

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

UNITED STATES OF AMERICA

v.

**PAULINE BAUER,
Defendant**

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Case No. 21-cr-0386-2 (TNM)

MEMORANDUM IN SUPPORT OF PRETRIAL RELEASE

Pauline Bauer, by her undersigned stand-by counsel, respectfully submits the following letters and other materials in support of her pretrial release.

INTRODUCTION

In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.

United States v. Munchel, 991 F.3d 1273, 1279 (D.C. Cir. 2021), *quoting United States v. Salerno*, 481 U.S. 739, 755 (1987). The Bail Reform Act authorizes a Court to detain a person pretrial only if it “finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community.” 18 U.S.C. § 3142(e). “In common parlance, the relevant inquiry is whether the defendant is a ‘flight risk’ or a ‘danger to the community.’” *Munchel, supra*. At the status hearing held in this case on September 17, 2021, while noting that Ms. Bauer was not a danger to the community, the Court expressed its concern that her failure to contact Pretrial Services or allow Pretrial Services to conduct a virtual home inspection indicated that she was not willing to comply with the conditions of release. At the same time, the Court informed the government that it would need to make arrangements to enable Ms. Bauer, who is self-representing to review discovery while detained.

A. Review of Discovery While Incarcerated Is Not Practicable

Under current conditions, it is not practicable for detained defendants to review the volume of electronic discovery pertinent to this case. The anticipated discovery includes videos from inside the Capitol (“CCTV”), from body worn cameras (“BWC”) used by Metropolitan Police Department Officers, and from the many individuals who used their smart phones to record within the Capitol.

This week the Federal Defender A.J. Kramer provided a current update of the conditions at the D.C. Jail based on a power point presentation made by jail authorities.

The current quarantine numbers of 4 units, and 1 unit precautionary, means that somewhere between 300-400 inmates are presently quarantined. There is currently no way of knowing if your client is quarantined before you go to the jail to visit. Nor is there any way of knowing when the unit will be off quarantine.

The Power Point also explains the various visiting procedures. **If a client is in quarantine, there is no way to go over evidence with them, as they can’t have an in-person visit or a video visit. Finally, if you send electronic discovery to the jail for viewing by the client on the laptops there, there is currently a 4-6 week waiting period before they will be able to begin viewing it.**

Email from Mr. Kramer (emphasis added).

Accordingly, the continued detention of Ms. Bauer will delay and impair her ability to review the extensive amount of electronic discovery. She will therefore be prejudiced in her ability to represent herself.

B. Ms. Bauer Is Not A Risk of Flight

To the extent the Court’s concern about Ms. Bauer’s failure to abide by two conditions of release reflected its concern that she presents a risk of flight that risk, if any exists, is abated by the fact that Ms. Bauer has always appeared when ordered to do so as well as the support Ms. Bauer

enjoys from her family and friends and her active presence in the community, both as the owner of a local popular restaurant and as a result of her volunteer activities. Attached herewith are letters from two of her sisters as well as from friends, customers, and a member of the business community. All attest to Ms. Bauer's hard work and dedication to others, to her community and to Veterans. Lowell and Sherry Gillespie, business owners, mention Ms. Bauer's work in reviving a community park, Wildcat Park: "This historical park is is a treasure to our community. We are so very thankful for her dedication to others and her selfness."¹

Her co-defendant, Mr. Blauser, a Vietnam Veteran, writes of Ms. Bauer's generosity:

Pauline and her husband Jeff also have a banquet room where she has put on benefits for organizations like the Ludlow American Legion. She does not charge the veterans any money for rent or catering service. Pauline is more giving of herself for the service to her community, state, nation, family, and friends than any one I have ever known.

In an earlier letter (ECF 19), her sister described Pauline as

the hardest working woman I know who always puts others before herself. She has successfully operated her restaurant business for over 15 years and works 13-14 hour days right alongside of her employees. She has employed many young adults throughout the community and has mentored them through to graduation making sure that they are accountable for their responsibilities. She has helped with homework at times, provided volunteer opportunities, catered school events and has even provided financial assistance and basic essentials to those in need in order to advance them. She has volunteered her time and services to many events throughout the community and is always willing to help others in need when asked and sometimes when not even asked. I know this as being fact because I have personally helped in many of these events and have witnessed her generosity.

