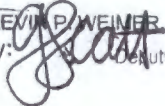


**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JUL 22 2022

By:  KEVIN P. WEINER, Clerk
Deputy Clerk

UNITED STATES OF AMERICA

V

**CRIMINAL ACTION
FILE NO. 1:20-CR-228-MHC-JKL-2**

DANIEL ERIC JAY

**DEFENDANT'S NOTICE OF TERMINATION OF COUNSEL FOR CAUSE,
RESERVATION OF ALL RIGHTS**

NOW COMES Daniel-Eric Jay here proceeding as Sui Juris co-counsel, and files,
DEFENDANT'S NOTICE OF TERMINATION OF COUNSEL FOR CAUSE and
affirms to the court as follows:

**I.
BACKGROUND**

1. Defendant JAY was named in a 1 Count indictment and 5 Count Superseding Indictment filed by the UNITED STATES on or about 28 July 2020 and 19 November 2020, respectively.
2. Defendant JAY did NOT waive his right to counsel NOR effective assistance of counsel but was appointed counsel from the Federal Public Defender's Office. Defendant JAY had a Public Defender for arraignment in Western District of PA July 15, 2020, then a public defender upon

arriving in GA on July 20, 2020 just for the arraignment . Defendant JAY was given Public Defender Kamal Ghali on July 30, 2020

3. Defendant JAY entered a plea of NOT GUILTY to the federal Indictment count 4 claiming to be a TRUE BILL through attorney Ghali on August 12, 2020. Received superseding indictment on Nov 19, 2020 naming Defendant JAY in addition to the bank fraud charge from original indictment, another 4 counts with conspiracy to commit wire fraud, and 3 counts of wire fraud were added.
4. ARRAIGNMENT held as to DANIEL ERIC JAY (2) on the Second Superseding Indictment. Defendant JAY's Attorney Meghan Cambre took it upon herself and filed a PLEA of NOT GUILTY entered as to Count 1,2, 4,5. **No written plea from Defendant JAY was filed with the court.**
5. Attorney Ghali filed a motion to withdraw and Motion for Hearing as to DANIEL ERIC JAY re 131 MOTION to Withdraw as Attorney was heard Jan 7 2021. The Court had a Faretta Hearing on 2/12/2021 at 09:30 AM in ATLA Courtroom 1834 before Magistrate Judge John K. Larkins III via Zoom. Attorney Ghali's motion to withdraw as counsel 131 was **HEREBY TAKEN UNDER ADVISEMENT.** Feb 12, 2021 Faretta

hearing was conducted, Defendant was found to be competent and Mr Ghali;s was removed as counsel.

6. On Feb 18 2021 Leigh Burton Finlayson was named stand by counsel.
June 21st **Daniel-Eric: Jay** decided to no longer represent himself and Leigh Finlayson took over as counsel. **Daniel-Eric: Jay** filed Sui Juris documents 213, 216 and 218-228 between Sept 7 -10, 2021
7. Attorney Finlayson filed motions to remove **Daniel-Eric: Jay's** Sui Juris motions without his consent.
Documents 216.218,219,220,221,222,223,224,225,226,227,228.
Case was certified for Trial on Sep 8, 2021.
8. Oct 13, 2021 change of plea hearing was scheduled for Dec 14, 2021 to sign plea agreement.
9. On December 14, 2021 **Daniel-Eric: Jay** decided against signing it

II. DISCUSSION

10. Without counsel, Defendant, here proceeding Sui Juris, seeks his constitutionally guaranteed rights pursuant to the Georgia, Pennsylvania and the United States of America Constitution(s), and the constitutional guarantees therein and hereby serves notice that defendant does not

waive BUT RESERVES any and all of those constitutionally guaranteed rights.”

11. After the cancelled plea signing hearing on December 14, 2021 **Daniel-Eric: Jay** asked Attorney Finlayson to negotiate a better plea deal than the 60 month max offer. **Daniel-Eric: Jay** was willing to consider an “Alford Plea.” However, Attorney Finlayson refused saying “*I can’t go back them after this, I have no credibility.*”
12. Without Finlayson giving his client any notice, feedback or counsel, the Feb 4, 2022 trial was rescheduled for July 19, 2022.
13. Defendant did not receive a call from Finlayson until mid April talking about the trial , nothing to do with the “Alford plea.”
14. Finlayson has refused to enter pre-trial Motions on behalf of his client, DANIEL ERIC JAY.
15. Finlayson has provided ineffective assistance of counsel to the Defendant DANIEL ERIC JAY
16. **THEREFORE**, upon careful consideration, Defendant, exercising his right to proceed pro se, pursuant to *Faretta v. California 422 U.S. 806 (1975)*, **without** waiving his right to have effective assistance of counsel pursuant to the 6th Amendment to the Constitution for the United States of America and *Johnson v. Zerbst 304 U.S. 458 (1938)*, has informed

Finlayson that he is terminated from being employed as Counsel for the Defendant in the above captioned action.

17. If the July 19, 2022 trial date is enforced, PRIOR TO THE removal of Attorney Finlayson as counsel for the Defendant, and the legal consideration of all the pre-trial motions available to the Defendant, this Court has imposed a shorter time, on this highly prejudiced and legally disabled pro se defendant, to research and prepare for trial than it imposes on legally trained and seasoned attorneys who have paralegals, access to law libraries and data bases at hand.

I, Daniel Eric Jay do hereby affirm that the foregoing document was authored by me and is true, accurate, complete and not misleading under the penalty of perjury to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NOT

Respectfully submitted:

Daniel Eric Jay, proceeding Sui Juris

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this **DEFENDANT'S NOTICE OF**
TERMINATION OF COUNSEL in this case has, on the _____ day of _____ 2022, been
served via US Postal Service to counsel of record for the Prosecutor in this case:

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