

# Murderer gets 27 years for killing wife

## FORMER ARMY OFFICER SENTENCED

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It started out as a couple's argument over what to have for dinner. She wanted macaroni and cheese and Tater Tots. He wanted something more healthful.

It grew into a fight over everything in their lives.

It ended in her strangulation, and, now, it will mean more than two decades behind bars for him.

David Baumann, a former Army warrant officer, has been sentenced to more than 27 years in federal prison after pleading guilty to killing his wife, Jacqueline, in their Fort Ord home.

Baumann, 30, received the sentence Monday in a San Jose federal court after both he and relatives of his wife addressed Judge James Ware.

Baumann must serve at least 85 percent of his sentence and then will be on parole for five years. He also was ordered to pay more than \$17,000 in restitution to his wife's family.

"This is an extremely tragic case," said Baumann's attorney, Richard Rosen. "It was very emotional."

After initially maintaining that he had found his wife, Jacqueline, electrocuted in the bathtub in August 2000, Baumann admitted in May that he had strangled her after an argument over dinner. He pleaded guilty to second-degree murder without a plea bargain.

When Baumann addressed the court Monday, Rosen said, "he apologized and took responsibility and said he was ready for any punishment the court imposed."

Immediate family members of Jacqueline Baumann, 34, were unavailable to comment.

But her uncle, Kent Hagen, said he wasn't "remotely satisfied" with the sentence. He said Baumann should have received life in prison because of the viciousness of the crime.

Assistant U.S. Attorney Matthew Jacobs said Ware adjusted the sentence upward to account for several factors:

Baumann's act of physically restraining his victim, his obstruction of justice when he lied to investigators and the brutality of the crime.

The maximum statutory sentence for second-degree murder is life imprisonment and a fine of \$250,000. Because the murder occurred on federal property, Baumann was charged and prosecuted in federal court.

Baumann's admission was a complete change from the story he gave when was arrested in September 2000. He told military police that he found his wife unconscious in the bathtub with a radio submerged in the water and plugged into the wall.

But evidence against him mounted. A military housing electrician told FBI investigators the house's circuit-breaker system would have cut off electricity immediately had the appliance fallen into the water. A pathologist found that bruising on Jacqueline Baumann indicated a struggle before her death. And Baumann refused to say how he'd received scratches on his arms, hands, back and chest.

Court documents showed that the couple had prior marital problems. Two years before her death, Jacqueline Baumann filed for divorce, citing fear of her husband's jealousy and telling friends that her husband threatened to kill her

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"with his bare hands."

She sought a restraining order against him, but the two reconciled and she dropped the divorce proceedings.

Rosen said Baumann had written a long letter to the judge about his personal problems and those he had with his wife. Baumann "had a lot of stress in his life," Rosen said. He'd had a difficult childhood, and at the time of the killing had a back injury and was unable to work.

So when the argument started over what the two would have for supper, Rosen said, it soon became an argument about everything in their lives.

Baumann "didn't (explain his problems to the judge) as an excuse for what happened," Rosen said, "but as an attempt to explain what he did in anger."

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