

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the Matter of:

STEPHEN RAY WIGGINTON,

Attorney-Respondent,

No. 6200459.

Commission No. 2021PR00097

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Peter L. Rotskoff, pursuant to Supreme Court Rules 753 and 761, complains of Respondent, Stephen Ray Wigginton ("Respondent"), who was licensed to practice law in Illinois on May 12, 1989, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Driving under the influence of alcohol – May 2017)

1. At approximately 9:00 p.m. on May 23, 2017, Respondent lost control of his vehicle on U.S. Route 40 in Troy, Illinois, and travelled approximately 100 yards off the road before crashing into and damaging a fence. Respondent was able to drive his damaged vehicle out of a ditch and back onto the road where he left the scene of the accident.

2. A short time later, Respondent was stopped by police on Meadowbrook Street in Troy. Officers notice that Respondent's speech was slurred, and they smelled a strong odor of alcohol coming from Respondent's breath. Respondent's vehicle was damaged, and a headlight was missing. Respondent refused a breath alcohol test and was subsequently placed under arrest.

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3. On May 24, 2017, the Madison County State's Attorney's Office charged Respondent with Driving Under the Influence of Alcohol ("DUI") in violation of 625 ILCS 5/11-501(a)(2), and three traffic offenses: leaving the scene of an accident, failure to reduce speed to avoid a crash, and improper vehicle lighting. The case was docketed as 2017DT348, et. al.

4. On June 7, 2017, the court in case 2017DT348 appointed a special prosecutor.

5. On July 11, 2017, Respondent pled guilty to the DUI as charged in case 2017DT348 and the special prosecutor dismissed the remaining traffic charges. The court sentenced Respondent to 12 months court supervision and a fine of \$1,500. In addition, the court ordered Respondent to attend a victim impact panel presentation and submit to an alcohol evaluation and treatment if recommended.

6. On October 13, 2017, the court released Respondent from court supervision after finding that Respondent satisfied all the conditions set out in the court's order of July 11, 2017.

7. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. committing a criminal act that reflects adversely on his honesty, trustworthiness or fitness in other respects by conduct including committing the offense of driving under the influence of alcohol in violation of 625 ILCS 5/11-501(a)(2), and in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Driving under the influence of alcohol – December 2018)

8. The Administrator re-alleges and incorporates the allegations set forth in paragraphs one through six of Count I, above.

9. At approximately 9:40 p.m. on December 31, 2018, police observed Respondent swerving across traffic lanes near the intersection of Plummer Drive and Commerce Drive in

Edwardsville, Illinois. After Respondent was stopped, police noted a strong odor of alcohol on Respondent's breath. Police also indicated that Respondent provided inconsistent answers to questions asked of him. Respondent was administered a field sobriety test which he did not pass. After Respondent refused a breath alcohol test, he was subsequently arrested.

10. On January 2, 2019, the Madison County State's Attorney's Office charged Respondent with Driving Under the Influence of Alcohol in violation of 625 ILCS 5/11-501(a)(2) and a traffic offense of improper lane usage. The case was docketed as 2019DT2, et. al.

11. On January 11, 2019, the court in case 2019DT2 appointed a special prosecutor.

12. On November 2, 2020, the court in case 2019DT2 dismissed all charges as part of a plea agreement in a subsequent Madison County DUI case, 2019DT886, as set forth in Count III *infra*.

13. By reason of the conduct described above, Respondent has engaged on the following misconduct:

- a. committing a criminal act that reflects adversely on his honesty, trustworthiness or fitness in other respects by conduct including committing the offense of driving under the influence of alcohol in violation of 625 ILCS 5/11-501(a)(2), and in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

COUNT III

(Driving under the influence of alcohol – December 2019)

14. The Administrator re-alleges and incorporates paragraphs one through six of Count I and paragraphs one through 12 of Count II, above.

15. On December 26, 2019, at approximately 4:00 p.m., Respondent's vehicle collided with another vehicle at the intersection of Route 157 and Club Centre Court. After the collision, Respondent then drove his vehicle to a nearby restaurant. When police arrived at the restaurant to

question Respondent, they observed that Respondent was unsteady on his feet, had bloodshot eyes and a strong odor of alcohol on his breath. Officers attempted to administer three field sobriety tests which Respondent either did not pass or was unable to complete. Respondent agreed to submit to a portable breath alcohol test which showed a breath alcohol content of .23, above the legal limit of .08. Respondent was then placed under arrest.

16. On December 27, 2019, the Madison County State's Attorney's Office charged Respondent with Driving Under the Influence of Alcohol, in violation of 625 ILCS 5/11-501(a)(2), and two other traffic offenses: failing to reduce speed to avoid a crash, and operating an uninsured vehicle, 2019DT886, et. al.

17. On January 14, 2020, the court appointed a special prosecutor in case 2019DT886.

18. On November 2, 2020, Respondent plead guilty to one misdemeanor count of Driving Under the Influence of Alcohol in case 2019DT886 and the other traffic charges in case 2019DT2 were dismissed. The court sentenced Respondent to 24 months' probation, 160 hours of public service, and a \$2,800 fine. The court also ordered Respondent to comply with any treatment plan ordered by the probation department and attend a victim impact panel presentation.

19. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. committing a criminal act that reflects adversely on his honesty, trustworthiness or fitness in other respects by conduct including committing the offense of driving under the influence of alcohol in violation of 625 ILCS 5/11-501(a)(2), and in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator respectfully requests that this matter be assigned to the panel of the Hearing Board, that a hearing be held, and that the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Peter L. Rotskoff
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