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2 cases involving prosecutors handled in different ways

1 was fired; another stayed on the job

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In spring 2006, after court records surfaced showing that Karen Plants admitted presenting false testimony in a major cocaine trial, Wayne County Prosecutor Kym Worthy didn't waste time going after an assistant prosecutor who betrayed the system.

The assistant was fired, cases were examined for wrongdoing and the matter was turned over to the State Police, who searched the prosecutor's home. Worthy personally signed a complaint with the Attorney Grievance Commission, asking for a probe of the lawyer's misconduct.

But it wasn't Plants who was dealt with so swiftly.

It was Theodore Sandberg, who was ousted in April 2006 for giving unauthorized plea deals. Plants -- now facing a life sentence, accused of perjury conspiracy with two cops in a cocaine trial -- remained on the job for two more years, despite her admissions.

Matters 'completely different'

Plants was not suspended by Worthy until last April, and only after the grievance commission issued a formal complaint against her. Worthy then asked for an independent investigation of Plants, but her suspension was with pay, and she retired in February after her salary was stopped. The professional charges are still pending.

On Tuesday, the attorney general charged Plants, two cops and retired Wayne County Circuit Judge Mary Waterstone with perjury-related felonies.

The perjury in Plants' case came to light in March 2006 -- almost a month before Sandberg's problems arose.

Worthy's office won't discuss -- or compare -- the treatment of the two assistant prosecutors.

"The Sandberg matter was completely different and distinguishable from Plants," said spokeswoman Maria Miller, declining to elaborate.

Office takes a hit -- twice

The prosecutor's drug unit got hit with a double whammy in early 2006.

In March, an appellate lawyer representing a drug defendant in the now-tainted cocaine trial found secret transcripts outlining how Plants used perjured testimony to convict the two men accused in the case. The disclosure prompted the prosecutor's office to issue an admission of error in the case.

Then, that April, it was learned that Sandberg was giving out unauthorized -- and more lenient -- plea deals and covering them up by falsifying office records.

Worthy's office initiated an immediate review of Sandberg's cases, finding at least 15 of them questionable, including one in which Sandberg dropped a gun violation without approval and another in which he claimed a trial conviction when the defendant actually pleaded out.

State Police investigated Sandberg, but the Oakland County Prosecutor's Office declined to file criminal charges.

Sandberg pleaded no contest to three counts of professional misconduct and was given a reprimand in 2008. He declined to discuss his case.

Plants' lawyer Ben Gonek said it was "ridiculous to compare the two" cases, but declined to elaborate.

A possible explanation

Wayne State University law professor Peter Henning said Plants may have gotten the benefit of the doubt from Worthy because Plants was a senior attorney and Sandberg directly violated office policy.

"They're both problematic; you don't say one scenario is worse than the other," Henning said. "I can only imagine that the conduct Plants is alleged to have engaged in was in the course of trial and didn't involve" office policy.

Michael Alan Schwartz, the state's ex-chief legal watchdog, said Plants was treated like many public officials. "Police officers, judges, mayors may get suspended, but they don't lose their jobs until they're found guilty," he said.
