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Quest for TBI file on ex-judge Richard Baumgartner mired in federal court

By Jamie Satterfield

Posted December 25, 2013 at 5:30 a.m.

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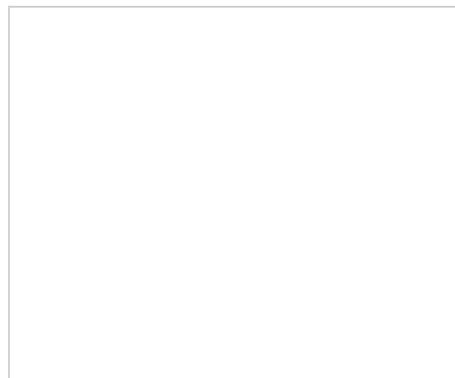


PHOTO BY MICHAEL PATRICK

Michael Patrick/News Sentinel Knox County Criminal Court Judge Richard Baumgartner listens as official misconduct charges are read against him March 10, 2011, in Knox County Criminal Court.

More than three years since the [Tennessee Bureau of Investigation](#) launched a probe of a prominent Knox County judge, the News Sentinel's quest for the investigative file remains in limbo.

This go-round a federal magistrate judge holds the keys to unlocking a file that has been kept secret despite legal battles by both the newspaper and the families of two torture-slating victims to make the TBI investigative file on former Criminal Court



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Judge [Richard Baumgartner](#) public.

The TBI launched a probe of Baumgartner in the fall of 2010 after Darlene Gray, the ex-wife of a felon and accused drug dealer on probation in Baumgartner's court, produced a photograph of the judge's car — complete with a judicial tag — parked in ex-husband Chris Gibson's driveway.

Baumgartner left the bench in January 2011 and, three months later, confessed to buying hundreds of prescription painkillers from Gibson. A federal probe and resulting trial showed the former judge also had been using his mistress, Deena Castleman, a graduate of a Drug Court program he helped found, to get pills. Much of his unsavory conduct occurred as he helmed the high-profile trials of four defendants in the January 2007 slayings of Channon Christian, 21, and Christopher Newsom, 23.

As a result, two of four defendants in the Christian/Newsom case received new trials and other cases also were upended, including that of a convicted child rapist. The newspaper sought the release of the TBI file, which is cloaked in secrecy under an exemption to the state's Public Records Law, via court action but only won the right for the public to view 151 pages of a file that spans thousands of pages.

The parents of Christian and Newsom also filed legal action to make the file available for public viewing, but Senior Judge Walter Kurtz shot down the motion. In the meantime, the newspaper learned the entire file had been entered as an exhibit in Baumgartner's federal trial and sought a copy.

U.S. Magistrate Judge Clifford Shirley, in whose chambers a copy of the file had been kept, then ordered Baumgartner's defense team of Donald A. Bosch and Ann Short, to properly log the TBI file into the federal court's publicly available electronically filing system but allowed them to keep it under seal until they listed proposed redactions.

Bosch and Short have since filed a slew of proposed redactions. However, Shirley allowed those suggestions to be kept under seal so it is not yet clear whether the pair are seeking to simply remove personal identifying information of witnesses from the public file or entire sections of the investigative file itself.

For three months now, Shirley has not ruled on how much of the TBI file should be made public nor has he indicated when he will rule. The newspaper's request for a copy of the document in its entirety remains pending.

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