STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, S.C. RHODE ISLAND TRAFFIC TRIBUNAL

TOWN OF PORTSMOUTH	:	
	:	
v.	:	C.A. No. T08-0128
	:	
DEBORAH CASEY	:	

DECISION

PER CURIAM: Before this Panel on December 10, 2008, Magistrate Goulart (Chair), Chief Magistrate Guglietta, and Judge Ciullo presiding, is Deborah Casey's (Appellant) appeal from a decision of Magistrate Noonan, sustaining the charged violation of G.L. 1956 § 31-27-2.1, "Refusal to submit to chemical test."[1] The Appellant was represented by counsel before this Panel. Jurisdiction is pursuant to G.L. 1956 § 31-41.1-8.

I
Facts and Travel

On September 4, 2008, Officer Jacob Silva (Officer Silva) of the Portsmouth Police Department charged Appellant with violating the aforementioned motor vehicle offense. The Appellant contested the charge, and the matter proceeded to trial.

Officer Silva began his trial testimony by describing his training and experience with respect to DUI-related traffic stops and the administration of standardized field sobriety tests. (Tr. at 12-15.) Then, focusing the Court's attention on the date in question, Officer Silva testified that at approximately 12:20 a.m., he was on patrol on East Main Road when he observed a vehicle traveling at a high rate of speed. (Tr. at 15-16.) Officer Silva estimated that the vehicle was traveling at approximately 45 – 50

[1] The Appellant was also charged with violating G.L. 1956 §§ 31-14-2, "Prima facie limits," and 31-15-11, "Laned roadways." However, these charges were dismissed at trial and are not presently before this Panel on appeal.

m.p.h. in a posted 25 m.p.h. zone, and confirmed this estimation by use of his cruiser's radar unit. (Tr. at 18.) Officer Silva also observed swerving of the vehicle. (Tr. at 55.)

Officer Silva initiated a traffic stop of the vehicle and requested that the operator of the vehicle—later identified at trial as Appellant—produce her operator's license, registration, and proof of financial security. (Tr. at 19-20.) Officer Silva observed that Appellant was experiencing difficulty producing the requested documentation. (Tr. at 20.) Seemingly to excuse her "fumbling," Appellant informed Officer Silva that the vehicle belonged to her parents. Id. When she was unable to produce a valid operator's license upon Officer Silva's second request, Appellant informed him that her license was at her residence. Id.

When asked to describe Appellant's physical appearance and demeanor, Officer Silva testified that her speech was "slurred [and] slightly thick-tongued" and that it was difficult to understand her at times. (Tr. at 21.) Officer Silva also observed that Appellant's eyes were watery and "glassy" and that there was a strong odor of an alcoholic beverage emanating from the vehicle and/or Appellant's person. (Tr. at 22.)

Upon the arrival of Officer Silva's supervisor, Officer Silva asked Appellant whether she would submit to a battery of standardized field sobriety tests; Appellant consented to the tests and exited her vehicle. (Tr. at 22-23.) Officer Silva testified that Appellant appeared unsteady on her feet as she alighted from the vehicle and that she "propped herself" against the vehicle's door to maintain her balance. (Tr. at 23.) As Appellant exited the vehicle, Officer Silva observed what appeared to be vomit in the area between the driver's side door and the driver's seat. (Tr. at 23-24.)

Officer Silva asked Appellant to perform standardized field sobriety tests and upon observing her performance on these tests, formed an opinion based on his professional training and experience that she was under the influence of intoxicating liquor. (Tr. at 24-35.) At this point, Officer Silva handcuffed Appellant, read the "Rights for Use at Scene" form to Appellant in its entirety, and transported her to the Portsmouth Police Department. (Tr. at 37, 39.) The "Rights for Use at Scene" form was admitted into evidence as State's Exhibit 1. (Tr. at 38-39.)

At the Portsmouth Police Department, Officer Silva read Appellant her "Rights for Use at Station" from the pre-printed form and asked her whether she would like to make a confidential phone call. (Tr. at 40-41.) The "Rights for Use at Station" form was marked for identification purposes but was not introduced by the State as an exhibit. Id.

