

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

<b>UNITED STATES OF AMERICA</b>	:	<b>Criminal No. 21-cr-386 (TNM)</b>
	:	
<b>v.</b>	:	
	:	
<b>PAULINE BAUER</b>	:	
	:	
<b>Defendant.</b>	:	
	:	

**NOTICE OF FILING DISCOVERY CORRESPONDENCE**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby files its September 16, 2021, discovery letter in this case, which was served as an attachment via ECF on counsel for the defendant.

Respectfully submitted,

CHANNING D. PHILLIPS  
Acting United States Attorney  
D.C. Bar No. 415793

By: /s/ Amanda Fretto  
Amanda Fretto  
Assistant United States Attorney  
555 Fourth Street, N.W.  
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(202) 252-7268

**CERTIFICATE OF SERVICE**

On this 16<sup>th</sup> day of September, 2021, a copy of the foregoing was served via the Court's Electronic Filing System, and a copy was served via email on defendant Pauline Bauer and Attorney Carmen Hernandez.

/s/ Amanda Fretto  
Amanda Fretto  
Assistant United States Attorney



U.S. Department of Justice

Channing D. Phillips  
Acting United States Attorney

*District of Columbia*

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*Judiciary Center  
555 Fourth St., N.W.  
Washington, D.C. 20530*

September 16, 2021

**BY EMAIL**

Carmen Hernandez, Esq.

Re: *United States v. Pauline Bauer*  
Case No. 21-cr-386

Dear Counsel:

The government has produced the following additional materials in the above captioned case.

**(1) September 13, 2021 Production**

As part of our ongoing discovery production in this case, on September 13, 2021, you received an invitation via USAFx to download reports from U.S. Capitol Police (USCP) investigations of alleged wrongdoing by USCP officers on January 6, 2021. Officer names, witness names, and complainant names have been redacted. We are working to produce a set of reports that replaces the redactions with unique identifiers for individuals whose names have been redacted. When that process is complete, we will reproduce the documents with the unique identifiers. Additional exhibits from these investigations are forthcoming. At this time, we understand that a small number of investigations are still on-going, and we will provide reports of those investigations on a rolling basis as they are concluded.

Initially, we did not designate this material as sensitive under the Protective Order entered in this case, however, the government notified you to correct the sensitivity designation. It was brought to our attention that we inadvertently omitted a redaction to an officer's name in the production. If an officer's name is not redacted, and that officer is a subject of or witness to the allegation of misconduct, **we are designating that information highly sensitive under the protective order**. That means that you should not share the unredacted report with Defendant Bauer unsupervised unless you redact it. If you have already shared the files with Defendant Bauer, please ensure that Ms. Bauer knows that the information can only be used consistent with

the protective order's rules for handling sensitive materials. If Ms. Bauer breaches the terms of the protective order, we will need to bring the matter to the prompt attention of the court.

We have notified you that we have not received Ms. Bauer's signed copy of the Protective Order. Please provide.

**(2) September 16, 2021 Production**

On September 16, 2021, we produced the following additional materials via USAFX that are not designated as sensitive under the protective order. These materials were produced within the following folders:

- File folder labeled "Bauer Discovery #2"
  - Subfolder labeled "Arrest Documents and Indictment" containing the Complaint, Statement of Facts, Arrest Warrant Return, and Indictment;
  - Subfolder labeled "Serials – No Sensitivity Designation" containing the following 43 files:

