

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal No. 1:21-cr-00386-TNM-2
	:	
PAULINE BAUER	:	
	:	
Defendant.	:	
	:	

**JOINT STATUS UPDATE IN ADVANCE OF
PRE-TRIAL CONFERENCE**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Pauline Bauer, by and through her attorney, submit the following Joint Status Update in advance of the Pre-Trial Conference scheduled for December 16, 2022. As an initial matter, the parties understand that Ms. Bauer has waived her right to a jury trial, and will confirm that waiver in Court on December 16, 2022.

I. Agreed status of pending motions

1. MTD Dismiss – ECF 142. Denied by Court. ECF No. 166.
2. Bauer Discovery – Plea bargains, etc. – ECF 143. Moot.
3. Bauer Discovery – ECF 144. Moot.
4. Bauer Discovery – Expert witnesses – ECF 145. Granted by Court. ECF No. 166.

Now moot by agreement. Neither party will introduce testimony by expert witnesses.

5. Bauer Discovery – Jencks Act – ECF 146. Denied by Court. ECF No. 166. The government has produced statements made by anticipated trial witnesses.

6. Bauer Discovery rough notes - ECF 147. Moot.

7. Bauer discovery – 404(b) evidence – ECF 141. Moot. The government has not identified any 404(b) evidence. That being said, the government will introduce evidence of Ms.

Bauer's conduct before, during, and after January 6, 2021 which is relevant to motive, intent, etc.

8. Bauer discovery – Selective Prosecution – ECF 148. Pending to be resolved by the Court.

9. Government MIL – Authentication – ECF 123. Moot. The defendant agrees that the referenced video is authentic, and reserves the right to object based upon relevance and undue prejudice.

10. Government MIL – Other J6 cases – ECF 122. Granted by Court. ECF No. 166.

11. Government MIL – Omnibus – ECF 134. Moot. The defendant is not raising an alibi defense, a defense of insanity, sentencing argument during any guilt phase, and notes that, with a waiver of a jury trial, any jury nullification issues are not relevant.

II. Stipulations

The parties agree to the attached stipulations:

1. Cell phone evidence. Exhibit 700, attached as Exhibit A.
2. ID of Ms. Bauer. Exhibit 701, attached as Exhibit B.
3. CCTV video authentication. Exhibit 702, attached as Exhibit C.
4. BWC video authentication. Exhibit 703, attached as Exhibit D.
5. Capitol Building and Grounds. Exhibit 704, attached as Exhibit E
6. COVID Closure of the U.S. Capitol. Exhibit 705, attached as Exhibit F.

III. Other matters

1. The government has provided Ms. Bauer with an Exhibit and Witness list.
2. Ms. Bauer will provide the government with an Exhibit and Witness list by December 23, 2022, as well as reciprocal discovery.
3. The parties are discussing the use of prior transcript testimony as stipulated testimony in lieu of live testimony to further streamline undisputed issues in the case.

Respectfully submitted,

FOR THE DEFENDANT

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