

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA)	CRIMINAL NO. <u>3:18-863</u>
)	
)	18 U.S.C. § 1349
)	18 U.S.C. § 1343
v.)	18 U.S.C. § 1341
)	18 U.S.C. § 666(a)(1)(A)
)	18 U.S.C. § 2
DANIEL EDWARD JOHNSON)	18 U.S.C. § 981(a)(1)(C)
NICOLE HALLIETT HOLLAND)	28 U.S.C. § 2461(c)
)	
)	INDICTMENT

THE GRAND JURY CHARGES:

At all times relevant to this Indictment, unless otherwise stated:

1. Using public funds to finance a private lifestyle, Defendant, DANIEL EDWARD JOHNSON, abused his position as elected Solicitor to siphon money from the Fifth Judicial Circuit of South Carolina.

2. Defendant, NICOLE HALLIETT HOLLAND, Director of Communications for the Fifth Judicial Circuit of South Carolina, used her position to both aid and abet her boss, DANIEL EDWARD JOHNSON, and to personally siphon public funds for private use.

**COUNTS 1-13
(WIRE FRAUD)**

3. DANIEL EDWARD JOHNSON was Solicitor for the Fifth Judicial Circuit of South Carolina, having been elected in 2010 and re-elected in 2014. The Fifth Judicial Circuit Solicitor’s Office (Solicitor’s Office) serves both Richland and Kershaw Counties.

4. As Solicitor, DANIEL EDWARD JOHNSON was responsible for the operation

and management of the Solicitor's Office. DANIEL EDWARD JOHNSON supervised approximately 140 employees, all of whom were employed at-will by the Solicitor.

5. DANIEL EDWARD JOHNSON hired NICOLE HALLIETT HOLLAND as Director of Communications for the Solicitor's Office.

THE SCHEME

6. From on or about 2016 to the date of this Indictment, Defendants DANIEL EDWARD JOHNSON and NICOLE HALLIETT HOLLAND devised and intended to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

MANNER AND MEANS

It was part of the scheme that:

7. The Solicitor's Office issued Bank of America (BoA) credit cards to four of its high-ranking employees, including DANIEL EDWARD JOHNSON and NICOLE HALLIETT HOLLAND, for use on official law enforcement-related expenses. The credit card issued to DANIEL EDWARD JOHNSON from 2016 through August 2017 ended in x-3880 and read "Dan Johnson, Fifth Circuit Sol Office." In August 2017, DANIEL EDWARD JOHNSON received a new, replacement BoA card, ending in x-1748 and also reading "Dan Johnson, Fifth Circuit Sol Office." The credit card issued to NICOLE HALLIETT HOLLAND from 2017 through 2018 ended in x-0305 and read "NICOLE H. HOLLAND, Fifth Circuit Sol Office."

8. Each month, BoA mailed billing statements to the Solicitor's Office detailing DANIEL EDWARD JOHNSON's and NICOLE HALLIETT HOLLAND's credit card spending and outstanding balances. DANIEL EDWARD JOHNSON and NICOLE HALLIETT HOLLAND then submitted these billing statements, or allowed them to be submitted on their behalf, to the

Solicitor's Office for payment. Solicitor's Office funds, generally maintained by Kershaw County, were then made payable to and mailed to BoA to cover DANIEL EDWARD JOHNSON's and NICOLE HALLIETT HOLLAND's outstanding balances. Additional Solicitor's Office funds were maintained by Southern First Bank.

9. Defendants DANIEL EDWARD JOHNSON and NICOLE HALLIETT HOLLAND would enrich themselves by using Solicitor's Office funds to pay for personal expenses. These personal expenses would be reflected alongside business expenses on various BoA statements and then paid in full with Solicitor's Office funds. The personal expenses included travel, vacations, romantic liaisons, medical expenses, and double-reimbursements for military training.

10. On or about the dates set forth below, in the District of South Carolina and elsewhere, Defendants, DANIEL EDWARD JOHNSON and NICOLE HALLIETT HOLLAND, and others known and unknown to the Grand Jury, for the purpose of executing the scheme described above, caused to be transmitted by means of wire communication in interstate commerce the signals, signs, and sounds described below, wherein the total amount of each payment to BoA constitutes a separate count encompassing at least one fraudulent expense:

Count	Date of Payment	Total Amount	Defendant
1	September 26, 2016	\$4,576.79	JOHNSON
2	November 14, 2016	\$4,713.41	JOHNSON
3	December 5, 2016	\$9,479.04	JOHNSON
4	January 9, 2017	\$4,867.47	JOHNSON
5	January 30, 2017	\$7,022.64	JOHNSON
6	April 3, 2017	\$5,206.01	JOHNSON
7	April 14, 2017	\$10,000.00	JOHNSON
8	April 14, 2017	\$10,000.00	HOLLAND
9	May 15, 2017	\$9,565.64	JOHNSON
10	August 7, 2017	\$1,444.61	JOHNSON
11	August 7, 2017	\$16,136.77	HOLLAND
12	October 16, 2017	\$2,867.52	JOHNSON
13	October 30, 2017	\$3,281.89	JOHNSON

All in violation of Title 18, United States Code, Section 1343 and 2.

