

BEFORE THE COURT OF THE JUDICIARY
OF
ALABAMA

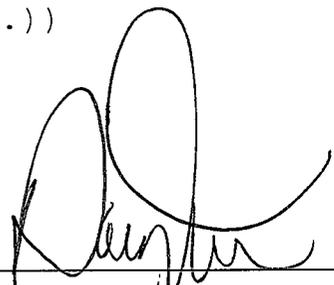
In the Matter of MARVIN W.)
WIGGINS, Circuit Judge of) Court of the Judiciary
The Fourth Judicial) Case No. 37
Circuit of Alabama)

AMENDMENT TO STIPULATION OF EVIDENCE TO BE PRESENTED BY THE
ALABAMA JUDICIAL INQUIRY COMMISSION

Come now the Judicial Inquiry Commission and Marvin W. Wiggins, Circuit Judge of the Fourth Judicial Circuit of Alabama, by and through their undersigned counsel, and hereby stipulate that the Commission will prove by clear and convincing evidence the following additional facts. (The parties further stipulate that the documents referenced in said proof are authenticate and admissible in the trial of this matter.)

30. Judge Wiggins requested an informal opinion and later a formal opinion from the Judicial Inquiry Commission seeking advice regarding the Office of the Attorney General's motion to recuse, and was informed on both occasions that once the motion was filed, recusal became a

legal issue about which the Commission could not offer an advisory opinion. (Judge Wiggins made his first request on November 2, 2007, after the attorney general's office filed its first mandamus petition in the Alabama Court of Criminal Appeals. His second request was by letter dated December 7, 2007, seven days after the attorney general's office filed its second mandamus petition. (See Exhibits 26, 27, and 28.))



DOUG JONES
Counsel, ALABAMA JUDICIAL
INQUIRY COMMISSION

DONE this 29th day of July, 2009.



LEWIS GILLIS
Counsel, RESPONDENT

EXHIBIT 26



Circuit Court Judge
Fourth Judicial Circuit

Honorable Marvin W. Wiggins

Hale County Courthouse Room 52

1001 Main Street

Greensboro, Alabama 36744



Annetta R. Constant - Judicial Assistant
Mia Jacobs-Turner - Official Court Reporter

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December 5, 2007

Hon. Randall L. Cole, Chairman
Judicial Inquiry Commission
P. O. Box 303400
Montgomery, AL 36130-3400

RE: Milliarstine Coleman v. Troy King, Attorney General
CV-07-74

Dear Judge Cole:

This letter is to follow-up my initial request with Ms. Jenny Garrett and ask for a formal opinion regarding the above-styled matter.

On September 18, 2007, I was presented a petition styled "Motion to Quash" in a matter that had come before the District Court of Hale County on a search warrant to compel Ms. Milliarstine Coleman to appear on a certain date to obtain a handwriting exemplar. I granted the motion and scheduled the matter for a **HEARING** on my next available docket in Hale County on **OCTOBER 10TH, 2007**. On September 19, 2007, I signed a formal Order to this effect. On October 3, 2007 the Attorney General's Office filed pleadings which included a "Motion to Recuse."

On October 10th, 2007, the hearing was held on the Motion to Recuse. At the hearing, the Attorney General's Office argued that Ms. Coleman's alleged signature on an absentee ballot is connected to me by my sister, Mrs. Gay Nell Singleton, who was the Circuit Clerk and Absentee Election Manager because she (Mrs. Singleton) would have processed the ballot. Further, they argued this case centered around a voter fraud investigation which involves Mrs. Singleton and her husband and my brother-in-law, Senator Bobby Singleton. In a colloquy with me at the hearing, counsel for the Attorney General's Office stated there was nothing Senator Singleton or Mrs. Singleton had done in Ms. Coleman's case. They had not witnessed the ballot or signed anyone's

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signatures on it. Additionally, it was stated that my cousin, Mrs. Carrie Reaves had signed a warrant on an Agent George Barrows involving an attempt to question her about signatures on some ballots.

At the conclusion of the hearing, I granted Ms. Coleman's counsel request to amend his pleadings and reset the matter for the next available docket in Hale County on **NOVEMBER 13, 2007**. On **OCTOBER 12, 2007**, the Attorney General's Office filed a pleading styled "Motion for Ruling and Notice of Intent to Seek a Writ of Mandamus."

The Writ of Mandamus was filed on November 1, 2007. On November 7, 2007, a STAY was issued on the proceedings by the Alabama Court of Criminal Appeals. On November 16, 2007, the Mandamus was **DISMISSED WITHOUT PREJUDICE**. On November 30, 2007, the Attorney General filed a second Petition for Writ of Mandamus.

However, I have attached a copy of the following documents to further assist you with this inquiry.

- A. Petition for Mandamus
- B. Answer and Response to the Petition for Mandamus
- C. Second Petition for Mandamus

This is not an attempt to delay any proceedings, any investigation or any possible prosecutions. I am aware of the prohibitions in Canon 3(c). Based on the facts before me, however, I was unable to establish the nexus in Ms. Coleman's case and any possible rulings to my sister, brother-in-law, cousin or any other restriction within the canons. Therefore, I request your assistance and guidance in determining the need for me to recuse myself from Ms. Coleman's case.

With the Utmost Respect,



Marvin W. Wiggins

MWW/arc

EXHIBIT 27



Circuit Court Judge
Fourth Judicial Circuit

Honorable Marvin W. Wiggins

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December 19, 2007

FAX (334) 353-4043
Hon. Randall L. Cole, Chairman
Judicial Inquiry Commission
P. O. Box 303400
Montgomery, AL 36130-3400

RE: *Millustine Coleman v. Troy King*, Attorney General
CV-07-74

Dear Judge Cole:

Enclosed please find a copy of the Order issued by the Alabama Court of Criminal Appeals in the above-styled matter. Per my request on **DECEMBER 5, 2007** and in light of this Order, please consider expediting a decision on the issue.

With the Utmost Respect,

Marvin W. Wiggins

MWW/arc

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EXHIBIT 28



Judicial Inquiry Commission

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December 19, 2007

CERTIFIED MAIL

Personal & Confidential

The Hon. Marvin Wiggins
Circuit Judge
County Courthouse, Room 52
1001 Main Street
Greensboro, AL 36744

Dear Judge Wiggins:

The Commission has reviewed and considered your opinion request in your letter dated December 5, 2007. Under the Rules of Procedure of the Judicial Inquiry Commission adopted by the Alabama Supreme Court, the Commission may issue opinions as to whether "certain specified action contemplated or proposed to be taken by [the judge requesting the opinion] may constitute a violation of the canons of judicial ethics."

The question you now pose involves legal and factual issues, now pending in a petition for a writ of mandamus before the Alabama Court of Criminal Appeals. Given this circumstance, the Commission has voted not to provide an opinion on the matter. The Commission regrets that it is unable to assist you.

Very truly yours,

JUDICIAL INQUIRY COMMISSION

Randall L. Cole
Chairman

REC'D DEC 20 2007