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Retired Wayne Co. judge says she's wrongfully charged

Doug Guthrie / The Detroit News

Detroit -- Retired Wayne County Circuit Judge Mary Waterstone claims Michigan Attorney General Mike Cox was wrong to criminally charge her for allowing a jury to hear false testimony during a 2005 drug trial.

Named as a co-defendant with a former drug prosecutor and two Inkster police officers, Waterstone faces ground-breaking prosecution that violates long-held legal doctrines designed to protect judges from being held criminally responsible for errors on the bench, according to her lawyers.

"The attorney general is simply overreaching, and seeking to misuse criminal laws to punish a trial judge for alleged mistakes during a trial," according to documents filed Monday in 36th District Court.

There is no evidence that the judge was corrupt or willfully intended to break the law when she let police and a witness lie under oath to keep secret the identity of a paid police informant.

Now retired Wayne County Assistant Prosecutor Karen Plants and Inkster Sgt. Scott Rechtzigel and Officer Robert McArthur face obstruction of justice charges punishable by up to life in prison. Misconduct charges against Waterstone carry a possible five-year sentence.

Rechtzigel and McArthur also have asked to have charges against them dismissed, claiming they were following in good faith the advice of government agents: Plants and Waterstone.

The attorney general will argue at a May 29 hearing that the charges are appropriate.

"When a judge knowingly allows perjury to occur, it is criminal misconduct," Cox spokesman John Sellek said in a written statement.

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