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Knox County Judge Baumgartner Expected To Go Before Judge

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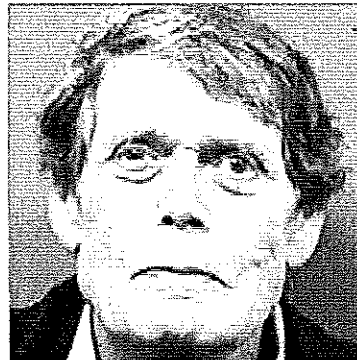
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KNOXVILLE (WATE) - Knox County Criminal Court Judge Richard Baumgartner is expected to face a judge Thursday morning, according to his attorney.

A reliable source within the court systems says Judge Baumgartner is facing a charge of official misconduct. He is expected to resign from the bench on Thursday.

"Judge Baumgartner was processed today (Wednesday) at his own request in anticipation for an agreement that will be entered tomorrow," attorney Don Bosch said Wednesday night in a statement.



Judge Richard Baumgartner (source: Knox County Sheriff's Office)

Judge Baumgartner has been under investigation by the Tennessee Bureau of Investigation. When the investigation was reported in January, the TBI would not disclose the allegations against him.

Al Schmutzer Jr., a retired district attorney general for Sevier, Cocke, Jefferson and Grainger counties, is the special prosecutor on the case.

Judge Baumgartner is expected to seek judicial diversion when he appears in court Thursday for an advisory hearing at 10:00 a.m. before Judge Jon Kerry Blackwood in Criminal Court Division Three.

"Diversion typically means there's an admission of guilt, but no finding of guilt so there's no conviction entered," explained Lincoln Memorial University law professor Chuck MacLean.

"Instead they're diverted out of the judicial system for a period of time while they have to meet certain conditions," MacLean added.

Whether or not that's what happens to Baumgartner, MacLean said it's a sad day for the judicial system.

"It's a very difficult thing for all of us. We rely on trust," MacLean said. "Judges should hold themselves to a higher standard."

A charge of official misconduct is a class E felony. "It allows for misconduct including doing anything as a public servant that provides a benefit to yourself," MacLean said.