IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
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	)	
vs.	)	**Case No: 3:12-CR-60**
	)	**JUDGE GREER**
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	)	
	)	
RICHARD R. BAUMGARTNER	)	

ATTACHMENT 1

Second Harvest
FOOD BANK
OF EAST TENNESSEE

Executive Director
Elaine Streno

136 Harvest Lane
Maryville, TN 37801
865.521.0000
www.secondharvestetn.org

February 28, 2013

Honorable Judge J. Ronnie Greer:

My name is Elaine Streno, and I have been the Executive Director of Second Harvest Food Bank of East Tennessee for the past 20 years. Richard Baumgartner and I participated in the same Leadership Knoxville group in 2004, and I have been friends with him ever since.

During this sentencing process, I'm sure you will learn in great detail of Richard's longtime community involvement before he committed the violations for which he is being sentenced, and I hope that the considerable good he has done will have some bearing in the decisions before you. I especially want you to know the Richard Baumgartner that contributes today.

In the 9 years I have known Richard, he has always been engaged in a number of projects and organizations that have a positive impact in our community; so I wasn't surprised when he came to me in May of 2011, asking if there was anything he could do to help Second Harvest's mission of feeding the hungry. Like others who have known Richard for some time, I could plainly see the toll his mistakes had taken on him, and I was well aware that the man who came to my office that day was at the lowest point of his life. I told him we could use his help.

For the last two years, 3 to 5 days per week, 6 to 8 hours per day, Richard Baumgartner has volunteered with Second Harvest's Food for Kids and Kids Café programs, which provide food to more than 11,000 hungry children each week. He pulls orders in the warehouse for hours on end and helps load and deliver food to more than 200 schools. The work is physically demanding and occurs in all weather conditions, but it has clearly become representative of what I believe is his desire to begin to reclaim the life of service his actions cost him.

You should know that the reliability, humility, and character that my staff and I have seen from Richard every single day he has been here shows his commitment to this community and his tremendous work ethic. He has often been asked to help out on days he was not scheduled to come in to work. In almost every instance, he has done so. In a difficult budget year for the food bank, it is no exaggeration to say that Richard has become an essential part of our child hunger initiatives—he has truly been as important and as reliable as any paid staff person. Moreover, I witnessed Richard win over quite a few initially skeptical staff members, several of whom had very strong feelings about the unintended ramifications of his regrettable actions.

Not only do I believe Richard to be contrite and sincere, but I have seen firsthand his overwhelming desire to use his time to start making a positive mark on his community again. I am certain that leniency in this case will not only benefit Richard and his family, but also people in need—through Second Harvest and beyond. He will, without a doubt, continue to devote his time to helping.

Respectfully,

Elaine Streno

Elaine Streno
Executive Director

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
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vs.	)	**Case No: 3:12-CR-60**
	)	**JUDGE GREER**
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	)	
RICHARD R. BAUMGARTNER	)	

ATTACHMENT 2

MOON CAPITAL MANAGEMENT, LLC

February 26, 2013

Honorable Judge J. Ronnie Greer
United States District Court, Eastern District
James J. Quillen Federal Courthouse
220 W. Depot Street, Suite 405
Greenville, TN 37743

Dear Judge Greer:

Richard Baumgartner and I have been social friends for approximately ten years. We are neighbors in east Knox County. I have also spent time working with various young men who participated in his drug court program.

Many of Richard's friends and other defenders will ask "what good would it do to send him to prison?" Instead, I ask "what good might Richard do if not sent to prison?"

In his current work in the community, including delivering food for Second Harvest Food Bank, Richard serves as an example of humble recovery. I know people who have gained a sense of promise and hope in their own lives after seeing Richard Baumgartner unload a delivery truck.

Richard is a man who, at his own hand, lost so much – yet finds meaning today in serving others.

There are only two ways to learn that hard lesson: through one's own self-destructive behaviors or by the example of someone else. Richard Baumgartner's example of humble service is helping others avoid the mistakes he made.

My friend violated a sacred societal trust for which he should suffer formal societal consequences. However, Richard's example to others – his testimony – would be wasted in jail.

I have been a resident of Knoxville for almost 32 years and am chairman of an investment management firm. I have worked with a variety of community causes including: social services agencies (such as the Mental Health Association and the UT Hospital Pastoral Care department,) cultural organizations (served as the chair of the Knoxville Zoo board, among several others) and governmental service (the City of Knoxville Investment Committee and Treasurer of the Knoxville/Knox County Public Building Authority.)

In all of these experiences I have never seen a more appropriate situation where a person could simultaneously receive a just societal punishment while also serving a greater societal good. There is no greater public service a man can perform than to serve as a positive example of how to deal with massive, self-inflicted adversity.

That won't happen, however, if Richard Baumgartner is incarcerated.

Sincerely,

W. David Moon

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
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vs.	)	**Case No: 3:12-CR-60**
	)	**JUDGE GREER**
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RICHARD R. BAUMGARTNER	)	

ATTACHMENT 3

Boyd Romines
6804 Flint Gap Road~ Knoxville, TN 37914
Phone: 865-546-2664; rominesc901@comcast.net

February 21, 2013

Honorable Judge J. Ronnie Greer
United States District Court, Eastern District
James J. Quillen Federal Courthouse
220 W. Depot Street, Suite 405
Greenville, TN 37743

Dear Judge Greer,

I write to you regarding the sentencing of Mr. Richard Baumgartner.

I met Richard in June 2004 when I joined the American Red Cross as Executive Director of the Knoxville Area Chapter and have continued my relationship with him until now as my role changed to Regional Chief Executive Officer for East Tennessee. Richard served on the Board of Directors of the Knoxville Area Chapter during most of those years.

