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Judge: AG can prosecute retired judge

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A judge today ruled that the Michigan Attorney General's Office can continue to prosecute the perjury-related case against retired Wayne County Circuit Judge Mary Waterstone.

The case grew out of a troubled Inkster cocaine bust and trial that was marked by false testimony. Defense lawyers said Attorney General Mike Cox's office had an apparent conflict of interest because his office defended Waterstone in a federal civil lawsuit connected to the 2005 cocaine case, according to Waterstone's lawyers.

However, Wayne County Circuit Judge Daniel Hathaway ruled that the lawyers who defended Waterstone in the civil suit do not work for the same unit as the lawyers prosecuting Waterstone.

"The attorneys in question were acting independently from one another and did not exercise authority over each other," Hathaway wrote in his order. "They were in fact in different divisions, with different chains of command, and located at geographically different offices. Further, as indicated by his affidavit, the AG himself was personally removed from any conflict of interest as he had no knowledge of the earlier representation of defendant by his office."

Waterstone, now retired, is charged with four counts of official misconduct for allowing false testimony in the trial of Alexander Aceval and Ricardo Pena, who were charged with possession of 47 kilos of cocaine. The trial prosecutor Karen Plants and Inkster police officers Robert McArthur and Sgt. Scott Rechtzigel are charged with conspiracy to commit perjury for covering up the identity of the police informant in the case.

Waterstone was told privately of the false statements and allowed them to go uncorrected. According to a record of those secret meetings, she said she was protecting the informant from possible retaliation.

Meanwhile, the state Court of Appeals deadlocked Friday on a 3-3 vote to review Aceval's conviction. The deadlock means the conviction will not be reviewed, said Aceval's appellate attorney David Moffitt.

"Three justices have allowed to pass without review and without relief a vertically integrated conspiracy between the judge, prosecutor and policy to falsify a complete trial ..." Moffitt said in a statement. "The badge of every law enforcement officer and prosecutor and the robe of every judge is tainted by the spectacle of this fully-confessed corruption still ending in an unrelieved conviction."
