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When the good guys go bad

Case turns law enforcement upside down

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Even in metro Detroit, an area long familiar with staggering levels of dope trafficking, Inkster cops earned high-fives all around when they grabbed 47 kilos of cocaine back in 2005.

But now that seizure from a Texas narcotics pipeline -- one of the largest local narcotics busts this area has seen -- has turned the regular law enforcement roles upside down, with the state now expecting to seek felony charges against the cops and the trial prosecutor. The trial judge also may be named in a criminal warrant request brought after a nine-month investigation by the Michigan Attorney General's Office.

The original drug cases against Alexander Aceval and Ricardo Pena were ruined, authorities contend, by the cops' false testimony that a key witness had no prior contact with Inkster police. The man, who also testified falsely, was actually a paid police informant, a fact shielded from jurors and defense lawyers.

Aceval and Pena pleaded guilty to drug charges after the lies were exposed.

Lawyers involved in or familiar with the state's perjury investigation said Monday that former Wayne County Assistant Prosecutor Karen Plants and Inkster Sgt. Scott Rechtzigel and Officer Robert McArthur said they've been told the state is seeking charges of perjury, obstruction of justice and conspiracy against them. The judge who heard the 2005 drug prosecution, Wayne County Circuit Judge Mary Waterstone, who has retired, could also be named as a defendant for learning of the false testimony from Plants, but allowing jurors to hear it anyway.

People familiar with the investigation said the exact charges being sought could change by the time they are filed. It is also possible, said one, that the state could decide at the last moment not to charge one or more of the four.

In a private meeting in which they produced a transcript, the prosecutor and judge agreed that it was OK for the cops and the informant to lie under oath about being a police informant to ensure the informant's safety.

Lawyers for the drug defendants, however, complained the deception prevented them from seeking to discredit the witness' testimony, such as by exploring whether the witness might have lied about their clients to ensure being paid by police.

One of Plants' lawyers, Kenneth Mogill, said the former prosecutor is innocent: "Karen Plants is not guilty of any crime."

If the attorney general brings any charges against Plants, they are the result of the system run amok," Mogill said.

Detroit lawyer Ben Gonek said Monday that he also represents Plants, but declined further comment.

Waterstone did not return calls seeking comment.

Steven Bullock, Rehtzigel's lawyer, said Monday that he'd been told by the Attorney General's Office that felony charges were forthcoming, but would not discuss his talks with state officials.

Bullock said he could comment "until I see the actual charging document."

Attorney Douglas Gutscher, representing McArthur, also said he spoke with the Attorney General's Office on Monday, but declined to elaborate.

Court computers on Monday listed possible charges being sought by the attorney general, but the entries were later taken down. However, Bullock and others said were told to prepare for felony charges, perhaps as soon as today.

The Attorney General's Office and Maria Miller, a spokeswoman for Wayne County Prosecutor Kym Worthy, declined to comment Monday.

The possible charges grow out of the efforts to shield Chad Povish's role as a paid informant for the Inkster police who tipped them off about Pena and Aceval.

At trial, the officers said they didn't know Povish. In private meetings with Waterstone, Plants admitted the false testimony, and the two agreed that it was necessary to protect Povish.

Defense attorneys did not know about the meetings and could have undercut Povish's credibility if they'd known his real role as a paid informant. Appellate lawyer Gerald Lorence uncovered transcripts of the secret meetings, and the Prosecutor's Office filed an admission of error in 2006, conceding there was "possibly false or misleading testimony."

Last year, professional misconduct charges were leveled against Plants for using the false testimony. She was suspended with pay by the prosecutor's office, which then asked for a criminal probe.

The criminal investigation was turned over to the Attorney General's Office in June 2008 after the Wayne County Prosecutor's Office said it would be a conflict of interest for it to investigate.

The misconduct charges, which could result in discipline as severe as the removal of her law license, are still pending against Plants, who retired from the prosecutor's office in February.

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