



## Former Prosecutor & Judge Face Charges

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(WXYZ) - Their careers were built on putting the bad guys behind bars. But now a former judge, a former prosecutor, and 2 cops are charged with crimes.

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The Michigan Attorney General has been looking into allegations that a former Wayne County Assistant Prosecutor and a former Wayne County judge permitted perjury during a 2005 cocaine case.

The Attorney Discipline Board has already charged former prosecutor Karen Plants with committing professional misconduct.

And State Court of Appeals judges have called the court and the prosecutor's conduct "disgraceful."

Plant's attorney maintains that his client did nothing wrong.

#### UPDATE:

You may have noticed that Judge Mary Waterstone has retained the trio of attorneys (Todd Flood, Juan Mateo and Gerald Evelyn) who successfully negotiated ex-Mayor Kwame Kilpatrick's famous plea deal.

It seems those attorneys may be trying to get the charges against Judge Waterstone dropped for a very interesting reason.

In court today, Waterstone attorney Todd Flood mentioned a "conflict" in the case to the magistrate that held the arraignment.

So Action News Investigator Heather Catallo did some digging in federal court documents and has learned what the conflict may be.

One of the defendants in the original cocaine case sued Judge Mary Waterstone back in 2006. Guess who defended Judge Waterstone in that federal lawsuit? The state attorney general's office. Legal experts say that's a major conflict of interest, and according to case law, the charges against the judge could possibly get dismissed.

Or the Attorney General would have to recuse himself and his office from the case. No doubt Waterstone's attorneys will be filing a motion soon to bring this to the attention of the court. All of the defendants are due back in court April 28, 2009.

#### Heather Catallo's Complete Script:

##### [Heather]

Michigan Court of Appeals judges have called the court and the prosecutor's conduct "disgraceful." And now they're both charged with felonies.

A retired judge, a former star prosecutor, and 2 Inkster cops had to face a magistrate in Detroit as criminal defendants Monday.

Karen Plants is a former Wayne County assistant prosecutor.

Plants is accused of allowing Inkster police officers Robert McArthur and Scott Rechtzigel to lie on the witness stand.

Plants is also accused of meeting with Judge Mary Waterstone in secret to discuss the perjury... in the 2005 cocaine trial of Ricardo Pena and Alexander Aceval.

David Moffit is Aceval's appellate attorney. He says the judge should have told the defense counsel about the false testimony.

**[David Moffitt/Attorney]**

"You still have to obey the constitution, you can't convict people on perjured testimony."

Michigan's Attorney General started looking into the alleged misconduct about 8 months ago... and today charged the four with several felonies.

Judge Waterstone is charged with 4 counts of Common Law Offenses for willfully neglecting her judicial duties.

But the retired judge would not comment on finding herself on the other side of the bench today.

**[Judge]** "Not today."

Karen Plants is charged with conspiracy to commit perjury and 5 counts of Common Law Offenses. If she's convicted of the perjury, she could face a life sentence. Plants attorney maintains her innocence.

**[Question to Offc. McArthur]** "Do you have any comment? No comment."

Officer Robert McArthur also isn't talking.. but he and Sgt. Scott Rechtzigel are each charged with perjury in a court proceeding, conspiracy to commit perjury, and common law offenses.

It's not clear if these are the only charges that will come from this case – the attorney general is not commenting on that.

The Attorney General also will not say if anyone is looking into whether misconduct may have occurred in any of Karen Plants other cases.

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