Upon availing herself of her right to a confidential phone call in the Department's booking room, Appellant signed the "Rights" form in the area designated for those who give their consent to a chemical test. (Tr. at 41, 63.) However, once Officer Silva began to prepare the testing equipment, Appellant orally revoked her consent to the chemical test. Id.

Counsel for the State then asked Officer Silva whether he prepared a report in compliance with § 31-27-2.1 and, if so, whether this report was notarized. (Tr. at 44, 48.) Officer Silva indicated that a sworn report had been prepared, and it was subsequently admitted into evidence as State's Exhibit 3. (Tr. at 44.) Upon the admission of Officer Silva's report, the trial magistrate engaged in the following colloquy with counsel for the State:

> "Trial magistrate: The 'Rights for Use at the Scene—at the Station,' rather, hasn't been admitted. Is that correct?

> Special Assistant Attorney General: No, the State would like to request that the 'Rights for Use at the Station' please be admitted into evidence, your Honor, as a full exhibit." (Tr. at 44-45.)

Following the above colloquy, counsel for Appellant moved to dismiss the charged violation of § 31-27-2.1 on the ground that the trial magistrate improperly instructed counsel for the State to offer the "Rights for Use at Station" form into evidence, thereby assisting the State to prove an essential element of the refusal charge to a standard of clear and convincing evidence. (Tr. at 45.) The trial magistrate denied counsel's dismissal motion, and allowed the State to introduce the "Rights for Use at Station" form into evidence as State's Exhibit 2. (Tr. at 46-47.)

On cross-examination, counsel for Appellant asked Officer Silva to describe the notarization process. (Tr. at 50.) Officer Silva testified that he did not swear before a notary to the veracity of the information contained in his report; rather, he signed the report outside the presence of the notary and then delivered it to the notary for signature. (Tr. at 51.) Officer Silva indicated that the notary did not verify the signature on the report in Officer Silva's presence. (Tr. at 52.) At this time, counsel for Appellant moved to suppress the report, and this motion was granted. (Tr. at 53.)

When questioned by counsel for Appellant as to the circumstances surrounding Appellant's use of the booking room telephone, Officer Silva testified that he was able to hear Appellant's voice as she used the telephone, but that he could not recall any specific details of her conversation. (Tr. at 63.) Officer Silva indicated that he did not include any information in his report regarding the contents or recipient of Appellant's call. Id.

Following the trial, the trial magistrate sustained the charged violation of § 31-27-2.1. Aggrieved by the trial magistrate's decision, Appellant filed a timely appeal to this Panel.[2] This Panel's decision is rendered forthwith.

II
Standard of Review

Pursuant to G.L. 1956 § 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 of the Rhode Island Traffic Tribunal. 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 on questions of fact. The appeals panel may affirm the decision of the judge or magistrate, may remand the case for further proceedings, or may 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 following unlawful procedure;
> (4) Affected by another error of law;
> (5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
> (6) Arbitrary, capricious, or characterized by abuse of discretion or clearly unwarranted exercise of discretion."

In reviewing a hearing judge'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

---

[2] Following the trial, but prior to a hearing on Appellant's appeal, the solicitor for the Town of Portsmouth submitted a motion pursuant to Rule 27(a) of the Rules of Procedure for the Traffic Tribunal (Rule 27(a)) to dismiss the charged violation of § 31-27-2.1. Rule 27(a) reads, in relevant part: "The prosecution officer or the attorney for the state or municipality may dismiss a summons and the prosecution shall thereupon terminate." According to the "Supplemental Grounds for Appeal" filed by counsel for Appellant, Appellant reached an agreement with the town solicitor whereby she would enter a plea in the District Court with respect to the pending criminal violation of § 31-27-2 and accept one month of license suspension in exchange for the filing of a Rule 27(a) motion in this Tribunal and the dismissal of the civil chemical test refusal charge. On appeal to this Panel, Appellant attempted to enforce the settlement agreement with the Town of Portsmouth that resulted in the submission of the Rule 27(a) motion. While the members of this Tribunal will accept a dismissal motion pursuant to Rule 27(a) "during . . . trial with[] the consent of the defendant," the Rule does not provide for the submission of such a motion following a trial on the merits and the entry of judgment.

hearing judge 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 decision is supported by legally competent evidence or is affected by an error of law." Link, 633 A.2d at 1348 (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 clearly 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." Link, 633 A.2d at 1348. Otherwise, it must affirm the hearing judge's conclusions on appeal. See Janes, 586 A.2d at 537.

