

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CRANSTON, RITT

RHODE ISLAND TRAFFIC TRIBUNAL

TOWN OF SMITHFIELD

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:
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v.

**C.A. No. T14-0063
14411502457**

GREGORY J. DEGNAN

DECISION

PER CURIAM: Before this Panel on December 10, 2014—Magistrate Abbate (Chair, presiding), Magistrate DiSandro III, and Magistrate Noonan, sitting—is Gregory J. Degnan’s (Appellant) appeal from a decision of Judge Almeida (Trial Judge), sustaining the charged violation of G.L. 1956 § 31-13-4, “Obedience to traffic control devices.” The Appellant appeared before this Panel pro se. Jurisdiction is pursuant to § 31-41.1-8.

Facts and Travel

On September 5, 2014, Officer McDonald of the Smithfield Police Department charged Appellant with the aforementioned violation of the motor vehicle code. The Appellant contested the charge, and the matter proceeded to trial on October 27, 2014.

At trial, Officer McDonald stated that he was stopped at the intersection of Salem Street and Douglas Pike, waiting to make a left-hand turn onto Douglas Pike. (Tr. at line 10.) He testified that he had a clear and unobstructed view of the traffic control signal that controls traffic traveling southbound on Douglas Pike. *Id.* Officer McDonald stated that as the light changed from yellow to red, he observed a blue SUV bearing Rhode Island registration 581279 enter the intersection and proceed through the red light, without making any attempt to stop. *Id.* at 11.

Thereafter, Officer McDonald stated that he activated his emergency lights and initiated a traffic stop. Id. Officer McDonald then identified the driver as the Appellant. Id. The Trial Judge asked the Officer to clarify when the light was red. Id. at 14. The Officer explained that the light was yellow as the Appellant crossed the stop line, and the light turned red by the time the Appellant was in the intersection. Id. at 13-17.

Subsequently, the Appellant testified that the light was yellow when he entered the intersection. Id. at 42. The Appellant stated that he could not see the light turn red because he was in the middle of the intersection. Id. at 51. Furthermore, Appellant testified that it would have been unsafe for him to stop in the middle of the intersection. Id. at 81.

At the close of evidence, the Trial Judge determined that based on the evidence presented and the testimony of Officer McDonald, the Appellant failed to abide by the traffic device because Appellant was in the intersection when the light was red. Id. at 124. The Trial Judge found Appellant guilty of the charge. Aggrieved by the Trial Judge's decision, the Appellant timely filed this appeal.

Standard of Review

Pursuant to G.L. 1956 § 8-18-9, any person may appeal an adverse decision from the Rhode Island Traffic Tribunal and seek review from this Panel pursuant to the procedures set forth in § 31-41.1-8. In accordance with § 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 affected by error of law. Specifically, Appellant argues that Rhode Island law requires the light to be red when entering the intersection. The Appellant maintains that since the light was yellow when he entered the intersection, he is not guilty as a matter of law.

The Rhode Island General Laws state that “[t]he driver of any vehicle shall obey the instructions of any official traffic control device applicable to him or her placed in accordance with the provisions of chapters 12 -- 27 of this title.” Sec. 31-13-4. In this case, the applicable provision concerning yellow lights reads in pertinent part that “[v]ehicular traffic facing a steady circular yellow signal is warned that the related green movement is being terminated and that a steady red signal will be displayed immediately thereafter when vehicular traffic shall not enter the intersection.” Sec. 31-13-6 (emphasis added). The Rhode Island Supreme Court has held that when a court examines an unambiguous statute, “there is no room for statutory construction and we must apply the statute as written.” In re Denisewich, 643 A.2d 1194, 1197 (R.I. 1994).

Here, the Officer and the Appellant both testified that the traffic signal was yellow when the Appellant entered the intersection. See Tr. at lines 13-17, 51. Since the traffic signal was yellow when Appellant entered the intersection, Appellant did not violate § 31-13-6. See § 31-13-6 (explaining a yellow signal warns a red signal will be displayed immediately after, when vehicular traffic shall not enter the intersection). Thus, pursuant to § 31-13-6, Appellant could not have violated § 31-13-4, “Obedience to traffic control devices.”

Conclusion

This Panel has reviewed the entire record before it. Having done so, the members of this Panel find that the Trial Judge's decision was in violation of statutory provisions and affected by other error of law. Substantial rights of Appellant have been prejudiced. Accordingly, Appellant's appeal is granted, and the charged violation dismissed.

ENTERED:

Magistrate Joseph A. Abbate (Chair)

Magistrate Domenic A. DiSandro, III

Magistrate William T. Noonan

DATE: _____