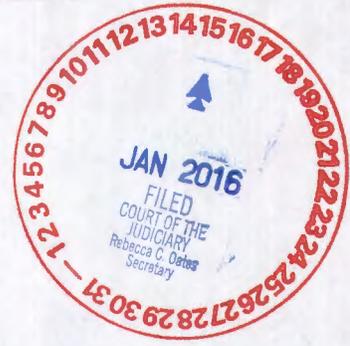


BEFORE THE COURT OF THE JUDICIARY

OF

ALABAMA



In the Matter of)
 Marvin Wayne Wiggins,)
 Circuit Judge of the) Court of the Judiciary
 Fourth Judicial Circuit) Case No. 45
 Of Alabama)

AGREEMENT AND STIPULATION OF THE PARTIES

The Alabama Judicial Inquiry Commission ("the Commission") and Circuit Judge Marvin Wayne Wiggins ("Judge Wiggins") enter this agreement and stipulation of facts regarding the Complaint filed in this case in the Court of the Judiciary by the Commission alleging Judge Wiggins' violations of the Canons of Judicial Ethics.

The Commission and Judge Wiggins agree and stipulate:

1. The Complaint filed by the Commission accurately states the facts upon which this proceeding is based.
2. The Commission can prove all of the facts alleged in the Complaint by clear and convincing evidence.
3. Upon trial of this matter and for mitigation purposes, Judge Wiggins would offer testimony of the following:

- a. Judge Wiggins did not organize or plan the blood drive held outside the Perry County Courthouse on September 17, 2015;
- b. Judge Wiggins did not intend to send any defendant on the "pay-due" docket to jail for failure to pay on September 17, 2015;
- c. Judge Wiggins did not incarcerate any defendant for failure to pay on September 17, 2015; and
- d. Judge Wiggins recognizes and agrees that the comments he made on September 17, 2015, were inappropriate and could lead a reasonable person to believe he or she would be ordered to jail for failure to pay court-assessed fines and costs if he or she did not donate blood.

4. Upon trial of this matter and for aggravating purposes, the Commission would offer testimony of the following:

- a. In July of 2009, the Court of the Judiciary publicly reprimanded Judge Wiggins and suspended him three months without pay for violating the Alabama Canons of Judicial Ethics by failing to recuse himself from a proceeding arising out of a voter fraud investigation in which his close relatives were the subject of investigation. This Court found Judge Wiggins guilty of violating Canons 1, 2, 2A, 2C, 3C(1), 3C(1)(a), and 3C(d)(ii) of the Canons of Judicial Ethics. *In the Matter of Marvin W. Wiggins*, Court of the Judiciary Case No. 37, Public Reprimand entered July 30, 2009.

b. Although Judge Wiggins' conduct on September 17, 2015, was an isolated incident, it affected a courtroom of defendants who were not represented by counsel;

c. Judge Wiggins, the presiding judge of the Fourth Judicial Circuit and a circuit judge since 1999, should have been familiar with the high standards established for judicial conduct.

d. The actual or potential for harm to the court system, to the defendants present, and to the public's perception of the fairness of the judicial system was significant.

5. Based on the foregoing, the Commission and Judge Wiggins agree to the appropriateness of the Court of the Judiciary entering a judgment finding that Judge Wiggins violated Canons 1, 2, 2A, and 2B; and jointly request the following resolution of this Complaint:

a. Judge Wiggins be publically censured by the Court of the Judiciary for his actions and for his violations of the Canons stated in the Complaint; and

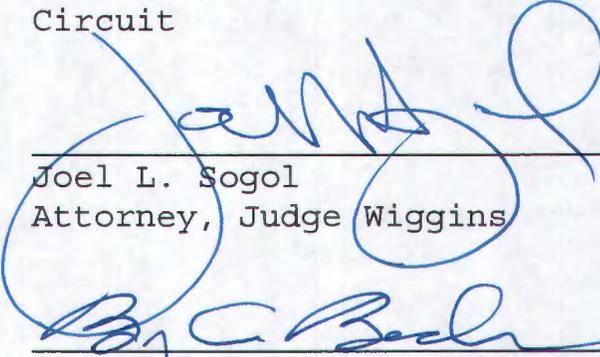
b. Judge Wiggins be taxed with the costs in the amount of \$ 782.98 incurred by the Commission.

