

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, S.C.

RHODE ISLAND TRAFFIC TRIBUNAL

STATE OF RHODE ISLAND

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v.

C.A. No. T11-0012

EARTH WALO

STATE OF RHODE ISLAND  
TRAFFIC TRIBUNAL  
FILED  
11 APR 20 AM 10:14

DECISION

PER CURIAM: Before this Panel on March 16, 2011—Magistrate DiSandro, (Chair, presiding), Judge Almeida, and Judge Parker sitting is—Earth Walo’s (Appellant) appeal from a decision of Magistrate Goulart, sustaining the charged violation of § 31-47-9, “Penalties—verification of proof of financial security.” Appellant appeared before this Panel pro se. Jurisdiction is pursuant to § 31-41.1-8.

Facts and Travel

On October 25, 2010, Trooper Corsin of the Rhode Island State Police (Trooper Corsin), while on patrol near Schooner Drive in South Kingstown, Rhode Island initiated a traffic stop of Appellant’s vehicle after witnessing him to be operating without front license plates displayed.<sup>1</sup> (Tr. at 2.) When asked by Trooper Corsin, Appellant failed to produce any proof of insurance. He was given a citation for operating without insurance. At trial, the Appellant informed the trial magistrate that he had “just purchased the vehicle[] and was going to go and register and insure it” when he got pulled over. (Tr. at 3.) The trial magistrate sustained the charge and levied the appropriate penalties.

<sup>1</sup> Appellant was cited for violating § 31-3-12, “Visibility of plates.” That charge was later dropped.

Appellant admitted to not having insurance during his testimony. The Panel notes that prior to the commencement of testimony, the trial magistrate pointed out that Appellant, at his arraignment, attempted to pass off "bad insurance information." (Tr. at 2.) Further, the record indicates that before the trial had begun, Appellant once again attempted to pass off forged insurance information, this time a forged letter indicating his vehicle was insured on October 25, 2010. He also provided the court with a false telephone number which he claimed was to his automobile insurance company. (Tr. at 3.)

Aggrieved by the decision of the trial magistrate to sustain the charged violation of § 31-47-9. Appellant filed this appeal.

#### **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 reads, 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

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.

#### Analysis

On appeal to this Panel, Appellant does not assert any error of law, nor does he claim that the trial magistrate abused his discretion. He simply urges this Panel to overturn the decision of the trial magistrate and reinstate his driver’s license because he assures us that he has learned his lesson and now understands the “severity of what [he] did.”

As noted above, this Panel’s review is limited to the record before us. If it is determined that the decision of the trial magistrate is based upon substantial and probative evidence found in the record, his or her decision shall be sustained. See Link supra. Here, we find no error of law, nor any abuse of discretion in the trial magistrate’s decision to sustain the charge. Moreover, we can hardly sympathize with Appellant, who twice attempted to pass false insurance information in attempt to evade penalties. He only

decided to "come clean" after his two attempts at forgery upon the Court were unsuccessful. Appellant has demonstrated a complete disregard for this Tribunal's authority and procedure. His appeal is denied.

**Conclusion**

This Panel has reviewed the entire record before it. Having done so, this Panel is satisfied that the trial magistrate's decision sustaining the charged violation of § 31-47-9, was not affected by error of law, clearly erroneous based on the reliable, probative, and substantial record evidence, characterized by abuse of discretion, or in violation of constitutional provisions. Finding that substantial rights of Appellant have not been prejudiced, we hereby deny his appeal and sustain the violation charged against him.

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