His sincere interest in the mission and work of the organization was an important resource. He served on the Governance and Nominations Committee during part of his tenure, and through his community network and the respect he holds in the community, was able to bring many other valuable and effective people to our Board. He impacted my life and career personally by nominating me to membership in the Leadership Knoxville class of 2010, an organization in which he was also active. That opportunity has been invaluable for my personal growth, my career, and hopefully, for some positive impact I may have on our community.

By happenstance, he also lives in the same, small, rural community in East Knox County where I reside. The Riverdale/Kodak/French Broad River areas are unique in their beauty and history – and fragility. Richard has also been active in preservation efforts to protect our special piece of the earth-another mark of his character and community impact.

Since the beginning of public knowledge of Richard's legal issues, every single person I have heard express an opinion, who knew him beforehand, has expressed not anger or castigation, but rather empathy and deep regret in his fall. All have expressed sadness that his disease led him toward decisions that deeply damaged the reputation of a man of such lifetime character and contribution to the East Tennessee Community. It is an enduring respect that speaks to his core qualities.

It is not my place or my desire here to address Richard's innocence or guilt in the matters for which he has been convicted. I would like, however, to help put his errors in the context of a lifetime of steady, honest, respected service. We as humans can invest a whole life walking a straight and appropriate

path, and making decisions based on principle, ethics, and morality. Yet, if we make one public mistake, particularly toward the end of our lives, that mistake is all most others tend to remember about us.

For Richard, I hope that is not the case. I would ask, Judge Greer, that your sentencing decisions for Richard Baumgartner acknowledge his value to our community as well as any errors he has made and to balance the two. He has earned that consideration.

The sooner Richard has the opportunity to renew his positive presence in the community, the greater benefit he can be. I am convinced that he is and will continue to be motivated to prove himself again to be the quality individual so many of his professional acquaintances and friends have known for many years. Punishment would accomplish little. He has paid a huge price already on many levels for his errors. Allowing his immediate or early opportunity to serve in a positive role would be to all our benefit.

I truly, respectfully appreciate your time and consideration of my thoughts.

Sincerely,

Boyd Romines

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
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vs.	)	**Case No: 3:12-CR-60**
	)	**JUDGE GREER**
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	)	
	)	
RICHARD R. BAUMGARTNER	)	

ATTACHMENT 4

September 28, 2013

Honorable Judge J. Ronnie Greer
United States District Court, Eastern District
James J. Quillen Federal Courthouse
220 W. Depot Street, Suite 405
Greenville, TN 37743

Dear Judge Greer:

My interest in the punishment for Richard Baumgartner is spurred both by deep personal and professional disappointment and by the sadness related to the tragedies of opioid dependence that I encounter on a daily basis. I have long considered Richard a colleague, having worked as a Forensic Examiner and corrections psychiatrist in Knoxville for the past 30 years. I can speak to the respect with which I considered his advice, his decisions, and, when I served as an expert witness, the scrupulously careful way he communicated with me in order to avoid even an appearance of a conflict of interest. The unexpected deference and respect he showed me in his courtroom was always presented in an objective and professional manner. His genuine curiosity about behavioral issues, mental illnesses and, yes, even substance abuse, inspired me to serve our local courts better and more thoroughly by expanding related services in the community, pursuing ongoing education in mental health law and other interfaces between medicine and the law, and actively advocating for more access to appropriate mental health and substance abuse treatment options and for effective, evidence-based jail diversions for nonviolent offenders whose misadventures were secondary to mental illness and/or substance abuse.

My entire post-residency career has been here in Knoxville, participating in the challenge and joys of public service as a community psychiatrist. As I progressed through a variety of leadership opportunities, I continued to find that Richard's presence in the community was routinely considered important, influential, and clear – valuable and rare qualities for a person whose work inevitably leads to controversy, whose movements and language are closely scrutinized, and whose decisions arise from the murky density of discord. Before the tragic end of his service on the bench, I had never heard a serious criticism of his commitment to just, fair, and transparent procedures, or of his standing in the legal community, or of his reputation among healthcare providers and other professionals as well as other thinking citizens at large.

For all these reasons, my initial disappointment and my lingering sadness were, and are, heightened. Even as I know full well how his humiliating and disastrous behaviors came about, I grieve the loss. I am acutely aware of the inexcusable violations with which he was charged, violations that no apology can erase. As a psychiatrist, I am also acutely aware of how prescription opioid abuse and dependence truly changes people. In my work as the psychiatrist for the University of Tennessee Athletic Department, I

have seen promising young athletes destroy their careers and end their lives as they struggled with addiction. In my work in general psychiatry, I have watched as people already damaged by mental illness drive themselves to desperation, giving up health and home, family and work, and even their lives for one more high. In my work in local jails, I have heard the stories over and over, the lies and self-deception, the change from social conscience to the externalization of blame and responsibility, the addiction mentality that twists logic and dissolves coherence. These aren't "mistakes" that people make – a frequent line one hears in the media – these are significant changes in brain function, driven by the biological reality of having altered one's neurons, the resulting tolerance and dependence, and the eventual distortion of value and clarity, all of which start, in every case, by a deliberate decision that could have been avoided. A decision that leads to a cascade of ever more injurious decisions that tear the person away from the fabric of community, into an engulfing pseudo-reality in which meaning is invested only in continuing the drug effect and avoiding the pain of withdrawal.

