

STATE OF RHODE ISLAND
RHODE ISLAND TRAFFIC TRIBUNAL

STATE OF RHODE ISLAND	:	
	:	
v.	:	C.A. No. T26-0007
	:	26412500105
	:	
JEFFREY SALOME	:	

DECISION

PER CURIAM: Before this Panel on June 24, 2026—Magistrate Kruse Weller (Chair), Magistrate Landroche, and Magistrate Welch—is the appeal of Jeffrey Salome (Appellant) from a decision of Administrative Magistrate DiChiro of the Rhode Island Traffic Tribunal, sustaining the charged violation of G.L. 1956 § 31-13-4 “Obedience to Devices.” 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

At trial, on March 4, 2026, Officer Amine Malki (Officer Malki), of the Woonsocket Police Department testified that he was traveling inbound on Bernon Street, approaching a 4-way intersection and as he was waiting at the red light at the intersection, he witnessed a motorist run a red light. Tr. 11: 14-15. Officer Malki, after his light turned green, took a left onto Front Street, followed the motorist and conducted a traffic stop, identifying the motorist as Appellant, Jeffrey Salome. *Id.* Officer Malki testified that his light immediately turned green as he witnessed the Appellant run the red light.

After the Officer testified, Appellant cross-examined him on the events prior to the traffic stop. Appellant questioned Officer Malki on whether there was dash-camera footage of the

violation prior to the traffic stop. Tr. 15: 12-23. Officer Malki admitted that there was body-camera footage of the traffic stop, but no footage *prior* to the stop. Tr. 8: 25-26. Officer Malki testified that he does not carry dash-cameras in his cruiser but did review the body-camera footage multiple times prior to trial. Tr. 15: 14-19.

Appellant argued at trial that he did not run the red light and was denied evidence by the Woonsocket Police Department. Appellant asserted that he contacted the Woonsocket Police Department requesting body-camera and dash-camera footage of the traffic stop, but did not file a motion for discovery with the court or a motion to compel. Tr. 5: 6-12.

Upon the closing of testimony from both parties, and after some confusion regarding the existence of dash-camera versus body-camera footage, the Trial Magistrate made his findings of fact. The Trial Magistrate found that Officer Malki's testimony was credible and that the State proved through clear and convincing evidence that Appellant violated G.L. 1956 § 31-13-4 "Obedience to Devices." 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

Appellant argues on appeal that the Trial Magistrate erred in relying “solely” on the testimony of Officer Malki and that he was denied access to relevant evidence by the Woonsocket Police Department. See *generally* (App.’s Mem. In Supp. Of Appeal.)

Regarding Appellant’s first argument, the Trial Magistrate did not err in finding Officer Malki’s testimony to be credible. A trial judge or magistrate “may not arbitrarily disregard uncontradicted testimony” unless such testimony “contains inherent improbabilities or

contradictions . . . [or] may also be disregarded on credibility grounds as long as the factfinder clearly but briefly states the reasons for rejecting the witness' testimony." *Norton v. Courtemanche*, 796 A.2d 925, 932 (R.I. 2002) (quoting *Lombardo v. Atkinson-Kiewit*, 746 A.2d 679, 688 (R.I. 2000)).

Here, the Trial Magistrate's acceptance of the Officer Malki's testimony at trial is not clearly wrong as the record is devoid of any evidence indicating that Officer Malki's testimony was not credible.

Moreover, 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 Officer Malki, 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. Accordingly, 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 *Env'tl. Scientific Corp. v. Durfee*, 621 A.2d 200, 208 (R.I. 1993)).

Furthermore, Appellant contends that he was denied access to discovery. Specifically, the Appellant claims he requested dash-camera and body-camera footage from the Woonsocket Police Department, however the Appellant's requests for information appear to be made as a "public records request" pursuant to the Rhode Island Access to Public Records Act, R.I. Gen. Laws Ch.

38-2, which are not governed by this court. Tr. 4: 24-28. Appellant did not file a motion to compel discovery prior to trial with the Rhode Island Traffic Tribunal.

Rhode Island Traffic Tribunal Rule 11 governs discovery and requires an Appellant to file a *written* motion if he or she reasonably requested materials and was not provided with them. *See* Traffic Trib. R. P. 11. The “production of discovery must be ordered by the Court” and the Appeals Panel is bound to apply Rule 11 as it is written. *See Stamatakos, A.A. No. 2025-012.*

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 Kruse Weller (Chair)

_____/S/_____
Magistrate Landroche

_____/S/_____
Magistrate Welch

DATE: August 14, 2026