

**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 PRODUCE
EVIDENCE WHICH THE GOVERNMENT INTENDS TO USE UNDER FEDERAL
RULES OF EVIDENCE 404(b) AND 609**

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 Produce Evidence Which the Government Intends to Use Under Federal Rules of Evidence 404(b) and 609 (the “Motion”) (ECF No. 141).

The Government is unaware of any prior criminal convictions of Defendant and, accordingly, has no intention of introducing any evidence pursuant to Federal Rule of Evidence 609. Moreover, the Government currently has no intention to introduce evidence pursuant to Rule 404(b). Nevertheless, the Government is continuing to evaluate the evidence in this case and, given that trial is over five months away, believes it is premature to order it to make a final decision on that issue at this time. *Cf. United States v. Watson*, 409 F.3d 458, 465-66 (D.C. Cir. 2005) (concluding that the notice requirement under 404(b) was satisfied when the government provided notice at voir dire). The Government is amenable to entering into a scheduling order that sets a

deadline for notice under 404(b) at a time closer to the trial date, such as 30 days in advance. In sum, the Motion should be denied.

CONCLUSION

The Motion should be denied.

Respectfully submitted,

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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