

STATE OF RHODE ISLAND & PROVIDENCE PLANTATIONS
PROVIDENCE, Sc. DISTRICT COURT
SIXTH DIVISION

Bryan Menge :
 :
 v. : A.A. No. 16-087
 :
 State of Rhode Island, :
 (RITT Appeals Panel) :

JUDGMENT

This cause came before LaFazia C.J. on Motion for Review, and upon review of the record and memoranda and a decision having been rendered, it is

ORDERED AND ADJUDGED

The decision of the Appeal Panel is affirmed.

Dated at Providence, Rhode Island, this 24th day of May, 2018.

Enter:

By Order:

Joanne Elfric

Stacy Walker

**STATE OF RHODE ISLAND & PROVIDENCE PLANTATIONS
PROVIDENCE, Sc.**

**DISTRICT COURT
SIXTH DIVISION**

Bryan Menge

v.

**State of Rhode Island
(RITT Appeals Panel)**

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A.A. No. 16-087

DECISION

LaFazia, C.J. On August 10, 2016, Mr. Bryan Menge filed a timely appeal from a decision rendered by an Appeals Panel of the Rhode Island Traffic Tribunal, which had affirmed his conviction for Refusal to Submit to a Chemical Test, a civil traffic violation, by a trial magistrate of the Tribunal.

His appeal was referred to a Magistrate of the District Court, who conducted a conference in the matter and, ultimately, presented an opinion, denominated “Findings and Recommendations,” to the Court for its consideration. In that opinion, the Magistrate, employing the standard of review found in Gen. Laws 1956 § 31-41.1-9(d), recommended that this Court affirm the decision of the Appeals Panel. By order dated January 17, 2018, the Court

adopted the Magistrate's opinion as the Decision of the Court and affirmed the Decision of the Appeals Panel.

Mr. Menge responded to the issuance of the Court's Decision by filing the instant "Motion for Review, Relief, and Stay of Proceedings" (which, for brevity's sake, will be cited as his "Motion for Review"). In his Motion, which was filed on January 26, 2018, Mr. Menge asserted that the Magistrate made a number of errors which violated his rights to due process of law and equal protection of law, as enumerated in the United States and Rhode Island constitutions. He, therefore, asked this Court to vacate the decision¹ of the Magistrate and conduct a "de nova [sic]" review of the record. See Motion for Review, at 3. Mr. Menge also requested a "forty-five (45) minute hearing." See Motion for Review, at 2. Appellant also prayed that the suspension of his operator's license be stayed pending the outcome of this review.

Gen. Laws 1956 § 8-8-8.1(e) authorizes the review of a Magistrate's decision by a Judge of the Court. Accordingly, when the instant Motion was received, this Court responded by ordering an interim stay of the suspension of the Appellant's license, pending a final decision. See ORDER, February 2, 2018. However, his request for a hearing must be DENIED. This review is confined to the record, and no new testimony can be received. In addition, Mr. Menge has

¹ As explained above, the Magistrate did not issue a "decision," nor did he purport to do so. His opinion was denominated: "Findings and Recommendations."

filed many pages of memoranda with the Traffic Tribunal and this Court; as a result, further advocacy is unnecessary. Nevertheless, in response to this Motion, this Court has undertaken a (further) de novo review of the record; and, for the reasons stated in this opinion, this Court AFFIRMS the decision of the Appeals Panel of the Rhode Island Traffic Tribunal.

I

FACTS AND TRAVEL

A

The Investigation and the Arrest

At approximately 2:00 a.m. on February 26, 2015, the Division of State Police dispatched Troopers Kane and Cloud to investigate a report of a suspicious vehicle in the parking lot of the Cornerstone Pub in Exeter. See Magistrate's Findings, at 2; Trial Transcript, September 23, 2015, at 34-35. According to an employee of the Pub, the suspicious vehicle had been in the parking lot for an extended time, even though the pub had closed for the evening. See Magistrate's Findings, at 3; Trial Transcript, September 23, 2015, at 34-35.

