

IN THE ALABAMA COURT OF THE JUDICIARY

FILED

OCT 29 2021

COURT OF THE JUDICIARY
Rebecca C. Oates
Secretary

IN THE MATTER OF

*

JOHN RANDALL "RANDY" JINKS
PROBATE JUDGE
TALLADEGA COUNTY

*

*

*

*

CASE NO. 57

FINAL JUDGMENT

Judge John Randall "Randy" Jinks was elected probate judge of Talladega County in 2018. He began serving in that capacity in January 2019. On March 3, 2021, the Judicial Inquiry Commission ("the Commission") filed a complaint against Judge Jinks with the Alabama Court of the Judiciary, charging him with violating the Alabama Canons of Judicial Ethics. On April 28, 2021, Judge Jinks answered the Commission's complaint.

On September 29, 2021, all nine members of this Court, pursuant to its authority under Alabama Const. 1901, Art. VI, § 157, convened to hear the Commission's complaint against Judge Jinks and began a public trial on the record. On October 1, 2021, this Court recessed Judge Jinks's trial until October 27, 2021. On October 27, 2021, all nine members of this Court reconvened to continue Judge Jinks's trial.

During the trial, the Commission presented testimony from 18 witnesses and submitted several exhibits for this Court’s review. Judge Jinks, who was represented by counsel, presented testimony from 9 witnesses, and, like the Commission, submitted several exhibits for this Court’s consideration. The Commission called one rebuttal witness. At the close of the trial, this Court met to consider whether the Commission had proved its allegations “by clear and convincing evidence.” Rule 10, R.P. Ala. Ct. Jud.

Although the clear-and-convincing-evidence standard is not defined in this Court’s rules, this Court has previously defined the clear-and-convincing-evidence standard as follows:

“[e]vidence that, when weighed against evidence in opposition, will produce in the mind of the trier of fact a firm conviction as to each essential element of the claim and a high probability as to the correctness of the conclusion. Proof by clear and convincing evidence requires a level of proof greater than a preponderance of the evidence or the substantial weight of the evidence, but less than beyond a reasonable doubt.”

In re Moore, COJ 46 (Ala. COJ 2016) (internal citation and quotation omitted). See also Alabama State Bar v. Giardini, 321 So. 3d 594 (Ala. 2020). With this standard in mind, this Court has examined the evidence

presented at trial and the Commission's charges against Judge Jinks.

This Court finds as follows:

Facts

In January 2019, Judge Jinks took office as probate judge in Talladega County. During Judge Jinks's tenure as probate judge, the employees in the Talladega County Probate Office included, among others, Chief Clerk Lawana Patterson, Deputy Chief Clerk Tess Daniel, Jessica Gaither, Darrius Pearson, Althia White, Charlotte Baker, Brandie Martin, Lisa Townsend, Susan Smith, Elaine Griffith, Juanita English, and Michael Waller.¹

While Judge Jinks was serving as probate judge, Smith, Townsend, Baker, and Waller did not have any significant concerns with his behavior in the probate office or his behavior toward any of the employees in the probate office. They did not see Judge Jinks act in any way that

¹ The Talladega County Probate Office had two locations within the county: Talladega and Sylacauga. The above-listed employees all worked in the office located in Talladega. The Sylacauga location consisted of one employee, Senior Probate Clerk Becky Hagan. Hagan did not testify at Judge Jinks's trial. At some point, Susan Smith moved to the Sylacauga office.

they deemed inappropriate.² They gave credible testimony regarding possible bias and a fight for control by some employees against Judge Jinks. There was also credible testimony about county employees taking actions such as changing the locks on the Probate courtroom, which was shared by other agencies, without notifying Judge Jinks. A review of the record indicates that this would appear to be a violation of the Talladega County Commission's Personnel Policies and Procedures Manual ("the policy manual") requirement that the "Probate Judge" be allowed "24/7 access" to the courthouse. In conflict with testimony presented on behalf of Judge Jinks, other employees in the office took issue with Judge Jinks's treatment of women, what they regarded as racist behavior, his use of inappropriate language, and his behavior while in the office.

