EXHIBIT C

STATE OF MARYLAND

BEFORE THE COMMISSION ON JUDICIAL DISABILITIES

In the Matter of the	*	
Honorable Norman R. Stone, III, Associate Judge, Baltimore County District Court of Maryland	*	Case No. CJD 2012-014
	*	
Respondent		

STIPULATION OF FACTS AND CONCLUSIONS OF LAW

On October 22, 2012, the Commission on Judicial Disabilities authorized formal Charges against Judge Norman R. Stone, III in the above-captioned case. After meeting with the Commission, Judge Stone, acting through his counsel, informed the Commission that Judge Stone wished to stipulate to the following facts in this case and the conclusions of law:

I. STIPULATION OF FACTS.

A. Judge Norman R. Stone, III serves as a Judge of the District Court of Maryland for Baltimore County, District 8.

B Judge Stone has served as a District Court Judge for Baltimore County, Maryland since December 1998.

C. Judge Stone regularly sits in the District Court of Maryland for Baltimore County in Essex, Maryland.

D. Based upon information received, the Commission's Investigative Counsel opened an investigation regarding Judge Stone's conduct while sitting in the District Court in Essex, Maryland between May 26, 2011 and February 2, 2012. The investigation was focused on cases in which Judge Stone

made findings that individuals were in direct contempt of court.

E. Between May 26, 2011 and February 2, 2012, Judge Stone found twenty-four (24) people in direct contempt of court because it was alleged that their cell phones were turned "on" in the courtroom. The cell phones being in the "on" position, or being used in some form, allegedly violated Maryland Rule 16-110. Generally, these individuals were offered the option of paying $150.00 before the end of the day, or serving ten (10) days in jail. Judge Stone found three (3) people in direct contempt of court for cell phone violations that allegedly occurred, not in his presence, but rather while the court was in recess.

F. Between May 26, 2011 and February 2, 2012, Judge Stone found four (4) people in direct contempt, without legal due process, for engaging in disruptive behavior by either slamming the courtroom door or engaging in other rude behavior while exiting the courtroom. None of these individuals were present in court for their own cases, but rather, each was a relative of a defendant whose case had just been heard and decided by Judge Stone. The people found in contempt in this group of cases were sentenced to thirty (30) days at the Baltimore County Detention Center by Judge Stone. In one case, the person served approximately fifteen (15) days in jail before being released. In two other cases, individuals posted a $100,000.00 corporate bond to satisfy the bond amount set by Judge Stone. They hired counsel in order to help them resolve the contempt findings.

G. Each of the contempt cases included in this investigation were

transcribed for the Commission. A copy of the transcripts of each of the cases is attached to the charging document ("Charges") and a copy of Charges and attachments are attached to this Stipulation of Facts and Conclusions of Law ("Stipulation") and incorporated herein as Exhibit A.

H. In all of the direct contempt cases reviewed by the Commission in this investigation, Judge Stone failed to comply with the requirements of the law and the Maryland Rules regarding finding of direct contempt and the summary imposition of sanctions.[1]

I. Judge Stone's handling of all of the direct contempt cases that are attached were in violation of Rules 1.1, 1.2 (a) & (b), 2.2, 2.5(a) and 2.6(a)

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[1]The law of direct contempt and summary imposition of sanctions is set forth by the Maryland Court of Appeals and Maryland Rules in Usiak vs. State, 413 Md. 384, 993 A.2d 39, 46 (2010):