Upon arriving, the troopers found that the sole vehicle in the parking lot was a white van with illuminated hazard lights. See Magistrate's Findings, at 3; Trial Transcript, September 23, 2015, at 35. The van was running, and a man was asleep at the driver's seat. See Magistrate's Findings, at 3; Trial Transcript,

September 23, 2015, at 37-38. Trooper Kane knocked on the driver's window and asked the man—once he awoke—how he was and what he was doing there. See Magistrate's Findings, at 3; Trial Transcript, September 23, 2015, at 39-40. The man responded that "... he was home, parked in his driveway." See Magistrate's Findings, at 3; Trial Transcript, September 23, 2015, at 40. Trooper Kane noted that his speech was slurred and there was a "strong odor of an alcoholic beverage." See Magistrate's Findings, at 3; Trial Transcript, September 23, 2015, at 46.

When asked where he had been earlier in the evening, Mr. Menge indicated that he had been to a number of establishments and had a couple of drinks at each. See Magistrate's Findings, at 3; Trial Transcript, September 23, 2015, at 50. Mr. Menge added, "I pulled over here because I felt that I had too much to drink, so I stopped my car and got off the road." See Magistrate's Findings, at 3-4; Trial Transcript, September 23, 2015, at 50.

The Magistrate summarized the events which occurred following this admission:

"In light of this statement, Trooper Kane asked the subject to step out of his vehicle and to perform certain field sobriety tests, which he did. And because, in the estimation of the trooper, the motorist failed the horizontal gaze nystagmus test, the walk-and-turn test, and one-leg stand test, he was placed under arrest for suspicion of operating under the influence. He was read the "Right for Use at the Scene" and transported to the barracks, where he was given his "Rights for Use at Station." Then, when asked to consent to a

chemical test of his breath for the presence of alcohol, he orally refused—declining to sign the refusal form.”

See Magistrate’s Findings, at 4; Trial Transcript, September 23, 2015, at 51-72.

B

Proceedings Before the Rhode Island Traffic Tribunal

Mr. Menge was arraigned on March 10, 2015 in the Rhode Island Traffic Tribunal for refusing to submit to a chemical test pursuant to Gen. Laws 1956 § 31-27-2.1(b). See Magistrate’s Findings, at 5. The trial commenced in the RITT on September 23, 2015. See Magistrate’s Findings, at 5. Ultimately, the trial magistrate found Mr. Menge guilty of the refusal charge by clear and convincing evidence. See Magistrate’s Findings, at 10; Trial Transcript, October 9, 2015, at 95-96. The trial magistrate sentenced Mr. Menge to perform ten (10) hours of community service, to attend an alcohol treatment program, to pay a \$200.00 (two hundred dollar) fine, and to surrender his license to an eight-month suspension. See Magistrate’s Findings, at 10; Trial Transcript, October 9, 2015, at 96-97.

Mr. Menge appealed the decision of the trial magistrate to the RITT Appeals Panel (hereinafter “Appeals Panel”) and he was heard on January 27, 2016. On July 27, 2016, in a written decision, the Appeals Panel denied Mr. Menge’s appeal.

C

Proceedings Before the Magistrate

As stated supra, Mr. Menge filed his complaint for District Court review on August 10, 2016. At a conference conducted by the Magistrate, a briefing schedule was set. And, after memoranda were received from both parties, the Magistrate proceeded to prepare a 72-page opinion of Findings and Recommendations urging that the decision of the Appeals Panel (affirming Mr. Menge's conviction) should be affirmed.

Arranged in the customary manner, the Magistrate's opinion was comprised of five sections, labelled: (1) Facts and Travel of the Case, (2) Standard of Review, (3) Applicable Law, (4) Analysis, and (5) Conclusion.