<b>File Name</b>
0176-PG-3396256_0000011.pdf
0176-PG-3396256_0000011_Import.mp4
0176-PG-3396256_0000011_1A0000001_0000001.PNG
0176-PG-3396256_0000011_1A0000002_0000001.PNG
0176-PG-3396256_0000012.pdf
0176-PG-3396256_0000018.pdf
0176-PG-3396256_0000018_1A0000004_0000001.pdf
0176-PG-3396256_0000018_1A0000004_0000002.PNG
0176-PG-3396256_0000028.pdf
0176-PG-3396256_0000028_1A0000008_0000001.pdf
0176-PG-3396256_0000030.pdf
0176-PG-3396256_0000030_1A0000009_0000001.pdf
0176-PG-3396256_0000030_1A0000010_0000001.pdf
0176-PG-3396256_0000032_Redacted.pdf
0176-PG-3396256_0000034.pdf
0176-PG-3396256_0000034_1A0000011_0000001.xlsx
0176-PG-3396256_0000034_1A0000011_0000002.xlsx
0176-PG-3396256_0000036.pdf
0176-PG-3396256_0000036_1A0000012_0000001.pdf
0176-PG-3396256_0000037.pdf
0176-PG-3396256_0000037_1A0000013_0000001_PHYSICAL.pdf
0176-PG-3396256_0000038.pdf
0176-PG-3396256_0000038_Import.docx
0176-PG-3396256_0000040.pdf

0176-PG-3396256_0000040_1A0000014_0000001_PHYSICAL.pdf
0176-PG-3396256_0000040_1A0000014_0000002.msg
0176-PG-3396256_0000041.pdf
0176-PG-3396256_0000041_Import.pdf
0176-PG-3396256_0000041_1A0000016_0000001.pdf
0176-PG-3396256_0000041_1A0000015_0000001.pdf
0176-PG-3396256_0000042.pdf
0176-PG-3396256_0000042_1A0000006_0000001_PHYSICAL.pdf
0176-PG-3396256_0000047.pdf
0176-PG-3396256_0000047_Import.pdf
0176-PG-3396256_0000047_1A0000022_0000001.pdf
0176-PG-3396256_0000048.pdf
0176-PG-3396256_0000049.pdf
0176-PG-3396256_0000049_1A0000023_0000001.jpg
0176-PG-3396256_0000049_1A0000023_0000002.jpg
0176-PG-3396256_0000049_1A0000023_0000003.jpg
0176-PG-3396256_0000049_1A0000023_0000004.jpg
0176-PG-3396256_0000049_1A0000023_0000005.jpg
0176-PG-3396256_0000055.pdf

The government has compiled additional materials designated as sensitive and highly sensitive under the Protective Order, including USCP CCTV, however, due to the Defendant's clear statement that she will not agree to the terms of the Protective Order and the Government's concerns about the highly sensitive nature of these materials, the Government will provide the materials after it receives the Defendant's signed Attachment A to the Protective Order.

Due to the extraordinary nature of the January 6, 2021 Capitol Attack, the government anticipates that a large volume of materials may contain information relevant to this prosecution. These materials may include, but are not limited to, surveillance video, statements of similarly situated defendants, forensic searches of electronic devices and social media accounts of similarly situated defendants, and citizen tips. The government is working to develop a system that will facilitate access to these materials. In the meantime, please let me know if there are any categories of information that you believe are particularly relevant to your client.

This material is subject to the terms of the Protective Order issued in this case.

I recognize the government's discovery obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), its progeny, and Rule 16. I will provide timely disclosure if any such material comes to light. Consistent with *Giglio*, *Ruiz*, and 18 U.S.C. § 3500, I will provide information about government witnesses prior to trial and in compliance with the court's trial management order.

I request reciprocal discovery to the fullest extent provided by Rule 16 of the Federal Rules of Criminal Procedure, including results or reports of any physical or mental examinations, or scientific tests or experiments, and any expert witness summaries. I also request that

defendant(s) disclose prior statements of any witnesses defendant(s) intends to call to testify at any hearing or trial. *See* Fed. R. Crim. P. 26.2; *United States v. Nobles*, 422 U.S. 255 (1975). I request that such material be provided on the same basis upon which the government will provide defendant(s) with materials relating to government witnesses.

I will forward additional discovery as it becomes available. If you have any questions, please feel free to contact me.

Sincerely,

/s/ Amanda Fretto

Amanda Fretto

Assistant United States Attorney

Cc: Pauline Bauer