I believe that Richard can still serve his community. He will be rejected by many and avoided by more, but he can sustain his sobriety through treatment, engaging in active support, and pursuing a reattachment to the rest of us. Awakening from long patterns of addiction behavior and thinking requires clearly seeing – even if at first only in brief glimpses – the illusion of our separateness. Rehabilitation comes from active involvement with others, not isolation. Restoring one's true promise must be *done*, not just considered. My area of expertise leads me to ask you to consider the most lenient punishment that will serve the public, the law, and common sense. As I have seen in many others, he can again serve, and by so doing, remain healthy and safe.

With my respect and kindest thoughts,

Clifton R. Tennison, MD

Clifton R. Tennison, Jr., MD
Vice President and Chief Clinical Officer

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
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vs.	)	**Case No: 3:12-CR-60**
	)	**JUDGE GREER**
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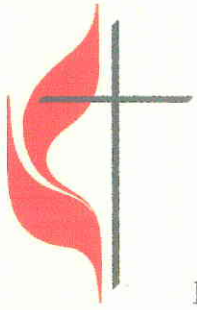
RICHARD R. BAUMGARTNER	)	

ATTACHMENT 5



FRENCH BROAD UNITED METHODIST CHURCH
7115 Kodak Road,
Knoxville, TN 37914

Pastor: Dr. Robert L.Haskins

Honorable Judge J. Ronnie Greer,
United States District Court, Eastern District
James J. Quillen Federal Courthouse,
220 W. Depot Street, Suite 405
Greenville, TN 37743

February 20, 2013

Dear Sir,
It is with a great sense of honor that I write this letter on behalf of Richard Baumgartner. I got to know Richard when I become the pastor of the French Broad United Methodist Church in Knoxville two years ago. I am semi-retired after 41 years of ministry in the United Methodist Church.
It wasn't long before I got to know of the circumstances surrounding this case. I also found that I needed to spend time with Richard concerning the ins and outs of the offense. This was done out of a pastoral concern for Richard. My concern was how he stood spiritually. He assured me that on a spiritual level all was well with his Lord. As Richard was very much involved in the life of the French Broad Church I needed to be assured that he was in a good relationship with his God as he was so involved in the church and its ministries.
Richard is an invaluable part of the Church. He is the Chair of the Finance Committee, plays the piano on a shared basis with another member of the church, serves as a Trustee, is a member of our Church Council and helps with the Men's Breakfast held once a month. He is a regular attender at both the worship service and the Adult Sunday School.
Last August we decided to hold outdoor Camp Meeting services under a big tent. Richard was somewhat dubious as to whether we could pull this off. Every Sunday he was there helping to put out chairs, carry out sound equipment and anything else needed. He was part of what made the services such a huge success.

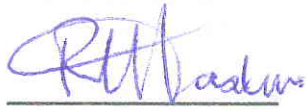
Having shared with Richard on many occasions it is very clear to me that if punishment is needed to help change a person's direction then Richard has suffered so much already. He lost his prestigious position in shame and his lost dignity, he has lost friends (none in the church), he has lost his pension which was so important to him and he has lost his standing amongst his previous judicial community. This has taken a great personal toll on his life and on the life of his wife Vicki and family.

I would hate to lose Richard and I know that his church family, which has stood by him and will continue to support him, would too. He is a vital, and I use the word "vital" advisedly and sincerely, part of our church. I would not like to think of the vacuum his removal from the church would cause as it is a rather small church that I serve and of which Richard is a faithful member.

So, I am asking that you give the most lenient sentence possible and help continue the obvious progress he has made in his life over the last number of years. I have grown to so appreciate this man. He made some very regrettable mistakes but I believe he has such a promising future and this pastor will help to guide that future.

Thank you so much for your consideration.

Yours sincerely,



Dr. Robert L. Haskins (Pastor)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
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vs.	)	**Case No: 3:12-CR-60**
	)	**JUDGE GREER**
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	)	
RICHARD R. BAUMGARTNER	)	

ATTACHMENT 6

William R. Barron
4508 Eutaw Place
Knoxville, TN 37913
February 26, 2013

Honorable Judge J. Ronnie Greer
United States District Court, Eastern District
James J. Quillen Federal Courthouse
220 W. Depot Street, Suite 405
Greenville, TN 37743

Dear Judge Greer,

My name is Dr. William R. Barron. I am Pastor Emeritus of the Sequoyah Hills Presbyterian Church in Knoxville, where I served as pastor and head of staff for twenty-seven years before retiring in June of 2008. I have served in many leadership positions in the Presbytery of East Tennessee, including the office of Moderator. I also served for six years on the Board of Directors of Columbia Theological Seminary in Decatur, Georgia. Examples of my participation in the Knoxville community include Leadership Knoxville, Class of 1987, and the Ministry of the Laity, which I founded after retirement. This ministry has served roughly three hundred people over the past three years from all parts of the city through a weekly study, which includes fellowship and prayer.

Knowing that Richard Baumgartner was tried and convicted in Federal Court in October 2012 here in Knoxville and is awaiting sentencing, I am writing to ask that he be granted the most lenient sentence possible. For the past sixteen months Richard and I have met together at the Panera Bread Company in Bearden, often for as long as two hours per visit. Only occasionally, when one of us was out of town or sick, did we miss our appointment. I first knew Richard when he and Vicky began to worship at the Sequoyah Hills Presbyterian Church in the early 1990s. They joined the church and were active members for several years before distance from their home and the opening of a restaurant made driving to Sequoyah impractical. They joined the French Broad United Methodist Church closer to their home around the year 2000. There Richard and Vicky became regular attendees in this small congregation, and he served as a part-time Sunday school leader and substitute pianist for Sunday Worship. Our relationship was reestablished when our mutual friend, William W. Davis, brought us together for lunch about sixteen months ago. It was soon after that that we began our regular meetings.

