

Lee Davis: Baumgartner Debacle & District Attorney Nichols

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Friday, June 15, 2012 Lee Davis



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As discussed in a post last week, prosecutors in the Christian/Newsom case are attempting to have Special Judge Jon Kerry Blackwood recuse himself from the case. Matters took a heated turn this week. Knox County District Attorney Randy Nichols started a screaming match with the judge and at another point he was faced with a contempt of court threat.

The exchange occurred as a result of Judge Blackwood's refusal to step down from the case.

Rather than permit additional oral argument by the prosecution, Judge Blackwood carefully explained his reasons for not stepping down and then ordered the court to take a short break. After returning to the bench he read aloud a section of law regarding what comments attorneys are permitted to make about judges. The purpose of the reading was to highlight a comment that we discussed in our last post by John Gill accusing Blackwood of engaging in private communications to avoid media scrutiny. These allegations by prosecutor Gill appear to be baseless and are contempt of court if untrue.

The exchange got heated very fast as reported by the *Knoxville News Sentinel*. Blackwood said: "If you have one blooming email to support that charge that this court has been dealing with ex parte communications with these defense attorneys, you better bring it forward or the person who made that statement needs to self report." Nichols then jumped to his feet and demanded to know whom Blackwood was referring to. The judge responded by saying prosecutor "John Gill."

District Attorney Nichols then attempted to cut off Blackwood and the judge had enough, ordering, "You're going to sit down." Nichols remained standing and told the judge that the prosecution objected to him saying anything more. Blackwood then ordered Nichols, "I told you to sit down. If you stand up

one more time, you will be in contempt of court. Do you understand?" After that the judge stood up and left the bench.

Nichols' made the request for Blackwood to recuse himself after he granted new trials for a second time in the Christian/Newsom case. Though the high court raised questions with the initial decision it did not bar him from coming to the same conclusion the second time around. Instead, the justices said that if Blackwood believed he was not able to serve as the 13th juror in place of Richard Baumgartner then he would have no choice but to grant new trials. Blackwood decided he did not believe he could serve that role.

Prior to the blowup by Nichols, the judge said he would reconsider his decision regarding a new trial for the ringleader, Lemaricus Davidson, and his brother, Letalvis Cobbins. The reason for his reconsideration is that both men had DNA evidence linking them to the rapes of Christian. Blackwood was firm that he would not reconsider his decision regarding George Thomas for whom no forensic evidence existed linking him to the slayings.

Read: "Judge Blackwood threatens DA with contempt, refuses to recuse self in Christian/Newsom retrials," by Jamie Satterfield, published at KnoxNews.com.

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