

IN THE ALABAMA COURT OF THE JUDICIARY

IN THE MATTER OF:

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MARVIN W. WIGGINS
CIRCUIT JUDGE
FOURTH JUDICIAL CIRCUIT

Case No. 51



FINAL JUDGMENT

On May 17, 2019, the Alabama Judicial Inquiry Commission ("the Commission") filed a complaint with the Alabama Court of the Judiciary charging Marvin W. Wiggins with violating the Canons of Judicial Ethics in his capacity as a Circuit Judge of the Fourth Judicial Circuit. The complaint charges Judge Wiggins with 13 charges of violations of the Canons of Judicial Ethics.

A public trial was conducted on the record before the Court of the Judiciary on November 18, 2019. The Judicial Inquiry Commission presented testimony from one witness, attorney Terinna Moon, and submitted exhibits. Judge Wiggins submitted exhibits, but no testimony. Under the Rules of the Court of the Judiciary as established by the Alabama Supreme Court, the Judicial Inquiry Commission must prove a charge by clear and convincing evidence. The Rules also provide that "[w]ith respect to all matters other than removal from office, the Court shall convict only with the concurrence of no fewer

than six of its nine members."

After considering the testimony of the witness and the exhibits submitted by the parties, the Court finds as follows:

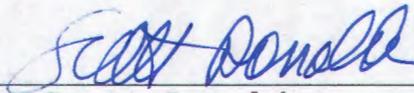
Charges 1, 2, 3, and 4 - Canon of Judicial Ethics 3A(4) provides that "[a] judge should ... , except as authorized by law, neither initiate nor consider ex parte communications concerning a pending ... proceeding." The Court of the Judiciary acknowledges that there are circumstances in which emergencies exist where, as recognized in the Canon, an ex parte communication could be "authorized by law." Six members of the Court find, under the facts presented, there is clear and convincing evidence that Judge Wiggins violated Canon 3A(4) in charges 1, 2, 3 and 4.

Charges 5, 6, 7, 8, 9, 10, 11, 12, 13 - The Court of the Judiciary does not find by a vote of at least six members that charges 5, 6, 7, 8, 9, 10, 11, 12, and 13 were proven by clear and convincing evidence; therefore, the Court of the Judiciary does not convict on those specific charges.

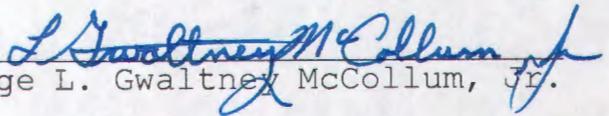
Based on the adjudication of charges 1-4, the Court of the Judiciary hereby reprimands Judge Wiggins for violating Canon 3A(4) and admonishes Judge Wiggins to refrain from engaging in improper ex parte communication. The Court notes

in mitigation that Judge Wiggins has been suspended since the filing of this complaint and has attended judicial ethics training since the Judicial Inquiry Commission proceedings were commenced.

The costs of the court reporter fees for the trial on November 18, 2019 are taxed to Judge Wiggins. All other costs are taxed as paid. Done and Ordered by the Alabama Court of the Judiciary this the 18th day of November, 2019.



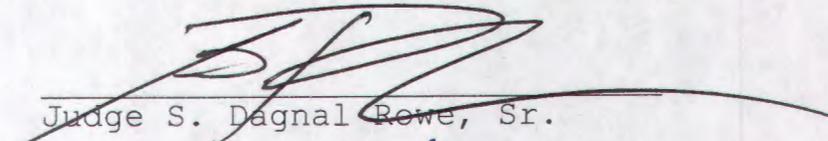
Judge Scott Donaldson,
Chief Judge



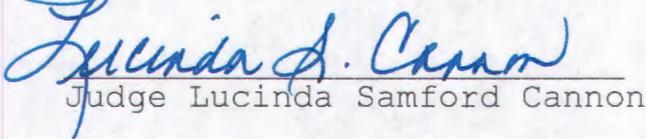
Judge L. Gwaltney McCollum, Jr.



Judge Jeffrey T. Brock



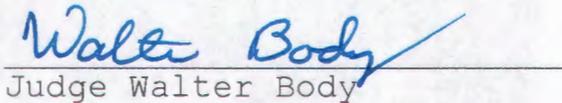
Judge S. Dagnal Rowe, Sr.



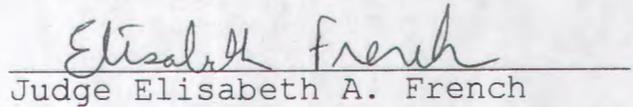
Judge Lucinda Samford Cannon



Judge W. N. Watson



Judge Walter Body



Judge Elisabeth A. French



Judge Brian P. Howell