

Affidavit of Rebecca Byrd Neal

Rebecca Byrd Neal
10165 McGaheysville Road
McGaheysville, VA 22840

Affidavit requested by Donna Hockman #1406120 FCCW, Troy VA 22974
Regarding a pattern of behavior demonstrated by Commonwealth Attorney, Marsha Leigh Garst
Who serves the Citizens of Harrisonburg/Rockingham County Virginia

I, Rebecca Byrd Neal swear or affirm:

That Commonwealth Attorney, Marsha Leigh Garst used overzealous, malicious prosecution tactics while withholding exculpatory evidence to insure the conviction she determines is correct.

That I was the City Treasurer for the City of Harrisonburg, VA from 1993 – 2008. During my years in office I was audited annually by the City and State. Every audit had no findings of improprieties or weakness in accounting practices, including the special turn over audit performed when I resigned from office.

That in January 2008 false charges of embezzlement were brought against me, even though no money was ever missing from my office. In the proceeding months it was portrayed in the local media that I had taken over \$90,000.00. I was indicted on 22 charges and faced 89 years in Jail if convicted. The media based their stories on information provided by the Commonwealth Attorney. I was successfully removed from Office by petition prior to receiving a trial.

That I was coerced to accept a Plea Deal for 1 felony count of Misuse of Public Funds by my Attorney and Commonwealth Attorney. I was told that even if the Commonwealth Attorney could not prove her case; since I was a politician the Jury would probably send me to jail. The reasoning was "where there is smoke there is fire, I must have done something wrong." I have a husband and three children, I was not going to be taken away from them for something that I did not do.

That in December 2011 it was brought to my attention that there was a document in the possession of the State Auditor of Public Accounts in Richmond that was sent to Ms. Garst 8 days prior to my indictment, detailing the weak case against me. This document was not released by the Auditor of Public Account, Walter Kucharski as a public document because Ms. Garst had never signed off on it. I did a FOIA request to the Auditor's Office on December 20, 2011. I received the requested documentation January 9, 2012 after Ms. Garst authorized the release of the document. This was exculpatory evidence and Ms. Garst knew that I had broken no laws.

That in February 8, 2012 I submitted an Inquiry to the Virginia State Bar, VSB Docket No. 12-070-090857. As of this date, August 17, 2013, this matter remains under investigation by the Virginia State Bar. Mr. Alfred L. Carr, Assistant Bar Counsel has handled the investigation. The investigation has gone to the 7th District Committee twice. I have spoken with an investigator for the State Bar.

That Marsha Leigh Garst withheld exculpatory evidence and maliciously prosecuted me knowing that I had not broken any laws. I paid no restitution to the City of Harrisonburg since there was never any money missing. I strongly believe that local Republican Politics motivated her actions against me. I ran as a Democrat and an Independent when elected. I abided by the law and local ordinances consistently, I did not make decisions based on the political or financial standing of the community I represented.

Further affiant saith not.

I SWEAR OR AFFIRM THAT THE ABOVE AND FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

8-23-13
Date

Rebecca B Neal
Rebecca Byrd Neal

STATE OF VIRGINIA

COUNTY OF ROCKINGHAM

I, the undersigned Notary Public, do hereby affirm that Rebecca Byrd Neal personally appeared before me on the 23rd day of August 2013, and signed the above Affidavit as her free and voluntary act and deed.

Charlotte L. Shifflett
Notary Public

ID 167862
Expires 2/28/2017

