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Supreme Court judge could be trial witness

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The Detroit News

Detroit -- A Michigan Supreme Court justice may be called as a defense witness on behalf of a retired Wayne County judge accused along with an assistant prosecutor and two police officers of allowing lies during a drug trial.

Justice Maura Corrigan's agreement to act as a character witness on behalf of former Wayne County Circuit Judge Mary Waterstone was revealed after Corrigan abstained from issuing an opinion in the drug case at the heart of felony charges against Waterstone; Karen Plants, the former head of the Wayne County prosecutor's drug unit; and Inkster Police Sgt. Scott Rehtzigel and Officer Robert McArthur.

Because of Corrigan's abstention, the High Court deadlocked in a rare 3-3 split announced Friday that rejected an appeal by Alexander Aceval. The Inkster bar owner was imprisoned in 2006 after two trials in which the conduct of local legal authorities has been described in a state Court of Appeals review as "reprehensible."

Waterstone was charged in March with felony misconduct stemming from Aceval's 2005 trial. It's alleged Waterstone let the jury hear false testimony. The charge carries a possible five-year sentence.

Waterstone declared a hung jury in the first trial, and she testified as a witness at Aceval's second trial, overseen by a different judge. Waterstone has claimed she allowed lies to cover the identity of a police informant because she feared for the man's life. The informant led police to arrest Aceval in possession of a large shipment of high quality cocaine.

Plants, Rehtzigel and McArthur have been charged with obstruction of justice for allegedly misstating facts and allowing the informant to lie. Their charges are punishable by up to life in prison.

Plants retired after being charged. The officers remain on duty. Investigations of Plants and Wayne County Prosecutor Kym Worthy's involvement in the incident are pending before the state's Attorney Grievance Commission.

Corrigan's connection with the case was explained in a single sentence attached to Friday's opinion: "I am not participating because I may be called as a witness in a related case."

Contacted at her home by The News on Sunday, Corrigan said, "I was asked to be a character witness, and I agreed."

Michigan Attorney General Mike Cox is handling the case because Worthy stepped aside, saying she is too close to the defendants. Cox spokesman John Sellek said Sunday his office was unaware of Corrigan's status as a possible witness.

Aceval's lawyer, David L. Moffitt, complained the deadlock means the conviction and what he described as a "conspiracy" won't be reviewed by the state's highest court.

"These people are still reaching out to hold on to their power and have now enmeshed a Supreme Court

justice," Moffitt said.

Waterstone has appealed Cox's authority to prosecute her, alleging a conflict because lawyers from the Attorney General's Office defended her against a complaint based on the same incident to the state's Judicial Tenure Commission.

The attorney general contends there isn't a conflict because the lawyers assigned to Waterstone's criminal prosecution work in a separate office from those who were involved in her professional misconduct complaint.

Wayne County Circuit Judge Daniel Hathaway planned to issue an opinion today on whether Cox should be barred from prosecuting her. If Hathaway rules against Cox, a special prosecutor will be appointed.

The issues must be resolved before a 36th District Court judge can hold a preliminary examination to determine if there is enough evidence to order the defendants to stand trial.

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