.L. 1956 § 31-22-30 “Distracted Driving – First Offense.” Tr. 9: 1-2. On February 9, 2026, Appellant appeared before the court and plead not guilty to the charge. The matter proceeded to trial on March 9, 2026.

At trial, Lieutenant Paradis testified that he was traveling on Cobble Hill Road on a distracted driving detail, when he observed a motorist traveling in the opposite lane, holding a cell phone in her right hand. *See* Tr. 8: 9-14. Upon witnessing the motorist holding the phone, Lieutenant Paradis conducted a traffic stop. He positively identified the motorist as the Appellant based on her driver’s license and communicated the reason for the stop. *Id.* Lieutenant Paradis

testified Appellant “did not deny the allegation and stated that she was using her phone for directions.” Tr. 8: 22-24. At trial, Lieutenant Paradis also submitted body camera footage to the court. Tr. 9: 6. The footage showed the interactions between Lieutenant Paradis and Appellant.

The Appellant then testified on her own behalf. She stated that she had been on facetime while driving, with the phone secured in her cup holder. Tr. 15: 12-13. The phone was angled for her to observe the GPS while driving. *Id.* Appellant argued that despite using the mobile phone for GPS and facetime, the device was not in her hand prior to the stop. *Id.* Further, Appellant argued that the Lieutenant could not have observed a phone in her hand while driving, because her phone is pink, not brown like he testified. Tr. 13: 10-12.

Upon hearing all of the evidence, the Trial Magistrate found Lieutenant Paradis’s testimony to be credible and adopted his testimony as the findings of fact. Tr. 19: 14-15. The Court found the Appellant guilty of Distracted Driving under R.I. Gen. Laws 1956 § 31-22-30, having found the officer proved his case by clear and convincing evidence. 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 (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

On appeal, Appellant argues that the Trial Magistrate erred in finding her guilty of violating G.L. 1956 § 31-22-30, “Distracted Driving – First Offense.” Specifically, Appellant contends that the body camera footage admitted at trial shows that her phone was not in her hand, but rather in the cup holder at the time of the observed violation. Further, Appellant argues that there are factual

“discrepancies” between her testimony and the Officer’s testimony involving the placement of the phone in her vehicle and the color of the phone, as provided in testimony and as seen in the footage.

The Trial Magistrate found Lieutenant Paradis’s testimony to be credible. Tr. 19: 14-15. This 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*, 633 A.2d at 1348 (citing *Janes*, 586 A.2d at 537). As the members of this Panel did not have an opportunity to observe the live testimony of Lieutenant Paradis, it would be impermissible to second-guess the Trial Magistrate’s impression, as he was able to appraise [the] witness[’s] demeanor and to take into account other realities that cannot be grasped from a reading of a cold record.” *A. Salvati Masonry Inc. v. Andreozzi*, 151 A.3d 745, 749 (R.I. 2017) (internal quotations omitted). This Panel will not disturb the Trial Magistrate’s credibility determinations or his assessment of the weight of the evidence in this case. *Link*, 633 A.2d at 1348.

Lieutenant Paradis testified he observed a phone in Appellant’s right hand. Such a use is prohibited by § 31-22-30 unless an exception is met pursuant to § 31-22-30(b)(1)-(5). Appellant contends at stop and trial that she was using a GPS. However, in order to satisfy the exception under § 31-22-30(b)(4) for the use of GPS while driving¹ the wireless handset or personal wireless communication device must be *mounted* or otherwise *affixed* to the vehicle to allow for hands free operation.

¹ R.I. Gen. Laws 1956 § 31-22-30(b), “Distracted Driving – First Offense,” states that, “[n]o person shall use a wireless handset or personal wireless communication device to compose, read, or send text messages, or for any other purpose while driving a motor vehicle on any public street or public highway within the state of Rhode Island.” G.L. 1956 § 31-22-30 prohibits using a wireless handset or personal wireless communication device while driving on Rhode Island public roads, except for: (1) law enforcement, emergency, and public safety personnel performing official duties; (2) contacting emergency personnel; (3) use while the vehicle is lawfully parked, out of traffic, or disabled; (4) hands-free use of a mounted GPS or navigation device/application; and (5) hands-free operation of a wireless device, including single-swipe or single-tap activation or deactivation of functions.

Lieutenant Paradis's testimony was clear that the phone was in Appellant's right hand and therefore not used in a hands-free manner. Moreover, Appellant's own testimony was not that it was mounted or affixed to the vehicle, but rather in the cupholder, which would not satisfy or meet the GPS exception under § 31-22-30(b)(4). Additionally, the phone was in the cupholder at the time of the motor vehicle stop, not while in operation, when the Lieutenant observed in the device in hand.

Based on a review of the record, this Panel is satisfied that the Trial Magistrate did not abuse his discretion, and that his decision to sustain the charged violation is "supported by legally competent evidence." *Id.* (citing *Envtl. Scientific Corp. v. Durfee*, 621 A.2d 200, 208 (R.I. 1993)).

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 Abilheira (Chair)

 /S/
Chief Magistrate DiSandro

 /S/
Administrative Magistrate DiChiro

DATE: August 19, 2026