

Hale voter fraud trial under way

Former clerk faces 13 felony charges

By Jason Morton Staff Writer

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GREENSBORO | The prosecution and defense will give their opening statements today in the voter fraud trial of former Hale County Circuit Clerk Gay Nell Singleton.

The trial began Monday at the Hale County Courthouse with the selection of the jury.

A jury pool of more than 100 people assembled in the courtroom at the courthouse that dates back to 1907, and prosecutors and defense attorneys distributed a lengthy questionnaire to help pare down the group to 12 jurors plus alternates.

Retired Fifth Judicial Circuit Judge Howard Bryan has been appointed to oversee the trial taking place in the state's Fourth Judicial Circuit. Hale County Circuit Court Judge Marvin Wiggins, Singleton's brother, was previously reprimanded by the Court of the Judiciary for not stepping aside from the voter fraud investigation targeting his relatives.

Singleton, who was indicted under the name Gay Nell Tinker, is married to state Sen. Bobby Singleton, D-Greensboro,

though the couple is separated.

Gay Nell Singleton was arrested in 2008 and faces 13 felony charges, including accusations of forging absentee ballots, stemming from a voter fraud investigation led by the state Attorney General's office. She was freed on \$13,000 bail and has pleaded not guilty.

Prosecutors say she committed the voter fraud offenses during her term as Hale County Circuit Clerk from January 2001 to December 2007.

Gay Nell Singleton was indicted seven months after a Hale County grand jury indicted Valada Paige-Banks, 45, and Rosie Lyles, 68, in August 2007.

Paige-Banks and Lyles were charged with second-degree possession of a forged instrument — an absentee voter affidavit — with the knowledge that it was forged, and four additional counts of promoting illegal absentee voting.

Lyles, 69, pleaded guilty to third-degree criminal possession of a forged instrument, a misdemeanor, on Aug. 31, 2009, and received a 12-month suspended sentence. Paige-Banks, 47, pleaded guilty to the same charge about two weeks later and received a similar sentence.

It was unclear Monday whether Lyles or Paige-Banks will testify in Gay Nell Singleton's trial.

Court proceedings resume today at 9 a.m.

The pending charges against Singleton did not prevent outgoing Greensboro Mayor Johnnie B. Washington from appointing her as the city magistrate in March 2009. According to the Alabama Administrative Office of Courts, the charges do not preclude her from serving as magistrate. But a staff attorney for the office has said that, should Singleton be found guilty of the charges, she would have to relinquish the position, which includes such duties as issuing arrest warrants, granting bail in minor misdemeanor prosecutions, accepting guilty pleas in minor misdemeanors

and the accountability to the municipal court for all traffic tickets and receipt of monetary fines.

Magistrates also can conduct arraignments and set trial dates (with the municipal judge's approval) and dismiss certain charges, such as violations of driving without a license and failing to maintain mandatory liability insurance.

Bryan was appointed to hear the case after Wiggins was found to have violated state judicial ethics.

Wiggins was reprimanded by the Court of the Judiciary and ordered to forfeit 90 days pay after he refused to promptly step aside from the case once being ordered to by the Alabama Court of Criminal Appeals. The attorney general's office had sought his recusal after he quashed a subpoena during its voter fraud investigation, which began in December 2006. The probe included the investigation of Gay Nell Singleton and two other relatives of Wiggins: Bobby Singleton, who was Wiggins' brother-in-law at the time; and Wiggins' cousin, Carrie Reaves.

The attorney general's investigation focused on absentee ballots from two elections, including Bobby Singleton's election to the Alabama Senate in 2004 and another legislative election in 2005. Gay Nell Singleton was absentee ballot manager for those elections.

Reaves and the state senator were not indicted.

The attorney general's office asked Wiggins to step aside in October 2007, but he refused. Almost 19 months later, in May 2009, the state's Judicial Inquiry Commission accused him of violating seven of the Alabama Canons of Judicial Ethics. He was suspended with pay for three months while his case was adjudicated.

The Court of the Judiciary issued the reprimand in July 2009.

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