To start, those employees testified regarding numerous statements by Judge Jinks that they considered to be racist. There was testimony about a conversation that Judge Jinks had with an attorney in his office in front of a probate office employee in which Judge Jinks asked the attorney about an acronym for a racial epithet involving "the N word,"

²Waller began working in the probate office in December 2020, after the Commission's investigation into Judge Jinks began.

and the attorney stopped Judge Jinks from explaining by telling him, “Whoa, I don’t think we need to go there or you need to go there.” During a time of racial unrest and protests over police violence against African-Americans, an employee also recorded Judge Jinks repeating a meme in his office, that “y’all got to quit burning shit down, before I -- y’all, you sons of bitches are going to need something to burn down after Trump gets re-elected for a second term, sons of bitches.”³ Another example of racist comments included Judge Jinks’s statement to the only African-American employee in the Probate Court, who had recently purchased a new car, that: “I seen that car. I can’t even -- I’m the judge and I can’t even afford a Mercedes. What you doing, selling drugs?” This conduct was admitted by Judge Jinks and proven by the Commission. The witnesses for the Commission also testified regarding additional racist remarks by Judge Jinks.

³Judge Jinks questioned the propriety of an employee recording him in his office and at least one witness testified that they did not believe that such actions violated the county’s policies and procedures. This Court has reviewed the policy manual and does not find a rule that prohibits such actions. But even if the recording was prohibited under the policy manual, it would not affect the admissibility of the recording in this Court.

While serving as probate judge, Judge Jinks sought to help Rebecca Tanner get an early release from a criminal sentence imposed on her in Shelby County. To do so, Judge Jinks called Assistant District Attorney Vonda Felton and left her a message to call him back to talk about Tanner. When Felton returned Judge Jinks's phone call, Judge Jinks told her that he was a Judge in Talladega County seeking to get Tanner an early release from her criminal sentence, that he was trying to help her get straightened out, and that he had a job for her at the probate office. Felton told Judge Jinks that she did not think it would be lawful for Tanner to be released early because she was serving the minimum possible sentence under the sentencing guidelines. Felton did not speak with Judge Jinks after that conversation, but she did talk to an attorney who contacted her on behalf of Judge Jinks and Tanner.

Judge Jinks also enlisted the help of attorneys who practiced before him to secure Tanner's early release from her criminal sentence. Judge Jinks first asked Matthew West to speak with Tanner about her criminal case in Shelby County. After speaking with Tanner, West told Judge Jinks and Tanner that he would not be able to help her. Judge Jinks then sought help from attorney Robert Echols.

To help Tanner, Echols visited Shelby County District Judge Daniel Crowson about getting her an early release. Judge Crowson told Echols that Echols needed to speak with Felton, but Felton did not agree to Tanner's release at that time. A few months later, Echols returned to discuss Tanner with Judge Crowson. Judge Crowson testified that they may have called Judge Jinks about him wanting to hire Tanner in the Talladega County Probate Office upon her release from custody. Echols later filed a motion for Tanner's early release. Judge Crowson felt it was inappropriate for a Judge to "sponsor" a "convict" for release and that Judge Jinks was improperly using his office to assist Tanner. Felton testified that she eventually did not object to Tanner's release. Although there was testimony that an order by Governor Kay Ivey facilitating the release of inmates during the COVID-19 pandemic was a factor in Tanner being released a month early, Felton testified that Judge Jinks's involvement could have also been a factor in her decision not to object to Tanner's release.

Althia White and other witnesses for the Commission testified regarding Judge Jinks's inappropriate comments about sexual acts and sexist comments about women. White also testified that Judge Jinks

asked her to fax a letter that Judge Jinks had drafted on his Probate Office letterhead (see Commission’s Exhibit 28), which attempted to secure a buyer for an insurance policy owned by one of Judge Jinks’s friends. White questioned whether this letter was appropriate and gave the letter to Lawana Patterson to fax when White was unable to work the fax machine. Judge Jinks admitted that writing the letter on his Probate Court letterhead was improper, but he argued that his error was well intentioned.

