

IN THE MATTER OF: * BEFORE THE MARYLAND
JUDGE ASKEW W. GATEWOOD, JR. * COMMISSION ON
CJD 2007-089 * JUDICIAL DISABILITIES

TO: Judge Askew W. Gatewood, Jr.
Associate Judge, District Court for Baltimore City
District 01

PRIVATE REPRIMAND

TAKE NOTICE that the Maryland Commission on Judicial Disabilities (the "Commission"), through its Investigative Counsel, made and completed an investigation of Judge Askew W. Gatewood, Jr.'s conduct with regard to criminal charges brought against him by the state of Maryland in the Circuit Court for Anne Arundel County, Maryland. Judge Gatewood first appeared before the Circuit Court for Anne Arundel County on charges on February 12, 2008 in State of Maryland v. Askew W. Gatewood, Jr., case #K-2008-000116. Based upon those charges the Commission's Investigative Counsel opened an investigation and followed the progress of the criminal case.

On July 14, 2008, Judge Gatewood was notified of the nature of Investigative Counsel's investigation and was provided an opportunity to respond to the investigation.

As part of the investigation Judge Gatewood met with the Commission's Investigative Counsel, provided written responses, and provided evidence and documentation with regard to the subject matter of the investigation.

In December 2008 Judge Gatewood, his counsel, and the Commission's Investigative Counsel were afforded an opportunity to meet informally with the Judicial Inquiry Board. Investigative Counsel and Judge Gatewood presented information regarding the investigation to the Board. The Board subsequently made a report to the Commission.

In January 2009 the Commission met and discussed the pleadings filed by Investigative Counsel and Judge Gatewood. The Commission also reviewed the report and recommendation of the Judicial Inquiry Board and Investigative Counsel's recommendation. The Commission proposed that the investigation be resolved through the issuance of a Private Reprimand that will be made public, in conjunction with a Stipulation of Facts and Waiver of Hearing. The Commission required that Judge Gatewood consent to both the Private Reprimand and the Stipulation and Waiver being made public as part of the disposition of the case. The Commission having reviewed the Stipulation, as recommended by Investigative Counsel, and as agreed to by Judge Gatewood, hereby incorporates and adopts by reference the attached Stipulation into this

Private Reprimand.

The Commission concludes, based upon clear and convincing evidence, that Judge Askew W. Gatewood, Jr., violated Canons 1, 2(A), and 6 of the Maryland Code of Judicial Conduct, Rule 16-813 of the Maryland Rules. The Commission concludes that Judge Gatewood's entry of a not guilty statement of facts which resulted in his being found guilty of violating Md. Environment Ann. Code Section 16-202(a) provides evidence of a violation of Canons 1, 2(A), and 6 of the Canons of Judicial Conduct, Maryland Rule 16-813.

The Commission intends for this Private Reprimand to serve as a warning that any further such activity by Judge Gatewood may result in charges and further possible discipline. The Commission finds Judge Gatewood's conviction and his being placed on probation by the court justifies this Private Reprimand.

The Commission concludes its investigation with the issuance of this Private Reprimand which is to be made public. The Commission's actions with regard to Judge Gatewood's criminal conviction, are based upon his being found guilty of the single misdemeanor count and being placed on probation. The Commission has no jurisdiction or authority over any other alleged actions or the civil agreements that Judge Gatewood may have reached with the state and

federal authorities.

The Commission's willingness to agree to this disposition was based upon the recommendation of Investigative Counsel and Judge Gatewood's willingness to enter into the attached Stipulation. Based upon the attached Stipulation there was no significant dispute of facts between Investigative Counsel and Judge Gatewood as to his plea and probation in the criminal case.

Investigative Counsel and Judge Gatewood, through counsel, agree that the stipulated facts support a finding of a violation of the Canons of Judicial Conduct. Investigative Counsel and Judge Gatewood agree that the transcript of the hearing of the criminal plea on June 2, 2008 in the Circuit Court for Anne Arundel County provides an evidentiary basis for the Commission to find sanctionable conduct.

The Commission hereby issues this Private Reprimand to Judge Askew W. Gatewood, Jr. for his violation of Canons 1, 2(A), and 6 of the Maryland Code of Judicial Conduct, Rule 16-813. This Private Reprimand is to be announced publicly, pursuant to Maryland Rule 16-810 and Judge Gatewood's consent, and concludes the Commission's case in CJD 2007-089.

Date

Patrick L. Woodward, Chair
Maryland Commission on Judicial Disabilities

Seen and Consented to:

Date

Judge Askew W. Gatewood, Jr.