

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

IN RE JOSEPH NEAL, JR.

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No. MC-112-008

DECLARATION

I, Mark A. Tate, do here by 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 licensed to practice law in the State of Georgia and am a member of the Bar of the Southern District of Georgia.

2. I am familiar with the character and reputation of Joe Neal, Jr., and make this Declaration in Support of Joe Neal Jr.'s Motion to Vacate his suspension from practice in this federal district.

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

4. I am troubled that the judicial process against Mr. Neal could have played out in Court that resulted in the dismissal of the rape charge against him, but that he could now have to be subject to what amounts to a retrial of these charges against him in a Bar proceeding in federal court.

5. Specifically, I understand that Mr. Fred Kramer has been appointed to represent the members of the Bar of the Southern District of Georgia, however, his actions do not represent my views of this matter.

6. In particular, if Mr. Neal is factually innocent of the charge of rape against him as that

charge has been dismissed. That innocence should be vindicated in this Court and his private, personal, consensual sexual conduct should not be again paraded before the public.

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 would be demolished on cross examination.

8. It is my view 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 U.S. 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.

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 14, 2012, in Savannah, Georgia.



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