The first section of the opinion related the facts of the incident in which Mr. Menge was arrested, and the proceedings before the Traffic Tribunal's trial magistrate and its Appeals Panel (including the arguments made by Mr. Menge and an exposition of the explanations given for the verdict and the appeals panel's decision affirming that verdict). See Magistrate's Findings, at 2-18.

In the second section of his opinion the Magistrate recognized that the applicable standard of review is specified in Gen. Laws 1956 § 31-41.1-9(d).

See Magistrate's Findings, at 19-20.² The Magistrate defined the overall scope of his review of the record to “determine whether the judge’s decision is supported by legally competent evidence or is affected by error of law.” See Magistrate's Findings, at 20, citing Link v. State, 633 A.2d 1345, 1348 (R.I. 1993).³

In the third part of his opinion the Magistrate identified and explained the provisions of law which governed the case, including the refusal statute, the pertinent principles of the law of search and seizure as defined in the Fourth

² Subsection 31-41.1-9(d) contains six tests for determining the validity of a Decision rendered by the appeals panel:

(d) Standard of review. The judge of the district court shall not substitute his or her judgment for that of the appeals panel as to the weight of the evidence on questions of fact. The district court judge may affirm the decision of the appeals panel, or 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 appeals panel's findings, inferences, conclusions or decisions are:

- (1) In violation of constitutional or statutory provisions;
- (2) In excess of the statutory authority of the appeals panel;
- (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.

³ The Rhode Island Supreme Court has defined legally competent evidence to be “... such relevant evidence that a reasonable mind might accept as adequate to support a conclusion, and means an amount more than a scintilla but less than a preponderance.” Beagan v. Rhode Island Department of Labor and Training, 162 A.3d-619, 626 (R.I. 2017) (quoting Rhode Island Temps, Inc. v. Department of Labor and Training, Board of Review, 749 A.2d 1121, 1125 (R.I. 2000)).

Amendment of the U.S. Constitution and Article I, § 6 of the Rhode Island Constitution. See Magistrate's Findings, at 21-40.

The fourth section of the Magistrate's opinion was dedicated to his analysis of the issues presented. See Magistrate's Findings, at 40-71. At the outset of this section, the Magistrate explained that he encountered a great deal of difficulty in extracting cogent arguments from Mr. Menge's memoranda. See Magistrate's Findings, at 40-42.

Then, in order to provide some order into the process, the Magistrate collected Mr. Menge's arguments into three groups. See Magistrate's Findings, at 42-43. Into the first group the Magistrate placed six claims in which Mr. Menge asserted that the State failed to prove an element of the offense of refusal to submit to a chemical test (see Magistrate's Findings, at 43-50);⁴ in the second he included three allegations of police misconduct (see Magistrate's

⁴ These included an analysis of the State's proof on the issues of operation, probable cause for arrest, intoxication, that the defendant was informed of his right to be examined by an independent physician, that the defendant was informed of his rights for use at the scene, and that the foregoing elements were proven to the standard of clear and convincing evidence.

Findings, at 50-62);⁵ and, a third, catch-all group comprised of five miscellaneous assignments of error (see Magistrate's Findings, at 63-71).⁶

Finally, the fifth part of the Magistrate's opinion was a brief (two-sentence) "Conclusion" section. The Magistrate determined that the decision of the Appeals Panel was neither clearly erroneous nor contrary to law. See Magistrate's Findings, at 72.

II

STANDARD OF REVIEW FOR THE INSTANT MOTION

The District Court reviews the Findings and Recommendations of a District Court Magistrate made in an administrative appeal pursuant to section 8-8-8.1(c)(7) of the Rhode Island General Laws, which states:

"A judge shall make a de novo determination of those portions to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate."

The District Court, in making this review, takes guidance from the Superior Court Rules of Practice, regarding appeals from Magistrates:

⁵ Under this heading the Magistrate discussed the legality of the officers' entry onto the premises of the pub, the legality of their initial contact with Mr. Menge under the community caretaking doctrine, and whether his arrest was supported by probable cause.

