

STATE OF NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO.: 17 M \_\_\_\_\_

IN THE MATTER OF THE TENDER OF  
SURRENDER OF THE LAW LICENSE  
OF

MICHAEL A. JOHNSON, Attorney

2017 SEP -8 P 4 05  
WAKE COUNTY, C.S.C.  
CONSENT ORDER  
OF DISBARMENT

THIS MATTER came before the undersigned Judge of the Superior Court of Wake County upon the tender of surrender of his law license by Michael A. Johnson.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Respondent, Michael A. Johnson (hereinafter "Johnson"), the Court makes the following:

#### FINDINGS OF FACT

1. Johnson was admitted to the North Carolina State Bar in August 1984 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.
2. During all of the periods relevant hereto, Johnson was licensed to practice law and living in or around Thomasville, North Carolina.
3. Johnson is aware that there is presently pending a federal action against him regarding allegations that he is guilty of misconduct by committing bank fraud, conspiring to commit bank fraud, and making false statements to a bank.
4. A Superseding Indictment was filed against Johnson in the United States District Court for the Middle District of North Carolina, Docket No. 1:17-cr-00021-WO-1, alleging two counts of conspiracy to commit bank fraud in violation of 18 U.S.C. § 1349, four counts of bank fraud in violation of 18 U.S.C. § 1344(2), two counts of making false statement on loan application in violation of 18 U.S.C. § 1014, and two counts of making false statements to a bank in violation of 18 U.S.C. § 1014.
5. Johnson desires to resign his license to practice law and has tendered his license to practice law in North Carolina.
6. Johnson's resignation is freely and voluntarily rendered. It is not the result of coercion or duress. Johnson is fully aware of the implication of submitting his resignation.

7. Johnson acknowledges that the material facts upon which the federal action is predicated are true. Specifically, Johnson admits that he made false statements on a loan application and thereby committed bank fraud in violation of 18 U.S.C. § 1344.

8. Johnson has submitted his resignation because he knows that if disciplinary charges were predicated upon the misconduct that is the subject of the federal action against him, he could not successfully defend against them.

Based upon the foregoing Findings of Fact, the court makes the following:

### CONCLUSIONS OF LAW

1. By engaging in bank fraud, conspiring to engage in bank fraud, and making false statements to a financial institution, Johnson engaged in criminal acts that reflect adversely on his honesty, trustworthiness, or fitness as a lawyer in other respects in violation of Rule 8.4(b) of the Revised Rules of Professional Conduct and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c) of the Revised Rules of Professional Conduct.

2. Johnson's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(1) and (2).

3. The Courts of this State have the inherent authority to take disciplinary action against attorneys practicing therein.

4. This Court has jurisdiction over the person of Michael A. Johnson and of the subject matter of this proceeding.

5. Johnson has engaged in professional misconduct warranting disbarment.

### IT IS NOW, THEREFORE, ORDERED:

1. Michel A. Johnson is hereby DISBARRED from the practice of law in North Carolina.

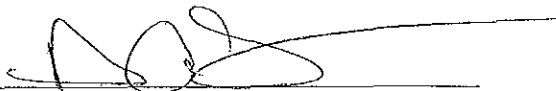
2. Johnson shall comply with the provisions of 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0124 of the Rules and Regulations of the North Carolina State Bar and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by § .0124. Johnson shall have thirty (30) days from the date of the entry of this order to complete the requirements of § .0124.

3. Johnson shall not petition for reinstatement of his law license until the expiration of at least five (5) years from the date of this order.

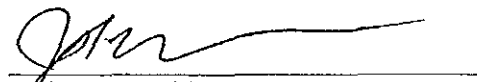
4. Johnson's law license shall not be reinstated until he has demonstrated to the satisfaction of the Disciplinary Hearing Commission and the Council of the North Carolina State Bar that he has complied with 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0125.