There are two main reasons for my request for leniency for Richard. The first is his repentance and acceptance of responsibility for his actions. As a minister of the gospel I am totally tilted toward grace, mercy, and forgiveness in Jesus Christ! Yet, I do not minimize the wrong he has

done. Nor does he minimize it. In our lengthy conversations I have had the opportunity to see deeply into the soul of my friend. He has lived with the anguish and grief of causing great pain to throngs of people in the community who trusted him and to the people most precious in his life - his wife Vicky, his daughter Rachel, and his mother Dorothea. Each endured fresh humiliation as sordid details were repeatedly described with bold headlines in the Knoxville News Sentinel and in local broadcast media. He has caused enormous pain for himself and so many others!

Of his own initiative, Richard went to Alcoholics Anonymous and sought help dealing with his addiction. As you probably know, one of the central tenets of AA is to accept responsibility for one's actions and seek forgiveness. Richard has examined himself closely, and still at times is in disbelief with regards to how he could have engaged in such immoral, sinful, wrong, and irresponsible behavior as he did.

My second reason for requesting leniency is the opportunity to utilize Richard's remarkable gifts in service to others. For instance, he served on the Board of Directors of The Joy of Music School in Knoxville. This non-profit school offers free musical instruments and instruction for disadvantaged youth. Richard has a strong passion for giving these young people the opportunity to develop their abilities despite their economic restrictions. My wife, Eleanor, served with Richard in this organization and was extremely impressed by his dedication and generosity. In the past year, Richard has become a regular volunteer at Second Harvest Food Bank two days a week and sometimes is called in for additional service. He smiles when he talks about the people and his work there. He is an asset to them, and they give his life purpose and meaning. He established a Drug Court in effort to help people find recovery and healing. In short, he identifies with and cares for at-risk and suffering people. I have challenged him to write and be a spokesperson to help others understand how easily a person of high intelligence and faith can become addicted to and controlled by drugs. Richard has much to offer!

Again, I ask for leniency in sentencing on behalf of my friend and brother, Richard Baumgartner. I would be honored to provide any further information or insight concerning Richard or my relationship with him. I can be reached at 865 387-3862 or 865 525-7377. Thank you for your consideration.

Very sincerely,

William R. Barron

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
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vs.	)	**Case No: 3:12-CR-60**
	)	**JUDGE GREER**
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	)	
RICHARD R. BAUMGARTNER	)	

ATTACHMENT 7

Bruce K. Peters
2512 Virgil Rushing Way
Knoxville, TN 37914

February 22, 2013

Honorable Judge J. Ronnie Greer
United States District Court, Eastern District
James J. Quillen Federal Courthouse
220 W. Depot Street, Suite 405
Greenville, TN 37743

Dear Judge Greer,

I am writing to ask for your upmost leniency in sentencing Mr. Richard Baumgartner. I see no benefit to Richard or our community from a consequence beyond the minimum allowable sentence, particularly given the career and financial hardship and public discomfiture that Richard has already experienced.

As neighbors, long term friends, and fellow members of the French Broad United Methodist Church, my wife, Marsha, and I have witnessed Richard's community service firsthand. For twelve years that we have known Richard, he has consistently served his community and church, even while presiding over several very demanding trials and dealing with his recent legal issues. He has always been available and willing to help others, including us.

In my positions of Instrumentation Engineering Supervisor and Senior Manager at Tennessee Valley Authority, I have had some challenges and uncertainties. Through that I have sought Richard's advice, not as legal counsel, but as an ethical and moral compass. I've received some good advice. I have never, and will never, question his support and integrity.

As I'm sure you can tell, I have the upmost love, regard and respect for Richard. He earned that. It's been earned through my observation of his dedicated service and compassion for others in our church, neighborhood, Knox County and the great State of Tennessee. I propose that through those many years of service, and despite his regrettable mistakes, he warrants the most restrained sentence possible, allowing his service to continue.

Sincerely,

Bruce K. Peters

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
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vs.	)	**Case No: 3:12-CR-60**
	)	**JUDGE GREER**
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RICHARD R. BAUMGARTNER	)	

ATTACHMENT 8

Stephen Gould
2223 Everett Rd.
Knoxville, TN 37932
(865) 693-3212

February 26, 2013

Honorable Judge J. Ronnie Greer
United States District Court, Eastern District
James J. Quillen Federal Court House
220 West Depot Street, Suite 405
Greeneville, TN 37743

The Honorable Judge J. Ronnie Greer

Sir:

I write to you on behalf of Richard Baumgartner, a recent defendant in your court.

I have known Richard since late in the year 2008 when be began attending meetings of Alcoholics Anonymous at the Park Forty Club in Knoxville, TN, where I also attend AA Meetings. My relationship with Richard is one of sponsor to sponsee in the AA Fellowship. My purpose in contacting you is to acquaint you with the progress Richard has made in recovering from the disease of alcoholism/drug addiction.

My qualifications for evaluating Richard's progress are as follows: my personal alcoholism led me to alcoholics anonymous in 1965 and even though I attended meetings regularly I did not succumb to recovery from alcoholism and continued to drink alcoholically for the next six years and ten months. During this period I gave up everything of value to me – wife, 3 children, 2 automobiles, a home on 2 acres of lake front property, all income, employability, self-esteem and value to society. Members of AA nursed and guided me to physical, mental and emotional health along with abstinence from alcohol. I Have not consumed <u>any</u> alcohol for more than 40 years. During those 40 plus years I have managed an A&D Halfway House, worked as a counselor for a contractor to the U. S. Government, was instrumental in establishing an A&D treatment center at Methodist Medical Center in Oak Ridge (it helps to be the sponsor of the Chief of Medical Staff when you want to get things done in a hospital), and was director of an A&D treatment center in North Carolina.

