

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

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

DECLARATION

I, Maureen O’Leary Floyd, 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 53 years of age and make this Declaration in Support of Joe Neal Jr.’s request to vacate his suspension from practice in this federal district.
2. I am an attorney licensed in Georgia and represented Joseph Neal, Jr. in the Superior Court of Richmond County Case No. 12 RCCR 373.
3. I read the March 15, 2012 article in the Metro Spirit, Neal Down Saga Picks Up Speed, which in part states “the word on the street about the secretive grand jury proceedings is that the black members of the grand jury had a much harder time believing the alleged facts constituted a rape than white members.” (See Exhibit “A”). I inquired of several Assistant District Attorneys who presented the case to the Grand Jury. I was met with silence each time. I was

concerned about how secret grand jury voting was being disseminated to reporters and the public.

At the Calendar Call for Mr. Joseph Neal's case on May 17, 2012, ADA Kim Easterling informed the Court that ADA Parks White was taking a leave of absence to run for District Attorney in Hart County, Georgia and that she did not know which ADA would be trying the case for the State. I was ordered to contact District Attorney Ashley Wright and report back to the Court.

I met with District Attorney Ashley Wright in her office and she informed me that she had a conflict of interest and that "she had never even seen Mr. Neal's file". I suggested that she have another District Attorney from another circuit review the file. District Attorney Ashley Wright said that there was not enough time before the June 4, 2012 trial to accomplish this. She advised me that she thought she would assign the case to ADA Geoffrey Fogus. When I called her back, she advised that he would be prosecuting the case.

Contrary to what District Attorney Ashley Wright told me, my later review of the District Attorney's file pursuant to their open file policy revealed that District Attorney Ashley Wright was the first person to review the file and that she had presented the case to the Grand Jury.

4. ADA Geoffrey Fogus sought to remove me from representing, Mr. Joseph Neal, Jr. misstating that I, Maureen Floyd, had a conflict of interest in the case of the State of Georgia vs. Joseph R. Neal, Jr. because I had previously represented a State's witness – the alleged victim's father, Dan Sprankle, in an uncontested divorce action, and that I would be subject to disbarment. Even a cursory review of Mr. Sprankle's Divorce Decree would disclose to any attorney that there was no conflict. Judge Blanchard also determined that there was no conflict.

As the Divorce Decree clearly states, I represented Ms. Zuni Sprankle, and I did not represent Dan Sprankle. Mr. Sprankle acknowledged that he was advised to hire his own counsel if he so desired.

5. In the course of my representation, Sarah Floyd Blake and I met with attorney John B. Long, Sr. at his office to discuss the conversation Mr. Long had with the alleged victim's father, Dan Sprankle. Our meeting took place on March 27, 2012.

6. Mr. Long told me that Mr. Sprankle had contacted Mr. Long prior to speaking with law enforcement. Mr. Sprankle inquired about the possibility of representing Melina Sprankle, the alleged victim. However, Mr. Long informed Mr. Sprankle that he could not represent Ms. Sprankle because his representation

of Caroline Neal conflicted Mr. Long out of such representation. Mr. Long also indicated that he did not believe Ms. Sprankle's potential case against Mr. Neal had any monetary value.

7. During plea negotiations with ADA Geoffrey Fogus, attorney Tom Withers and myself agreed that Mr. Neal would plead to three misdemeanors as long as we received confirmation from the State Bar of Georgia that this plea agreement would not negatively affect Mr. Neal's license to practice law in Georgia. This conversation occurred in a side conference room at the Richmond County Courthouse. We received a telephone call from disciplinary counsel at the State Bar of Georgia, confirming that the three misdemeanors would not affect Mr. Neal's license to practice law in Georgia. ADA Fogus then withdrew the offer and demanded that Mr. Neal plead to six misdemeanors. We then returned to court.

8. During the hearing to determine the admissibility of certain evidence under the Georgia Rape Shield statute, the State moved to exclude the following text messages between Melina Sprankle and her boyfriend, Brett Folger:

12/19/11 15:09:02 (Brett Folger)

I'm sorry Baby. Joel has no idea about your dad and his sister

12/19/11 15:11:15 (Melina Sprankle)

Oh well they're for sure together... tell him that:

12/19/11 15:13:17 (Melina Sprankle)

She keeps it a secret from her family because they would disoen her haha.

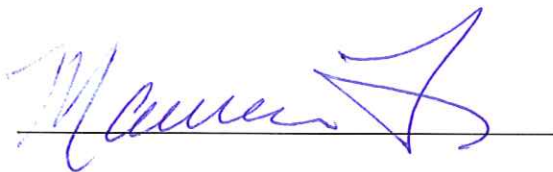
Judge Blanchard inquired as to why these text messages were relevant evidence. I responded to Judge Blanchard that this text message explained why this case had been fabricated. The evidence would have shown at trial that Melina Sprankle advised Joe and Caroline Neal that her father, Dan Sprankle, was having a sexual relationship with Melina Sprankle's former babysitter and that Melina Sprankle was furious at her father because her babysitter/friend who was just a few years older than Melina was now treating her like a step-daughter. When Mr. Sprankle initially met with law enforcement, he was surreptitiously taped. On the tape Dan Sprankle revealed he had not reviewed the text messages retrieved from Melina Sprankle's cellular phone. Once it was revealed that Mr. Sprankle's relationship with Melina's young babysitter would be admissible, plea negotiations began again with Mr. Sprankle's approval.

9. As we were walking up to the podium to enter a plea ADA Fogus again asked for money. ADA Fogus originally demanded that Mr. Neal pay Ms. Sprankle \$10,000 for "counseling" as part of the negotiated plea agreement for three misdemeanors. Tom Withers asked ADA Fogus about the purpose of the payment and ADA Fogus stated that it was possible that Ms. Sprankle would need

therapy. However, ADA Fogus admitted that Ms. Sprankle had sought no medical or psychological treatment since the incident. Mr. Neal again refused, but offered to pay \$2,500, only if such payment was made directly to healthcare providers. Ms. Sprankle rejected this offer.

10. I make this Declaration freely and voluntarily. No one has forced me to sign this and I am signing this Declaration because it is true.

11. I declare under penalty of perjury that the foregoing 10 paragraphs are true and correct, and that this declaration was executed on the 28th day of September, 2012, in Augusta, Georgia.



Maureen O'Leary Floyd