⁶ Here the Magistrate addressed the following issues: (1) whether this prosecution for refusal was barred by double jeopardy; (2) whether Mr. Menge has an inviolate and constitutional right to an operators' license; (3) whether the offense of refusal to submit to a chemical test had legislative support; (4) whether Mr. Menge had a right to a jury trial on the refusal charge; and (5) whether Mr. Menge's rights were prejudiced by discovery violations.

“The Superior Court justice shall make a de novo determination of those portions to which the appeal is directed and may accept, reject, or modify, in whole or in part, the judgment, order, or decree of the magistrate. The justice, however, need not formally conduct a new hearing and may consider the record developed before the magistrate, making his or her own determination based on that record whether there is competent evidence upon which the magistrate’s judgment, order, or decree rests.”

Superior Court R.P. 2.9(h) (emphasis added). Hence, the District Court judge, if following the Superior Court Rule, may conduct a de novo review of the portions of the record appealed but need not formally conduct a new hearing and may consider the record developed before the magistrate. Id. The Supreme Court entrusts the trial justice with “broad discretion in his or her review of [a] master’s⁷ decision.” See Paradis v. Heritage Loan & Investment Co., 678 A. 2d 440, 445 (R.I. 1996) (finding that “the trial justice’s de novo review of the master’s decision, based solely on the record, was proper”).

III

MR. MENGE’S ARGUMENTS

In his Motion for Review, Mr. Menge asserts several errors in the District Court Magistrate’s review of the Appeals Panel’s decision.

Additionally, Mr. Menge states that the Magistrate failed to address all his claims of error. See Motion for Review, at 5. Moreover, he claims the Magistrate misinterpreted Rhode Island statutory law and the constitutional law

⁷ The term “Master” was changed to “Magistrate” by P.L. 1998, ch. 442 § 1.

of the United States and of Rhode Island. See Motion for Review, at 6-7. Furthermore, he indicates that the Magistrate failed to review a specific claim of error—i.e., that the length of the proceedings in the RITT prejudiced his case. See Motion for Review, at 3. Lastly, Mr. Menge makes general claims of due process and equal protection violations. See Motion for Review, at 9.

IV ANALYSIS

In the instant appeal, Mr. Menge alleges that the Magistrate committed a multiplicity of errors. These assertions will be considered in seriatim by this Court.

A

Alleged Error: Failure to Adhere to De Novo Standard of Review Based on Bias

Under this heading the Court will consider two allegations of error, seemingly distinct, but which Mr. Menge merged: (a) that the Magistrate was biased; and (b), that the Magistrate failed to adhere to the de novo review process.

In his Motion for Review, Mr. Menge asserts that “... the Magistrate’s review of his memoranda and the record of the proceedings, at the RITT, does not meet the requirements of a de nova [sic] review to which the appellant was legally allowed.” Motion for Review, at 3. Mr. Menge claims that “the inclusion

by the magistrates [sic] of his personal opinions and biases, and his reliance upon the RITT Appeals Panel assumptions, legal conclusions, rulings and alleged errors of the appellant in his appeal to said panel clearly violate the requirements of a de nova [sic] review.” See Motion for Review, at 3. He asserts that this alleged error violates his rights as provided in § 31-41.1-9(d), his rights to due process, and his rights to equal protection of the law. See Motion for Review, at 4.

First, this Court finds Mr. Menge’s allegation of bias to be completely without merit. There is no evidence of a personal bias in the Magistrate’s decision. Accordingly, this Court summarily dismisses this aspect of the claim. See Newcastle Realty Tr. v. Pawtucket Redevelopment Agency, 633 A.2d 255, 258 (R.I. 1993) (disregarding a claim of bias or prejudice of a trial justice when the plaintiff was unable to point to evidence or to any indication of bias on the record, in the brief, or in oral argument).

