



COURT OF THE JUDICIARY CASE NO. 45

IN THE MATTER OF MARVIN WAYNE WIGGINS
Circuit Judge of the Fourth Judicial Circuit

CENSURE

Marvin Wayne Wiggins, Circuit Judge of the Fourth Judicial Circuit, is hereby censured by the Court of the Judiciary of Alabama for violating the Canons of Judicial Ethics by instructing criminal defendants who owed court-ordered financial assessments and who did not have "any money" to either donate blood or go to jail.

This cause came before the Court of the Judiciary on January 21, 2016, in a public hearing held on a joint motion to resolve the charges filed by the Judicial Inquiry Commission ("the Commission") and Judge Wiggins.

Based upon the representations made by Judge Wiggins and the Commission in the joint motion to resolve the charges and made in the January 21, 2016, hearing before this Court, the Court adopts the facts as set out in this Court's final judgment and hereby issues the following censure:

1. By instructing criminal defendants who owed court-ordered financial assessments and who did not have "any money" to either donate blood or go to jail, Judge Wiggins violated

Canon 1, which provides: "A judge should uphold the integrity and independence of the judiciary."

2. By instructing criminal defendants who owed court-ordered financial assessments and who did not have "any money" to either donate blood or go to jail, Judge Wiggins violated Canon 1, which provides: "A judge should participate in establishing, maintaining, and enforcing, and should himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved."

3. By instructing criminal defendants who owed court-ordered financial assessments and who did not have "any money" to either donate blood or go to jail, Judge Wiggins violated Canon 2, which provides: "A judge should avoid impropriety and the appearance of impropriety in all his activities."

4. By instructing criminal defendants who owed court-ordered financial assessments and who did not have "any money" to either donate blood or go to jail, Judge Wiggins violated Canon 2A, which provides: "A judge should conduct himself at all times in a manner that promotes public confidence in the ... integrity and impartiality of the judiciary."

5. By instructing criminal defendants who owed court-ordered financial assessments and who did not have "any money"

to either donate blood or go to jail, Judge Wiggins violated Canon 2B, which provides: "A judge ... should avoid conduct prejudicial to the administration of justice which brings the judicial office into disrepute."

This Court regards Judge Wiggins's conduct under these circumstances as violations of the Canons of Judicial Ethics. This Court, in arriving at the decision to issue a public censure of Judge Wiggins rather than a more serious sanction, considered that Judge Wiggins, when confronted with his misconduct, admitted the same and its wrongfulness and has before this Court acknowledged such misconduct.

In addition to this censure, the Court further orders that Judge Wiggins be taxed costs in the proceeding.