

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA :
 :
 : **CRIMINAL NO. 21-cr-386 (TNM)**
 :
 v. :
 :
 :
 PAULINE BAUER, :
 :
 :
 :
 Defendant. :

**GOVERNMENT’S RESPONSE TO DEFENDANT’S MOTION TO REQUIRE LAW
ENFORCEMENT OFFICERS TO RETAIN ROUGH NOTES AND WRITINGS**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this response to Defendant Pauline Bauer’s Motion to Require Law Enforcement Officers to Retain Rough Notes and Writings That May Constitute *Brady* or *Jencks* Materials (the “Motion”) (ECF No. 147).

The Motion, in essence, seeks a Court order imposing on the Government its obligations under *Brady* and the Jencks Act. Such an order is unnecessary, as these obligations are imposed on the Government via the Constitution and Acts of Congress. A court order would be superfluous. Notably, the Government’s practice already is to retain notes from witness interviews. Thus, the Motion is moot. Accordingly, the Motion should be denied.

CONCLUSION

The Motion should be denied.

Respectfully submitted,

MATTHEW M. GRAVES

United States Attorney
D.C. Bar No. 481052

By: /s/ James D. Peterson
JAMES D. PETERSON
Bar No. VA 35373
United States Department of Justice
1331 F Street N.W. 6th Floor
Washington, D.C. 20530
Desk: (202) 353-0796
James.d.peterson@usdoj.gov

s/ Joseph McFarlane
PA Bar No. 311698
United States Department of Justice
1400 New York Ave NW
Washington, D.C. 20005
Desk: (202) 514-6220
Mobile: (202) 368-6049
joseph.mcfarlane@usdoj.gov

CERTIFICATE OF SERVICE

I certify that a copy of the Government's Response was served on all counsel of record via the Court's electronic filing service.

/s/ Joseph McFarlane
JOSEPH MCFARLANE
Trial Attorney

Date: August 8, 2022