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STATE OF NORTH CAROLINA **FILED** IN THE GENERAL COURT OF JUSTICE
COUNTY OF HAYWOOD SUPERIOR COURT DIVISION
2006 OCT 26 PM 3:46 NO.: 03 CRS 52472

STATE OF NORTH CAROLINA
VS. ~~HAYWOOD COUNTY O.S.C.~~ ORDER RE CONTEMPT
BRIAN R. GENTRY
BY _____

On October 24, 2006, Albert Neal was ordered to appear before this court to show cause, if any there be, why he should not be punished for contempt for willful or grossly negligent failure to comply with schedules and practices of the court resulting in substantial interference with the business of the court.

The hearing was had on 2:00 p.m., Thursday, October 26, 2006. The Court makes the following findings of fact beyond a reasonable doubt:

FINDINGS OF FACT

Over the past several months, during 2006 at least, there have been many times that Mr. Neal was needed in court and for one reason or another did not appear. The Court has been made aware of Mr. Neal's ongoing medical problems, as well as his son's ongoing medical problems. The court has attempted to work with Mr. Neal in regard to his schedule, his medical problems, his son's medical problems, as well as his schedule of the court. Cases have been continued for Mr. Neal based upon various representations to the court regarding his medical condition, as well as the medical condition of his son.

There have been ongoing failures of Mr. Neal to communicate with his clients, at least as represented to the court when his cases have been called for trial, as was the case with Mr. Gentry. There has been ongoing failure to appear when notified. The efforts made on Tuesday by Ms. Escaravage and others to find out where Mr. Neal was, where he needed to be and why he was not in court when he had been informed to be in court are typical of the kind of experiences had with Mr. Neal regarding his appearances in court.

The Court finds and concludes as a matter of law that Mr. Neal should be punished for willful and grossly negligent failure to comply with schedules and practices of the court resulting in substantial interference with the court.

At this time the Court censured Mr. Neal so that this matter is a matter of record. The Court will not order that he be fined or imprisoned, but now that this is a matter of record in the Superior Court, it may be reported to the State Bar and may also be considered in any further hearings, if they be necessary, in regard to Mr. Neal's ability or inability to comply with the schedules of the court.

This, the 26th day of October, 2006.

A TRUE COPY
[Signature]
CLERK OF SUPERIOR COURT
HAYWOOD COUNTY N. C.

[Signature]
HONORABLE J. MARLENE HYATT
Superior Court Judge Presiding