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# Former Alabama judge indicted on inmate sex charges

- Story Highlights
- Ex-Judge Herman Thomas posts bond after grand jury indicts him on 57 counts
- Thomas' attorney questions alleged victims' credibility: "None of this is new"
- Judge's legal counsel says charges are "racism at its very finest"
- Alleged offenses include "paddling and/or whipping" on inmates' buttocks

By Ashley Broughton  
CNN

**(CNN)** -- A former south Alabama judge is accused of checking male inmates out of jail and forcing them to engage in sexual activity including paddling, according to officials and court documents.

Former Mobile County Circuit Judge Herman Thomas was arrested Friday after a grand jury returned the indictments against him. He was released on \$287,500 bond later Friday.

The indictments total 57 counts, and the charges range from ethics violations to kidnapping, extortion, sex abuse and sodomy. If convicted on the most serious charge -- kidnapping, a Class A felony -- Thomas faces a prison sentence of 10 to 99 years in prison, Mobile County District Attorney John Tyson Jr. said Monday.

But Thomas' attorney, Robert Clark, said Friday the accusations against the former judge amount to "a high-tech lynching."

"Did you ever think of the fact that this is the only black circuit judge we've ever had in [Mobile](#) County and that the right-wing Republicans have gotten rid of him?" Clark said at a news conference, portions of which were posted on the Web sites of CNN affiliates WKRG-TV in and WALA-TV.

"This is [racism](#) at its very finest."

Thomas was arrested during that news conference; footage shows police walking up to Thomas, tapping him on the shoulder and leading him into the adjacent jail building without handcuffing him. Later Friday, Clark was threatened with arrest after refusing to leave Tyson's news conference, according to CNN affiliate reports.

"The South hasn't changed all that much," Clark, described by the Mobile Press-Register as "a longtime and flamboyant fixture of the Mobile defense bar," told CNN on Monday.

He said Thomas denies all the charges, and he questioned the credibility of the alleged victims. "Everybody that's listed in the indictment is either serving life for murder or some other horrible crime." Some have already recanted, Clark said, adding, "None of this is new stuff." He pledged he would "fight till the last dog falls."

Meanwhile, the Alabama State Bar said its disciplinary commission suspended Thomas' law license Monday.

The indictment returned Friday, posted on WKRG's Web site, offers few details of the alleged offenses but makes several references to Thomas forcing people to expose their buttocks "to paddling and/or whipping."

The posted indictment had names of the alleged victims blacked out. But each of the nine alleged victims was in Mobile County Circuit Court on charges ranging from criminal mischief to murder, according to the Press-Register, which cited court records.

One of the inmates, according to the newspaper, went before Thomas on multiple occasions and faced several felony charges. He was sent to prison for a short time, but Thomas ordered him released early, according to the Press-Register. He was sentenced in federal court and later released and has since been accused of murder and attempted murder.

During Thomas' judgeship, he had a storage room furnished like an office near his eighth-floor chamber at Mobile's Government Plaza, the Press-Register said. Several criminal defendants have alleged, in affidavits and in court, that Thomas asked to paddle their buttocks in the room, and some said he suggested sexual encounters there, according to the newspaper.

Thomas resigned from the bench in October 2007 just before being scheduled to stand trial before the Alabama Court of the Judiciary on ethics violations charges. The complaint, dismissed after Thomas' resignation, accuses him of "extrajudiciary personal contact" with some defendants but does not refer to any sexual contact.

Asked about Clark's allegations of racism, Tyson told CNN, "In this case, as in every case, we try to react to the law and facts, and that's all. Anything else is outside our authority. I can assure anybody that's interested that this is not being pursued for some racial agenda."

Thomas' bail carried three conditions, Tyson said -- that the ex-judge have no contact with males under the age of 21, that he have no contact with the complaining witnesses or their families, and that he surrender his passport.

All the Mobile County Circuit judges have recused themselves from Thomas' case -- standard procedure for a case involving another judge, Tyson said. A judge from another county is being brought in to oversee the case. An arraignment date has not been set, Clark said.

But on March 9, another Mobile County Circuit judge barred Thomas from his courtroom. Judge Joseph S. Johnston wrote in an order that during Thomas' tenure on the bench he "used his office to threaten criminal defendants with jail time, penitentiary time and probation revocations if they did not engage in sexual acts with him."

Johnston attached to the order, under seal, a disc "containing the interviews of three criminal defendants who were subjected to the treatment described above," the order said.

Clark appealed to the [Alabama Supreme Court](#), saying Johnson's suspension order "cites allegations and innuendo and rumors." He said Monday the high court hasn't weighed in on the matter.

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