

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CRANSTON, RITT

RHODE ISLAND TRAFFIC TRIBUNAL

CITY OF WOONSOCKET

v.

JASON GARFIELD-DEMONTIGNY

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C.A. No. T12-0071
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STATE OF RHODE ISLAND
TRAFFIC TRIBUNAL
FILED

DECISION

PER CURIAM: Before this Panel on January 23, 2013—Judge Almeida (Chair, presiding), Chief Magistrate Guglietta, and Magistrate Goulart sitting—is Jason Garfield-Demontigny’s (Appellant) appeal from a decision of Judge Parker, sustaining the charged violations of G.L. 1956 § 31-47-9, “Operating a motor vehicle without evidence of insurance,” and § 31-3-1, “Operation of unregistered motor vehicle.” The Appellant appeared pro se before this Panel. Jurisdiction is pursuant to § 31-41.1-8.

Facts and Travel

On September 10, 2012, an officer of the Woonsocket Police Department charged Appellant with the aforementioned violations of the motor vehicle code. Appellant failed to appear for his scheduled arraignment on September 20, 2012, and the Court entered a default judgment against him. Following the entry of the default judgment, Appellant filed a Motion to Vacate pursuant to Rule 20 of the Traffic Tribunal Rules of Procedure (Rule 20).¹

On October 19, 2012, at Appellant’s motion hearing, he requested that the judge vacate the default judgment. (Tr. at 1.) Appellant claimed he missed the arraignment because his

¹ Rule 20 of the Rules of Procedure for the Traffic Tribunal reads, in relevant part: “On motion and upon such terms as are just the court may relieve a party or the party’s legal representative from a final judgment, order, or proceeding for . . . excusable neglect.” Traffic Trib. R.P. 20.

mother was in the hospital and could not attend the hearing without her, given that he is a minor. Id. In response, Judge Parker inquired whether the Appellant took corrective action by obtaining insurance, whereby the Appellant answered in the negative. Id. Judge Parker then continued by finding that the Appellant was therefore still in violation of the statute and upheld the charges.

After this hearing, Appellant's motion to vacate was denied. The Appellant timely appealed the decision to sustain the violations to this Panel.

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 contends that the trial judge’s decision was characterized by an abuse of discretion. Specifically, Appellant maintains that the judge failed to consider the evidence presented by Appellant during the motion hearing. Appellant also argues that the hearing judge misunderstood his case.

According to the Rhode Island Supreme Court, “it is settled law in this state that motions to modify or vacate a judgment rest within the sound discretion of the trial court which will be reversed only upon demonstrated and clear abuse of discretion.” O’Hearn v. O’Hearn, 506 A.2d 78, 79-80 (R.I. 1986) (citations omitted). Such findings will not be disturbed upon appeal unless there is an error of law or an abuse of discretion. Phoenix Construction Co., v. Hanson, 491 A.2d 330, 332 (R.I. 1985) (citing Friendly Home, Inc. v. Shareholders and Creditors of Royal Homestead Land Co., 477 A.2d 934 - 937 (R.I. 1984); Prudential Investment Corp. v. Porcaro, 341 A.2d 720, 722 (R.I. 1975); Stevens v. Gulf Oil Corp., 274 A.2d 163, 164 (R.I. 1971)).

However, the onus is on the party requesting relief to provide sufficient reasons warranting that this relief should be granted.

A party's failure to comply with procedural requirements, which results in the entry of default judgment, must be accompanied by significant extenuating circumstances to justify vacating the default judgment as excusable neglect. Bailey v. Algonquin Gas Transmission Co., 788 A.2d 478, 482 (R.I. 2002). Moreover, the judge hearing the motion has discretion in determining whether to vacate the default judgment. Id. at 487. The motion hearing judge thoroughly reviewed the evidence and Appellant's excuses for missing the prior proceeding before denying the Appellant's motion to vacate default judgment. The Appellant was fully informed of the dates he needed to appear before the Court and has not produced evidence sufficient to merit excusing his absence. Additionally, Appellant failed to show that he took remedial measures in order to comply with the statutes he violated. Accordingly, the trial judge did not abuse his discretion when he denied the Appellant's motion to vacate the default judgment.

After a review of the record and the oral arguments presented to this Court, this Panel finds that the decision of the trial judge was supported by the reliable, probative, and substantial evidence of record. The trial judge did not abuse his discretion or make an error of law when he sustained the violations of § 31-47-9, "Operating a motor vehicle without evidence of insurance," and § 31-3-1, "Refusal Operation of Unregistered Motor Vehicle."

Conclusion

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

ENTERED: