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

UNITED STATES OF AMERICA Plaintiff, v. DANIEL ERIC JAY (2) Defendant.	CRIMINAL ACTION FILE NO. 1:20-CR-228-MHC-JKL-2

ORDER

This case is before the Court on Defendant Daniel Eric Jay's Motion to Conduct *Faretta* Hearing Remotely. [Doc. 157.] On January 7, 2021, the Court conducted a Zoom hearing on Mr. Jay's counsel motion to withdraw as counsel. [Doc. 132.] During the hearing, Mr. Jay refused to respond coherently to the Court's questions concerning whether he desired to represent himself or to be represented by court-appointed counsel. Out of concern that Mr. Jay did not appreciate the seriousness of these proceedings, the Court took the motion to withdraw under advisement and scheduled a reconvened hearing, including a possible *Faretta* hearing, in person for February 12, 2021 in Atlanta, Georgia. [*Id.*]

On February 9, 2021, counsel for Mr. Jay moved to conduct the hearing via Zoom. [Doc. 157.] His counsel represents that Mr. Jay consents to proceed via Zoom. He further states that Mr. Jay, who resides in Pennsylvania, is the caretaker for his elderly father and that a remove hearing would avoid risks associated with interstate travel during the COVID-19 pandemic. In addition, it appears that inclement weather is likely in that region of the country within the next several days, which may also impact travel and public safety.

While the Court in no way condones Mr. Jay's obstreperous behavior at the previous hearing, the Court **GRANTS** the motion. The hearing will proceed via Zoom on February 12, 2021 at 9:30 a.m., EST. Mr. Jay is required to attend the hearing. Login instructions will be provided under separate cover.

IT IS SO ORDERED this 9th day of February, 2021.

JOHN K. LARKINS III
United States Magistrate Judge