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9-10-2012

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Recommended Citation

Roger Williams University School of Law, "Newsroom: Horwitz on Pleau State-Federal Dispute" (2012).
Life of the Law School (1993-). 348.
https://docs.rwu.edu/law_archives_life/348

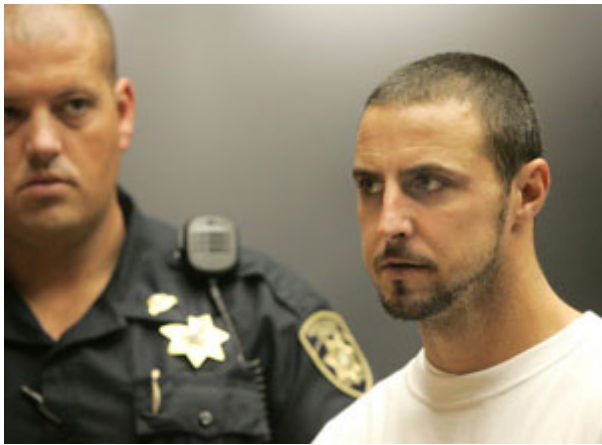
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Newsroom

Horwitz on Pleau State-Federal Dispute

Professor Andrew Horwitz discusses implications of the Jason Pleau case, pitting Rhode Island against the federal government in a potential death penalty case.

From [Providence Business News](#): "Sentence not the issue in Pleau case: Supreme Court likely to see issue as states' rights." by Patrick Anderson, PBN Staff Writer



September 10, 2012: Although it may be

surprising to see tiny Rhode Island in a legal fight with the U.S. Justice Department over the custody of an accused murderer – a battle that could go all the way to the U.S. Supreme Court – in many ways it befits the state's unique political geography.

Few other liberal-leaning states in the country have an independent governor with both an aversion to the death penalty and the strong belief in states rights that comes from a long career as a Republican.

And so Rhode Island has proven to be the appropriate testing ground in *Pleau v. United States* for a debate about whether the federal government has overstepped its authority in the way it prosecutes suspects already in state custody.



“It could have a very important national significance – there is a serious federalism question about the relation between the state and federal governments,” **said Andrew Horwitz, associate dean of academic affairs at Roger Williams University Law School** about the Pleau case. “I am not surprised that the issue hasn’t come up before. It is a bold stance by the governor that politically has more risk attached than benefit.”

The case revolves around the prosecution of Jason Pleau, who stands accused of shooting a gas station attendant to death in the course of a robbery outside a Woonsocket bank. The victim was trying to deposit \$12,500 in gas station receipts.

After Rhode Island charged Pleau with murder and while he was being held at the state Adult Correction Institute in Cranston, the Justice Department indicted him on federal charges and announced that it intended to seek the death penalty in the case. The alleged crime is subject to federal prosecution because it took place during a bank robbery.

To try Pleau, the Justice Department requested temporary custody under the Interstate Agreement on Detainers Act, an interstate compact approved by Congress establishing a standardized procedure when prisoners face charges in multiple states. The federal government is also a party to the agreement.

Designed to expedite and streamline the temporary prisoner transfer process, the Detainers Act also gives the governor of the state being asked to turn over a prisoner the chance to refuse.

For full story, click [here](http://www.pbn.com/detail.html?sub_id=14feba0743c2). [http://www.pbn.com/detail.html?sub_id=14feba0743c2]

