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Supreme Court sends Judge Waterstone's case back to Court of Appeals

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The Michigan Supreme Court on Thursday ordered another delay in the preliminary examination for a former Wayne County circuit judge accused of allowing lies by police officers and a paid informant during a drug trial in her court.

Retired Judge Mary Waterstone was granted immediate consideration of her request that the state's highest court consider overturning two lower court rejections of her efforts to bar Michigan's attorney general from prosecuting her for felony misconduct.

The court then ordered the Court of Appeals to take no more than 56 days to reconsider Waterstone's claims that Attorney General Mike Cox has a conflict of interest because lawyers from his civil division represented her in a related civil lawsuit. A Wayne County circuit judge and the Court of Appeals had determined that Cox had no conflict.

Waterstone, Wayne County's former chief drug prosecutor Karen Plants, and Inkster Police Sgt. Scott Rehtzigel and Officer Robert McArthur were charged in March by Cox after a search for an unbiased agency to handle the case outside of Wayne County was rejected by four different Michigan county prosecutors.

Wayne County's Kym Worthy disqualified her office due to its close ties to the defendants.

The Supreme Court on Thursday ordered the Court of Appeals to consider whether the attorney general's prosecution of Waterstone is consistent with the requirements of the state's Rules of Professional Conduct for lawyers.

The court also ordered an indefinite delay of the preliminary examination of the evidence against the four that had been set to begin in 36th District Court on Monday.

The decision wasn't unanimous. Supreme Court Justice Michael Cavanagh voted against considering Waterstone's request. Justice Maura Corrigan abstained because she has agreed to serve as a character witness on behalf of Waterstone if she is ordered to trial.

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