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Newsroom: Horwitz on Death Penalty Refusal

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Newsroom

Horwitz on Death Penalty Refusal

The Boston Globe spoke to Associate Dean Andrew Horwitz about Rhode Island's refusal to turn over a murder defendant to federal authorities, to protect him from facing the death penalty.

From the BOSTON GLOBE: ["R.I. aims to block death-penalty trial: Refuses to send defendant into federal court"](#) by Milton J. Valencia, Globe Staff



BOSTON, July 28, 2011: A federal appeals court in Boston is scheduled to hear oral arguments today in an unprecedented case that tests a state's refusal to turn over a murder defendant to federal authorities, to protect him from facing the death penalty.

Governor Lincoln D. Chafee has opposed a request by federal authorities that Rhode Island surrender Jason W. Pleau, who is charged in the September 2010 robbery and fatal shooting of a gas station clerk who was making a deposit at a bank in Woonsocket, R.I.

The US Court of Appeals for the First Circuit is expected to hear the case today.

The US attorney for Rhode Island, Peter F. Neronha, charged Pleau and two codefendants with robbery resulting in murder because the crime occurred at a federally insured bank, giving him jurisdiction.

Federal law allows for the death penalty because the alleged crime involved murder as part of a separate crime, but Rhode Island state law does not allow for a death sentence.

Last month, Chafee refused an initial request to voluntarily turn Pleau over to federal authorities under the Interstate Agreement on Detainers Act, which governs transfer of a defendant from state to state, saying in a statement that he could not "in good conscience voluntarily expose a Rhode Island citizen to a potential death penalty prosecution."



Andrew Horwitz, associate dean of academic affairs at Roger

Williams University School of Law and an active member of the Rhode Island legal community,

said yesterday that the case is unique in that it is the first in which a governor refused to hand over a defendant under an interstate agreement. Under the agreement, the federal government is considered a state, and a governor can refuse to transfer a defendant for public policy reasons.

“His view, which I think is entirely legitimate, is that as our duly elected governor in a state that has clearly shown it opposes the death penalty, he has the right to make that decision,” **said Horwitz**. “I think it’s quite interesting he joined the fight.”

As a result of the shooting, Pleau was convicted earlier this year in state court of violating parole on a previous case and was sentenced to 18 years in jail. He has offered to plead guilty to state charges related to the robbery and slaying and to accept a sentence of life without the possibility of parole. Chafee has said he is confident Rhode Island’s justice system can handle the case.

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

[http://www.boston.com/news/local/rhode_island/articles/2011/07/28/ri_aims_to_block_death_penalty_trial/?camp=pm]