

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

DANIEL ERIC JAY

Criminal Action No.

1:20-CR-228-MHC-JKL

DEFENDANT JAY'S MOTION FOR CONTINUANCE

Defendant Daniel Eric Jay respectfully requests that the Court continue the December 1, 2020 pretrial conference and extend the deadline for filing motions.

Brief Procedural History

On July 9, 2020, Mr. Jay was charged by criminal complaint. Doc. 1. On July 28, 2020, a grand jury in the Northern District of Georgia returned an indictment (the First Superseding Indictment) charging him with one count of bank fraud. Doc. 41 at 5-6.

On August 21, 2020, Mr. Jay moved for a continuance noting (a) the volume of discovery (well over 20,000 pages), (b) that certain Rule 16 materials (that required loading onto a one terabyte hard drive) had not yet been produced, and (c) the need for additional time to determine what motions Mr. Jay needed to file, if any. Doc. 67. The Court granted that unopposed motion and set the pretrial conference for October 27, 2020. Doc. 68.

On October 23, 2020, the Government moved to continue the pretrial conference noting that it intended to bring additional criminal charges against Mr. Jay and to charge an additional defendant. Doc. 93. The Court granted that unopposed motion and set the pretrial conference for December 1, 2020. Doc. 94.

On November 19, 2020, the grand jury returned a Second Superseding Indictment in this case, which charged Mr. Fayne and Mr. Jay and added two new defendants, Michael and Mark T. Sargent. Doc. 96. That indictment charged Mr. Jay with new crimes (wire fraud conspiracy and wire fraud) involving conduct wholly unrelated to the bank fraud charged in the First Superseding Indictment. *Id.* at 1-9.

Mr. Jay's arraignment is set for December 17, 2020. Doc. 100.

Request for Continuance

Given the new criminal charges filed against Mr. Jay on November 19, 2020, he will be entitled to another pretrial conference and a new deadline to file motions. To avoid the inefficiency of scheduling two pretrial conferences and having two motions deadlines, Mr. Jay respectfully requests that the Court continue the December 1, 2020 pretrial conference and extend the motions deadline.

Given the upcoming holidays, the upcoming December 17, 2020 arraignment of Mr. Jay on the new charges, the likelihood that the Government

will produce new Rule 16 materials relating to the new defendants, and the fact that a pretrial conference has not yet been scheduled relating to the new indictment, Mr. Jay respectfully requests a continuance of the motions deadline and the pretrial conference until the week of January 11, 2020.

This 28th day of November, 2020.

/s/ Kamal Ghali
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CERTIFICATE OF SERVICE

I hereby certify that this 28th day of November, 2020, a copy of the foregoing **MOTION FOR CONTINUANCE** was electronically filed with the Clerk of the Court and copies sent to all counsel of record via the ECMF system.

/s/ Kamal Ghali

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