

EXHIBIT 4

Declaration of Patrick T. McNally

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE, NASHVILLE DIVISION**

**JOHN DOES #1–3, individually and on
behalf of all others similarly situated,**

Plaintiffs,

vs.

**WILLIAM B. LEE, Governor of the State
of Tennessee, and DAVID B. RAUSCH,
Director of the Tennessee Bureau of
Investigation, and TONY C. PARKER,
Commissioner of the Tennessee Department
of Corrections, in their official capacities,**

Defendants.

Case No. _____

DECLARATION OF PATRICK MCNALLY

I, Patrick McNally, declare under penalty of perjury that these statements are true and correct to the best of my knowledge, information and belief:

1. I have been licensed to practice law in the state of Tennessee since 1982, and licensed to practice law in the Commonwealth of Kentucky since 1984. I am admitted to practice in the United States District Courts for the Western, Middle, and Eastern Districts of Tennessee, United States District Courts for the Western and Eastern Districts of Kentucky, in the United States Court of Appeals for the Sixth Circuit, and the United States Supreme Court.

2. I earned my J.D. from the University of Tennessee in 1982. I earned my B.A. from the Wake Forest University in 1977.

3. From 1982 to 1986, I served as a Public Advocate in Hazard, Kentucky. From 1986 to 1991, I was a Senior Public Defender with the Metropolitan Davidson County Public Defender's Office in Nashville, Tennessee.

4. I entered private practice in 1991 with the law firm of Hollins, Wagster, & Yarbrough. My practice includes federal and state criminal defense. I handled a civil rights case through a jury trial in federal district court involving a police canine attack on an arrestee arising out of Clarksville, Tennessee. I have substantial courtroom, trial, and contested hearing experience.

5. In a criminal defense capacity, I have an active private practice in federal court and served on the United States District Court for the Middle District of Tennessee's Criminal Justice Act indigent defense panel since 1991. I have handled cases designated complex and extended, and two potential death penalty cases in which the government later decided not to seek the death penalty. In state court I have handled criminal matters at all levels. I have tried several death penalty cases and multiple felony cases before juries.

6. I have an active appellate practice and one appearance before the United States Supreme Court in *Lee v. United States*, 137 S. Ct. 1958, 198 L. Ed. 2d 476 (2017).

7. I have published *Fighting to Stay in the USA: One Immigrant's Struggle to the U.S. Supreme Court*, Tennessee Association of Criminal Defense Lawyers, *For the Defense* (2019).

8. I have served the legal community as a former president of the Tennessee Association of Criminal Defense Lawyers, as Chairperson for the Tennessee Bar Association Criminal Justice Section Executive Committee and, chairperson of the Nashville Bar Association Criminal Court and Criminal Justice Committee. I serve on the selection committee for the Criminal Justice Act indigent defense panel.

Signed June 26, 2019


Patrick T. McNally