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Retired judge, Inkster cops bound over for alleged lies in drug bust case

DOUG GUTHRIE
The Detroit News

Detroit — A retired Wayne County judge and two Inkster police officers were ordered this morning to join Wayne County's former top drug prosecutor in standing trial on criminal charges for alleged lies told during a 2005 trial.

Retired Circuit Judge Mary Waterstone, Sgt. Scott Rechtzigel, Officer Robert McArthur and retired Assistant Prosecutor Karen Plants are charged with misleading jurors and coaching witnesses to lie at a trial stemming from one of Metro Detroit's biggest cocaine busts.

Waterstone, Rechtzigel and McArthur were bound over today by 36th District Judge David Robinson Jr. The judge bound Plants over for trial Tuesday.

Plants, Rechtzigel and McArthur were charged in March 2009 with obstruction of justice, which carries a potential penalty of up to life in prison. Waterstone is charged with felony misconduct in office for allegedly allowing the perjury, despite being told about it by Plants. Waterstone faces up to five years behind bars if convicted.

Allegations against the four arise from a case in which a paid undercover informant led police to more than 100 pounds of high-quality cocaine delivered to a Riverview bar and nightclub, J Dubs. The bar's owner, Alexander Aceval, is now serving 10 to 15 years in prison.

The role of the informant was hidden from jurors and lawyers representing Aceval with fictional accounts of Chad Povish's activities, according to William Rollstin, an assistant state attorney general. The Michigan Attorney General's Office took over prosecution of the four when Wayne County Prosecutor Kym Worthy stepped aside and four other Michigan prosecutors refused to take the case.

In binding Waterstone over, Robinson said: "Our whole system (courts) is aimed at one thing letting those people who sit in the jury box see the facts, the truth. It is a fundamental part of my job, and we do not conceal perjury. We have the prosecutor of the case walk into your office and tell you we have perjury here, and you don't tell the other side. You don't tell the jury."

Waterstone's lawyer, Gerald Evelyn, argued this is the first time he's heard of a judge being held criminally responsible for a mistake because she was allegedly misled by the county's top drug prosecutor. He said the Court of Appeals overturned Waterstone's rulings for the error. The Michigan Judicial Tenure Commission also reprimanded her. But, Evelyn said, the panel that oversees the conduct of judges found no evidence of criminal intent.

"She was on the horns of a dilemma with Mr. Povish's life in the balance," Evelyn said. "She was in a situation where if she makes the wrong decision and man might be dead. We have a 47-kilo deal and a Mexican cartel involved in this. This is exactly the kind of case where people end up missing."

Rollstin said today, "The question is did she willfully neglect her judicial duties? Is it reasonable to assume that a judge of 25 years didn't know perjury was wrong? She knew what her judicial obligation was, but she willfully chose not to do it."

Those who have been bound over were ordered to appear Oct. 27 before a Wayne County Circuit judge for arraignment on the charges.

Earlier today, McArthur's lawyer, Douglas Gutscher, said his client had a right to protect his confidential informant.

Rollstin said: "You can keep a confidential informant private. Yeah, you can. But you can't lie to do it. It is an insult to what we do."

dguthrie@detroitnews.com

313-222-2548

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