

High court to weigh retrial in drug case

Detroit Free Press - Detroit, Mich.
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Date: Jun 9, 2010
Start Page: A.6
Section: Metro
Text Word Count: 297

Document Text

FREE PRESS STAFF WRITER

The Michigan Supreme Court has reversed itself and now wants to consider if a major cocaine trafficker should have faced a second trial after his first conviction was overturned because a Wayne County assistant prosecutor used perjured testimony.

The order comes on the heels of the high court's decision that Mary Waterstone, the now-retired Wayne County Circuit Court judge in the discredited 2005 case, can be prosecuted for letting false testimony in Alexander Aceval's trial.

"Finally, after five years and six appeals, Mr. Aceval, the imprisoned victim of this conspiracy, gets to have his day before the highest court," said his lawyer David Moffitt.

In September, the court rejected the case, with Chief Justice Marilyn Kelly and Justices Stephen Markman and Michael Cavanagh dissenting. Markman said it needed to be reviewed because it was so remarkable.

The court didn't explain its reversal.

In Aceval's first trial, Karen Plants, a Wayne County assistant prosecutor who was the office's chief drug prosecutor, told Waterstone that police lied to hide an informant's identity.

Plants, who retired, and two Inkster cops are charged with Waterstone for their alleged parts in the perjury.

Aceval's conviction was overturned when the perjury was uncovered. He pleaded guilty in 2006 and is serving a 10- to 15-year prison term.

The justices said they want to focus on the "prosecutor's acquiescence in the presentation of perjured testimony," and if it was so bad that Aceval couldn't be retried.

Moffitt welcomed the order, but said it should have included Waterstone's actions.

"I believe that this is unprecedented nationally and it should be examined," he said.

Wayne State University law professor Peter Henning said the judge's role will be weighed anyway because the Supreme Court "knows everything already."

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Abstract (Document Summary)

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