

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. T12-0024

JOHN MINER

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STATE OF RHODE ISLAND
TRAFFIC TRIBUNAL
FILED

DECISION

PER CURIAM: Before this Panel on June 13, 2012—Chief Magistrate Guglietta (Chair, presiding), Judge Almeida, and Magistrate DiSandro, sitting—is John Miner’s (Appellant) appeal from a decision of Magistrate Noonan (trial magistrate), sustaining the charged violation of G.L. 1956 § 31-22-22, “Safety belt use.” Appellant appeared before this Panel pro se. Jurisdiction is pursuant to G.L. 1956 § 31-41.1-8.

Facts and Travel

On February 9, 2012, Trooper Damian Maddox (Trooper Maddox) of the Rhode Island State Police Department charged Appellant with the aforementioned violation of the motor vehicle code. Appellant contested the charge, and the matter proceeded to trial on April 5, 2012.

At trial, Trooper Maddox testified that he was on routine patrol on Route 95 in Warwick when he observed the Appellant operating a gold Cadillac. Trooper Maddox noticed that Appellant and his passenger were not wearing their safety belts as required by statute. (Tr at 1.) Trooper Maddox pursued Appellant and subsequently stopped him. At the conclusion of the

stop, Trooper Maddox cited Appellant for the aforementioned violation of the motor vehicle code.¹

After presenting the aforementioned facts, Appellant made a motion to have a jury trial. (Tr. at 2.) Appellant's motion was denied by the trial magistrate. Id.

After both sides presented evidence, the trial magistrate sustained the violation. In sustaining the violation, the trial magistrate found Trooper Maddox's testimony to be credible. Thereafter, the trial magistrate imposed sentence. 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

¹ Trooper Maddox also cited Appellant for an additional violation of § 31-22-22 because Appellant's passenger was not wearing his seatbelt; however, this violation was dismissed by the trial magistrate. Consequently, that violation is not before this Panel.

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 the trial magistrate’s decision was affected by error of law and in violation of constitutional provisions. Specifically, Appellant argues—as he did at trial—that he was deprived of his right to a trial by jury. Appellant maintains that the Seventh Amendment to the Constitution of the United States guarantees a jury trial for civil actions when the amount in controversy is greater than twenty (20) dollars.

In support of his contention, Appellant cites to several decisions by the Supreme Court of the United States, which interpret the Seventh Amendment. Appellant’s argument is premised on the fact that the Seventh Amendment applies to the states. However, our Supreme Court stated in Bendick v. Cambio, 558 A.2d 941, 944 (R.I. 1989), that the Seventh Amendment does not apply to the states. The Bendick Court traced its analysis back to when the Constitution of the United States was first drafted. The first eight amendments of the Constitution were dubbed the Bill of Rights. The Bill of Rights was meant to restrain the federal government’s power, but

had no bearing on the states. Id. (citing Barron v. Mayor and City Council of Baltimore, 32 U.S. 243 (1833)).

Some of the amendments in the Bill of Rights have subsequently been applied to the states. The First Amendment's right to free speech, expression, and religion were deemed sufficiently fundamental to due process that they should apply to the states through the Fourteenth Amendment. See Gitlow v. New York, 268 U.S. 652, 666 (1925). Since Gitlow, the Supreme Court of the United States has extended the protections of the Fourth, Fifth, Sixth, and Eighth Amendments to the states through the Fourteenth Amendment. Notably, the Seventh Amendment's right to a jury trial has not been extended to the states. Thus, states are free to draft their own laws and principles as it relates to a jury trial in the civil context.

Applying this framework, the Bendick Court went on to adopt the approach that a right to a jury trial applies in a civil action only if the action was tried before a jury at the time our Constitution was adopted in 1842. See Bendick, 558 A.2d 944 (“applies to all cases that were triable by jury at the time of the adoption of the Rhode Island Constitution in 1842 without any restrictions or conditions that would materially hamper or burden that right”) (citing Mathewson v. Ham, 21 R.I. 311, 43 A. 848 (1899)). Later, our Supreme Court addressed whether a motorist has the right to a jury trial for a motor vehicle weight limit restriction in Calore Freight Systems, Inc. v. Dept. of Trans., 576 A.2d 1214 (1990).

In applying the Bendick framework, the Calore Court acknowledged that there was no motor vehicle code in effect at the time our Constitution was adopted in 1842; thus, a jury trial was not appropriate under the circumstances. Id. at 1215. However, the Calore Court went on to analyze whether the “offense was of the character requiring a jury trial rather than simply dispose of the matter in cursory fashion. Id. (quoting Aptt v. City of Warwick Bldg. Dept., 463

A.2d 1377, 1379 (R.I. 1983). In so determining, the Court analyzed whether there was a comparable offense at the time our Constitution was adopted, which it determined there was not. Id. at 1215-1216. The Court then held that there was no right to a jury trial for a motor vehicle code infraction. Id. at 1217. The Calore Court distinguished Bendick, which determined that there was a right to a jury trial in an administrative proceeding, because the fines imposed for a motor code infraction were definite and without discretion; thus, making the fine susceptible to the administrative process.

The facts in the case in the case at bar are closely aligned with Calore, and this Panel finds the Calore Court's reasoning to be dispositive. Here, the Appellant was charged with a violation of § 31-22-22. As the Calore Court correctly stated, the motor vehicle code was not in place at the time our Constitution was adopted. The Appellant has also failed to present this Panel with any statute that was in place at the time our Constitution was adopted that would lend credence to his argument that he is entitled to a jury trial. Moreover, this Panel has failed to uncover any statute that was in place in 1842 that is similar to § 31-22-22. Furthermore, the fine for violating the statute is clearly articulated in § 31-22-22(k) and G.L. 1956, § 31-41.1-4. The judges and magistrate of this Court are without authority or discretion to either increase or decrease the fine; thus, limiting the need for a jury. Also, the nature of these proceedings is civil in nature. See G.L. 1956, § 31-41.1-6; see also Bendick, 576 A.2d at 1217 (court found it significant that the adjudication of motor vehicle offenses was civil in nature). Therefore, this Panel holds that there is no right to a jury trial for a motor vehicle code infraction because there was no such right when our Constitution was adopted.

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 is in not affected by error of law or in violation of statutory provisions. Substantial rights of Appellant have not been prejudiced. Accordingly, Appellant's appeal is denied, and the charged violations sustained.