

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CRANSTON, RITT

RHODE ISLAND TRAFFIC TRIBUNAL

STATE OF RHODE ISLAND

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v.

C.A. No. T12-0014

ZIGMOND COFFEY

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STATE OF RHODE ISLAND  
TRAFFIC TRIBUNAL  
FILED

DECISION

PER CURIAM: Before this Panel on April 11, 2012—Judge Ciullo (Chair, presiding), Judge Parker, and Magistrate DiSandro, sitting—is Zigmond Coffey’s (Appellant) appeal from a decision of Magistrate Noonan (hearing magistrate), accepting Appellant’s guilty plea to the charged violation of G.L. 1956 § 31-22-22, “Safety belt use--Child restraint.” Appellant was represented by counsel before this Panel. Jurisdiction is pursuant to G.L. 1956 § 31-41.1-8.

Facts and Travel

On January 9, 2012, a trooper from the Rhode Island State Police Department charged Appellant with the aforementioned violation of the motor vehicle code. Appellant did not contest the charge, and the Appellant pleaded guilty at his arraignment on February 23, 2012.

After pleading guilty, the hearing magistrate imposed his sentence. The hearing magistrate imposed the following sentence: a six month license suspension; and an eighty-five dollar fine. After imposing the sentence, the hearing magistrate informed the Appellant that his license was being suspended because he was a recidivist. Appellant timely 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(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 prejudicial 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." 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 [or magistrate’s] conclusions on appeal. See Janes, 586 A.2d at 537.

### Analysis

On appeal, Appellant argues that his decision to plead guilty to the violation was not made knowingly, intelligently, and voluntarily. Additionally, Appellant argues that the hearing magistrate’s sentencing was unduly harsh. Consequently, the Appellant argues that the hearing magistrate abused his discretion.

Our rules of procedure provide that all guilty pleas must be made voluntarily and knowingly. See Traffic Trib. R. P. 7(a). Similarly, our Supreme Court has instructed—in the criminal context—that a defendant bears the burden of demonstrating that a plea of guilty was not made knowingly and voluntarily. See State v. Figueroa, 639 A.2d 495, 498 (R.I. 1994). Here, the Appellant was advised of the violation against him before being asked for his plea. After being advised of the violation, the Appellant decided to plead guilty. Notably, the Appellant has not provided this Panel with any evidence that the plea was not done voluntarily and with an understanding of the charged violation. In short, Appellant has failed to carry his burden in this matter to demonstrate that the plea was anything but voluntary.

Next, Appellant contends that the hearing magistrate’s sentencing decision was an abuse of discretion. Appellant argues that a six month license suspension for a violation of § 31-22-22 is unduly harsh. However, G.L. 1956 § 31-41.1-6 empowers the members of this Court to suspend a motorist’s license for any violation of title 31 of the General Laws of this state. The pertinent language of § 31-41.1.-6 reads,

“[a] judge or magistrate may include in the order the imposition of any penalty authorized by any provisions of this title for the violation, including but not limited to, license suspension and/or in the case of a motorist under the age of twenty (20), community

service, except that no penalty for it shall include imprisonment.”  
(Emphasis added.)

A plain reading of § 31-41.1-6 leads the members of this Panel to the conclusion that the General Assembly intended to give a judge or magistrate of this Court broad discretion in imposing a sanction for a violation of any offense in title 31. See 2A Sutherland Statutory Construction § 45:5 (“An overwhelming majority of judicial opinions considering statutory issues are written in the context of legislative intent.”). These sanctions could include the suspension of a person’s license to operate. In the present case, the hearing magistrate imposed a penalty of license suspension, which was authorized by § 31-41.1-6. Consequently, this Panel holds that the hearing magistrate did not abuse his discretion because he was statutorily authorized to impose such a suspension.

### Conclusion

This Panel has reviewed the entire record before it. Having done so, the members of this Panel are satisfied that the hearing magistrate's decision is in not violation of statutory provisions and not an abuse of discretion. Substantial rights of Appellant have not been prejudiced. Accordingly, Appellant's appeal is denied, and the charged violation sustained.