III
Analysis

On appeal, Appellant argues that the trial magistrate's decision is in violation of constitutional provisions, in excess of his statutory authority, characterized by abuse of discretion, and affected by error of law. The Appellant has advanced several arguments in support of her appeal.

The Appellant first argues that the trial magistrate improperly intervened in the trial when he advised counsel for the State that the "Rights for Use at Station" form had not been introduced into evidence, thereby prompting counsel to offer the form. According to Appellant, the trial magistrate acted in excess of his statutorily-prescribed judicial authority by assisting the prosecution to prove an essential element of the charged violation of § 31-27-2.1, thereby depriving Appellant of her due process right to an impartial fact-finder. The Appellant next argues that the trial magistrate's decision to

sustain the charged violation of § 31-27-2.1, despite the fact that Officer Silva's report was not properly "sworn," constitutes an abuse of his discretion and warrants dismissal of the refusal charge. As her third ground for appeal, Appellant contends that she was entitled, pursuant to G.L. 1956 § 12-7-20,[3] to a confidential phone call within one hour of her arrest by Officer Silva and that the failure of Officer Silva to afford the requisite confidentiality warrants dismissal of the charge. Finally, Appellant asserts that the charged violation must be dismissed because the underlying arrest was not supported by probable cause and because Officer Silva did not have reasonable grounds to believe that Appellant had been driving her motor vehicle while under the influence of intoxicating liquor. Each of Appellant's arguments will be addressed in seriatim.

A

The Appellant first argues that she was denied "a fair trial in a fair tribunal[,] a basic requirement of due process," because the trial magistrate acted as both a prosecutor and fact-finder in the same proceeding. Davis v. Wood, 427 A.2d 332, 336-337 (R.I. 1981) (citing In re Murchison, 349 U.S. 133, 136, 75 S.Ct. 623, 625 (1955)). The Appellant focuses this Panel's attention on the colloquy between the trial magistrate and counsel for the State to argue that the trial magistrate impermissibly combined the prosecutorial and judicial functions by alerting the State that the "Rights for Use at

[3] Section 12-7-20 reads, in pertinent part:

> "Any person arrested under the provisions of this chapter shall be afforded, as soon after being detained as practicable, not to exceed one hour from the time of detention, the opportunity to make use of a telephone for the purpose of securing an attorney or arranging for bail . . . . The telephone calls afforded by this section shall be carried out in such a manner as to provide confidentiality between the arrestee and the recipient of the call."

Station" form had not been introduced into evidence, thereby assisting the State to prove the charged violation of § 31-27-2.1 to a standard of clear and convincing evidence.

As a matter of due process, "a citizen is guaranteed a hearing before an administrative body that is not biased or whose members are 'otherwise indisposed from rendering a fair and impartial decision.'" In re Commission on Judicial Tenure and Discipline, 916 A.2d 746, 750 (R.I. 2007) (quoting La Petite Auberge, Inc. v. Rhode Island Commission for Human Rights, 419 A.2d 274, 283 (R.I. 1980)). "However, the mere existence of a combination of 'investigatory, inquisitorial, and adjudicative roles in a single administrative body' does not amount to a denial of due process or signify that the agency's structure or operations is subject to constitutional attack." Id. (quoting La Petite Auberge, Inc., 419 A.2d at 284). "To challenge an . . . adjudication based on an amalgamation of incompatible functions, a party "must show that the procedures 'pos[e] such a risk of actual bias or prejudgment that the practice must be forbidden if the guarantee of due process is to be adequately implemented.'" Id. (quoting Withrow v. Larkin, 421 U.S. 35, 47 (1975)).

However, as for the individual members of such an administrative or adjudicative body, our Supreme Court "has never suggested that such members of a[] . . . body 'may involve themselves directly in either the preparation or the prosecution' of an . . . action because '[s]uch activities would raise constitutional issues of a wholly different order.'" Id. at 751 (quoting La Petite Auberge, Inc., 419 A.2d at 284). Although it has been held that "a combination of investigatory and judicial functions is not always prohibited, a combination of prosecutorial and judicial functions in the same individual is condemned." Davis, 427 A.2d at 337. "When the same individual who investigates and

prosecutes the case . . . then becomes a fact-finder in the same proceeding, the adjudicatory stage of the proceeding has been unconstitutionally tainted. . . . . This finding is based upon the fact that one who has buried himself in one side of an issue is disabled from later judging that issue in a dispassionate manner." Id.