Richard Baumgartner spent 4 weeks in treatment for alcoholism in August 2008 at Cumberland Heights and has not drunk alcohol since that time. However, after treatment for alcoholism he was hospitalized for acute pancreatitis and administered narcotics for treatment of pain.

Sometime later he was hospitalized for pulmonary problems and a collapsed lung ensued lasting nearly two weeks with accompanying severe pain. Again, narcotics were administered for pain management. During this period of time the narcotics were always legitimately prescribed by a physician. By the time the narcotics were no longer medically necessary, addiction had returned. Sometime in September 2009, Richard began taking narcotics to satisfy his addiction, obtaining them outside the legal system. The substitution of narcotics for alcohol is nearly always automatic and irresistible when introduced, even medically, durng early recovery from the disease of alcoholism/drug addiction. The progression of the disease now dictates that only major trauma will reach the addict.

Richard's actions caused him major trauma.

I have never felt that the non-legal actions of the non-recovered addict should be excused simply because he/she is an addict. Certainly in Richard's case this has not even been considered. What I do know is that recovered addicts no longer cause problems to society but in most cases become a greater asset to society than they were before the addiction.

Richard entered treatment again for drug/alcohol addiction the first of February 2011, at Stillwaters and completed the treatment mid March 2011. He now attends Alcoholics Anonymous meetings several times per week, meets privately with me once a week and has maintained complete abstinence from alcohol/sedative drugs since just prior to entering Stillwaters, a period of two years. My personal experience and the frequent drug testing mandated by Richard's Tennessee probation convince me of the truth of the previous statement.

It is my sincere wish that when you contemplate sentencing for Richard you will take into consideration that he commendably served his community as Criminal Court Judge for many years. He was held in high regard by his peers on the local and State level. I cannot image Richard Baumgartner scheming illegally without the obsessive, compulsive nature of alcohol/drug addiction controlling him. Leniency for Richard will provide our community the early opportunity to once again be served by a caring, capable man – no longer in the legal profession – but of service to his fellow man in some other endeavor.

~~Respectively,~~
Respectfully
Stephen Gould
Stephen Gould

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
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vs.	)	**Case No: 3:12-CR-60**
	)	**JUDGE GREER**
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RICHARD R. BAUMGARTNER	)	

ATTACHMENT 9

The Honorable Judge J. Ronnie Greer
U.S. District Court, Eastern District

Dear Judge Greer,

This letter comes to you on behalf of Richard Baumgartner, who is to appear before you for sentencing. I have known Judge Baumgartner for many years and am saddened by the events that have transpired. It is my hope that the many years of stellar service that he rendered this community not be forgotten, as is often the case when misfortunes occur. It has been well documented that Judge Baumgartner was battling an illness that led to his addiction to prescription pain medication, which is an illness in and of itself.

Addiction is no respecter of person, and clearly affects individuals of all walks of life. And, to say that it impairs and clouds ones judgment is no doubt, an understatement. I think this applies to Judge Baumgartner. For many years he sat on the bench and was one of the most even-tempered judges. He knew exactly when to dispense stern justice, and when to come down on the side of mercy. And, his compassionate nature led him to start and be supportive of initiatives in the community aimed at prevention, treatment and rehabilitation. He reached out to both faith-based and government supported agencies to try to address those who found themselves in the court system, with the aim of lowering the number of repeat offenders.

Now, Judge Baumgartner is in the unfortunate position of having to have a decision handed down regarding punishment for his own misdeeds. Respectfully, your honor, I ask that the court consider the many positive things that Judge Baumgartner did, as he appears for sentencing. His compassion and his belief in giving opportunities for rehabilitation and second chances helped make him the fair-minded judge that he was. It also changed many lives, I suspect. I ask, humbly, that he be afforded some measure of that same compassion on leniency.

Sincerely,

Andrew Dyer

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
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vs.	)	**Case No: 3:12-CR-60**
	)	**JUDGE GREER**
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	)	
RICHARD R. BAUMGARTNER	)	

ATTACHMENT 10

Robert P. Murrian
531 South Gay Street
Unit 403
Knoxville, Tennessee 37902

February 22, 2013

Honorable J. Ronnie Greer
United States District Judge
Eastern District of Tennessee
James J. Quillen Federal Courthouse
220 W. Depot St, Suite 405
Greeneville, TN 37743

Dear Judge Greer:

I write on behalf of my friend and former colleague on the bench, Richard Baumgartner. I understand that you are to sentence him in the near future. I recently retired from the private practice of law (for some 10 years after I left the federal bench in 2002).

I have known Richard and his wife for many years. I have been in their home and Richard and I stay in contact and enjoy having lunch together.

I believe Richard is truly remorseful for his violations of the law. I understand that he has lost his pension as a result of his conviction. That is punishment in and of itself. He was a fine trial judge in my opinion, and his fall from grace and the public humiliation and embarrasment he brought upon himself and his family has also been serious punishment.

I truly believe Richard is worthy of leniency. He has made some grievous mistakes but he acknowledges them and I am convinced that he will not violate the law again.

Thank you for your consideration of the matters in this letter.

