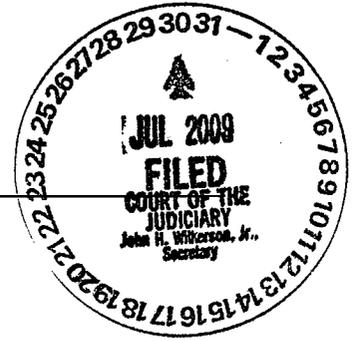


COURT OF THE JUDICIARY CASE NO. 37



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IN THE MATTER OF:  
MARVIN W. WIGGINS, CIRCUIT JUDGE  
FOURTH JUDICIAL CIRCUIT OF ALABAMA

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PUBLIC REPRIMAND

Marvin W. Wiggins, Judge of the Fourth Judicial Circuit, is hereby publicly reprimanded by the Court of the Judiciary of Alabama for violating the Canons of Judicial Ethics by failing to recuse himself from a proceeding arising out of a voter fraud investigation.

Wiggins's case was decided by the Court of Judiciary, a nine-member, constitutionally created judicial body that is only "convened to hear complaints filed by the Judicial Inquiry Commission" pertaining to alleged violations by judges of the Canons of Judicial Ethics as adopted by the Supreme Court of Alabama.

Based on the facts as stipulated by Judge Wiggins and the Judicial Inquiry Commission, the Court of the Judiciary made the following findings:

Judge Wiggins, at the request of the Attorney General, convened a grand jury to investigate voter fraud in Hale County, Alabama.

Pursuant to the investigation, the Attorney General's Office issued a subpoena and a Hale County District Court judge issued a search warrant. Judge Wiggins granted a motion to quash the subpoena and the search warrant, although the motion had not been duly assigned to him and without giving the Attorney General an opportunity to be heard on that motion.

The Attorney General thereafter filed a motion asking Judge Wiggins to recuse himself from proceedings involving the voter-fraud investigation.

Although the subpoena and the search warrant Judge Wiggins quashed did not directly involve Judge Wiggins's relatives, he knew that his sister, Gay Nell Tinker, his brother-in-law, Bobby Singleton, and his first cousin, Carrie Reaves, were among those who were being investigated in the voter-fraud case.

Judge Wiggins knew that as the absentee-voter election manager, his sister, Gay Nell Tinker, was likely to be a material witness in the investigation and prosecution of the voter-fraud investigation out of which the subpoena and search warrant were issued. Judge Wiggins nevertheless failed or refused to recuse himself until 29 days after being ordered to

do so by the Alabama Court of Criminal Appeals.

The failure of Judge Wiggins to recuse himself from proceedings in which his close relatives were the subject of investigation constitutes a serious breach of the Canons of Judicial Ethics and an intentional act of misconduct. The Canons of Judicial Ethics are not merely aspirational guidelines for proper judicial conduct; they are binding on all judges by the oath taken upon assuming office, and violations of the Canons of Judicial Ethics can serve as basis for disciplinary actions.

Public confidence in the integrity of our judicial system requires that the decisions of our courts not be influenced by private loyalties. The impartiality of the judiciary is a right of the citizens, not a private right of judges. The public must be able to trust that our judges will dispense justice fairly and impartially. Judge Wiggins, by his actions, disregarded that trust.

On the basis of the stipulated evidence, the Court of the Judiciary found Judge Marvin W. Wiggins guilty of violating Canons 1, 2, 2.A., 2.C., 3.C.(a), and 3.C.(1)(a), and 3.C.(d)(ii) of the Canons of Judicial Ethics, as had been alleged in the complaint.

The court also found that Judge Wiggins's conduct was without reasonable excuse or justification and publicly reprimanded and censured him for his conduct. Judge Wiggins also was suspended, without pay, from serving as a circuit judge for 90 days. However, because Judge Wiggins has been disqualified from serving, with pay, since May 4, 2009, the date the complaint was filed with the Court of the Judiciary, that court further ordered that he be reinstated to service as of Monday, August 3, 2009. Judge Wiggins must serve without pay for 90 days beginning August 3, 2009, after which he will be restored to full pay.

Done this 30th day of July 2009.