Based on the record before this Panel, there is no evidence that the trial magistrate "attempt[ed] to establish proof to support the position of any party to the controversy," thereby "becom[ing] an advocate or participant, [and] ceasing to function as an impartial trier of fact." Id. As the trial magistrate explained on the record,

> "[T]his court is entitled to run the court in the way it considers to be most efficient, as any court is. In my estimation, it does not in the interest of judicial economy or efficiency allow multiple exhibits to be out there identified as only for identification purposes. So . . . in the interest of maintaining the flow of the paperwork and my understanding of the way the case is progressing—whether or not a document is an exhibit or whether it's merely been presented for identification purposes. I can't have more than one document out there for identification purposes because it's confusing . . . ." (Tr. at 45-46.)

It is patently clear from our review of the above statement and the record as a whole that the trial magistrate did not exceed the permissible scope of his statutory authority or violate Appellant's due process right to a fair trial before a neutral and detached fact-finder. Rather, the record shows that his participation in the proceeding was for the limited purpose of ensuring that it "proceed in an orderly, expeditious fashion." Davis, 427 A.2d at 337. Accordingly, as the actions of the trial magistrate did not undermine "the fundamental fairness required by due process," id. (citing NLRB v. Air Flow Sheet Metal, Inc., 396 F.2d 506, 508 (7th Cir. 1968)), we conclude that substantial due process rights of Appellant have not been prejudiced.

B

The Appellant further argues that the refusal charge must be dismissed because Officer Silva's report was not "sworn," as required by § 31-27-2.1. With respect to chemical test refusal cases, in Link v. State, 633 A.2d 1345, 1349 (R.I. 1993), our Supreme Court explained that such cases are divided into "two distinct parts." The first part is the "pre-hearing procedure initiated by an arrested driver's refusal to submit to a chemical test." Id. Section 31-27-2.1 provides for automatic suspension of the individual's driver's license under the following procedure:

> If a person having been placed under arrest refuses upon the request of a law enforcement officer to submit to the tests, . . . none shall be given, but a judge of the traffic tribunal . . . , upon receipt of a report of a law enforcement officer: that he or she had reasonable grounds to believe the arrested person had been driving a motor vehicle within this state under the influence of intoxicating liquor. . .; that the person had been informed of his or her rights in accordance with § 31-27-3; that the person had been informed of the penalties incurred as a result of noncompliance with this section; and that the person had refused to submit to the tests upon the request of a law enforcement officer; shall promptly order that the person's operator's license or privilege to operate a motor vehicle in this state be immediately suspended. (Emphasis added.)

The second part of the process provides for a hearing before the Traffic Tribunal to determine whether the refusal charge and suspension of the individual's license should be sustained or dismissed. Section 31-27-2.1 outlines this process as follows:

> If the judge finds after the hearing that: (1) the law enforcement officer making the sworn report had reasonable grounds to believe that the arrested person had been driving a motor vehicle within this state while under the influence of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21, or any combination of these; (2) the person while under arrest refused to submit to the tests upon the request of a law

> enforcement officer; (3) the person had been informed of his or her rights in accordance with § 31-27-3; and (4) the person had been informed of the penalties incurred as a result of noncompliance with this section; the judge shall sustain the violation. (Emphasis added.)

Although the law enforcement officer's report plays a critical role in the adjudication of refusal charges, the role of the report is nonetheless limited. In Link, our Supreme Court indicated that once the report is submitted and the individual's driver's license has been automatically suspended, the "role of the sworn report ends. . . ." Link, 633 A.2d at 1349. Further, upon an appeal to this Panel to determine whether the refusal charge should be sustained or dismissed, the required findings "may be based on whatever evidence is adduced at the hearing and are not dependent upon the validity of the [officer's] sworn report." Id. Accordingly, the Link Court held that the State has an opportunity at such an appeal to "establish the facts necessary . . . to sustain [the defendant's] breathalyzer refusal charge notwithstanding the defect in [the officer's] sworn report. Id.

