

BEFORE THE COURT OF THE JUDICIARY
OF
ALABAMA



IN THE MATTER OF MARVIN
W. WIGGINS, Circuit Judge of
The Fourth Judicial Circuit
of Alabama

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COURT OF THE JUDICIARY
CASE NO.: 37

ORAL ARGUMENT REQUESTED
BEFORE ALL MEMBERS

MOTION FOR RECONSIDERATION

COMES NOW Judge Marvin W. Wiggins by and through counsel and moves the Court of the Judiciary of Alabama to reconsider its order rejecting the joint motion to resolve charges presented to the court by the joint action of the Judiciary Inquiry Commission and Judge Marvin W. Wiggins, as follows:

1. The complaint before the Court of the Judiciary of Alabama ("COJ") was filed by the Judicial Inquiry Commission ("JIC"). JIC thoroughly and completely investigated the facts of this case and outlined the same in its complaint. JIC received testimony, interviewed witnesses and examined numerous documents in arriving at the set of facts presented to COJ.

2. Pursuant to Rule 10 of the Rules of Procedure of the Judicial Inquiry Commission, Judge Wiggins requested the whole commission to conduct a hearing to discuss the charges and/or conduct of Judge Wiggins and attempt to resolve the charge or investigation on terms to be presented by joint motion/resolution to the Court of the Judiciary. After extended and lengthy mediation, JIC and Judge Wiggins arrived at a joint resolution to resolve the charges outlined in JIC's complaint.

3. Great deference should be accorded JIC's written resolution, in part, because of its acquired knowledge of the salient facts; and because of its effort to

mitigate the legitimate interests of parties concerned, including the fact of Judge Wiggins' brief tenure as a sitting circuit court judge.

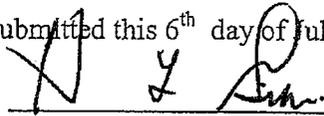
4. The facts of the complaint are exactly as stated. Whether or not the facts equate to an intentional violation of the Canons is at issue.

5. Having been served with the complaint in this case, Judge Wiggins has not been able to act as a judge and will not so act until these matters have been resolved. It is no small matter that charges have been filed against him. It is significant that he is off the bench. And it is equally significant that these proceedings and prior proceedings have been reported in the newspapers before and after the complaint was filed. Consequently, JIC's proposed resolution, taking into consideration prior cases coming before it, is the appropriate resolution considering the punishment Judge Wiggins has sustained and that which he continues to suffer even today.

6. It is in the best interest of justice and in the best interest of fostering alternate dispute resolutions if COJ accepts the joint resolution submitted by the JIC and Judge Wiggins.

WHEREFORE, PREMISES CONSIDERED, Judge Wiggins prays that COJ will reconsider its order rejecting the joint resolution and thereafter adopt and/or accept JIC's proposed resolution and grant such others and further relief, premises considered.

Respectfully submitted this 6th day of July, 2009.



H. LEWIS GILLIS

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following
by placing a copy of same in the United States mail, postage prepaid and properly
addressed this the 6th of July, 2009.

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BEFORE ALL MEMBERS**



OF COUNSEL