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Wednesday, September 10, 2008

## Beatty's case gets nearer to a trial

Kilpatrick could be forced to testify against co-defendant if no plea agreement is reached.

Charlie LeDuff and Doug Guthrie / The Detroit News

**DETROIT** -- It appears that the case against Christine Beatty is heading for a trial where her already confessed co-defendant, Mayor Kwame Kilpatrick, could be presented as a witness against her.

As of late Tuesday afternoon, no plea agreement had been reached between Beatty's lawyers and the Wayne County Prosecutor's Office.

"We have nothing at this point," said her lawyer, Mayer Morganroth. "Looks like we'll be in court Thursday."

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Morganroth said last week he expected to sit down with prosecutors sometime before Thursday's scheduled docket conference, where Wayne Circuit Judge David Groner will set a date for trial if no progress has been made toward a plea bargain. Morganroth said Tuesday that no meetings with prosecutors are scheduled.

A trial threatens to put on public display at least some of the 625,000 text messages exchanged by Beatty, Kilpatrick and others, that defense lawyers have fought for months to suppress. And once Kilpatrick is sentenced on Oct. 28 for his part in the crimes, he could be forced to testify, said Larry Dubin, a professor at University of Detroit Mercy Law School.

Refusal to testify could result in contempt of court that could lengthen Kilpatrick's sentence or increase other sanctions against him, Dubin said. The plea deal ends prosecution of Kilpatrick in the case. Facing no further incrimination, Kilpatrick no longer will have any constitutional right to refuse to testify.

Maria Miller, spokeswoman for Wayne County Prosecutor Kym Worthy, declined comment.

Morganroth has said a plea deal offered to Beatty last week before Kilpatrick pleaded guilty to two counts of obstruction of justice in the text message case and no contest to one assault charge in a separate case, was "onerous."

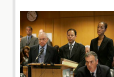
Beatty faces charges including perjury, obstruction of justice and official misconduct in office in connection with alleged lies she and Kilpatrick told under oath to hide their affair and their roles in firing a top police official. The charges carry penalties of up to 15 years in prison, but a sentence guideline report in the court's file recommends she serve one to two years behind bars if convicted.

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Christine Beatty, here in court with attorney Jeffrey B. Morganroth last week, faces multiple charges, including perjury and obstruction of justice. (Robin Buckson / The Detroit News)



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