



IN THE ALABAMA COURT OF THE JUDICIARY

In the Matter of: )
MARVIN W. WIGGINS, ) Case No. 54
Circuit Judge )
4th Judicial Circuit )

JUDICIAL INQUIRY COMMISSION'S MOTION TO SEAL
COMPLAINT FILED IN COJ 54 UNTIL
ANNOUNCEMENT OF JUDGMENT IN COJ 51

COMES NOW the Alabama Judicial Inquiry Commission ("Commission") and files the attached Complaint against Circuit Judge Marvin W. Wiggins in the office of the Secretary of this Honorable Court of Judiciary, thereby commencing formal proceedings pursuant to Rule 3, Ala. R. Proc. Ct. Jud.1

In addition, the Commission, via the undersigned attorneys, William A. Gunter, V, and Elizabeth C. Bern, hereby moves this Honorable Court to seal this Complaint, only until the Court's announcement of judgment in COJ Case Number 51. In support thereof, the Commission states the following:

1. The Commission acknowledges the public has a vital interest in the filing of a charge in the Court of the Judiciary. In fact, the Alabama Constitution reflects that

1 The allegations compiling this Complaint are the same allegations submitted in the Amended Complaint filed in COJ Case Number 51. This Honorable Court denied the Commission's motion to file the Amended Complaint on November 6, 2019.

the public filing of a charge is essential to the citizens' confidence in this state's judicial-disciplinary system, i.e., it is a right of the people. See Art. VI, sec. 156(b) ("All proceedings of the commission shall be confidential except the filing of a complaint with the Court of the Judiciary."); Art. VI, sec. 157(a) (requiring "notice and public hearing" for the Court of the Judiciary to exercise its authority).

2. COJ Case Number 51 against Judge Wiggins is set for trial November 18-20, 2019.

3. To avoid any potential or perceived bias to Judge Wiggins, the Commission requests that the Complaint for COJ Case Number 54 be sealed only until the judgment of COJ Case Number 51 is announced.

WHEREFORE, premises considered, the Commission moves this Honorable Court to seal this Complaint in COJ Case Number 54 until judgment is announced in COJ 51.

Respectfully submitted this 15th day of November, 2019.

/s/ William A. Gunter

William A. Gunter

/s/ Elizabeth C. Bern

Elizabeth C. Bern

/s/ Rosa H. Davis

Rosa H. Davis

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**CERTIFICATE OF SERVICE**

I certify that, on this the 15th day of November, 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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