

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CRANSTON, RITT

RHODE ISLAND TRAFFIC TRIBUNAL

STATE OF RHODE ISLAND

v.

JILLIAN SNYDER

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**C.A. No. M19-0008
19412500261**

DECISION

PER CURIAM: Before this Panel on May 29, 2019—Magistrate Noonan (Chair), Administrative Magistrate Abbate, and Magistrate Goulart, sitting—is Jillian Snyder’s (Appellant) appeal from a decision of Judge Thomas M. Dickinson (Trial Judge) of the Woonsocket Municipal Court, sustaining the charged violation of G.L. 1956 § 31-13-4, Obedience to traffic devices.” The Appellant appeared before this Panel *pro se*. Jurisdiction is pursuant to G.L. 1956 § 31-41.1-8.

I

Facts and Travel

On January 21, 2019, Officer Rivera of the Woonsocket Police Department observed a vehicle proceed through a red traffic light at the intersection of Worall Street and Clinton Street in Woonsocket. (Tr. at 1.) At that point, Officer Rivera initiated a traffic stop of the vehicle, identified the operator as Appellant, and issued Appellant a citation for the above-referenced violation. *Id.*; *see* Summons No. 19412500261.

Appellant challenged the charged violation at trial on February 27, 2019. (Tr. at 1.) Officer Rivera testified at trial that, while traveling on Clinton Street, he observed Appellant’s vehicle “coming down Worall st [sic] to take a left onto Clinton St.” and proceed through a red

traffic light at that intersection. *Id.* at 2. Officer Rivera testified that he knew Appellant's traffic light was red "because [Officer Rivera's] light turned green and approximately a second later [Appellant's] vehicle took the light." *Id.* At that point, Officer Rivera conducted a traffic stop of Appellant's vehicle in front of Harris Library and cited Appellant for failing to obey a traffic device. *Id.*

Next, Appellant testified on her behalf. *Id.* Prior to Officer Rivera's stop of her vehicle, Appellant was "traveling down South Main St and [she] was at the intersection of Worall and Clinton St" heading toward Bellingham. *Id.* at 3-4. Appellant explicitly disagreed with Officer Rivera's testimony regarding the specific street from which Appellant turned onto Clinton Street. *Id.* at 2-3. Appellant testified that she turned onto Clinton Street from South Main Street, not from Worall Street, but noted that "where [the street] changes I'm unsure of." *Id.* at 3.

Regarding the traffic violation, Appellant further testified:

"[T]he roads were wet and I didn't see any ice . . . [A]s I approached the light and I broke, I felt my back tired lock up on me and I started to slide and lose control of my car. So I looked both ways and assumed that it was safer to release my foot off the brake and slowly roll through the red light instead of slide across lanes."

Id. Thereafter, Appellant "saw the marked police car behind [her] in the lane over." *Id.*

The Trial Judge stated his findings of fact on the record after hearing Officer Rivera's and Appellant's testimony. *Id.* at 4. The Trial Judge stated that Officer Rivera "gave a clear description of what he observed[.]" and found this testimony to be credible. *Id.* Based on Officer Rivera's testimony, the Trial Judge concluded that the City proved the violation by clear and convincing evidence. *Id.* Accordingly, the Trial Judge sustained the charged violation. *Id.*

The Appellant timely filed an appeal of the Trial Judge's ruling. Forthwith is this Panel's decision.

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 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 Company 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 *Environmental Science Corporation 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 avers that the Trial Judge’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 Judge erred in sustaining the charged violation because Officer Rivera’s description of where the violation occurred is inaccurate.

The prosecution must prove any violation in the Rhode Island Traffic Tribunal by clear and convincing evidence. Traffic Trib. R. P. 17(a). A violation is proven by clear and convincing evidence where the trial judge “believe[s] that the truth of the facts asserted by the proponent is highly probable.” *State v. Fuller-Balletta*, 996 A.2d 133, 142 (R.I. 2010) (quoting *Parker v. Parker*, 103 R.I. 435, 238 A.2d 57, 60-61 (1968)). However, this standard “does not require that the evidence negate all reasonable doubt or that the evidence must be uncontroverted.” *Cahill v. Morrow*, 11 A.3d 82, 88 n.7 (R.I. 2011) (quoting 29 Am. Jur. 2d *Evidence* § 173 at 188–89 (2008)).

Moreover, it is well-settled that “[t]he task of determining the credibility of witnesses is peculiarly the function of the trial justice when sitting without a jury.” *DeSimone Electric, Inc. v. CMG, Inc.*, 901 A.2d 613, 621 (R.I. 2006) (quoting *Walter v. Baird*, 433 A.2d 963, 964 (R.I. 1981)). As such, 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*, 633 A.2d at 1348 (citing *Liberty Mutual Insurance Co. v. Janes*, 586 A.2d 536, 537 (R.I. 1991)). Therefore, a trial justice’s factual findings are “entitled to great weight and will not be overturned unless the factual finding[s] [are] clearly wrong or unless the trial court overlooked or misconceived material evidence.” *Norton v. Courtemanche*, 798 A.2d 925, 932 (R.I. 2002) (quoting *Walsh v. Cappuccio*, 602 A.2d 927, 930 (R.I. 1992)).

In the instant matter, the Trial Judge expressly found the testimony of Officer Rivera to be credible. (Tr. at 4.) Based upon this testimony, the Trial Judge determined that Appellant proceeded through a red light to turn left onto Clinton Street. *Id.* However, it is important to note that during her trial testimony, Appellant did not deny proceeding through the red light while turning left onto Clinton Street. *Id.* at 3. In fact, the Appellant admitted that she reasoned it would be safer for her to continue driving through the red light rather than stop: “I looked both ways and assumed that it was safer to release my foot off the brake and slowly roll through the red light instead of slide across lanes.” *Id.*

Appellant argues that the charged violation should be dismissed because her testimony conflicts with that of Officer Rivera’s regarding from which street she turned onto Clinton Street.¹ The precise street from which Appellant turned has no bearing on whether the charged violation should be sustained—especially in light of Appellant’s testimony admitting that she committed the violation—because it is not an element of the violation.² *See* § 31-13-4. Rather,

¹ Although Appellant immediately disagreed with Officer Rivera’s characterization of the street, in her testimony Appellant stated that she approached the red light “at the intersection of Worall and Clinton St[.]” (Tr. at 3.) Again, Appellant testified that as she “was traveling down Clinton St at Worall [she] saw the marked police car behind [her] in the lane over.” *Id.*

² Section 31-13-4 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

the discrepancy between Officer Rivera's and Appellant's testimony bears on the Trial Judge's determinations of witness credibility and findings of fact. As both Officer Rivera and Appellant testified that Appellant proceeded through the red light, the precise name of the street from which Appellant turned onto Clinton Street is irrelevant. *See Norton*, 796 A.2d at 932 (a trial judge or magistrate "may not arbitrarily disregard uncontradicted testimony"). Therefore, this Panel is satisfied that the record contains competent evidence to support the Trial Judge's decision. *See Link*, 633 A.2d at 1348. Accordingly, the Trial Judge's decision was neither clearly erroneous nor an abuse of discretion. *See* § 31-41.1-8(f)(5)-(6).

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.”

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

ENTERED:

Magistrate William T. Noonan (Chair)

Administrative Magistrate Joseph A. Abbate

Magistrate Alan R. Goulart

DATE: _____