



(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) From on or about January of 2016 until on or about March of 2018, DANIEL EDWARD JOHNSON used a Bank of America credit card issued to the Fifth Judicial Circuit Solicitor's Office on numerous occasions to pay for lodging, travel, and other personal expenses

unrelated to his duties as Solicitor. Similarly, during the same time period 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 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. 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. 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.

(10) Similarly, from on or about June of 2016 until on or about October of 2017, DANIEL EDWARD JOHNSON did seek and obtain personal reimbursement for military travel expenses that he actually had paid with the Bank of America credit card issued to the Fifth Judicial Circuit Solicitor's Office.

WHEREAS, THE STATE GRAND JURY CHARGES:

**COUNT ONE  
MISCONDUCT IN OFFICE  
Common Law**

The allegations of paragraphs 1 through 10 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 on or about January of 2016 and on or about March of 2018, 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: DANIEL EDWARD JOHNSON did use governmental funds of the Fifth Circuit Solicitor's Office to pay for personal expenditures and expenditures for which he was otherwise personally reimbursed. Additionally, 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)(1)**

The allegations of paragraphs 1 through 10, all prior counts 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 between on or about January of 2016 and on or about March of 2018, embezzle more than Ten Thousand Dollars (\$10,000) in public funds of said office by using governmental funds, including state drug forfeiture funds, to pay personal expenses, when not authorized by law to do so, in violation of § 16-13-210(B)(1) 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)(1)**

The allegations of paragraphs 1 through 10, all prior counts 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 between on or about January of 2016 and on or

about March of 2018, embezzle more than Ten Thousand Dollars (\$10,000) in public funds of said office by using governmental funds, including state drug forfeiture funds, to pay personal expenses, when not authorized by law to do so, in violation of § 16-13-210(B)(1) 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 FOUR**  
**OBTAINING PROPERTY BY FALSE PRETENSES**  
**S.C. CODE ANN. § 16-13-240(2)**

The allegations of paragraphs 1 through 10, all prior counts 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 did in Richland County, between on or about June of 2016 and on or about October of 2017, did willfully, unlawfully, and feloniously by false pretense or representation obtain from another person any chattel, money, valuable security, or other property, real or personal, with intent to cheat and defraud a person, to wit: While serving as the Solicitor of the Fifth Judicial Circuit as well as an officer in the South Carolina Air National Guard, DANIEL EDWARD JOHNSON obtained more than Two Thousand dollars (\$2,000) from the military in personal reimbursements for Air National Guard travel expenses that were actually paid with a governmental credit card issued to the Fifth Circuit Solicitor's Office.

All in violation of § 16-13-240 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 FIVE  
FORGERY  
S.C. CODE ANN. § 16-13-10(B)(2)**

The allegations of paragraphs 1 through 10, all prior counts 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 did in Richland County, between on or about July of 2016 and on or about August of 2017, did falsely make, forge, or counterfeit any writing or instrument of writing; and did cause or procure to be falsely made, forged, or counterfeited any writing or instrument of writing; and did wilfully act or assist in the false making, forging, or counterfeiting of any writing or instrument of writing; and did utter or publish as true any false, forged, or counterfeited writing or instrument of writing; and did willingly act or assist in any of the above, with an intention to defraud any person; to wit:

NICOLE H. HOLLAND, while an employee of the Fifth Judicial Circuit Solicitor's Office of South Carolina, did cover up personal expenditures by altering copies of the bank statements of a governmental credit card which she was submitting to the governmental entity as justification for payment.

All in violation of § 16-13-10 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 SIX**  
**PERJURY**  
**S.C. CODE ANN. § 16-9-10(A)(1)**

The allegations of paragraphs 1 through 10, all prior counts 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 did in Richland County, on or about March 22, 2018, wilfully give false, misleading, or incomplete testimony under oath in any court of record, judicial, administrative, or regulatory proceeding in this State; to wit:

While under oath in probate court, NICOLE H. HOLLAND did mislead the court about expenditures she claimed she had personally incurred but which were in fact paid with the governmental credit card issued to the Fifth Judicial Circuit Solicitor's Office.

All in violation of § 16-9-10 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

ALAN WILSON (jr)  
ATTORNEY GENERAL