

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC

DISTRICT COURT  
SIXTH DIVISION

STATE OF RHODE ISLAND

VS.

DEBORAH CASEY

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A.A. NO. 09-40

JUDGMENT

This cause came on before Rahill, J. on an Administrative Appeal, and upon review of the record and a decision having been rendered, it is

**ORDERED AND ADJUDGED**

The decision of the Traffic Tribunal is hereby affirmed.

Dated at Providence, Rhode Island, this 15 day of July, 2009.

ENTER:

*Rahill*

BY ORDER:

*Melvin J. Enright*

Melvin J. Enright  
Acting Chief Clerk



further proceeding 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.

The standard of review that the District Court must apply to the findings, conclusions of law and decision of the Appeals Panel of the Traffic Tribunal are the same standards that the Appeals Panel must apply to the Trial Magistrate's findings, conclusions of law and decision.

The Appeals Panel has made determinations based on the record and arguments presented to them.

On reviewing the entire record, the Court must determine if the Appeals Panel's decision was improper in view of the evidence and record it reviews.

The Court reviewed the entire record of the Trial Magistrate and the Appeals Panel.

A review of the entire record demonstrates that the matter was tried before Magistrate Noonan wherein Ms. Casey was found to have violated the charge. That decision was thereafter appealed. While the appeal was pending Ms. Casey entered into a plea agreement in the Second Division District Court. The agreement was signed by counsel for Ms. Casey and the Town of Portsmouth

represented by the Town Solicitor, Cort Chappell. That agreement resulted in a 27(A) being filed by the Town. The 27(A) has caused some problems with interpretations of the law. The following issues were raised:

- a.) The timing of the document (occurring after the matter had been tried and a decision reached)
- b.) The argument as to the participation of the attorney general in the agreement

The process wherein a matter is dismissed after trial and decision caused serious issues to be resolved by the Traffic Court appeals process. An indication of that confusion is witnessed by a review the record where the Solicitor stated when answering the judge, that a 27(A) “was not proper in the circumstances of this case.” Transcript, p. 14. The solicitor further stated that the matter was pending appeal. Id. at 16. The state took the position that the proper procedure was to vacate the judgment and then submit a 27(A). The Court noted that a Rule 27(A) “is not under our rules allowable and the appeal in this case is denied.” Id. at 28.

A review of the entire record demonstrates that there is substantial, probative and reliable evidence to support the findings of fact, conclusions and decisions of the Trial Magistrate and the determination of the Appeals Panel.

On findings of fact, as to the weight of the evidence, neither this Court nor the Traffic Tribunal shall substitute its judgment for that of the Trial Magistrate.

The scope of judicial review is limited by Section 31-41.1-9(d).

Upon careful review of the evidence, this Court finds that the decision of the Traffic Tribunal was not “clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record,” and that said decision was not arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.”

Accordingly, the decision of the Traffic Tribunal is hereby affirmed.