

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA)	
)	
VS.	)	CASE NO. 2018-GS-47-50
)	
DANIEL EDWARD JOHNSON,)	
NICOLE H. HOLLAND,	)	INDICTMENT FOR
	)	PUBLIC CORRUPTION
DEFENDANTS.)	
_____	)	MISCONDUCT IN OFFICE
	)	Common Law
	)	(1 Count)
)	
	)	EMBEZZLEMENT OF PUBLIC
	)	FUNDS
	)	S.C. CODE ANN. § 16-13-210(B)(2)
	)	(2 Counts)

At a session of the State Grand Jury of South Carolina, convened in Columbia, South Carolina, on September 20, 2018, the State Grand Jurors present upon their oath and charge as follows:

(1) At all times relevant to this indictment DANIEL EDWARD JOHNSON held the elected office of Solicitor for the Fifth Judicial Circuit of South Carolina. The Fifth Judicial Circuit is comprised of Kershaw County and Richland County.

(2) As Solicitor for the Fifth Judicial Circuit of South Carolina, DANIEL EDWARD JOHNSON was responsible for management and supervision of all operations of the Fifth Judicial Circuit Solicitor's Office. All employees of the office are employed at the will of the Solicitor.

(3) As Solicitor for the Fifth Judicial Circuit of South Carolina, DANIEL EDWARD JOHNSON was ultimately responsible for all financial decisions and transactions made by that office. DANIEL EDWARD JOHNSON delegated some spending authority and access to credit card and checking accounts to several subordinate employees of the office.

(4) As a prosecution agency, the Fifth Judicial Circuit Solicitor's Office had access to and control of two special accounts into which forfeited monies and the monetary proceeds from sales of forfeited property related to illegal drug activity were deposited. One account contained funds resulting from federal drug forfeitures while the other account contained funds resulting from state drug forfeitures.

(5) Concerning the state drug forfeiture account, South Carolina Code § 44-53-530(g) requires that a prosecution agency, such as the Fifth Judicial Circuit Solicitor's Office, must only use such an account in matters relating to the prosecution of drug offenses and the litigation of drug-related matters.

(6) South Carolina Code § 44-53-530(g) further requires that such an account cannot be used by a prosecution agency to supplant operating funds in the current or future budgets of the prosecution agency.

(7) DANIEL EDWARD JOHNSON used a Bank of America credit card issued to the Fifth Judicial Circuit Solicitor's Office (ending in x-3880) on numerous occasions to pay for lodging, travel, and other personal expenses unrelated to his duties as Solicitor. Similarly, NICOLE H. HOLLAND, a subordinate employee of the Fifth Judicial Circuit Solicitor's Office, used a Bank of America credit card issued to the office (ending in x-1873) on numerous occasions to pay for personal expenses unrelated to her duties as an employee of the office.

(8) On or about April 14, 2017, ten thousand dollars (\$10,000.00) in funds from the Fifth Judicial Circuit Solicitor's Office state forfeiture account were paid directly to Bank of America to pay a credit card bill for DANIEL EDWARD JOHNSON's card (ending in x-3880). Likewise, on or about April 14, 2017, ten thousand dollars (\$10,000.00) in funds from the Fifth

Judicial Circuit Solicitor's Office state forfeiture account were paid directly to Bank of America to pay a credit card bill for NICOLE H. HOLLAND's card (ending in x-1873). JOHNSON also failed to take any action to correct the state forfeiture account concerning the payments.

(9) Multiple payments were made from the Fifth Judicial Circuit Solicitor's Office state forfeiture account in 2017 to pay for office matters unrelated to the prosecution of drug offenses or litigation of drug-related matters.

WHEREAS, THE STATE GRAND JURY CHARGES:

**COUNT ONE
MISCONDUCT IN OFFICE
Common Law**

The allegations of paragraphs 1 through 9 of this Indictment and all allegations following this count are realleged and incorporated by reference as if fully set forth herein.

That DANIEL EDWARD JOHNSON did in Richland County, between January 1, 2017 and December 31, 2017, and while the elected Solicitor for the Fifth Judicial Circuit of South Carolina, a public official, willfully and dishonestly fail to properly and faithfully discharge the duties of his public office imposed upon him by law; to wit: State drug forfeiture funds entrusted to the Fifth Judicial Circuit Solicitor and his office were used to pay for matters unrelated to the prosecution of drug offenses or litigation of drug-related matters as required by S.C. Code Ann. § 44-53-530(g), including, but not limited to, conversion of the state forfeiture funds to pay for the personal expenditures of DANIEL EDWARD JOHNSON and Nicole H. Holland. Therefore, DANIEL EDWARD JOHNSON did, by malfeasance, misfeasance, and nonfeasance, commit acts and omissions in breach of his duty of good faith, honesty, and accountability to the public.

This conduct was not authorized by law and was done in violation of the Common Law of South Carolina. Further, this conduct involved public corruption and arose out of and in connection with a crime involving public corruption.

COUNT TWO
EMBEZZLEMENT OF PUBLIC FUNDS
S.C. Code Ann. § 16-13-210(B)(2)

The allegations of paragraphs 1 through 9 and Count One of this indictment and all allegations after this paragraph are realleged and incorporated by reference as if fully set forth herein.

That DANIEL EDWARD JOHNSON, as Solicitor for the Fifth Judicial Circuit of South Carolina, a person charged with the safekeeping, transfer, and disbursements of public funds of said office, did in Richland County on or about March 1, 2017 through May 1, 2017 embezzle public funds of said office by using state drug forfeiture funds to pay personal expenses that were charged to his office-issued Bank of America credit card ending in x-3880, when not authorized by law to do so, in violation of § 16-13-210(B)(2) of the S.C. Code of Laws (1976), as amended, such conduct involving public corruption and arising out of and in connection with a crime involving public corruption.

**COUNT THREE
EMBEZZLEMENT OF PUBLIC FUNDS
S.C. Code Ann. § 16-13-210(B)(2)**

The allegations of paragraphs 1 through 9, Count One, and Count Two of this indictment and all allegations after this paragraph are realleged and incorporated by reference as if fully set forth herein.

That NICOLE H. HOLLAND, as an employee of the Fifth Judicial Circuit Solicitor's Office of South Carolina, a person charged with the safekeeping, transfer, and disbursements of public funds of said office, did in Richland County on or about March 1, 2017 through May 1, 2017 embezzle public funds of said office by using state drug forfeiture funds to pay on her office-issued Bank of America credit card ending in x-1873, on which she was charging personal expenses, when not authorized by law to do so, in violation of § 16-13-210(B)(2) of the S.C. Code of Laws (1976), as amended, such conduct involving public corruption and arising out of and in connection with a crime involving public corruption.

All against the peace and dignity of the State and contrary to the law in such case made and provided.

A TRUE Bill


FOREMAN 


ALAN WILSON (jru)
ATTORNEY GENERAL