Second, Mr. Menge’s assertion that the Magistrate overly and improperly relied on the decision of the Appeals Panel is grounded on a false legal premise. To the contrary, when considering appeals from the appeals panel, § 31-41.1-9(d) requires that “... the judge of the district court shall not substitute his or her judgment for that of the appeals panel as to the weight of the evidence on questions of fact.” Moreover, the members of this Court may not “... substitute

our view of the evidence for the [trial judge's] even though a contrary conclusion could have been reached" if there is competent evidence to support the findings. Tim Hennigan Co. v. Anthony A. Nunes, Inc., 437 A.2d 1355, 1357 (R.I. 1981). And, this Court is prevented by § 31-41.1-9(d) from rejecting the decision of the Appeals Panel unless one of six enumerated errors is present. See § 31-41.1-9(d), quoted supra, at 6, n. 2. And, the Court will not disturb the trial judge's findings unless he or she misconceived or overlooked material evidence or "unless the decision fails to do substantial justice between the parties. Tim Hennigan Co., id.

As the Magistrate concluded, the Appeals Panel's decision was neither clearly erroneous nor contrary to law. See Magistrate's Findings, at 72. Nothing in the record before the Magistrate indicates that the decision of the Appeals Panel was affected by any of the six tests enumerated in § 31-41.1-9(d).

B

Alleged Error: Failure to Adhere to Clear and Convincing Standard of Proof

Next, Mr. Menge claims that the Magistrate incorrectly applied the clear and convincing standard articulated by the Rhode Island Supreme Court in Parker v. Parker, 238 A.2d 57 (R.I. 1968). See Motion for Review, at 4. Mr. Menge states his assertion of error thusly:

“The Magistrates [sic] reliance upon a lower standard of clear and convincing evidence in his review of appellants [sic] claims of errors to the Court, as outlined in his appeal, which said higher standard has been afforded to other RI residents in legal cases throughout the state violates 31-41.1-9(d) and appellants [sic] due process and equal protection rights, as afforded to him by the 5th and 14th Amendments to the United States Constitution and Article I Sections 2 and 5 of the Rhode Island Constitution.”

Motion for Review, at 4. It is well-settled that the burden of proof in refusal cases is clear and convincing evidence—the highest civil burden of proof. Traffic Trib. R. P. 17(a). The District Court Magistrate and the Appeals Panel reviewed the RITT’s finding of clear and convincing evidence and determined there was sufficient evidence to support the refusal conviction: reasonable grounds for his arrest; indicia of intoxication; and proof of notifying Mr. Menge of his rights. See Magistrate’s Findings, at 43-51.

C

Alleged Error: Failure to Address (or Misinterpreting) Mr. Menge’s Claims of Error

Mr. Menge argues that the Magistrate’s opinion misinterprets his allegations of error and fails to adequately address his claims. See Motion for Review, at 5. He claims that the practical effect of these errors is to violate the de novo standard and violate his rights to due process and equal protection. See Motion for Review, at 5. After a review of the record, this Court must

acknowledge the possibility that some of Mr. Menge's arguments were misunderstood.

In his opinion, the Magistrate noted that Mr. Menge's arguments were somewhat difficult to discern. See Magistrate's Findings, at 41-42. The Magistrate stated the problem as follows:

"[Mr. Menge's] complaints are often presented at a conceptual level, not reduced to precise citations of error and requested remedies. Many are mentioned only in passing, during the exposition of another argument...Although Mr. Menge complains that the appeals panel failed to address all his claims of error, it seems to me that the appeals panel made a bona fide effort to discern and consider his most meritorious arguments. I shall follow its example to the best of my ability."

Magistrate's Findings, at 41-42. This Court finds that the Magistrate did indeed make a reasonable effort to discern and address Mr. Menge's arguments.

