

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 21-CR-386 (TNM)
	:	
PAULINE BAUER,	:	
	:	
Defendant.	:	

MOTION TO REVOKE DEFENDANT BAUER’S PRETRIAL RELEASE

Defendant Pauline Bauer continues to fail to comply with the conditions of her pretrial release, and Pretrial Services Agency (“PSA”) again requests that she be removed from PSA supervision. The violations were addressed during the status conference on July 19, 2021. The Court admonished Defendant Bauer, directed her to comply with her pretrial release conditions, and allowed her to remain on pretrial release. However, Defendant Bauer has failed to comply. Accordingly, the Government agrees with PSA’s recommendation and moves this Court to revoke Defendant Bauer’s release.

BACKGROUND

The defendant was charged by Complaint on May 18, 2021, with violating 18 U.S.C. § 1512(c)(2) (Obstruction of Justice/Congress); 18 U.S.C. § 1752(a)(1) and (2) (knowingly entering or remaining in any restricted building or grounds without lawful authority); and 40 U.S.C. § 5104(e)(2) (D) and (G) (violent entry or disorderly conduct), concerning her presence and actions during the January 6, 2021 attack at the United States Capitol. ECF Docket No. 2. Defendant was arrested on May 19, 2021, in Pennsylvania. ECF Docket No. 10. On May 19, 2021, Defendant Bauer appeared before a judge in the Western District of Pennsylvania for her initial appearance. In a report dated June 20, 2021, submitted by the U.S. Probation and Pretrial

Services Office for the Western District of Pennsylvania (hereinafter “PA Pretrial Services”) stated that, “Ms. Bauer was argumentative with the Court at her initial appearance, and she has been argumentative and uncooperative since she began pretrial supervision.” ECF Docket No. 16-1. PA Pretrial Services reported that the Pretrial Officer “has been trying to bring Ms. Bauer into compliance; however, [the Pretrial Officer] has been unsuccessful” and “[Bauer] refused to participate in a pretrial services interview.” *Id.* at 1. “Additionally, Ms. Bauer refused to report for an office visit.” *Id.* at 2.

On June 4, 2021, Defendant Bauer was charged via Indictment. ECF Docket No. 11.

On June 11, 2021, Defendant Bauer appeared remotely for her initial appearance in D.C. *See Minute Entry 6/11/21*. Per the Court’s June 11 Minute Entry, “Ms. Bauer was removed from the video proceeding due to her inability to show qualm and decency to the Court” and she was ordered to appear in person for a new date. *Id.*

On June 21, 2021, Defendant Bauer appeared in person before Magistrate Judge Faruqui for the continued initial appearance. Due to the Defendant’s conduct, Defendant Bauer was held in contempt and then remanded and held without bond. On June 22, the hearing resumed and Defendant Bauer was released and ordered to comply with the conditions of pretrial release. *See Minute Entry 6/22/21*; Docket No. 21.

On June 28, 2021, Pretrial Services Agency for the District of Columbia (hereinafter “DC PSA”) filed a report regarding Defendant Bauer’s noncompliance. ECF Docket No. 23. DC PSA reported that the defendant was not compliant with the conditions of release imposed by the Court and PSA requested that the defendant provide PA Pretrial Services with her current home address and surrender her passport. Bauer reported by phone on June 24, 2021. On June 28,

2021, the Court directed Defendant Bauer to provide her current home address and to surrender her passport. *See Minute Entry 6/28/21.*

On July 19, 2021, the parties appeared for a status hearing. Pretrial provided an update regarding Defendant Bauer's noncompliance. The Court directed Defendant Bauer to allow Pretrial Services to conduct a virtual or in-person visit within the next two weeks and directed to surrender her passport if found.

On August 16, 2021, DC PSA filed another report regarding Defendant Bauer's noncompliance with conditions of pretrial release. DC PSA's report stated, "defendant is not compliant with the conditions of release imposed by the Court. PSA is requesting that the defendant be removed from supervision since she has repeatedly failed to report to the Western District of Pennsylvania as directed, failed to provide the Western District of Pennsylvania access to her residence to verify her address and failed to surrender her passport." ECF Docket No. 47 at 2. DC PSA further reported the following:

"Bauer failed to report to the Western District of Pennsylvania. . . .

Ms. Bauer failed to verify her address. On 8/12/2021, a home assessment was attempted at her residence and she was asked to come outside so that a home assessment tour could be completed. She refused the tour. It was explained to Ms. Bauer on the phone that she is on Pretrial supervision and there are certain conditions of release she must abide by and that the Judge ordered her to allow Pretrial officers to tour her residence. Ms. Bauer stated that it was a directive by the judge and not an order and she did not have to follow it. She also stated that she did not sign any conditions that she need to abide by. She indicated that the Court are depriving her of her rights and "this is one more charge against you."

Id.

The Government contacted DC PSA for an update on Defendant Bauer's compliance. On September 10, 2021, DC PSA indicated that they contacted PA Pretrial Services and PA stated that Bauer remains noncompliant, that PA had not heard from Bauer since she refused home

assessment in August. PA indicated that they have not been able to supervise Bauer due to her noncompliance. Bauer was directed to call in to PA Pretrial Services weekly but has only done that twice since starting her supervision, with the last call on June 30, 2021. DC PSA was informed that PA Pretrial Services agreed that Bauer should be removed from supervision. DC PSA indicated they will file an updated report this week.

For all the reasons stated above, the Government respectfully requests that the Court revoke the defendant's release pending trial.

ARGUMENT AND LAW

Under 18 U.S.C. § 3148(a), “[a] person who has been released under section 3142 of this title, and who has violated a condition of his release, is subject to a revocation of release, an order of detention, and a prosecution for contempt of court.” Specifically, “[t]he judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer . . . (1) finds that there is . . . (B) clear and convincing evidence that the person has violated any other condition of release; and (2) finds that . . . (B) the person is unlikely to abide by any condition or combination of conditions of release.” 18 U.S.C. § 3148(b).

In this case, the defendant has again abused the privilege given to her by the Court in allowing release. The defendant has repeatedly failed to comply with the conditions of pretrial release and has refused supervision by Pretrial Services. Defendant has been on supervision for over three months, and although directed to call-in weekly, Defendant has only called Pretrial twice. Even after being admonished by the Court, Defendant still continues to refuse supervision and refuse a home assessment. Further concerning, Defendant Bauer has made statements to her PA Pretrial Services Officer that appear to suggest litigation if the officer continues to try to do his job.

Time and time again, Defendant Bauer has told this Court and Pretrial Services that she will not comply as directed. The defendant had an opportunity to respect the government and Court's trust in her release pending trial but has apparently made the conscious decision to continue ignoring that privilege. Accordingly, the government moves for the defendant's revocation of her pretrial release status pursuant to 18 U.S.C. § 3148(b).

Respectfully submitted,

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CERTIFICATE OF SERVICE

On this 14th day of September, 2021, a copy of the foregoing was served via the Court's Electronic Filing System and via email on Defendant Pauline Bauer and Counsel Carmen Hernandez.

/s/ Amanda Fretto
AMANDA FRETTO