

IN THE ALABAMA COURT OF THE JUDICIARY

FILED

FEB 11 2022

IN THE MATTER OF:

*
*
*
*
*

ALABAMA COURT OF THE JUDICIARY
Nathan P. Wilson
Secretary

NAKITA BLOCTON
CIRCUIT JUDGE
JEFFERSON COUNTY, AL

CASE NO. 60

ORDER

On February 3, 2022, a virtual hearing was held on Judge Blocton’s Motion for Reconsideration and Motion to Alter, Amend or Vacate Judgment. Bernard Harwood Jr. appeared on behalf of Judge Blocton and Ashby Pate appeared on behalf of the Judicial Inquiry Commission (“the Commission”). The undersigned participated in the virtual hearing from a courtroom in the Heflin-Torbert Judicial Building and the courtroom was open to the public.

The Commission asserts that this Court should deny Judge Blocton’s motion because, according to the Commission, the Court does not have jurisdiction to reconsider its judgment. The Commission emphasizes that Rule 16, Rules of Procedure of the Alabama Court of the Judiciary, states, in part, that “[t]he decision of the Court shall be final, subject to appeal rights contained in § 157, Ala. Const. 1901 (Off. Recomp.).” Both parties addressed this jurisdictional issue at the hearing held on February 3rd. It does not appear that the Supreme Court of Alabama has addressed this issue. Even if this Court did have jurisdiction to rule on Judge Blocton’s Motion for Reconsideration and Motion to Alter, Amend or Vacate Judgment, the undersigned is of the opinion that Judge Blocton is not entitled to relief. This order will address the merits of Judge Blocton’s motion without making a determination regarding the finality of a Final Judgment of the Court of the Judiciary.

Judge Blocton asserts that this Court's finding that she engaged in "a pattern and practice of making inappropriate comments" was in error because that finding relied upon testimony of confidential communications. She asserts that the use of this testimony violates her First Amendment right to free speech. This argument is without merit. It does not appear that Judge Blocton objected during trial to testimony from her former employee based upon First Amendment grounds, and the use of the testimony in question does not violate Judge Blocton's constitutional rights nor did it violate any applicable evidentiary rules. This evidence was properly admitted for the trier of fact's consideration.

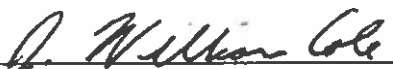
Judge Blocton also disputes the finding of the Court of Judiciary that she "used several Facebook aliases to communicate with litigants in a pending domestic-relations case in an effort to affect the outcome of the case." Judge Blocton's argument relies primarily upon an email by Agent Scott Cockrum that was properly excluded from the trier of fact's consideration. Said email was not authenticated and it included assertions and conclusions by an individual that was not present to testify at trial and could not be cross-examined by the Commission. This evidence was inadmissible and should not be considered as grounds to question the factual determinations of the trier of fact.

Judge Blocton also argues that the Commission's Exhibit # 2 shows that the Camellia Williams Facebook account was created in 2012; therefore, Judge Blocton concludes that the Commission was incorrect in arguing that the "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." (Judge Blocton's motion, p. 2.) Although Judge Blocton may be correct in arguing that there was conflicting evidence during her trial, there is conflicting evidence in almost every trial. Questions of fact are for the trier of fact to determine, and there was sufficient evidence presented at trial to support the Court of the Judiciary's unanimous finding that there was clear and convincing evidence that Judge Blocton violated the Alabama Canons of Judicial Ethics as outlined in the Court's Final

Order. This includes, but is not limited to, the finding that she used Facebook aliases to communicate with litigants in pending cases.

Based on the foregoing, Judge Blocton's Motion for Reconsideration and Motion to Alter, Amend or Vacate Judgment is DENIED.

ORDERED this the 11th day of February, 2022.



J. William Cole
Chief Judge
Alabama Court of the Judiciary