

BEFORE THE COURT OF THE JUDICIARY OF ALABAMA



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

RESPONSE TO MOTION TO PROHIBIT  
TAKING TESTIMONY WITHOUT WARNER BEING PRESENT

COMES NOW the Judicial Inquiry Commission of Alabama ("the Commission"), by and through counsel, and in response to Respondent's Motion to Prohibit Taking Testimony Without Warner Being Present offers the Court the following:

1. On September 20, 2011, the Commission issued a Subpoena Duces Tecum to Jimmie Clay Benson, Jr. to appear before the Commission on or before September 28, 2011, and produce the transcript of Mr. Benson's deposition taken in his divorce proceeding involving his former wife, Julia Benson.

2. Said subpoena is for the production of documents, not for Mr. Benson to appear and testify before the Commission. The Commission, of course, will provide Warner a copy of the document requested from Mr. Benson.

WHEREFORE, ABOVE-PREMISES CONSIDERED, the  
Commission respectfully requests this Honorable Court  
deny Respondent's motion.

Respectfully submitted,

/s/Richard Trehella  
RICHARD E. TREWHELLA, JR. (TRE010)  
Counsel for the Judicial Inquiry  
Commission

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing pleading upon all counsel of record in this cause via electronic mail and by placing a copy of same in the United States mail, postage prepaid, addressed as follows on this the 26<sup>th</sup> day of September, 2011:

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/s/Richard Trewhella  
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