> "A court may charge someone with direct contempt if the 'contempt [was] committed in the presence of the judge presiding in court or so near to the judge as to interrupt the court's proceedings.' Md. Rule 15-202(b). A constructive contempt 'means any contempt other than a direct contempt.' Md. Rule 15-202(a).
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> The Rules permit the summary imposition of sanctions for direct contempt if
>
>> (1) the presiding judge has personally seen, heard, or otherwise directly perceived the conduct constituting the contempt and has personal knowledge of the identity of the person committing it, and (2) the contempt has interrupted the order of the court and interfered with the dignified conduct of the court's business.
>
> Maryland Rule 15-203(a). Although permitted by the Rules, a summary proceeding should be an exceptional case. *King*, 400 Md. at 433, 929 A.2d at 177. Summary procedures are appropriate where "the conduct of the alleged contemnor poses an open, serious threat to orderly procedures that instant . . . ." *Id.*

of the Maryland Code of Judicial Conduct as found in Maryland Rule 16-813. The pertinent provisions of the Rules provide:

Rule 1.1. COMPLIANCE WITH THE LAW

A judge shall comply with the law, including this Code of Judicial Conduct.

Rule 1.2. PROMOTING CONFIDENCE IN THE JUDICIARY

(a) A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.

(b) A judge shall avoid conduct that would create in reasonable minds a perception of impropriety.

Rule 2.2. IMPARTIALITY AND FAIRNESS

A judge shall uphold and apply the law and shall perform all duties of judicial office impartially and fairly.

Rule 2.5. COMPETENCE, DILIGENCE, AND COOPERATION

(a) A judge shall perform judicial and administrative duties competently, diligently, promptly, and without favoritism or nepotism.

Rule 2.6. ENSURING THE RIGHT TO BE HEARD

(a) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

J. Judge Stone's behavior with regard to the twenty-eight (28) contempt cases provides evidence of Judge Stone's engaging in conduct that was prejudicial to the proper administration of justice in Maryland Courts pursuant to the Maryland Constitution, Article IV, Section 4B(b)(1).

K. Judge Stone stipulates to the admission of the exhibits that are attached to this Stipulation and incorporated herein. These documents are Exhibit A, a list of the twenty-eight (28) cases that form the basis of these Charges and the transcripts of the relevant portions of the cases listed in Exhibit A.

II. CONCLUSIONS OF LAW.

A. The Commission has both subject matter jurisdiction over the above-entitled case and personal jurisdiction over Judge Stone, all pursuant to Md. Const., Art. 4, Section 4A and 4B and Maryland Rules 16-803 et seq.

B. The Commission is guided by the clear and convincing evidence standard in determining whether a judge has committed sanctionable conduct. (Maryland Rule 16-808(j)) Based upon Judge Stone's admissions as to the specific facts and violations of the Canons of the Maryland Code of Judicial Conduct, as set forth in the Stipulations of Fact and Conclusions of Law, the Commission, by unanimous vote, finds by clear and convincing evidence that Judge Stone has committed sanctionable conduct, as defined by Maryland Rule 16-803(j)(1), by violating the following Rules of the Maryland Code of Judicial Conduct: 1.1, 1.2 (a) & (b), 2.2, 2.5 (a), and 2.6 (a).

CONSENT

Judge Norman R. Stone, III, David B. Irwin, his counsel, and Steven P. Lemmey, Investigative Counsel to the Commission, all consent to the Commission concluding this case based upon this Stipulation of Facts, the Charges, and the Agreement for Discipline by Consent as well as the exhibits attached to this Stipulation.

I, JUDGE NORMAN R. STONE, III, HAVE READ THE TERMS OF THIS STIPULATION OF FACTS AND CONCLUSIONS OF LAW AND CAREFULLY REVIEWED ITS CONTENTS WITH MY COUNSEL. I UNDERSTAND THE STIPULATION AND ACCEPT IT AS FULLY SET FORTH ABOVE.

12-7-12
Date

Judge Norman R. Stone, III

12.7.12
Date

David B. Irwin, Esquire
Counsel to Judge Stone

APPROVED AND RECOMMENDED:

12/7/12
Date

Steven P. Lemmey
Investigative Counsel

ACCEPTED FOR THE COMMISSION BY:

12/10/12
Date

Alexander Wright, Jr., Chair
Commission on Judicial Disabilities