Respectfully submitted,
Robert P. Murrian

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
	)	
	)	
	)	
	)	
vs.	)	**Case No: 3:12-CR-60**
	)	**JUDGE GREER**
	)	
	)	
	)	
RICHARD R. BAUMGARTNER	)	

ATTACHMENT 11

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February 12, 2013

Honorable Judge J. Ronnie Greer
United States District Court
Eastern District of Tennessee
James J. Quillen Federal Courthouse
220 W. Depot Street, Suite 405
Greenville, Tennessee 37743

Re: U.S. v. BAUMGARTNER

Dear Judge Greer:

I am writing this letter on behalf of my friend and fallen colleague, Richard Baumgartner, to request that you consider leniency at Richard's upcoming sentencing hearing. Richard and I first met and became friends during our first year of law school in 1974, almost 40 years ago. After graduation, we became law partners and practiced together at the firm of Gilreath, Pryor & Rowland until that law firm dissolved in the early 1980's. Richard and I have maintained a close friendship over the years. However, over the last 18 months, the disclosures about Richard's misconduct on and off the bench have been quite disappointing and out of character for my friend of these many years.

When Richard was first appointed to the bench in 1992, it was a joyous occasion. His family, friends, and colleagues recognized Richard's keen intellect, and no one doubted that Richard would be a just yet compassionate judge. Until this most recent turn of events, Richard served with dignity and was responsible for creating the very drug court that played so heavy a role in his professional demise. Although there is no excuse or justification for Richard's judicial misconduct, it would be shortsighted to overlook his solid record on the bench over the previous 18 years.

I have had no personal experience with addiction. However, I understand it as a terrible and life-altering disease which is most difficult to overcome under the best of circumstances. Coupled with periodic health problems, Richard has struggled with prescription narcotic dependence, but was able to overcome the temptation of dependency until he became immersed in the Christian/Newsom murder trials. As difficult as it was to read

about those trials in the newspaper, the pressure upon Richard must have been enormous and, in my opinion, led him down the path of prescription narcotic abuse. I offer this point of view as a matter of personal observation and not as an excuse for Richard's misconduct.

I checked on Richard off and on during the Christian/Newsom murder trials, and he seemed to be handling the pressure and notoriety of each trial as well as could be expected. I had no notion that the grip of Richard's narcotic dependence was taking him down the path of professional self-destruction. It is a tragedy, public and private, that has been painful to watch.

As you are well aware, Richard has been publically and professionally humiliated. He has been disbarred. He has lost his pension. He is frequently the topic of public anger. It will take many years for Richard's misdeeds to pass from a subject of current events. Richard has fallen as far as one can fall, and I believe that he has suffered enough. For these reasons, I ask for your consideration and leniency in making this most difficult sentencing decision.

As for my background, I have practiced law for 35 years with the same firm. I am a Past-President of the Knoxville Bar Association and the Knoxville Bar Foundation. I have been a board certified civil trial specialist as well as a certified state and federal mediator for over 20 years. From 2003 to 2009, I served as a hearing officer for the Board of Professional Responsibility.

Thank you for taking the time to read this letter and consider my thoughts.

Sincerely yours,

John

John K. Harber

JKH/dd

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
	)	
	)	
	)	
	)	
vs.	)	**Case No: 3:12-CR-60**
	)	**JUDGE GREER**
	)	
	)	
	)	
RICHARD R. BAUMGARTNER	)	

ATTACHMENT 12

HODGES DOUGHTY & CARSON
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KRISTI M. DAVIS
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DAVID E. SMITH
DOUGLAS L. DUTTON
WILLIAM F. ALLEY, JR

J.H. HODGES (1896-1983)
J.H. DOUGHTY (1903-1987)
RICHARD L. CARSON (1912-1980)
JOHN P. DAVIS, JR. (1923-1977)

February 26, 2013

The Honorable J. Ronnie Greer
United States District Court, Eastern District
James J. Quillen Federal Courthouse
220 W. Depot Street, Suite 405
Greeneville, Tennessee 37743

Re: Richard Baumgartner

Dear Judge Greer:

My friend and long time colleague, Richard Baumgartner, is scheduled for a sentencing hearing. As most who knew Richard well, I am saddened by the turn of events surrounding his life and career. Very often, when someone like Richard succumbs to the evils that face us all, we are quick to forget all the good he has done.

I have known Richard Baumgartner since 1975. I actually met him prior to going to law school (he was already a practicing lawyer). Richard and his wife would come to my restaurant for lunch. When I began law school in 1976 and graduated in 1979, my friendship with Richard continued. Although I practiced criminal law for the first 12 years of my career, I did not have the opportunity to appear before Richard as a criminal court judge except on rare occasions after he became judge. Nonetheless, on the times I was before him, his demeanor was exemplary, his grasp of the law was always on point and he ran his courtroom in an efficient and professional manner. In 2004, I had the opportunity to be invited into Leadership Knoxville. Richard was in the same class. The class was a year-long education into the Knoxville community. As part of the curriculum, subgroups were formed and each subgroup was to present a project to the Leadership class. Each project involved ways to improve the community. Richard and I were in the same subgroup and actually created a video on consolidated government services. I do not mean to bore you with details, except to show that I have known Richard for a long period of time and I believe I know him well. The character and conduct which precipitated his untimely fall from grace is unlike that of the Richard Baumgartner that I know.

Being a high profile case, I am acutely aware of the public perception of the sentence you impose on Richard. The media coverage has been extensive and harsh. The nature of the conduct and the fact that it involved a public figure resulted in a media frenzy. I would suggest that the humiliation, embarrassment,

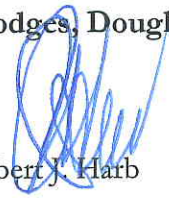
irreparable damage to his reputation, harm to himself and harm to his family would be punishment enough. Despite all of this, Richard has maintained his composure through very difficult times. I humbly ask that you consider not just the bad conduct Richard exhibited late in his career, but his 30 years of legal service and service to the community.

Thank you for your attention.