Here, Officer Silva testified that his report was not properly "sworn" before a notary. (Tr. at 51.) However, Officer Silva appeared before the trial magistrate and testified under oath concerning the information contained therein, and the trial magistrate stated on the record that he found Officer Silva to be "truthful," "credible," and "very candid." (Tr. at 68, 79.) As Link makes clear that a chemical test refusal charge can be sustained in the absence of a "sworn" report where there is sworn testimony adduced at trial for the court to consider and weigh, Link, 633 A.2d at 1349, Officer Silva's appearance and live trial testimony rendered the defect in his report inconsequential. Therefore, upon reviewing the record in its entirety, this Panel is satisfied that the trial

magistrate's decision to sustain the refusal charge in the absence of a properly sworn report by Officer Silva was not characterized by abuse of his discretion.

C

The Appellant next contends that she was not given a reasonable opportunity to make a confidential phone call in accordance with § 12-7-20. Despite the fact that Appellant was afforded a telephone call in an unrecorded booking room and that Officer Silva was not present in the booking room at the time Appellant's phone call was made, Appellant maintains that she was denied her right to a confidential phone call because Officer Silva testified that he was able to hear her voice through the booking room door.

Here, Officer Silva testified that he read the "Rights for Use at Station" form to Appellant in its entirety and that Appellant indicated that she understood the rights contained therein. (Tr. at 40.) As evidence of Appellant's comprehension of her rights, Officer Silva testified that Appellant refused to use the telephone located in the Portsmouth Police Department's interview room, preferring instead to make her telephone call in the privacy of the booking room. (Tr. at 63.) Officer Silva further testified that the booking room was not under audiovisual surveillance on the date in question and that he was not physically present in the booking room at the time Appellant utilized the telephone. (Tr. at 62-63.) Officer Silva made clear that he had no specific recollection of the contents of Appellant's conversation or the identity of the recipient and that he did not include any details from Appellant's conversation in his report. Accordingly, the members of this Panel are satisfied that the integrity of Appellant's communications was not compromised in any way. Accordingly, we conclude that

Appellant's right to a fully confidential phone call under § 12-7-20 was not violated by Officer Silva's presence outside the booking room.

D

Finally, Appellant asserts that the charged violation of § 31-27-2.1 must be dismissed because the underlying arrest was not supported by probable cause, and because Officer Silva did not have reasonable grounds to believe that Appellant had been driving her vehicle in Rhode Island while under the influence of intoxicating liquor.

Although our Supreme Court has made clear that "reasonable suspicion is the proper standard for evaluating the lawfulness of a stop," State v. Jenkins, 673 A.2d 1094, 1097 (R.I. 1996), the Court has thus far not enumerated all of the facts that must exist in order for a police officer to determine that reasonable suspicion exists. As our cases illustrate, the "reasonable suspicion" analysis is fluid and case-specific. In the context of chemical test refusal cases, the Court has listed various specific and articulable facts upon which a law enforcement officer can properly conclude that "reasonable suspicion" exists to initiate an investigatory stop. For example, reasonable suspicion can be based on the officer's observation of an "erratic movement" of the motorist's vehicle, such as drifting over the center dividing line of the roadway, swerving from one lane to another, or accelerating up to a high rate of speed. See Jenkins, 673 A.2d at 1097; State v. Bruno, 709 A.2d 1048, 1050 (R.I. 1998). Reasonable suspicion can also be based on the officer's observations of the motorist's physical appearance and demeanor. The Court has concluded that an investigatory stop of a motorist is supported by reasonable suspicion in instances where the motorist appears confused or disoriented, and where the motorist exhibits slurred speech, watery or bloodshot eyes, and/or an odor of alcohol

emanating from his or her vehicle and/or person. See Bruno, 709 A.2d at 1050; State v. Bjerke, 697 A.2d 1069 (R.I. 1997); State v. Pineda, 712 A.2d 858 (R.I. 1998); State v. Perry, 731 A.2d 720, 721 (R.I. 1999). The Court has also found reasonable suspicion to exist when the motorist, upon exiting his or her vehicle, appears unsteady on his or her feet, falls against the vehicle, or uses the vehicle to maintain his or her balance. See Pineda, 712 A.2d at 858.