¹ With over 65 acres of beautiful land, Wildcat Park was first established in 1922 and offers pavilions, playgrounds, fishing, red covered bridge, trails and lots of history and much more. *See* <https://wildcatpark.weebly.com/history--location.html/>

C. The Stress on Ms. Bauer

When Ms. Bauer appeared before the Court on September 17, she had been working multiple days in a row, putting in 14 to 16 hours days and was suffering from lack of sleep as her sister relates in her letter. Ms. Bauer has also been receiving ugly hate mail. One such letter is attached as an exhibit. As she told the Court, each time she comes to court, she needs to take two-days off from work to travel and stay overnight. The combined stress of these circumstances have taken their toll on Ms. Bauer. Counsel respectfully requests that the Court take these circumstances into consideration and release Ms. Bauer to return to her productive and generous activities.

WHEREFORE, for all these reasons, Ms. Bauer respectfully requests that this Court release her, with the least restrictive conditions the Court deems necessary to reasonably assure her appearance.²

Respectfully submitted,

/s/

Carmen D. Hernandez

Bar No. MD 03366

7166 Mink Hollow Rd

Highland, MD 20777

240-472-3391

chernan7@aol.com

² The Bail Reform Act provides in pertinent part that the Court “shall order the pretrial release of the person *on personal recognizance* . . . unless the judicial officer determines that such release will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community.” 18 U.S.C. § 3142(b) “If the judicial officer determines that the release described in subsection (b) of this section will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community, such judicial officer shall order the pretrial release of the person . . . subject to the *least restrictive further condition*, or combination of conditions, that such judicial officer determines will reasonably assure the appearance of the person as required and the safety of any other person and the community. . .” 18 U.S.C. § 3142(c)(1)(B).

CERTIFICATE OF SERVICE

I hereby certify that a copy of the instant Memorandum was served on all counsel of record via ECF on the 24th day of September, 2021.

/s/

Carmen D. Hernandez

CERTIFICATE OF SERVICE

I hereby certify that the instant Status Report was served this 16th day of July, 2021 via ECF on all counsel of record and a copy was emailed to Pauline Bauer.

/s/ Carmen D. Hernandez

Carmen D. Hernandez

Exhibit List - Letters

Sisters:

Nellie Black, sister
Pam King, sister

Friends:

William A. Blauser, Jr.
Cheryl Sprague
Robin Yingling

Business Owner

Lowell & Sherry Gillespie

Customers:

Frank Royer
Wess Family

Hate Mail:

Unknown sender

Nellie Black
Sarver, Pa. 16055

September 20, 2021

To the Honorable Judge Trevor McFadden

Dear Judge McFadden:

I am writing this letter to attest to the strong moral character of Pauline Bauer. Pauline is my sister and I have known her all her life. I have always been amazed at what she has accomplished in her life, from being a single mother in her early 20's and working fulltime- sometimes 2 jobs to pay the bills and create a comfortable life for her and her son to buying and owning her own business in the restaurant business successfully. She is a hard worker and is not afraid to help wherever she is needed. Her work ethic is incredible. She is efficient, detail oriented, and extremely competent.

She is also a very caring individual. She has mentored many of her young employees and treated them like they were her own children and I feel that their quality of life was improved by her mentoring and support. She is strongly committed to being involved and serving her community - from community service to catering wedding and funerals to reviving Wildcat Park, a local park where she lives. She has worked tirelessly on this project to bring it back to the community to enjoy.

Pauline is in short, a good person, has always been kind and generous with others with a strong sense of duty to her family, job, and community. She constantly strives to make sure she is doing the right thing.

I put my trust in you that you will take this letter into consideration as you determine the just resolution of the matter before you.

Thank you for your consideration,

Nellie Black

September 20, 2021

UNITED STATES DISTRICT COURT
Judge Trevor McFadden
333 Constitution Avenue NW
Washington, District of Columbia 20001-2802

Case 1:21-cr-00386-TNM

Judge McFadden,

I am writing on behalf of my sister, Pauline Bauer, and asking the court to grant leniency in the decision of her case.

