

**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 FOR EARLY
DISCLOSURE OF ALL “JENCKS ACT” MATERIALS**

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 For Early Disclosure of All “Jencks Act” Materials (the “Motion”) (ECF No. 146). In the Motion, Defendant seeks the production of all Jencks Act material no later than 30 days before trial.

In this case, the Government has no plans to withhold Jencks Act material until after its witnesses testify. To the contrary, the Government has included in its discovery productions material that arguably falls under Jencks, such as FBI 302s. Nevertheless, the Court has not yet set a scheduling order regarding identification of witnesses, and the Government continues to evaluate what witnesses it will call. As a result, it is premature to schedule the production of Jencks Act material for 30 days before trial. Moreover, additional Jencks Act material may be created up to and during trial, for example, during witness preparation.

The Government is willing to agree to a scheduling order that sets forth deadlines for identification of witnesses and allows for a reasonable time period after that deadline to produce all pre-existing Jencks material. The Government is willing to provide any Jencks Act material

that has not yet been produced one or two weeks before trial. The Motion's request for a deadline 30 days before trial is premature and 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