In the case at bar, Officer Silva certainly had reasonable suspicion to stop Appellant's vehicle for investigatory purposes. Before initiating a traffic stop of Appellant's vehicle, Officer Silva observed Appellant's vehicle traveling at a speed in excess of the posted speed limit and confirmed this via radar unit. (Tr. at 15-16, 18.) Officer Silva also observed an "erratic movement" of Appellant's vehicle that he described as "swerving." (Tr. at 55.) Once Officer Silva made contact with Appellant on the side of the roadway, it became clear that Appellant was under the influence of intoxicating liquor: Appellant was unable to produce the requested documentation and appeared somewhat confused, "fumbling" with documents. (Tr. at 20.) Appellant's vehicle and/or person emanated a strong odor of an alcoholic beverage; her speech was slurred and "thick-tongued"; her eyes were "glassy" and watery; she appeared unsteady on her feet; and she used the vehicle's door to maintain her balance. (Tr. at 21-23.) Upon exiting the vehicle, Officer Silva noticed what appeared to be vomit in the area between the driver's seat and the driver's side door. (Tr. at 24.) Consequently, this Panel is satisfied that the trial magistrate had reliable, probative, and substantial evidence upon which to determine that Appellant had operated her motor vehicle while under the influence of alcohol.

Further, the record reflects that Officer Silva's arrest of Appellant was based on probable cause to believe that Appellant had committed the aforementioned speeding and laned roadway violations in addition to violating G.L. 1956 § 31-27-2, "Driving under influence of liquor or drugs." "The existence of probable cause to arrest without a warrant depends on whether, under the totality of the circumstances, the arresting officer possesses sufficient trustworthy facts and information to warrant a prudent officer in believing that the suspect has committed or was committing an offense." State v. Guzman, 752 A.2d 1, 4 (R.I. 2000). Our Supreme Court has said that "the mosaic of facts and circumstances [available to the arresting officer] must be viewed cumulatively as through the eyes of a reasonable and cautious police officer on the scene, guided by his or her experience and training." In re Armand, 454 A.2d 1216, 1218 (R.I. 1983) (internal quotations omitted).

Based on the totality of the circumstances, it is clear that Officer Silva had sufficiently trustworthy information to furnish him with probable cause to arrest Appellant. Based upon his direct personal observations, Officer Silva had probable cause to believe that Appellant had operated her motor vehicle in excess of the posted speed limit and crossed into another lane without first ascertaining whether she could do so with safety, in contravention of §§ 31-14-2 and §31-15-11. Once Officer Silva made contact with Appellant on the side of the roadway and made observations of her appearance, demeanor, and ability to perform standardized field sobriety tests, the "facts and circumstances known to [Officer Silva] [were] sufficient to cause a person of reasonable caution to believe that a crime"—namely, driving under the influence of liquor or drugs

in contravention of § 31-27-2—"had been committed and [Appellant] ha[d] committed [it]." Perry, 731 A.2d at 723.

Based on the foregoing, the Appellant's contention that Officer Silva did not possess reasonable grounds is unavailing, as our Supreme Court has indicated that "probable cause" and "reasonable grounds" are functionally equivalent. See Soares v. Ann & Hope of Rhode Island, Inc., 637 A.2d 339, 345 (R.I. 1994); Cruz v. Johnson, 823 A.2d 1157, 1161 n.2 (R.I. 2003). As the members of this Panel are satisfied that Officer Silva's arrest of Appellant was lawful and based upon probable cause, we are likewise satisfied that Officer Silva had reasonable grounds to believe that Appellant had been operating her motor vehicle while under the influence of intoxicating liquor. Accordingly, the trial magistrate's decision to sustain the charged violation of § 31-27-2.1 was not affected by error of law.

Conclusion

This Panel has reviewed the entire record before it. Having done so, the members of this Panel are satisfied that the trial magistrate's decision to sustain the charged violation of § 31-27-2.1 was not in violation of constitutional provisions, in excess of his statutory authority, characterized by abuse of discretion, or otherwise affected by error of law. As we conclude that substantial rights of Appellant have not been prejudiced, this Panel denies Appellant's appeal, and sustains the charge against her.

ENTERED: