

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA**

AUGUSTA DIVISION

))
IN RE JOSEPH NEAL, JR.) **No. MC-112-008**
))

DECLARATION

**I, JOHN C. GRAY, GRAY & GARRETT, P.C., 750 HAMMOND DRIVE,
ATLANTA, GEORGIA 30328, a resident of the State of Georgia,**

**do hereby declare, pursuant to 28 U.S.C. § 1746, that the following is true and
correct to the best of my knowledge and belief:**

**1. I am proud to state that I have been licensed for over four (4) decades
to practice law in the State of Georgia and am a member of the Bar of the
Northern District of Georgia.**

**2. I am familiar with the character of Joe Neal, Jr., and make this
Declaration in Support of Joe Neal Jr.’s Motion to Vacate his suspension from
practice in the Southern District of Georgia, United States Federal Court.**

**3. I am generally familiar with the allegations against Joe Neal, Jr.,
arising out of or related to his indictment on Rape in the Superior Court of
Richmond County and am familiar with the resolution of that case. I have also**

had opportunity to discuss the matter with Mr. Neal and to personally evaluate whether its impact has any relationship with his ability to practice law and diligently represent clients

4. This matter was tried before the Superior Court of Richmond County and resulted in a *dismissal* of the rape charge and a plea agreement to three non-violent, non-sexual misdemeanors on a separate accusation, acts which were *totally unrelated* to Mr. Neal's law practice or his representation of clients, or his candor or honesty towards a Court or tribunal.

5. I am troubled that the judicial process against Mr. Neal could have played out in Court that resulted in the dismissal of the charge against him, but that he could now have to be subject to what amounts to a retrial of these same charges against him in a Bar proceeding in federal court. It is almost a double jeopardy, but more importantly, although I do not condone the misdemeanor charges to which Mr. Neal has plead, continuance of this matter brings to question what issue the Southern District of Georgia would base any refusal to reinstate Mr. Neal.

6. In particular, Mr. Neal has been found to be factually innocent of the charge of rape against him as that charge has been dismissed. Mr. Neal's innocence of the charge of rape should be vindicated in this Court and his

private, personal, consensual sexual conduct should not be again paraded before the public. The misdemeanors dispositions are first offenses for Mr. Neal which rarely, if ever, have been justification for suspension or disbarment.

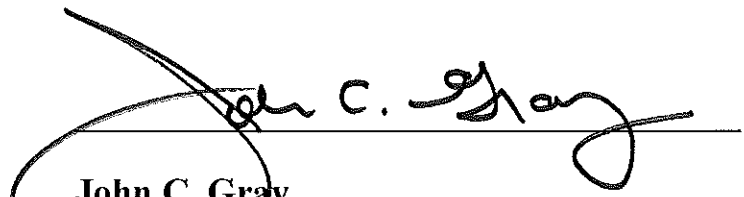
7. I understand that the trial judge in Superior Court, Judge Blanchard, stated in open court that no rape occurred and I understand that the prosecutor admitted in open court that the alleged victim's testimony would not stand up in the proceedings.

8. My concern is that it is inappropriate to comment upon the private, consensual sexual conduct of a member of this Bar because such conduct is private and protected by the United States and Georgia Constitution. In any event, any such conduct should not become an issue for resolution for the U. S. District Court or any Court where criminality is not involved. In other words, I don't believe it appropriate that this Court, or any Court for that matter should regulate the private, consensual conduct of attorneys appearing before them. What the Court is doing is the moral equivalent of suspending a lawyer from practicing before them because the lawyer is Gay and has a partner, or had committed adultery. We have lawyer practicing in good standing with our Bars that are impaired by drugs, alcohol or psychological issues. These

lawyers are a risk to their clients and the Court as the result of their personal conduct. Mr. Neal's personal conduct, although I do not condone it, *does not* impair his ability to diligently and legally represent a client before this Court.

9. I endorse Mr. Neal for reinstatement as a member of the Bar of the Southern District of Georgia.

10. I declare under penalty of perjury that the foregoing 9 paragraphs are true and correct, and that this declaration was executed on September 19, 2012, in Atlanta, Georgia.


John C. Gray
Georgia State Bar No. 306100