My sister is a very head strong, verbal woman and very firm in her beliefs but what she is not – is a danger to society and does not warrant incarceration. She does not deserve the treatment that she has had to endure throughout this ordeal. She has been slandered by the media, has received death threats, feels violated, lost what little privacy she had, works 16-hour days to keep her restaurant from failing and is completely drained – both mentally and physically. This whole ordeal is taking a toll on her health as I have noticed in her a dramatic weight loss and detrimental lack of rest.

She is the kindest, most generous, hard-working woman I know. She is an asset to her community and has helped so many people. She is the one I call and lean on when help or guidance is needed – not vice versa. The torment that she has had to endure since January 6th has been adequate penance for her actions.

I thank you in advance for your time and hope you can look beyond and see the woman she truly is.

Respectfully,

Pamela King

September 19, 2021

Dear Judge McFadden,

My name is William A. Blauser Jr., I live at 25 E. Main St. in Ludlow, Pennsylvania. I am a co-Defendant along with Pauline Bauer from Kane, Pennsylvania in the case of USA vs William Blauser Jr. and Pauline Bauer. I have been married to Darlene Blauser for 52 years and I am a veteran of the US Navy and served in Vietnam in the years of 1965- 1969. I was wounded on April 26, 1969 on the river in Vietnam Mekong Delta. I was discharged from the service on June 27th, 1969 and returned home to my job at Affiliated Industries. In 1985 I went to work for the US Postal Service and retired from there in 2004. I am a Life member of the following organizations: The American Legion, Veterans of Foreign Wars, Disabled American Veterans, Order of the Purple Heart and the Benevolent and Protective order of the Elks. In 1987 I was awarded the Elk of the year for Kane (BPOE) Elks Lodge 329 in Kane, PA. I have been the commander at Ludlow, PA. American Legion Post 489 since 2013 and received the American Legion Department of Pennsylvania "Post Commander" of the year in 2015 and 2021.

Now I will tell you some of the things that my friend Pauline Bauer, the owner of Bob's Trading Post in Kane, PA. has done. She works in her restaurant from 7am- 9pm Wednesday thru Sunday and on Monday holidays. She is the president of the Kinzua Fish and Wildlife. She was on the park board at Wildcat Park in Ludlow and was the treasurer for the Ludlow Sportsman's Club and has donated countless hours and food to the Ludlow Volunteer Fire Department. Pauline will help any person or organization as soon as she finds out they are in need or have a special occasion to celebrate.

Pauline and her husband Jeff also have a banquet room where she has put on benefits for organizations like the Ludlow American Legion. She does not charge the veterans any money for rent or catering service. Pauline is more giving of herself for the service to her community, state, nation, family, and friends than any one I have ever known. When she isn't working which is not often in the situation we are in now, she likes to work on the lake and river projects, hiking with her dog, boating, camping, fishing, hunting, and traveling. Especially the Rocky Mountain states.

I truly hope that you will consider all the good things that Pauline has done in her life.

Sincerely,

William A Blauser, JR.

Ludlow, PA 16333

September 18, 2021

Dear Judge McFadden,

I am writing to you today on behalf of Pauline Bauer of Kane, Pennsylvania. I have known Pauline for many years. Pauline owns and operates a very popular hometown restaurant in Kane. She has owned and operated that restaurant for many years and has had an impeccable reputation in the community. Pauline is a very hard worker, works very long days and manages her staff while working right along side of them. Pauline is known in the Kane community to be very generous and dedicated to various non-profit organizations. Many times, Pauline has volunteered her time and her catering to fundraiser events in the area. Pauline, along with others have worked to fundraise and maintain a local park that was in dire need to help save it for the community to enjoy.

Pauline is very reliable, dependable, honest, and trustworthy. She takes pride in her restaurant and the community. Pauline is one of the first ones to offer a hand to someone in need or an organization that is having a fundraiser for many various causes. Pauline will donate her time to many causes in the community. Pauline loves her family, her community and her restaurant and has many ties to the community.

