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## Attorney general Cox cleared of conflict of interest

Retired judge's misconduct case expected to proceed

*DOUG GUTHRIE*  
*The Detroit News*

*Detroit* --Michigan Attorney General Mike Cox was cleared on Tuesday of a conflict of interest in his prosecution of a former Wayne County judge accused of allowing lies during a drug trial.

Retired Judge Mary Waterstone was charged with felony misconduct in March by the attorney general, who took over the case after Wayne County Prosecutor Kym Worthy stepped aside due to a conflict of interest, and four other county prosecutors recused themselves from handling the charges.

Karen Plants, Wayne County's former head of drug prosecutions; Inkster Police Sgt. Scott Rechtzigel; and Officer Robert McArthur also were charged with obstruction of justice for allegedly allowing or participating in perjury designed to hide the identity of a paid police informant.

Waterstone's charge carries a possible five-year penalty. Plants and the officers face up to life imprisonment.

Among numerous legal challenges Waterstone and the other defendants have raised against the charges, Waterstone claimed Cox and his assistants should be barred from prosecuting her because an assistant attorney general represented her in a civil complaint related to the same case three years ago.

In his opinion issued Tuesday, Wayne Circuit Judge Daniel Hathaway wrote, "The attorneys in question were acting independently from one another and did not exercise authority over each other.

"They were in fact in different divisions with different chains of command and located at geographically different offices. Further ... the AG himself (Cox) was personally removed from any conflict of interest as he had no knowledge of the earlier representation of defendant by his office."

Barring further appeals by Waterstone and her co-defendants, the case may now proceed to a preliminary examination in 36th District Court. No date has been set for District Judge David Robinson Jr. to determine if there is enough evidence to order the defendants to stand trial.

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