

IN THE ALABAMA COURT OF THE JUDICIARY



In the Matter of:)
)
MARVIN W. WIGGINS,) Case No. 51
Circuit Judge)
4th Judicial Circuit)

MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

COMES NOW the Alabama Judicial Inquiry Commission ("Commission"), via the undersigned attorneys, William A. Gunter, V, Elizabeth C. Bern, and Rosa H. Davis, and respectfully moves this Honorable Court, pursuant to Rule 15, Ala. R. Civ. P., for leave to file an Amended Complaint, a copy of which is attached. The Amended Complaint maintains all charges in the original complaint and adds additional charges. In support thereof, the Commission states as follows:

1. On May 17, 2019, the Commission filed a Complaint against Judge Marvin W. Wiggins in the Court of the Judiciary giving rise to the instant action.
2. On June 18, 2019, Judge Wiggins filed an answer.
3. The parties have conducted discovery over the past months. Given the significant factual developments over the past two months, the Commission asserts there is good cause

for amending the original complaint, and it is in the interest of justice and judicial economy.

4. The additional cases and instances of unethical conduct by Judge Wiggins included in the Amended Complaint that the Commission seeks to include have only recently been investigated, and thus could not be presented to the Commission until the October 18, 2019 meeting.

5. The additional allegations all concern a pattern and practice of ex parte communications and a claim of judicial misconduct in the office.

6. The interests of justice will best be served by having all allegations, and support of those allegations, before the Court in the proposed Amended Complaint, including the charge concerning Judge Wiggins's violation of interim suspension.

Wherefore, the Commission respectfully requests this Honorable Court enter an Order granting this Motion for Leave to file an Amended Complaint, as hereto attached.

Respectfully submitted this 24th day of October, 2019.

/s/ William A. Gunter
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/s/ Elizabeth C. Bern
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/s/ Rosa H. Davis
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CERTIFICATE OF SERVICE

I certify that, on this the 24th day of October, 2019, a copy of the foregoing has been filed electronically with the Court of the Judiciary and a copy of the same has been served on attorneys for the Respondent, through electronic mail and/or regular U.S. mail to:

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