In performing its appellate duties, the Rhode Island Supreme Court has declined to rule on arguments "... that a party has failed to develop lucidly on its own." Tworog v. Tworog, 140 A.3d 159, 160 (R.I. 2016) (Mem.) (holding that the appellant failed to preserve issues for appellate review because "the assignments of error were muddled and difficult to untangle" and "the papers contained multiple passing references to purported error that were not developed in any meaningful way."). Further, the Supreme Court will neither search the record to "substantiate that which a party alleges" nor will it provide appellate review of legal questions which only state an issue without "a

meaningful discussion thereof.” McMahon v. Deutsche Bank Nat. Trust Co., 131 A.3d 175, 176 (R.I. 2016) (Mem.) (citation omitted).

Quite simply, the Magistrate had no obligation to assemble or create Mr. Menge’s arguments for him.⁸ While § 31-41.1-9(d) provides a forum for Mr. Menge to address his grievances, it was his duty to supply this Court with “lucid” arguments supporting his claim for appellate review. Tworog, 140 A.3d at 160. Thus, any argument that the Magistrate misinterpreted or overlooked is deemed waived and not adequately preserved for appellate review. McMahon, 131 A.3d at 176.

Despite the difficulty he encountered, a reading of the Magistrate’s Findings and the entire record reveals that the Magistrate did an estimable job of extracting legal issues from the verbose ramblings contained in Mr. Menge’s memoranda. He then assembled these issues into three groups. See Magistrate’s Findings, at 42. The Magistrate then discussed each of these issues, fourteen in all. See itemization of individual issues discussed in the Magistrate’s Findings, supra at 7-8, nn.4-6.

This Court concurs with the Magistrate’s legal analysis regarding each of the legal issues he discussed. In addition, this Court further determines that the

⁸ The Magistrate recognized this distinction in his decision when addressing a probable cause argument that Mr. Menge presented before him. See Magistrate’s Findings, at 60. He noted that he must “address Mr. Menge’s argument as it was made—and not as it could have been made.” See Magistrate’s Findings, at 60.

record demonstrates that the Magistrate's findings rest upon competent evidence, particularly Mr. Menge's admission that he had been driving under the influence. Combining this with the other evidence of record, this Court has no hesitation in finding that the evidence of record demonstrated that Mr. Menge's arrest was supported by reasonable grounds and that he was made aware of his rights and the penalties he would incur for refusal. The Magistrate had no basis to modify, remand or reverse the decision of the Appeals Panel. This Court hereby accepts the decision of the Magistrate. Id.

D

Alleged Error: Failure to Address Mr. Menge's Claim of Prejudice

Mr. Menge also alleges that the Magistrate failed to review one of the claims of error that he presented for review. Specifically, he alleges that the Magistrate did not rule on whether the numerous hearings and trial dates violated the "RITT Rules of Procedure at I. Scope, Purpose and Construction 1. And 2." See Motion for Review, at 7. He alleges that he suffered prejudice in the form of economic loss and personal harm due to the "unlawful suspension" of his operator's license. See Motion for Review, at 7.

There is nothing in the record to indicate that this case experienced unreasonable delays at the Traffic Tribunal. Neither does the record suggest any intentional conduct on the part of any party to delay the proceedings at the

RITT. Moreover, the record is devoid of any support for Mr. Menge's assertion that he suffered substantial harm—specifically, personal or economic harm—due to the suspension of his license. Accordingly, there is no basis for reversible error due to substantial harm. The Court finds that any minor delays were unintentional and did not violate any of Mr. Menge's rights. This Court further finds that the record does not support a finding that the Magistrate erred based on this argument.

E

Alleged Error: The Magistrate Committed Errors of Law by Misinterpreting Rhode Island Statutory and Case Law, and the U.S. Constitution

This is the first of several assertions of error which attack the Magistrate's analyses in generalized, not specific, ways. They are apparently meant to be applicable to several of the Magistrate's recommendations. But, because they are non-specific, they lack bite.

