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Newsroom: Top Law Enforcers Address White Collar Crime

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Newsroom

Top Law Enforcers Address White Collar Crime

RWU Law hosts White-Collar Crime forum with Peter F. Neronha, U.S. Attorney for Rhode Island, Attorney General Patrick C. Lynch and state police superintendent Col. Brendan P. Doherty.

From the Providence Journal, John Hill's November 9 story, "[Top law enforcers talk of need for collaboration](#)":

BRISTOL, Nov. 9, 2010 — Though a U.S. Supreme Court decision this summer took away one of the main methods federal prosecutors used to get public and white-collar corruption convictions, **the state's top federal and state prosecutors told a group of Roger Williams Law School students** Monday that there still are ways to bring corruption cases to trial.

Although he called the court's decision in a case involving Enron executive Jeffrey K. Skilling "a big deal," **Peter F. Neronha, U.S. Attorney for Rhode Island**, said he is optimistic that Congress would enact legislation next year that would reinstate most of what was lost in the court's ruling.

In the Skilling case, the Supreme Court ruled that, under the existing language, federal prosecutors could only use the federal statute concerning theft of honest service in cases where the defendant had accepted a bribe or kickback.

It was theft of honest services theory that was used in varying degrees to win convictions in several recent Rhode Island cases, including former state Sen. John Celona, ex-state House Majority Leader Gerard M. Martineau and ex-Roger Williams Medical Center president Robert A. Urciuoli.

Besides Neronha, the two-hour discussion included Attorney General Patrick C. Lynch and state police superintendent Col. Brendan P. Doherty.

Lynch and Neronha worked together as state prosecutors several years ago.

"He hazed me," Neronha joked in an almost hurt tone as he gestured toward Lynch. "It was the worst six months of my life."

All three said their agencies worked well together.

Whether a crime is prosecuted federally by Neronha or in state court by Lynch's office is a group decision made, literally, on a case-by-case basis, they said.

Part of the calculus is how much federal interest there is in a case, Neronha said. Simple drug possession may not be that big a deal to the nation at large, but a drug network connected to a Mexican cartel might be a different matter.

They used the example of last month's fatal shooting at a Woonsocket bank. The state has an interest in the murder of a Rhode Island citizen, Lynch said, and one of the defendants has a suspended sentence for a previous state conviction.

Neronha said the federal government has traditionally taken an interest in crimes involving banks.

"Banks are important to the United States," Neronha said. "People who use them are important to the United States."

Sometimes state or federal law will make for an easier case, both prosecutors said. Neronha said in Rhode Island, the law is that a legislator's vote cannot be used in a corruption case, making it harder to prosecute someone for making an illicit deal for a vote. But federal law specifically rules out that defense, Neronha said.

Some questioners pressed on how public opinion affects their prosecution decisions. In an indirect reference to the Station Fire case, Lynch said not filing charges is often the harder call.

"You have to be true to the object to do justice," he said. "You occasionally have to say no, there's no charge. And that is, perhaps, one of the greatest challenges."

Neronha agreed, saying, "There is a difference between what is morality and what is a violation of the law." Though Neronha said he hadn't done a statistical analysis, from conversations with fellow U.S. attorneys, it seems Rhode Island corruption defendants are less willing to make plea deals.

"Breaking up joint defenses is harder here," he said.

The 2005 prosecution in the Lincoln Greyhound park case was an example, he said. Some of the defendants were less culpable and prosecutors tried to get them to make a plea deal.

"But they hung together," he said. "And, they went down together."

For full story, click [here](#).