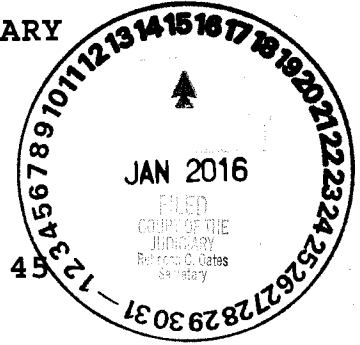


IN THE ALABAMA COURT OF THE JUDICIARY



In the Matter of:

MARVIN WAYNE WIGGINS,
Circuit Judge
Fourth Judicial Circuit

Case No. 45

COMPLAINT

The Judicial Inquiry Commission of the State of Alabama files this Complaint against Judge Marvin Wayne Wiggins, Circuit Judge for the Fourth Judicial Circuit, Alabama. The Commission alleges and charges as follows:

I.

Nature of the Charges

1. Marvin Wayne Wiggins is a Circuit Judge for the Fourth Judicial Circuit of Alabama. The Fourth Judicial Circuit is composed of Bibb, Dallas, Hale, Perry, and Wilcox Counties. Judge Wiggins is one of three circuit judges in the Fourth Judicial Circuit.¹ Judge Wiggins has served in this position since January 19, 1999, following his election in 1998.

¹ The other two circuit judges for the Fourth Judicial Circuit are Judge Jack Meigs and Judge Collins Pettaway, Jr.

2. The present Complaint is based upon Judge Wiggins' violations of the Alabama Canons of Judicial Ethics by his conduct on September 17, 2015, during a "pay-due" docket conducted in Perry County.

3. More specifically, Judge Wiggins, while sitting on the bench and clothed in his judicial robe, violated the Alabama Canons of Judicial Ethics by threatening to incarcerate defendants who had "no money" to pay their court-ordered financial assessments² unless they "donated" blood.³

II.

The Facts

4. On September 17, 2015, a substantial number of criminal defendants appeared at the Perry County Courthouse in Marion, Alabama, for a previously scheduled "pay-due" docket held by Judge Wiggins in an effort to recover the

² The term "court-ordered financial assessment" includes fees, fines, restitution, court costs, attorney fees, and any other financial obligation imposed upon a criminal defendant by a court of law.

³ "The Canons are not merely guidelines for proper judicial conduct. It is well-settled that the Canons of Judicial Ethics have the force and effect of law." *Matter of Sheffield*, 465 So. 2d 350, 355 (Ala. 1984).

court-ordered costs, fees, fines, and restitution which had previously been imposed on criminal defendants.

5. Notice of the hearing was sent to each criminal defendant on the September 17, 2015 docket. It did not include any warning of incarceration or statement that the defendant/recipient was entitled to or would need an attorney. Rather, it stated, "ATTYS ARE NOT REQUIRED TO BE PRESENT AT THE PAYDUE DOCKETS."

6. During the "pay-due" docket hearing on September 17, 2015, Judge Wiggins, while on the bench and wearing his judicial robe, addressed those in the courtroom and publically stated either the following exact words or words substantially identical thereto:

For your consideration, there's a blood drive outside and if you do not have any money and you don't want to go to jail, as an option to pay it, you can give blood today. If you do not have any money, go out there and give blood and bring in a receipt indicating that you gave blood. Consider that as a discount rather than putting you in jail, if you do not have any money. So, if you do not have any money and you don't want to go to jail, consider giving blood today and bring your receipt back or the sheriff has enough handcuffs for those who do not have money.

This statement was audio recorded by one of the defendants.

7. A LifeSouth mobile blood bank was located outside the Perry County Courthouse on September 17, 2015.

8. Approximately 54 individuals registered to donate blood that day. Forty-seven individuals actually donated. All but six of the 47 blood donations were made by defendants on Judge Wiggins' docket.

9. Judge Wiggins' conduct regarding the incarceration of criminal defendants and his conduct in threatening to incarcerate those defendants who did not have "any money" unless they gave blood were so coercive as to be reprehensible and inexcusable.

III.

Charge 1

(Canon 1)

10. By instructing criminal defendants, who owed court-ordered financial assessments and who did not have "any money," to either donate blood or go to jail, under the circumstances described in Paragraphs 1 through 9 of this Complaint, Judge Wiggins violated Canon 1, which provides:

A judge should uphold the integrity and independence of the judiciary.

Charge 2

(Canon 1)

11. By instructing criminal defendants, who owed court-ordered financial assessments and who did not have "any money," to either donate blood or go to jail, under the circumstances described in Paragraphs 1 through 9 of this Complaint, Judge Wiggins violated Canon 1, which provides:

A judge should participate in establishing, maintaining, and enforcing, and should himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved.

Charge 3

(Canon 2)

12. By instructing criminal defendants, who owed court-ordered financial assessments and who did not have "any money," to either donate blood or go to jail, under the circumstances described in Paragraphs 1 through 9 of this Complaint, Judge Wiggins violated Canon 2, which provides:

A judge should avoid impropriety and the appearance of impropriety in all his activities.

Charge 4

(Canon 2A)

13. By instructing criminal defendants, who owed court-ordered financial assessments and who did not have "any money," to either donate blood or go to jail, under the circumstances described in Paragraphs 1 through 9 of this Complaint, Judge Wiggins violated Canon 2A, which provides:

A judge . . . should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Charge 5

(Canon 2B)

14. By instructing criminal defendants, who owed court-ordered financial assessments and who did not have "any money," to either donate blood or go to jail, under the circumstances described in Paragraphs 1 through 9 of this Complaint, Judge Wiggins violated Canon 2B, which provides:

A judge . . . should avoid conduct prejudicial to the administration of justice which brings the judicial office into disrepute.

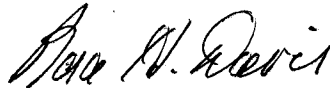
Done this the 8th day of January, 2016.

BY ORDER OF THE COMMISSION


THE JUDICIAL INQUIRY COMMISSION



Billy G. Bedsole, Chairman



Rosa H. Davis
Attorney for the Commission



Cameron McEwen
Attorney for the Commission