

IN THE ALABAMA COURT OF THE JUDICIARY

IN THE MATTER OF:)
)
NAKITA BLOCTON)
CIRCUIT JUDGE,)
BIRMINGHAM DIVISION)
DOMESTIC RELATIONS DIVISION)
JEFFERSON COUNTY, AL)

CASE NO. 60

FILED

JAN 10 2022

ALABAMA COURT OF THE JUDICIARY
Nathan P. Wilson
Secretary

**MOTION FOR RECONSIDERATION AND MOTION
TO ALTER, AMEND OR VACATE JUDGMENT**

Comes now the Respondent to this proceeding, identified above as Nakita Blocton, Circuit Judge, Jefferson County, Alabama, and files with the Court of the Judiciary this her "Motion for Reconsideration and Motion to Alter, Amend or Vacate Judgment."

For and as grounds therefore, Respondent respectfully asserts the following:

1. The exacting standard of proof required in this proceeding, being that of proof by clear and concurrence evidence, was not satisfied and, respectfully, the Court's various findings of fact, separately and severally, and the Court's eight findings of violation of various of the Alabama Canons of Judicial Ethics, separately and severally, are therefore in error. In this regard, the Court erred in overruling Judge Blocton's Motion for Judgment as a Matter of Law.

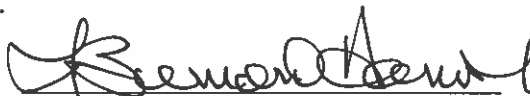
2. The finding that Judge Blocton engaged in "a pattern and practice of making inappropriate comments," thereby violating certain aspects of certain of the Canons, was in error because the communications in question were not publicly "published" but, rather, were made to confidential office staff under circumstances of supposedly private, personal communications. Judge Blocton's First Amendment rights of free speech are violated if such limited private conversations, intended by her to be totally confidential and non-public, can form the basis for a violation of a Canon of Judicial Ethics.

3. The finding that "Judge Blocton used several Facebook aliases to communicate with litigants in a pending domestic-relations case in an effort to affect the outcome of the case," is not based on clear and convincing evidence. The three Facebook aliases referenced during the hearing were Jennifer Foster, Linda Schneider and Camellia Williams. Investigator Jude Washington met with Judge Blocton on August 26, 2020 (see Investigator Washington's report of that visit, introduced as Judge Blocton's Exhibit 50). Counsel for the Judicial Inquiry Commission ("JIC"), made much of the fact that Investigator Washington testified at the hearing that he'd accessed the Foster Facebook account "prior to" going to visit Judge Blocton to warn her of the potential threat Angelik Sims posed to her, that he referenced to Judge Blocton Ms. Sim's claim that Judge Blocton had used the Foster account, and that shortly after that visit, he'd accessed that account again but it was no longer an active account. But the investigations of that timing argued by counsel for JIC completely undercut by the fact that the emailed report of FBI agent Scott

Cockrum to Mr. Washington which had led to Mr. Washington's visit to Judge Blocton, advised that Mr. Cockrum had determined that the account had been created back in 2013, four years before Judge Blocton took office. Although Cockrum's report to Washington was not entered as an exhibit per se, it was before the Chief Judge for consideration as a de facto exhibit. Counsel for JIC acknowledged to the Chief Judge that the report stated that the Jennifer Foster Facebook account "had been up for - since 2013" and that he "didn't see any evidence supporting it belonged to Blocton." (Day 3 Trial Transcript, p. 233) Moreover, the Chief Judge advised counsel that he "probably should at least look at a copy of Scott Cockran's [sic] report." (Id., p. 238-39) Thus, the essence of agent Cockrum's findings – that the Jennifer Foster Facebook account dated back to 2013, was before the Chief Judge for consideration.

JIC also argued that a Linda Schneider Facebook account had become the Camellia Williams account and that Judge Blocton had sent Mr. Sims various Facebook messages masquerading as Camellia Williams. Again, however, the timing connection JIC relies on was undermined by the fact that the Camellia Williams Facebook page had been established in October of 2012, five years before Judge Blocton took office and it, in turn, was simply a successor to a Linda Schneider account. (JIC Exhibit 2)

Done this 10th day of January, 2022.

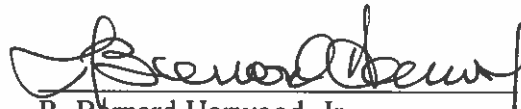


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CERTIFICATE OF SERVICE

I do hereby certify that on January 10, 2022, I served by email the foregoing Motion for Reconsideration and Motion to Alter, Amend or Vacate Judgment filed with the Clerk of the Court of Civil Appeals in his role as Secretary of the Court of the Judiciary, on the following counsel:

R. Ashby Pate
Jack Sharman
Amber Hall
Elizabeth Bern
Bob MacKenzie
Averie Armstead
Emory Anthony, Jr.


R. Bernard Harwood, Jr.