

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CRANSTON, RITT

RHODE ISLAND TRAFFIC TRIBUNAL

CITY OF WOONSOCKET

v.

MUHAMMAD HAFEZ-SOULAIMAN

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C.A. No. M12-0012
12412500931

STATE OF RHODE ISLAND
TRAFFIC TRIBUNAL
FILED
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DECISION

PER CURIAM: Before this Panel on September 5, 2012—Judge Ciullo (Chair, presiding, Administrative Magistrate Cruise, and Magistrate Noonan, sitting—is Muhammad Hafez-Soulaiman’s (Appellant) appeal from a decision of Municipal Court Judge Gariepy (trial judge), sustaining the charged violation of G.L. 1956 § 31-20-9, “Obedience to stop sign.” Appellant appeared before this Panel pro se. Jurisdiction is pursuant to § 31-41.1-8.

Facts and Travel

On February 20, 2012, Officer Richardson of the Woonsocket Police Department charged Appellant with the aforementioned violation of the motor vehicle code. Appellant contested the charge, and the matter proceeded to trial on June 7, 2012.

On the day of the violation, Officer Richardson was stationed at a fixed traffic post at the intersection of South Main Street and Mason Street in Woonsocket. (Tr. at 2.) While at the traffic post, Officer Richardson observed the Appellant “ ... fail[] to stop at the posted stop sign at the intersection without appearing to slow or stop at any time.” Id. After witnessing the traffic violation, Officer Richardson conducted a traffic stop of the vehicle. At trial, Officer Richardson identified the Appellant as the operator of the vehicle. Id.

After Officer Richardson's testimony, the Appellant introduced into evidence a photograph of the area where the alleged traffic violation occurred. (Tr. at 3.) Appellant argued the photograph indicated that Officer Richardson could not have clearly seen him stop at the stop sign since there was a stone wall obstructing the officer's view. (Tr. at 3-4.) Appellant went on to testify that he did stop at the stop sign, which was located before the crosswalk, and then proceeded through the intersection. (Tr. at 6.)

The trial judge issued his decision sustaining the charged violation. (Tr. at 10.) In sustaining the violation, the trial judge found it significant that Appellant did not also stop once he got to the crosswalk. (Tr. 8.) In interpreting the statute, the judge determined that "... not only should the operator stop at the stop sign, they also must stop before entering an intersection that has a crosswalk on the near side of the intersection." *Id.* From that interpretation, the judge concluded that Appellant was obligated to make another stop before entering the intersection and sustained the charged violation given that the Appellant failed to do so. (Tr. at 9-10.) Thereafter, the trial judge imposed the sentence. Appellant timely filed this appeal.

Standard of Review

Pursuant to § 8-18-9, "[a]ny person desiring to appeal from an adverse decision of a municipal court . . . may seek review thereof pursuant to the procedures set forth in § 31-41.1-8."

Section 31-41.1-8 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'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 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 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 conclusions on appeal. See Janes, 586 A.2d at 537.

Analysis

On appeal, Appellant argues that the trial judge misinterpreted the law. Specifically, Appellant claims that, according to the statute, he was not required to also stop at the point nearest the intersecting highway, because the statute states that this would be the case only in the event there is no crosswalk. We agree.

Section 31-20-9, in its entirety, reads as follows:

Every driver of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection. In the event there is no crosswalk, the driver shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting highway where the driver has a view of approaching traffic on the intersecting highway before entering the intersection, except when directed to proceed by a police officer or traffic control signal. Violations of this section are subject to fines enumerated in § 31-41.1-4.

A plain and clear reading of the statute leads us to the conclusion that an operator is only obligated to also stop at the point nearest the intersecting highway in the event that there is no crosswalk or stop line. However, when there is a crosswalk, operators are instructed to stop at the stop sign before entering the intersection. At trial, Appellant established that he stopped at the crosswalk, which was right beside the stop sign. Therefore, he was not obligated to also stop again right before he entered the intersection.

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 in violation of statutory provisions. Substantial rights of Appellant have been prejudiced. Accordingly, Appellant's appeal is granted, and the charged violation dismissed.