Charges Alleged in the Commission’s Complaint

The Commission’s complaint alleges the following charges against Judge Jinks:

Count No. 1: “On numerous occasions, by engaging in and/or displaying the inappropriate demeanor alleged in Paragraphs 3 through 86 [of the complaint], separately and severally, i.e., around staff, attorneys, and others, engaging in and displaying racially insensitive demeanor, sexually inappropriate demeanor, other inappropriate demeanor about women, inappropriate expression of anger, use of and allowance of profanity, and/or other conduct unbecoming the judicial office, Judge Jinks violated one or more of the following Alabama Canons of Judicial Ethics [Canons 1, 2, 2.A., 2.B., 2.C., 3.A.(3)].”

Count No. 2: “On numerous occasions, by inappropriately using and/or allowing someone to inappropriately use the work-assigned, password-protected computer and/or the county’s password-protected cellular

telephone assigned to Judge Jinks, as alleged in Paragraphs 14 and 99 through 108 [in the complaint], separately and severally, i.e., to view an online-sales website for adult sex items and clothing, receive and/or send an offensive text with an image of a mother nursing her infant, view and/or save sexually provocative images of women, save multiple images of himself posing in a swimsuit, view a dating website for mature singles and a list of top dating websites, view at a loud volume an uncensored video with profanity and racial slurs, and/or permit a newly-released convicted felon to possess, use, and/or save 'all kinds' of images on the county's password-protected cellular telephone for several days, Judge Jinks violated one or more of the following Alabama Canons of Judicial Ethics ... [Canons 1, 2, 2.A., 2.B.]”

Count No. 3: “By engaging in conduct alleged in Paragraphs 109 through 124 and 125 [in the complaint], separately and severally, i.e., seeking the prosecutor’s approval to the early release of Ms. [Rebecca Tanner] from her criminal sentence, requesting attorneys who practice before him to help Ms. [Rebecca Tanner], allowing his relationship with Attorney Echols to influence his judicial conduct or judgment or give the appearance thereof, conveying and/or permitting Attorney Echols to convey the impression that he is in a special position to influence him or give the appearance thereof, and/or using court letterhead and his judicial title to seek financial help for a friend, Judge Jinks has violated one or more of the following Alabama Canons of Judicial Ethics ... [Canons 1, 2, 2.A., 2.B., 2.C., 5.C.(4)].”

Findings and Conclusion

Based on the evidence and admissions by Judge Jinks presented at Judge Jinks’s public trial, this Court finds as follows:

As to the allegations in Count No. 1 of the Commission's complaint, this Court unanimously finds that the Commission proved by clear and convincing evidence that Judge Jinks violated Canons 1, 2.A,⁴ 2.B, and 3.A.(3) by displaying racist conduct when he asked an attorney -- in the presence of a probate office employee -- if he knew about an acronym for a racial epithet involving the "N word," when he asked Darrius Pearson if he was a drug dealer when Pearson purchased a new vehicle, when he was recorded in the workplace saying, "Y'all got to quit burning shit down" because "you will need something to burn down after Trump gets elected to a second term, sons of bitches," and when he engaged in other conduct. Although at least one comment alleged as improper in the complaint, in which Judge Jinks allegedly asked Pearson if he had been marching during a Black Lives Matter protest during the workday, was arguably a question that could be asked by a supervisor such as Judge Jinks pursuant to the policy manual, the other listed comments and some

⁴In its complaint, the Commission alleges that Judge Jinks violated "Canon 2" as well as Cannon 2.A, 2.B., and 2.C. This Court does not view "Canon 2" as a stand-alone canon. What the Commission lists as "Canon 2" is regarded by this Court as a general heading for the three subparts of Cannon 2 (2.A, 2.B, and 2.C); therefore, this Court will only address the alleged violations of 2.A, 2.B, and 2.C.

unlisted comments were completely inappropriate. Although the complaint alleges “racially insensitive demeanor,” this Court is of the opinion that Judge Jinks’s conduct rose above racial insensitivity.

This Court also unanimously finds that the Commission proved by clear and convincing evidence that Judge Jinks violated Canons 1, 2.A, 2.B, and 3.A.(3) by displaying a sexually inappropriate demeanor. Although this Court does not find that the Commission proved all of its allegations of sexually inappropriate demeanor, this Court finds that Judge Jinks did display sexually inappropriate conduct when, for example, he showed a subordinate a sexually explicit video in the workplace.

