

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CRANSTON, RITT

RHODE ISLAND TRAFFIC TRIBUNAL

STATE OF RHODE ISLAND

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:
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v.

**C.A. No. T20-0009
20101500034**

JONATHAN JAMIEL

DECISION

PER CURIAM: Before this Panel on November 25, 2020—Magistrate Kruse Weller (Chair), Judge Parker, and Magistrate DiChiro, sitting—is Jonathan Jamiel’s (Appellant) appeal from a decision of Magistrate William T. Noonan (Trial Magistrate) of the Rhode Island Traffic Tribunal, sustaining the charged violation of G.L. 1956 § 31-13-4, “Obedience to traffic devices.” The Appellant appeared before this Panel represented by counsel. Jurisdiction is pursuant to G.L. 1956 § 31-41.1-8.

I

Facts and Travel

On January 11, 2020, Officer David J. Wyrostek (Officer Wyrostek) of the Barrington Police Department observed a motor vehicle stopped at the exit of Shaw’s Plaza in Barrington sit through three light cycles (Tr. 4). Officer Wyrostek identified the driver of the vehicle as the Appellant and issued the above-mentioned Summons. *See* summons 20101500034.

The Appellant contested the charged violation, and the matter proceeded to trial on September 14, 2020. At trial, Officer Wyrostek testified that “he was stopped at the red light at the intersection of County at the Shaw’s Plaza.” (Tr. 3). He observed “a vehicle stopped at the exit of Shaw’s Plaza and the vehicle had a green light to exit but did not move.” *Id.* at 4. Officer

Wyrostek observed the vehicle to be parked. *Id.* Officer Wyrostek testified “he drove into Shaw’s Plaza and observed the vehicle sit through another light cycle.” *Id.* After the third light cycle, Officer Wyrostek observed the vehicle “shift from park into drive and drove out of the plaza.” *Id.* At that time, Officer Wyrostek conducted a motor vehicle stop. *Id.*

The Appellant stated to Officer Wyrostek “that there was no reason for the stop because it was not a police issue.” *Id.* Officer Wyrostek explained “he observed the Appellant sit through three light cycles and Appellant admitted to that fact.” *Id.* The Appellant stated, “he was on the phone and was not obstructing traffic.” *Id.*

Officer Wyrostek testified the “issue with the motor vehicle stop was because of the placement with the lights, it was obstructing the normal flow of traffic on County road.” *Id.* at 5. Officer Wyrostek further explained “the lights would normally be green, so traffic could move freely, but they were stopped because of [Appellant’s] placement.” *Id.*

Appellant’s counsel questioned Officer Wyrostek asking if Appellant’s car was parked alone or if anyone was behind him. *Id.* at 9. Officer Wyrostek indicated that Appellant was the only car parked there and no one was behind him. *Id.*

Moreover, Appellant’s counsel argued at trial that § 31-13-6.1 provides that “vehicular traffic facing a circular green signal is permitted to proceed straight through or turn right or left.” *Id.* at 13. Appellant’s counsel continued stating “there is nothing in the general law which mandates that you must go right, the Appellant was in a parking lot, the light turned green, he chose not to go at that moment because he was on the phone, no one was behind him, the shopping lot was closed, and Appellant did not do anything that was obstructing vehicular traffic.” *Id.*

After hearing the testimony, the Trial Magistrate found the testimony of the police officer to be credible and adopted the testimony as his finding of facts. *Id.* at 15. The Trial Magistrate

explained “that the traffic light is presumably placed under the power of §§ 31-13-2 or 31-12-12 or some other statutory authority and it impacts the traffic on County road.” *Id.* at 16. The Trial Magistrate stated, “if you leave the plaza and ignore the lights, you could come in contact with motorists on County road, so he believes the light is to be obeyed by motorists.” *Id.* Moreover, the Trial Magistrate found under § 31-13-6 “it can be inferred that it is mandated to proceed, if you don’t, your presence there is going to disrupt the normal flow of traffic as it did here.” *Id.* at 17.

The Trial Magistrate found the Appellant guilty of the charged violation, and the Appellant subsequently filed this timely appeal.

II

Standard of Review

Pursuant to § 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 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 Mut. Ins. 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 *Envtl. Sci. 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.” *Id.* Otherwise, it must affirm the hearing judge’s (or magistrate’s) conclusions on appeal. *See Janes*, 586 A.2d at 537.

III

Analysis

On appeal, Appellant asserts that the Trial Magistrate’s decision is “[c]learly erroneous in view of the reliable, probative, and substantial evidence on the whole record[]” and “[a]rbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.” Sec. 31-41.1-8(f)(5)-(6). Specifically, Appellant contends that the Trial Magistrate erred in sustaining the charged violation because the judge incorrectly interpreted § 31-13-6(1)(i).

Specifically, appellant argues that the applicable statute § 31-13-6(1)(i) does not mandate that a motorist proceed at a green light, but that the motorist is permitted proceed. (Tr. 13). Thus, Appellant could not violate § 31-13-4 by failing to obey the traffic controls because he was not required to proceed through a green light. In his decision the Trial Magistrate held “it can be

inferred that it is mandated . . . if you don't then your presence there is going to disrupt the normal flow of traffic as it did here.” *Id.* at 17.

The Rhode Island Supreme Court has consistently held: “[W]hen the language of a statute is clear and unambiguous, [a] [c]ourt must interpret the statute literally and must give the words of the statute their plain and ordinary meanings.” *Iselin v. Ret. Bd. of Emps’ Ret. Sys. of Rhode Island*, 943 A.2d 1045, 1049 (R.I. 2008) (quoting *Accent Store Design, Inc. v. Marathon House, Inc.*, 674 A.2d 1223, 1226 (R.I. 1996)). Alternatively, the Court “must examine an ambiguous statute in its entirety and determine ‘the intent and purpose of the Legislature.’” *State v. Peterson*, 772 A.2d 259, 264 (R.I. 1998) (quoting *In re Advisory to the Governor*, 688 A.2d 1246, 1248 (R.I. 1996)).

Here, Appellant is charged with violating § 31-13-4, which provides in relevant part:

“The driver of any vehicle shall obey the instructions of any official traffic control device applicable to him or her placed in accordance with the provisions of chapters 12 -- 27 of this title, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in those chapters. Violations of this section are subject to fines enumerated in § 31-41.1-4.”

The Trial Magistrate adopted Officer Wyrostek’s testimony as his finding of facts. (Tr. 15). Thus, based on Officer Wyrostek’s testimony, the Trial Magistrate found that Appellant sat through three light cycles in his motor vehicle in violation of § 31-13-4 and disrupted the flow of traffic on County Road. *Id.* at 15-16.

As a result, the defendant on three occasions failed to obey the instruction of the traffic control device. Notwithstanding Appellant’s argument that § 31-13-6(1)(i) is permissive and not mandatory, to construe the statute to make travel at green lights optional would effectively allow

a motorist to park at a green light triggering the traffic control device to cycle thereby stopping attendant traffic proceeding through the intersection for an indefinite amount of time.

The Rhode Island Supreme Court has held “under no circumstance will this Court ‘construe a statute to reach an absurd result.’” *State v. Menard*, 888 A.2d 57, 60 (R.I. 2005) (quoting *Kaya v. Partington*, 681 A.2d 256, 261 (R.I. 1996)). To interpret § 31-13-4 in the way Appellant asserts would render an absurd result. *See Menard*, 681 A.2d at 261.

Thus, based on a review of record, this Panel finds that the Trial Magistrate’s decision is supported by reasonable and sufficient grounds. *See Link*, 633 A.2d at 1348. Accordingly, the Trial Magistrate’s decision was neither clearly erroneous nor an abuse of discretion. *See* § 31-41.1-8(f)(5)-(6).

IV

Conclusion

This Panel has reviewed the entire record before it. Having done so, the members of this Panel are satisfied that the Trial Judge’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. *See* § 31-41.1-8(f)(5)-(6).

The substantial rights of the Appellant have not been prejudiced. Accordingly, Appellant's appeal is denied, and the charged violation is sustained.

ENTERED:

Magistrate Erika Kruse Weller (Chair)

Judge Edward C. Parker

Magistrate Michael DiChiro, Jr.

DATE: _____