Here, Mr. Menge asserts that the Magistrate made errors of law because his "legal theories are not consistent with the plain and ordinary meaning" of the United States Constitution and Rhode Island law including statutory, constitutional, and case law. See Motion for Review, at 6. He adds that the decision fails to conform to Supreme Court precedent and the requirements of § 31-41.1-9(d). See Motion for Review, at 6.

In his 72-page decision, the Magistrate included many references to the relevant statutory and case law, including § 31-27-2.1 and the refusal and drunk-driving statutes, such as State v. Locke, 418 A.2d 843 (R.I. 1980), State v. Jenkins, 673 A.2d 1094 (R.I. 1996), and State v. Quattrucci, 39 A.3d 1036 (R.I. 2012). Mr. Menge fails to identify any ostensible error of law in the Magistrate’s decision. Consequently, this argument must be deemed waived. See Wilkinson v. State Crime Laboratory Comm’n, 788 A.2d 1129, 1131 n.1 (R.I. 2002) (“Simply stating an issue for appellate review, without a meaningful discussion thereof or legal briefing of the issues, does not assist the Court in focusing on the legal questions raised, and therefore constitutes a waiver of that issue.”). As there is no articulate allegation of error, this Court further determines that there was competent evidence upon which the Magistrate’s decision rests and hereby accepts the decision of the Magistrate. Id.

F

Alleged Error: The Magistrate Violated Appellant’s Constitutional Rights To Due Process and Equal Protection of the Law

In the same sweeping style, Mr. Menge also urges that the Magistrate erred through the “[violation of] basic principles of due process of law” when reviewing his appeal. See Motion for Review, at 7. He makes several passing references to due process throughout his motion.

The basis of such an argument remains unclear based on a review of the record. Indeed, Mr. Menge failed to connect the Magistrate's review of his appeal to any specific allegation of a due process violation. Instead, he merely states "Appellant did file a motion of vacate the order of the Trial Magistrate before filing his appeal with the RITT Appeals panel." See Motion for Review, at 7-9. He provides citations to numerous cases purportedly regarding due process. Alas, his failure to provide any indication of error leaves nothing for this Court to review. See Tondreault v. Tondreault, 966 A.2d 654, 664-665 (R.I. 2009) (finding no abuse of discretion when the appellant failed to set forth specific arguments of error). Mr. Menge's argument that the Magistrate's opinion deprived him of due process is without merit; the present case does not raise any Due Process or Equal Protection violations. Therefore, the Court makes no further comment on Mr. Menge's argument.

G

Other Allegations of Error

In his memorandum, Mr. Menge raised a host of factual and legal issues. While several of the arguments put forth by Mr. Menge are difficult to follow,⁹ the Court has nonetheless performed a thorough review of the record. The Court

⁹ The Magistrate acknowledged this difficulty noting: "the primary problem [in responding to his claims] we shall face comes not in addressing the merits of his individual arguments, but in identifying his claims and responding to his arguments in an orderly fashion." See Magistrate's Findings, at 42.

spent significant time reviewing the memoranda and the record in order to understand and evaluate his concerns—but, from Mr. Menge’s viewpoint, to no avail. After a comprehensive review of the record in this case, the Court finds there is simply no basis to support Mr. Menge’s various and sundry allegations and arguments.

H

Summary of Findings

In this Decision, the Court has found Mr. Menge’s criticisms of the Magistrate’s Findings and Recommendations to be without merit. As to all matters addressed herein, this opinion takes precedence and constitutes the Decision of the Court. As to all matters and issues not discussed in this opinion, the Magistrate’s Findings and Recommendations are once more adopted as the Decision of the Court.

V

CONCLUSION

After a de novo review of the record, and for the reasons set forth supra, Mr. Menge’s Motion for Review, Relief, and Stay of Proceedings is hereby DENIED. Except where superseded by this Decision, the Findings and Recommendations of the Magistrate are once more ADOPTED as the Decision of the Court. The Decision rendered by the Appeals Panel in this case is hereby AFFIRMED.