5. The costs of this action are taxed against Johnson.

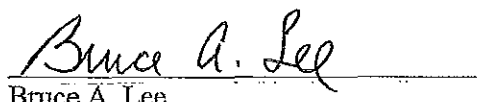
Done and Ordered this 5 day of September, 2017.

  
\_\_\_\_\_  
Superior Court Judge Presiding

CONSENT TO BY:

  
\_\_\_\_\_  
Joshua T. Walthall  
Deputy Counsel

  
\_\_\_\_\_  
Michael A. Johnson

  
\_\_\_\_\_  
Bruce A. Lee  
Attorney for Michael A. Johnson

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

WAKE COUNTY 2017 SEP -8 P 4:47 FILE NO.: 17M 4108

WAKE CO., C.S.C.

IN THE MATTER OF THE TENDER OF  
SURRENDER OF THE LAW LICENSE  
OF

MICHAEL A. JOHNSON, Attorney

AFFIDAVIT OF  
SURRENDER OF  
LAW LICENSE

Michael A. Johnson, being first duly sworn, deposes and says as follows:

1. I desire to resign and hereby tender my license to practice law in North Carolina.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation.
3. I am aware that there is a federal action presently pending against me regarding allegations that I have been guilty of misconduct by committing bank fraud, conspiring to commit bank fraud, and making false statements to a bank.
4. A Superseding Indictment was filed against me in the United States District Court for the Middle District of North Carolina, Docket No. 1:17-cr-00021-WO-1, alleging two counts of conspiracy to commit bank fraud in violation of 18 U.S.C. § 1349, four counts of bank fraud in violation of 18 U.S.C. § 1344(2), two counts of making false statement on loan application in violation of 18 U.S.C. § 1014, and two counts of making false statements to a bank in violation of 18 U.S.C. § 1014. A true and accurate copy of this Superseding Indictment is attached hereto as Exhibit 1.
5. I have entered into a plea agreement in which I agreed to enter a plea of guilty to Count Three of the Superseding Indictment. A true and accurate copy of this plea agreement is attached hereto as Exhibit 2.
6. In pleading guilty to Count Three of the Superseding Indictment, I am admitting that I made false statements on a loan application and thereby committed bank fraud in violation of 18 U.S.C. § 1344.
7. On 7 July 2017, the Court accepted this plea agreement and adjudged me guilty as to Count Three of the Superseding Indictment. A certified and true and accurate copy of the Criminal Docket for Case No. 1:17-cr-00021-WO-1 showing the Court's acceptance of this plea agreement is attached hereto as Exhibit 3.

8. I acknowledge that the material facts upon which the investigation is predicated are true.

9. I am submitting my resignation because I know that if disciplinary charges were predicated upon the misconduct that is the subject of the federal action against me, I could not successfully defend against them.

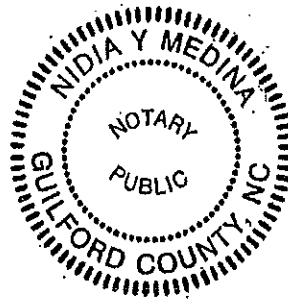
This the 23<sup>rd</sup> day of August, 2017.

  
\_\_\_\_\_  
Michael A. Johnson

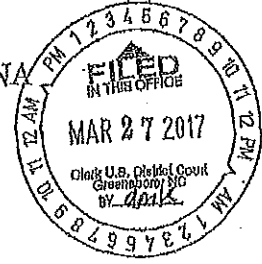
I, NIDIA Y. MEDINA, Notary Public of the County of GUILFORD, State of North Carolina, certify that Michael A. Johnson personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of his own personal knowledge, and executed the foregoing Affidavit.

This the 23<sup>rd</sup> day of August, 2017.