**COUNTS 14-24
(MAIL FRAUD)**

THE GRAND JURY FURTHER CHARGES:

11. Paragraphs 1-10 are incorporated herein by reference.

12. On or about the dates set forth below, in the District of South Carolina and elsewhere, Defendants, DANIEL EDWARD JOHNSON and NICOLE HALLIETT HOLLAND, and others known and unknown to the Grand Jury, having devised and intending to devise the above-described scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, did knowingly, cause to be delivered by Postal Service and private and commercial interstate carrier according to the direction thereon, and at the place at which it was directed to be delivered by the person to whom it was addressed in such matter and things, and received such matter and things delivered by the Postal Service and private and commercial interstate carrier, in that the Defendants, DANIEL EDWARD JOHNSON and NICOLE HALLIETT HOLLAND, did cause to be delivered and received BoA statements delivered to the Solicitor's Office demanding payment for fraudulent expenses:

Count	Date of Statement	Defendant
14	September 8, 2016	JOHNSON
15	October 8, 2016	JOHNSON
16	December 8, 2016	JOHNSON
17	January 8, 2017	JOHNSON
18	March 8, 2017	JOHNSON
19	March 8, 2017	HOLLAND
20	April 8, 2017	JOHNSON
21	May 8, 2017	JOHNSON
22	June 8, 2017	HOLLAND
23	July 8, 2017	JOHNSON
24	October 8, 2017	JOHNSON

All in violation of Title 18, United States Code, Section 1341 and 2.

**COUNT 25
(CONSPIRACY)**

THE GRAND JURY FURTHER CHARGES:

13. Paragraphs 1-10 are incorporated herein by reference.

14. At times unknown to the grand jury, but beginning at least in or around 2011, and continuing thereafter, up to and including the date of this Indictment, in the District of South Carolina and elsewhere, Defendants, DANIEL EDWARD JOHNSON and NICOLE HALLIETT HOLLAND, and others known and unknown to the Grand Jury, knowingly and willfully combined, conspired, confederated, and agreed with each other to execute and attempt to execute a scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises,

a. transmitted and caused to be transmitted in interstate commerce, wire communications, including writings, signs, signals, pictures, and sounds, for the purpose of executing the scheme and artifice to defraud, in violation of Title 18, United States Code, Section 1343; and

b. deposited and caused to be deposited any matter and thing whatever to be sent or delivered by the United States Postal Service and any private and commercial interstate carrier, for the purpose of executing the scheme and artifice to defraud, in violation of Title 18, United States Code, Section 1341;

All in violation of Title 18, United States Code, Section 1349.

**COUNT 26
(THEFT OF FEDERAL FUNDS)**

THE GRAND JURY FURTHER CHARGES:

15. Paragraphs 1-10 are incorporated herein by reference.

16. The Solicitor's Office received federal funding in excess of \$10,000 during each year of DANIEL EDWARD JOHNSON's time in office, including calendar years 2011 through 2018. These federal funds stemmed from a drug forfeiture program and various federal grants, including grants from the United States Department of Justice's Justice Assistance Grant Program and the National Highway Traffic Safety Administration. These federal funds were awarded to the Solicitor's Office for official purposes and were restricted to spending on law enforcement activities.

17. Beginning at least in or about January 2016 and continuing through on or about August 2018, in the District of South Carolina and elsewhere, Defendant, DANIEL EDWARD JOHNSON, being the elected Solicitor and an agent of the Solicitor's Office, and Defendant, NICOLE HALLIETT HOLLAND, being the Director of Communications and an agent of the Solicitor's Office, said Solicitor's Office receiving in each one-year period of 2016 and 2017, benefits in excess of \$10,000 during each of those years, under various Federal programs providing grants and assistance, embezzled, stole, and obtained by fraud, property worth at least \$5,000 and under the care of the Fifth Circuit Solicitor's Office, in each one-year period of 2016 and 2017;

All in violation of Title 18, United States Code, Sections 666(a)(1)(A) and 2.

FORFEITURE

1. **WIRE FRAUD/THEFT OF FEDERAL FUNDS:**

As a result of the foregoing violation of 18 U.S.C. §§ 1349, 1343, 1341, and 666, as charged in this Indictment, upon conviction, Defendants, DANIEL EDWARD JOHNSON and NICOLE HALLIETT HOLLAND, shall forfeit to the United States any property, real or personal, which constitutes or is derived from any proceeds the Defendants obtained, directly or indirectly, as a result of such violation, and any property traceable to such property.

2. **PROPERTY:**

Pursuant to 18 U.S.C. § 981(a)(1)(C), and 28 U.S.C. § 2461(c), the property which is subject to forfeiture upon conviction of Defendants for the violations charged in this Indictment includes, but is not limited to, the following:

Forfeiture Judgment:

A sum of money equal to all proceeds the Defendants obtained, directly or indirectly, from the offenses charged in this Indictment, that is, a minimum of approximately \$55,000.00 in United States currency, and all interest and proceeds traceable thereto, and/or that such sum equals all property derived from or traceable to their violation of 18 U.S.C. §§ 1349, 1343, and 666.

3. **Substitute Assets:**

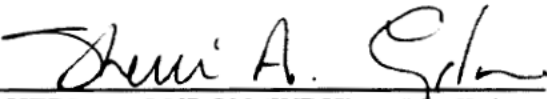
If any of the property described above, as a result of any act or omission of Defendants-

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) to seek forfeiture of any other property of the said Defendants up to the value of the forfeitable property described above.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

A True Bill
[REDACTED]
FOREPERSON


SHERRI A. LYDON (WDHjr, ALR, WCL)
UNITED STATES ATTORNEY