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Kym Worthy Under Investigation

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Last Update: 6:35 pm

- [Request For The Investigation \(967.0KB\)](#)
- [Kym Worthy's Response \(536.0KB\)](#)
- [Notice Of The Investigation \(34.8KB\)](#)



(WXYZ) - The Attorney Grievance Commission of Michigan is investigating Wayne County Prosecutor Kym Worthy. Criminal defense attorney David Moffitt and his client accuse her of unethical and possibly criminal acts related to a 2005 drug trial. They asked the Attorney Grievance Commission to investigate Worthy.

Action News learned of the investigation from Metro Times News Editor Curt Guyette, who broke the story. The investigation stems from charges Attorney General Mike Cox filed against one of Worthy's former assistant prosecutors Karen Plants, retired Wayne County Circuit Court Judge Mary Waterstone, and two Inkster police officers. Cox brought the charges last week.

In 2005, the Inkster police arrested Alexander Aceval and Ricardo Pena in connection with a drug deal involving more than 100 pounds of cocaine. Court records show that during the trial, the Inkster officers and a confidential informant lied under oath in an attempt to keep Aceval and Pena from learning that the informant was working with the police and was promised a portion of the proceeds seized from Aceval.

Plants knew about the perjured testimony and told Waterstone, but both kept this from the defense. Pena was convicted, but Aceval's case ended in a mistrial. Aceval was tried a second time when perjured testimony was again used, says Moffitt. Aceval, who took a plea deal, is now serving a 10-15-year sentence.

Moffitt represents Aceval in his appeals. In their written request to the AGC, they ask the Commission to investigate Worthy's role in all this. They argue that Worthy should have charged Plants, Waterstone and the officers for failing to tell the defense and jury about the perjury or sought a special prosecutor to look into the issue. Had this happened, Moffitt believes Aceval may have walked.

In her written response to the AGC, Worthy says she was "not personally involved" in the decision to not disclose the perjured testimony to the defense. She also says that until the AGC investigated Plants and filed a formal complaint against her in March 2008, Worthy thought the false statement was limited to one officer at trial.

But as Guyette points out, the Metro Times and the Detroit Free Press both published stories in 2006 regarding multiple instances of perjury. So, how can Worthy say she didn't know about the perjury by the officers and their informant?

In a written statement to Action News, Worthy says that it would be "inappropriate" to comment on the investigation. She also says that the AGC "has never made a finding, or even an accusation, that I did anything wrong in relation to the Plants case."

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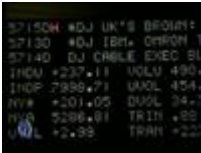
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