**15-108 – Puerto Rico v. Valle, Vasquez**

**Questions presented:**

**M – overall –** will SCt clarify the legal status of Puerto Rico, in relation to the U.S. government

M – is Puerto Rico a self-governing entity, at least for purposes of passing and enforcing its criminal laws

M – may Puerto Rico constitutionally prosecute individuals for the same crimes for which they were prosecuted in federal court

**Facts of this case:**

In September 2008, prosecutors in Puerto Rico charged Luis Sanchez Valle with selling a gun and ammunition without a valid license, and with illegally carrying a gun. While that case was pending, federal prosecutors charged him with selling a gun and ammunition without a license, and he pleaded guilty to that charge. He was sentenced to five months in prison, followed by three months of house arrest, and five years of supervised release.

He then moved in Puerto Rico court to dismiss the charges there, which would carry a longer sentence; he cited the double jeopardy clause of the federal Constitution.

Also in September 2008, Puerto Rico prosecutors charged Jaime Gomez Vazquez with selling a gun without a license, illegally carrying a rifle, and illegally transferring a mutilated weapon. Similarly, federal prosecutors obtained a charge of selling guns without a license, to which he pleaded guilty. He was sentenced to 18 months followed by three years of supervised release.

Vazquez then sought dismissal of the Puerto Rico charges, which would carry a longer sentence, relying upon double jeopardy.

In both cases, the trial judges agreed with the challenge, and dismissed those charges.

Those decisions were reversed by a middle level Puerto Rican court, the Court of Appeals, because it was bound by a 1988 decision of the Puerto Rico Supreme Court, in the case of *People v. Castro Garcia.*