With my very best regards,

Cordially yours,

Hodges, Doughty & Carson, PLLC



Albert J. Harb

AJH/tjm
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
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vs.	)	**Case No: 3:12-CR-60**
	)	**JUDGE GREER**
	)	
	)	
	)	
RICHARD R. BAUMGARTNER	)	

ATTACHMENT 13

THE UNIVERSITY of TENNESSEE
Center for Advocacy and Dispute Resolution
College of Law
1505 W. Cumberland Avenue
Knoxville, Tennessee 37996-1810
Phone: (865) 974-9914
Fax: (865) 974-6782

February 21, 2013

The Honorable J. Ronnie Greer
United States District Court, Eastern District
James J. Quillen Federal Courthouse
220 W. Depot Street, Suite 405
Greenville, TN 37743

Dear Judge Greer:

I am aware that you will be imposing sentence upon Richard Baumgartner as a result of his conviction in federal court and am writing to share information that might be helpful in that decision.

I presently serve as a Professor of Law and as the Director of the Center for Advocacy and Dispute Resolution at the University of Tennessee College of Law. I have served in this capacity for 13 years, having previously taught at three other law schools and served as a private attorney and a state trial and appellate judge. I have known Richard Baumgartner since 1990 when I became a member of the Tennessee Judicial Conference as a result of my election to serve as Circuit Court Judge for the First Judicial District. After leaving the bench, I appeared in Judge Baumgartner's court on several occasions as a result of working with the UT Legal Clinic on a first-degree murder case. Additionally, I have hosted Judge Baumgartner on numerous occasions as a guest speaker at the College of Law and worked with him for years as described below in forming and implementing the College of Law's Judicial Externship Program. I am writing to share information about the positive role that Richard played in that endeavor because I believe that it is emblematic of his contributions to his community and indicative of his ability to contribute positively in the future.

I am informed that more than a dozen years ago, Richard began working with the Knoxville Bar Association to provide research assistance from law students to state court judges in Knoxville. As I am sure you are aware, the state does not provide judicial clerks for state trial judges. Initially, the KBA offered a very small stipend for a summer research assistant who conducted research for multiple judges. Richard initiated a conversation with the Dean of the College of Law seeking to have the College design and support a program in which students could receive credit for working in judicial chambers. Eventually, the Dean turned to me and Richard and I, aided by other Knox County judges, developed a pilot judicial externship program. Richard was instrumental in this process. He devoted hours of time to helping assure the pedagogical soundness of the experience for the students and to convincing other judges of the program's merits. This enabled me to secure faculty approval for the program on a pilot basis and eventually as a permanent course offering. Moreover, with Richard's endorsement, I was able to secure dozens of judges to participate in the program.

As a result of these concerted efforts, approximately 100 students have benefitted from the program over the last ten years by being selected to serve as judicial externs to judges. These students have learned a great deal about civil and criminal court procedure in the Tennessee courts, in an applied, hands-on setting, while coming to appreciate the court's function as a dispute resolution system. The experience has also given the students the opportunity to refine individual written and oral communication skills and to appreciate, in a real-world setting, the application of bodies of law already learned. The students have been uniformly grateful for their experiences in the program, with many of them characterizing it as one of the best educational experiences in law school. Additionally, the students who externed with Judge Baumgartner uniformly praised the guidance and tutelage that they received from him, with many of them maintaining contact with him following their graduation.

In addition to providing a rewarding educational experience for our students, the judicial externship program, which Richard was instrumental in initiating, has to date provided in excess of 120,000 hours of assistance to Tennessee's judges. Students invested these hours in researching novel legal issues, writing legal memoranda, and drafting jury instructions and orders for the judges. These additional resources undoubtedly enhanced the efficiency and precision of the courts and, as a result, inured to the state's benefit. We continue to offer six to twelve students the opportunity to serve the state courts in Knox County as judicial externs each year. Consequently, the impact of the program, though already significant, continues.

As you consider the many legal and practical factors that you must in determining the appropriate sentence for Richard Baumgartner, I thought it might be beneficial to know about this one example of lasting positive contribution that he has had on the lives of many others. Thank you for the opportunity to provide this information.

Sincerely Yours,

Penny J. White

Penny J. White
Elvin Overton Distinguished Professor of
Law & Director, Center for
Advocacy and Dispute Resolution
UT College of Law

PJW/pjw

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
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	)	
vs.	)	**Case No: 3:12-CR-60**
	)	**JUDGE GREER**
	)	
	)	
	)	
RICHARD R. BAUMGARTNER	)	

ATTACHMENT14

WILLIAM D. VINES, III*†
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Of Counsel
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*Rule 31 Listed General Civil Mediator

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February 28, 2013

Honorable Judge J. Ronnie Greer
U.S. District Court, Eastern District
James J. Quillen Federal Courthouse
220 W. Depot Street, Suite 405
Greeneville, TN 37743

RE: *Richard R. Baumgartner*

Dear Judge Greer:

I have known Richard Baumgartner for more than 30 years. Not only has he been respected, but he has been a respectful person regarding others. He has been quiet but firm, and I know him to be a very compassionate person.

The recent issue, where apparently he became addicted to pain medication, is clearly tragic for Richard Baumgartner, the legal profession, the judiciary, and the litigants. Frankly, for those of us who have been fortunate not to have any substantial experience with pain medication, it is hard to understand the addiction which seems to befall far too many people. This problem, which apparently now has been corrected as a result of treatment, should not be seen to erase the good work Richard Baumgartner did for many years as a lawyer, as a criminal court judge, and as a community citizen.

