

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

**MOTION TO MODIFY CONDITIONS OF SUPERVISED RELEASE
TO INTERVIEW WITNESSES AND/OR CO-DEFENDANTS**

Defendant Daniel Eric Jay requests that this Court modify his conditions of release to allow for contact with persons who may be a victim or witness where counsel for Mr. Jay is present and the contact pertains to case preparation.

One condition of Mr. Jay's release is that he "avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution." Doc. 4-7. Such a prohibition artificially restricts Mr. Jay's ability to obtain evidence in his defense and, as worded, even restricts Mr. Jay's lawyer from contacting Mr. Fayne's stand-by counsel. "It is well established that a defendant is normally entitled, without governmental interference, to [have] access to prospective witnesses." *United States v. Pepe*, 747 F.2d 632, 654 (11th Cir. 1984). The current no-contact condition imposes "unjustified limitations" on Mr. Jay's access to potential information regarding his defense. *See id.*

Undersigned counsel has spoken with U.S. Probation Officer Matthew Anderson (who is Jay's Probation Officer) and Assistant U.S. Attorney Russell Phillips. The U.S. Probation Office does not oppose a modification of the order to allow contact between counsel for Mr. Jay and potential witnesses but does not consent to a modification that would allow for witness interviews or contact that directly includes Mr. Jay. The U.S. Attorney's Office for the Northern District of Georgia does not oppose this request.

Respectfully submitted this 8th December, 2020.

/s/ Megan Cambre
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CERTIFICATE OF SERVICE

I hereby certify that this 8th day of December, 2020, a copy of the foregoing
**MOTION TO MODIFY CONDITIONS OF SUPERVISED RELEASE TO
INTERVIEW WITNESSES AND/OR CO-DEFENDANTS** was electronically
filed with the Clerk of the Court and copies sent to all counsel of record via the
ECMF system.

/s/ Megan Cambre
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ORDER MODIFYING CONDITIONS OF RELEASE

Defendant Daniel Eric Jay requests that this Court modify his conditions of release to permit contact with persons who may be a victim or witness where counsel for Mr. Jay is present and the contact pertains to case preparation.

Given the absence of opposition from the Government, Jay's conditions of release are HEREBY MODIFIED to allow for contact between Defendant Jay and any victim or witness where counsel for Defendant Jay is present and the meeting pertains to case preparation.

SO ORDERED this ____ day of December, 2020.

RUSSELL G. VINEYARD
U.S. MAGISTRATE JUDGE