I have nothing but the utmost respect for Pauline and will attest that she is a great value to the community.

Sincerely,



Cheryl Sprague

169 Sleepy Hollow Rd.
Kane, PA. 16735

Robin Yingling
327 Stoup Road
Mars PA 16046
September 19 2021

Judge McFadden

My name is Robin Yingling, I live in Mars PA. I am writing you on behalf of my friend, Pauline Bauer.

My friend of 40+ some years and counting, is one of the most honest, hard working, kindest people I have ever known. She isn't the person that calls you because she's in trouble! She's the one you call when in trouble. She's the one you call for anything quite frankly and she will always show to help in anyway possible.

Pauline Bauer is no criminal but a passionate human being for what she believe's in.

Please show her mercy and leniency

Respectfully

Robin S Yingling
Robin S. Yingling

September 20, 2021

Dear Judge McFadden,

I am writing you this letter today on behalf of Pauline Bauer. I am a resident of Kane, Pennsylvania and a business owner for a copier sales and service business for over 30 years.

Pauline is very active in helping with non-profits and the Veterans in our area. She is member of a group that helped saved a local park. She has taken many hours of her time to volunteer and donated many of her personal assets for the benefit of others. This historical park is a treasure to our community. We are so very thankful for her dedication to others and her selflessness.

Pauline is a successful female business owner. She has made her restaurant flourish, a favorite for locals just on the outskirts of the Alleghany National Forest. Her restaurant is called Bob's Trading Post, it is a welcoming stop for vacationing tourists. This business has employed many people over the years.

Pauline's success, hard work ethic, and her dedication to her community is an shining example of her good character.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lowell and Sherry Gillespie".

Lowell and Sherry Gillespie
6684 Highland Road
Kane, Pa 16735

To Judge M^r Fadden;

Been A Customer Of Bob's Trading Post Over The Years. Also Know A Few Waitress That Work Or WorkED There. Can speak on my known Reputation of Pauline Bauer first As An Employer Than my personal Experience. Her staff has described Pauline As A hard working, fair small business owner. My evaluation watching her AT work is The same. HARD WORKING SINCERE WOMAN.

Thank you
Frank Royer

FRANK Royer
402 pine ST
KANE PA
16735
cell 716-801-6169

9/19/2021

Judge McFadden

May I share with you our experience getting to know Pauline Bauer.
We met her several years ago when my family would go camping in the area of her restaurant.

It was easy to see the bond Pauline had with her employees, Pauline was more of a mother to many of them, it was obvious they appreciated and loved her. That refreshing atmosphere kept us going back with our family when in the area for many years now.

We started to notice each time we went to the pizzeria, There would be another fundraiser or notice of an event for someone in need.

As time went on, we learned from other patrons that Pauline was constantly donating her time, food & her money for cause after cause trying to help people in her community.
Over and over, we would hear; she has a huge heart and always steps up to assist those going through a rough time.

We have continued to witness her generous heart for many years now.
The fact is; Pauline is one of the most generous, and hardworking individuals that I have had the pleasure of meeting.

I hope you will take into consideration the person she truly is...
She has helped many people over the years, and now she needs compassion and mercy.
I respectfully ask that you please show her kindness and do what you can to help her find her way home. She truly deserves a fresh start.

Sincerely,
The Wess Family

Dear Pauline,

I hope they hang you by the neck until you die, after convicting you of treason. You're not only an embarrassing nutcase that humiliates our democracy by your very existence, you're the usual idiot redneck who votes for con artists like Trump.

With any luck, a bus runs over you today and rids society of such human garbage. Barring that, maybe you'll get COVID and die in prison.

By the way Einstein, YOU'RE the "fucking bitch" who's going to hang for treason, not Nancy Pelosi. LOL, could you be any dumber?

Have a nice day, you disgusting traitorous piece of shit,

-A REAL patriot

MIAMI FL 330
29 JUL 2021 PM 2 L



PAULINE BAUER
BOB'S TRADING POST
115 MACK LANE
VALENCIA, PA 16059

16059-221715