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STILL NO LAWYER TO LOOK INTO CONDUCT *PROSECUTOR'S ACTIONS IN DRUG CASE TO BE PROBED*

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After more than a month of scouring and cajoling, state officials have yet to find a prosecutor to investigate the head of the Wayne County prosecutor's drug unit for allegedly lying to jurors and allowing police to testify falsely to convict two men in a 2005 cocaine case.

"This is not the usual case," said Kim Warren Eddie of the state Prosecuting Attorneys Coordinating Council. "It's complicated."

The investigation of Wayne County Assistant Prosecutor Karen Plants could expand into a probe of the police and others involved in the drug case, Eddie said.

A lawyer for one of the men convicted in the Inkster drug case said he hopes prosecutors also review the conduct of Plants' boss, Wayne County Prosecutor Kym Worthy, as well as the judge who handled the drug trial, now-retired Wayne County Circuit Judge Mary Waterstone.

While it usually takes a couple of weeks at most to find another office to accept a case involving a conflict of interest, the Plants investigation has been stalled because Eddie cannot find an agency to take it on.

But, he said, "we're getting close."

Eddie said a prosecutor's office outside Wayne County is weighing the case and could decide next week. Eddie would not identify the office.

By state law, if a prosecutor's office such as Wayne County's has a staffer facing potential criminal charges, the office is supposed to ask the Coordinating Council to find another county prosecutor to investigate. The new office has to be approved by the state attorney general, who also could take on the case.

Eddie said he may be close to asking the attorney general to take it on rather than let the matter drag indefinitely.

The Attorney General's Office did not respond to a request for comment.

David Moffitt, an Oakland County attorney representing one of the men convicted in the underlying criminal case, said the delay erodes public trust.

"No one likes washing someone else's laundry, but this has to be done," Moffitt said.

Plants' lawyer Kenneth Mogill said he is "confident that no matter who takes the case, Ms. Plants will be exonerated."

The stalemate arose after the Attorney Grievance Commission - the state's legal watchdog - filed disciplinary charges against Plants in March.

The charges, which could result in sanctions as severe as revoking her law license, are based on accusations that Plants allowed two Inkster police officers to lie in repeated court appearances in criminal cases against Alexander Aceval and Ricardo Pena.

Plants was suspended with pay after the disciplinary charges were filed. Worthy, Plants' boss, asked Eddie to find another agency to investigate the matter for possible crimes.

According to court records, Plants knew Inkster officers were lying when they testified that they did not know the driver of a vehicle carrying 47 kilos of cocaine. The man actually was a paid informant who had tipped off police and was promised a 10% cut of forfeiture money coming from the case.

During the trial, according to secret sealed transcripts, Plants met privately with Waterstone and told her the cops were lying to conceal the informant's role.

Wayne County dropped Pena's case in 2006, and his conviction was vacated in "the interest of justice" because of "possible false or misleading testimony" and the informant's "undisclosed financial interest." Aceval, who pleaded guilty after a hung jury, is seeking release.

In a complex case such as Plants', the prosecutor's office handling the case could lose the services of an attorney for weeks or months, Eddie said.

"It's a tough question," said spokesman David LaBahn of the National District Attorneys Association. "It's never easy when you have a prosecutor prosecuting another prosecutor."

Stressing that he could not speak specifically about the Plants case, LaBahn added that finding an outside prosecutor should be a top priority because allegations of prosecutorial misconduct "impact the entire nation."

Moffitt, the defense attorney, said: "It's difficult to understand what's complicated. The prosecutor, the police and the judge are all absolutely nailed, and it's all easily proved.

"Claims of complexity are a polite smoke screen to avoid an uncomfortable prosecution."

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