For more than 20 years, I have been privileged to be the Chairman of a Knoxville Bar Association Committee that selects and presents our highest award to practicing attorneys (the Governor's Award). Rarely, that same Committee recommends to our Board of Governors that a special award be given to a judge, known as the "Judicial Excellence Award." In the history of our Bar Association, that award, before Richard Baumgartner, had only been given twice, …to a Supreme Court Justice and to a Federal Judge. For several years before 2010, the members of the Award Committee (which committee is often comprised of several past presidents) had suggested that Judge Baumgartner be given the Judicial Excellence Award. The Committee was very sensitive to give a sitting judge an award for numerous reasons including any political implications that it might have. The giving of the award was reserved to subsequent years but many felt it was deserved.

In 2010, the Committee decided that, considering all factors, the award should be given. It was given on December 10, 2010, and the article appearing in the Knoxville Bar Association publication is attached.

Reading this article would be important to an evaluation of Richard Baumgartner. Frankly, the award was given because he had served the profession so well. He had volunteered to handle the most difficult cases, and as I recall, he had handled some 40 or 50 murder trials. In 2010, he clearly had the respect of our Association. When the award was presented, he received a standing ovation at the annual meeting.

Richard Baumgartner is the same person today as that shown by the attached article. He has already paid a terrible price for becoming a slave to pain medication, and I believe no real purpose would be served to incarcerate a respected man.

Very truly yours,

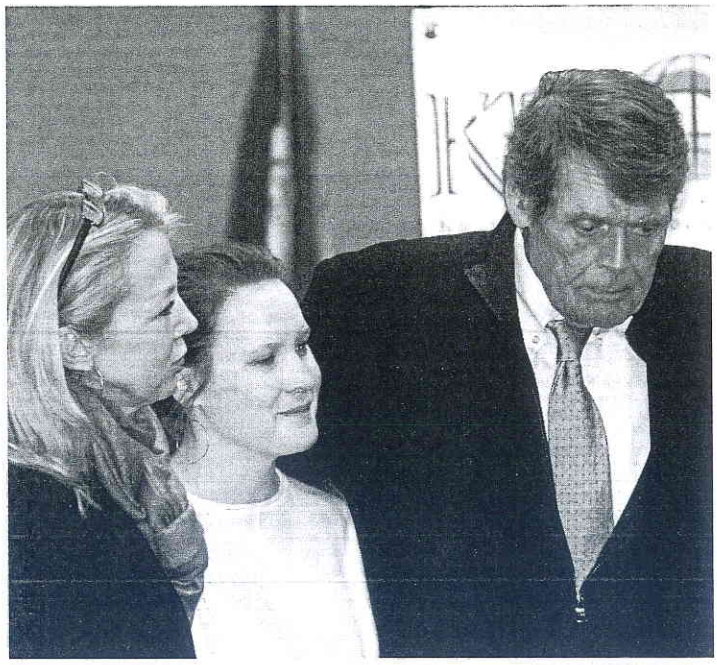
William D. Vines, III

WDVIII/ndg

Enclosure

By: Bill Vines

RICHARD R. BAUMGARTNER 2010 KNOXVILLE BAR ASSOCIATION JUDICIAL EXCELLENCE AWARD RECIPIENT



In 2010, Knox County Criminal Court Judge, Richard R. Baumgartner, was honored by the Knoxville Bar Association and received the Judicial Excellence Award. Judge Baumgartner stood with his wife, Vicki, and daughter, Rachel, and was given a standing ovation.

The Knoxville Bar Association Judicial Excellence Award has only been given twice in the history of the Association. The Award is not given by the Association for a specific judicial ruling or the handling of specific cases or litigation. The Award is merited where the entirety of the Judge's service brings special respect to the judicial system and the administration of justice. The Board of Governors of the Knoxville Bar Association that Judge Baumgartner's service brought special respect to the judicial system. Judge Baumgartner handled many difficult cases patiently and adroitly, which required that he address both direct and collateral issues. All lawyers can take pride in Judge Baumgartner's administration of the Criminal Court proceedings … and so this award is presented.

Judge Baumgartner is a good community citizen. He serves on the Board of Directors of the American Red Cross and is a founding co-chair of Kids Voting in Tennessee. He served on Leadership Knoxville's Board of Directors and the Board of Directors of the French Broad Preservation Association.

He is a member of Riverdale Methodist Church and … he sometimes plays the piano at Church services! He has many talents.

He has served his Country. Judge Baumgartner was a radar specialist in the Navy and served two tours of duty in Vietnam.

Richard Baumgartner loves his farm. He and his family have planted an apple orchard, fruit and berry gardens, and an extensive vegetable garden. His wife, Vicki, says "Our friends golf, boat, and ski, we weed and mow!" The weekend finds this judge sitting on a John Deere tractor, but whether sitting on the bench or the tractor, he brings special honor to lawyers and the legal system. He deserves the Judicial Excellence Award.

Have you been to www.knoxbar.org Lately?

View the Photo Gallery

Check out photos from KBA events such as the Barristers Hunger & Poverty Celebration, Interprofessional Relations Committee Mixer, Supreme Court Dinner, and much more! To view the Gallery, log in to the Members Only Section, Click on "For Lawyers," and "KBA Photo Gallery."

View Your Profile

Have you looked at your profile on the members only site yet? This section provides your personal information and is only viewable by you. You can view information about other KBA members in the Online Attorney Directory. The Online Attorney Directory includes your contact information, photo, areas of practice, Bar Activities, and a CLE Tracker which lists all the KBA-sponsored CLE programs you have attended and the amount of credit reported to the CLE Commission. You also have the ability to update your information anytime.

Go to the Members Only Section and check out your profile today!