



Supreme Court won't hear appeal from RI officials over handing inmate to federal government

By: Michelle R. Smith - January 14, 2013

PROVIDENCE, R.I. - The Supreme Court on Monday said it won't stop the federal government from detaining and prosecuting a Rhode Island inmate who faces the possibility of execution, despite arguments that doing so violates the rights of a state without the death penalty.

The high court refused to hear an appeal from Jason Pleau and the state of Rhode Island.

Pleau is currently awaiting trial in federal court in the killing of a gas station manager who was shot as he approached a Woonsocket bank to deposit money. If convicted, he could be sentenced to death.

Pleau, 35, initially had been in state custody. After federal prosecutors charged him, Gov. Lincoln Chafee refused to turn him over, citing the state's rejection of capital punishment.

But an appeals court ruled last year the state must surrender Pleau to federal officials, despite the state's insistence that the federal government is violating a legal agreement that authorizes the state to deny a request to transfer a prisoner.

U.S. Attorney Peter F. Neronha said he was pleased by the decision and that his office was prepared to move ahead with the case immediately.

Pleau's lawyer, Bob Mann, said only that they were disappointed by the decision. Pleau's trial is scheduled to begin in September.

Chafee, an independent, was visibly shaken when he learned of the decision from a reporter Monday morning. He said he was disappointed but acknowledged the state's case was at an end.

"This is a state's rights issue," he said. "I thought the law was on our side."

Later, he issued a statement thanking groups including the National Governor's Association, attorneys general from seven states, the conservative Cato Institute, the

American Civil Liberties Union and others who filed briefs in support of Rhode Island's position.

Rhode Island abolished the death penalty in 1984, although no one has been executed in the state since 1845.

Pleau, of Providence, is one of three people charged in the shooting death of David Main, 49, on Sept. 20, 2010.

Prosecutors say that two days before the killing, Pleau and Jose A. Santiago and Kelley M. Lajoie, both of Springfield, Mass., hatched a plot to rob Main of the receipts from the Shell station where he worked.

Prosecutors say Lajoie acted as a lookout while Santiago drove the getaway truck.

Pleau allegedly wore a mask and shot Main several times outside a Citizens Bank branch, then made off with about \$12,000 in deposits.

The three were charged in state court in October 2010, then indicted by a federal grand jury that December. Lajoie has pleaded guilty to robbery and other charges and is awaiting sentencing. Santiago is charged with conspiracy, robbery affecting commerce and a weapons charge. A not guilty plea has been entered on his behalf.

Pleau last week asked U.S. District Judge William Smith to dismiss the death penalty portions of his indictment, arguing in part that it is unconstitutional and that it is not allowed in the state of Rhode Island. The judge has not yet ruled.