

BEFORE THE COURT OF THE JUDICIARY  
OF  
ALABAMA



In the Matter of )  
PATRICIA D. WARNER, )  
Former Circuit Judge of the ) Court of the Judiciary  
Fifteenth Judicial Circuit ) Case No. 40  
of Alabama )

ANSWER

For Answer to the Complaint filed by the Alabama  
Judicial Inquiry Commission ("AJIC"), Patricia D. Warner  
("Warner") states as follows:

1. The Complaint fails to state a claim upon which relief can be granted.
2. The Complaint fails to state a claim upon which relief can be granted because it does not have a demand for judgment stating the relief AJIC seeks, as required by Rule 8(a) of the Alabama Rules of Civil Procedure.
3. The Complaint is void because AJIC lacked subject matter jurisdiction to issue the Complaint or otherwise take any action against Warner because Warner permanently retired as a state court judge on June 16, 2011.
4. The Complaint is void because AJIC lacked personal jurisdiction over Warner to file the Complaint or continue its investigation after Warner's retirement on June

16, 2011.

5. This Court of the Judiciary of Alabama is a limited jurisdiction court and lacks subject matter jurisdiction over this complaint filed against a retired judge.

6. This Court of the Judiciary of Alabama lacks jurisdiction over the person of Warner, who is no longer a judge of the State of Alabama.

7. Warner denies all material allegations of the Complaint and denies the material averments upon which AJIC bases its Complaint.

8. Warner denies she engaged in conduct which violated any canon of the Alabama Canons of Judicial Ethics.

9. Warner pleads not guilty to each and every charge in the Complaint.

#### **AFFIRMATIVE DEFENSES**

Warner asserts the following defenses to the Complaint:

1. The Complaint is the product of fraud.
2. The Complaint was investigated and filed in "bad faith" by AJIC.
3. AJIC failed to follow its own rules of procedure in investigating the complaints made against

Warner.

4. The failure of AJIC to follow any of its rules in its investigation of the charges against Warner constitutes wrongs in the nature of prosecutorial misconduct and requires dismissal of the complaint.

Respectfully submitted,

s/Charles A. Dauphin  
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CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2011, I electronically filed the foregoing with the Court of the Judiciary of Alabama and served the following counsel by email:

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/s Charles A. Dauphin  
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