As to the allegations in Count No. 2 of the complaint, this Court finds that the Commission failed to prove by clear and convincing evidence that Judge Jinks violated Canons 1, 2.A, and 2.B.

As to the allegations in Count No. 3 of the complaint, this Court unanimously finds that the Commission proved by clear and convincing evidence that Judge Jinks violated Canons 1, 2.A, 2.B, and 2.C by seeking an Assistant District Attorney’s approval of the early release of Tanner from her criminal sentence, by requesting attorneys who practice before

him to help Tanner secure an early release from her criminal sentence, and by using court letterhead and his judicial title to seek financial help for a friend.

This Court, however, finds that the Commission failed to prove by clear and convincing evidence that Judge Jinks allowed his relationship with Attorney Robert Echols to influence his judicial conduct or to give the appearance thereof. The Commission also failed to prove that Judge Jinks conveyed and/or permitted Echols to convey the impression that he was in a special position to influence him or give the appearance thereof. Thus, this Court finds that Judge Jinks did not violate Canon 5.C.(4).

Accordingly, this Court finds that Judge Jinks violated

- Canon 1, by failing to uphold the integrity and independence of the judiciary;
- Canon 2.A., by failing to conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary;
- Canon 2.B., by failing to, at all times, maintain the decorum and temperance befitting his office and by failing to avoid conduct prejudicial to the administration of justice which brings the judicial office into disrepute;
- Canon 2.C., by allowing relationships to influence his judicial conduct, by lending the prestige of his office to advance the private interests of others; and


- Canon 3.A.(3), by failing to be patient, dignified, and courteous to lawyers, and others with whom he deals in his official capacity; and

Based on these violations, this Court has unanimously concluded that Judge Jinks be sanctioned as follows:

1. Judge Jinks is hereby removed from the office of probate judge of Talladega County.

2. Judge Jinks is also taxed with the costs of this proceeding.

ORDERED this 29th day of October, 2021.



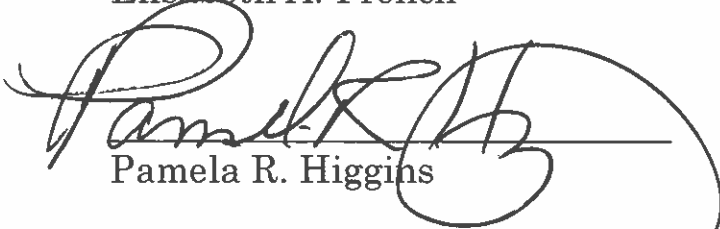
J. William Cole
Chief Judge



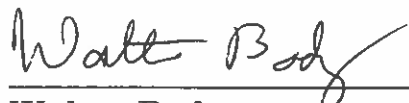
Elisabeth A. French



J. Clark Stankoski



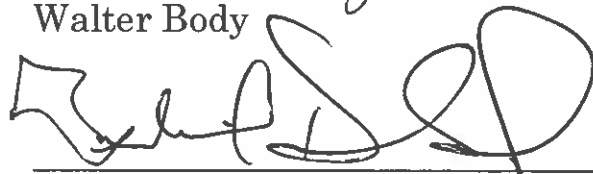
Pamela R. Higgins



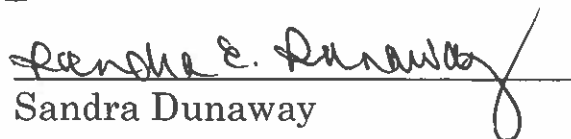
Walter Body



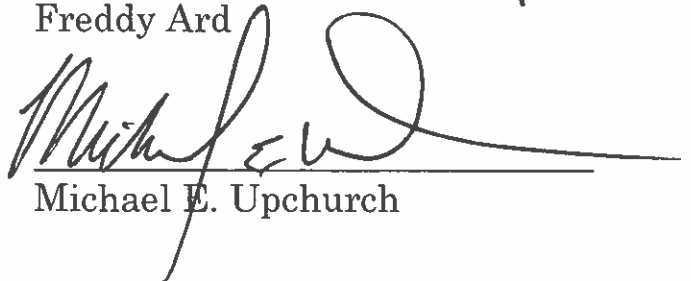
Jana Russell Garner



Freddy Ard



Sandra Dunaway



Michael E. Upchurch