6. Judge Wiggins waives his right under Rule 5, Ala. R. P. Ct. of Judiciary, to file an answer or other responsive pleading to the Complaint herein within thirty (30) days of its service upon him; waives his right under Rule 8, Ala. R. P. Jud. Inq. Comm'n, to thirty (30) days' notice of the date and time for a hearing of the Complaint in this case and consents to a more expeditious setting of the hearing; and waives his right of appeal under Article

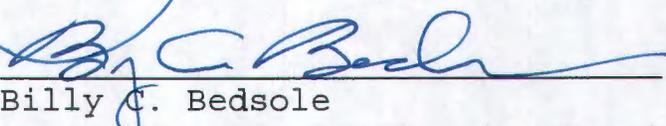
VI, §157 of the Alabama Constitution to the Alabama Supreme Court from any adjudicative order entered on the Complaint and any sanction based thereon imposed by the Court of the Judiciary.

Done this the 8th day of January, 2016.

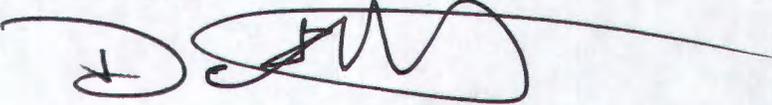
Honorable Marvin Wayne Wiggins
Presiding Circuit Judge, 4th Judicial
Circuit



Joel L. Sogol
Attorney, Judge Wiggins



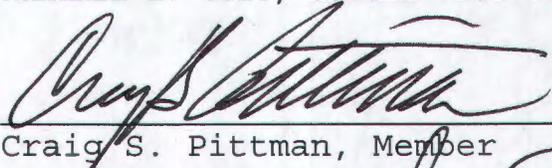
Billy C. Bedsole
Chairman, Judicial Inquiry Commission



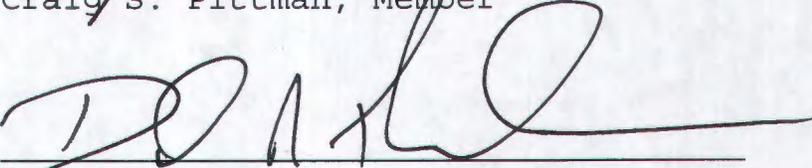
David Scott, First Vice-Chairman



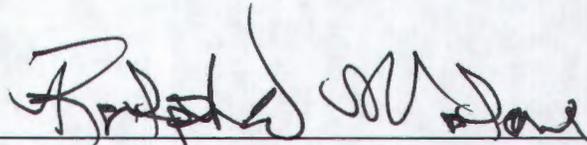
Randall L. Cole, Second Vice Chairman



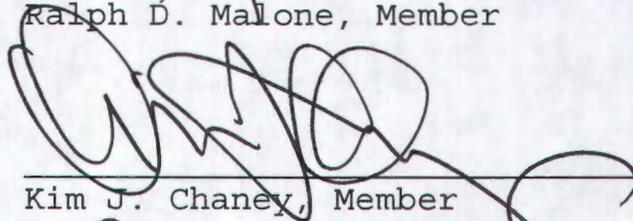
Craig S. Pittman, Member



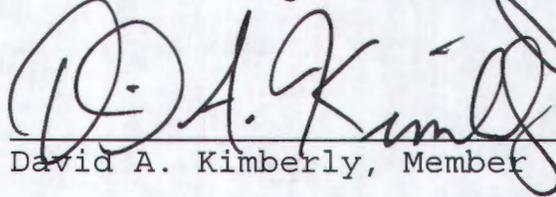
Dr. David R. Thrasher, Member



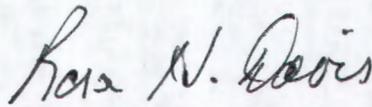
Ralph D. Malone, Member



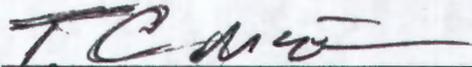
Kim J. Chaney, Member



David A. Kimberly, Member



Rosa H. Davis
Attorney for the Commission



Cameron McEwen
Attorney for the Commission

Circuit Judge Marvin Wiggins
JIC Complaint No. 16-006
Court of the Judiciary No. 45

COSTS

Appearance Free for Court Reporter

December 10, 2015	\$150.00
December 11, 2015	<u>\$150.00</u>
Total	\$300.00

Transcript Fees

Mr. George McDonald	\$ 63.00
Mr. Carl Crocker	<u>\$143.50</u>
Total	\$206.50

Documents served on Judge Wiggins
347 pages @ \$0.15 per page

\$ 52.05

Postage

November 5, 2015	\$ 9.87
December 2, 2015	6.96
December 2, 2015	6.74
December 9, 2015	6.96
December 17, 2015	<u>12.20</u>
Total	\$ 42.73

Travel expenses

\$181.70

TOTAL: \$782.98