Nidia Y. Medina  
\_\_\_\_\_  
Notary Public  
My Commission Expires: April 15, 2020



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA : SUPERSEDING  
: :  
v. : : 1:17CR21-1  
: :  
MICHAEL ALLAN JOHNSON, JR. :

The Grand Jury charges:

COUNT ONE

1. At all times herein material:

a. MICHAEL ALLAN JOHNSON, JR., was an attorney in  
Lexington, North Carolina.

b. Jennifer Willard Turnmire, was a mortgage loan broker in  
Thomasville, North Carolina.

c. White Meadows, LLC, was based in Lexington, North Carolina,  
with MICHAEL ALLAN JOHNSON, JR., serving as Manager/Member.

d. Artisan Construction of Concord, Inc., was based in Lexington,  
North Carolina, with MICHAEL ALLAN JOHNSON, JR., serving as  
President.

e. Luis Francisco Moreno was a licensed real estate broker and a  
real estate developer residing in Greer, South Carolina.



f. Wells Fargo Bank, N.A., Carolina Bank, and Countrywide, FSB, were federally insured financial institutions, as defined by Title 18, United States Code, Section 20.

g. Guaranteed Home Mortgage Company, Inc., was a mortgage company which worked with borrowers and mortgage brokers to generate initial loan applications before referring higher dollar amount loan requests to larger lenders with more assets, such as Wells Fargo Bank, N.A.

h. Person A, now deceased, who was a co-conspirator, was an attorney residing in Lexington, North Carolina, in the Middle District of North Carolina.

2. From on or about April 1, 2006, continuing up to and including on or about May 20, 2011, the exact dates to the Grand Jurors unknown, in the Counties of Davidson, Guilford, and Randolph, in the Middle District of North Carolina, MICHAEL ALLAN JOHNSON, JR., Jennifer Willard Turmmire, and Luis Francisco Moreno did unlawfully, willfully, and knowingly conspire, combine, and confederate with divers others, both known and unknown, to knowingly and willfully execute and attempt to execute a scheme and artifice to obtain moneys, funds, credits, and other property owned by and under the custody and control of financial institutions, that is, Wells Fargo Bank, N.A., Carolina Bank, and Countrywide, FSB, by means of material false and

fraudulent pretenses, representations, and promises; in violation of Title 18, United States Code, Section 1344.

METHOD AND MEANS

3. It was part of the conspiracy that MICHAEL ALLAN JOHNSON, JR.; Jennifer Willard Turnmire, Person A, and divers others persons, both known and unknown to the Grand Jurors, recruited Luis Francisco Moreno, who was experiencing financial difficulties in his business ventures.

4. It was further a part of the conspiracy that MICHAEL ALLAN JOHNSON, JR., Jennifer Willard Turnmire, Person A, and divers others persons, both known and unknown to the Grand Jurors, encouraged Luis Francisco Moreno to serve as a loan applicant, to take out loans in the Middle District of North Carolina from Wells Fargo Bank, N.A., and Carolina Bank.

5. It was further a part of the conspiracy that the true purpose in having Luis Francisco Moreno apply for loans from Wells Fargo Bank, N.A., and Carolina Bank was for MICHAEL ALLAN JOHNSON, JR., Jennifer Willard Turnmire, Person A, and divers other conspirators, both known and unknown to the Grand Jurors, to divert the proceeds of the loans from the stated purpose of the loans in order to enrich themselves.

6. It was further a part of the conspiracy that MICHAEL ALLAN JOHNSON, JR., Jennifer Willard Turnmire, and Person A diverted loan

proceeds from the stated purpose of the loans in order to pay off and conceal previous fraudulent loans.

7. It was further a part of the conspiracy that MICHAEL ALLAN JOHNSON, JR., Jennifer Willard Turnmire, Person A, and divers others, both known and unknown to the Grand Jurors, provided or assisted in providing materially false information in loan applications to Wells Fargo Bank, N.A., and Carolina Bank regarding Luis Francisco Moreno's assets and income.

8. It was further a part of the conspiracy that MICHAEL ALLAN JOHNSON, JR., Jennifer Willard Turnmire, Person A, Luis Francisco Moreno, and divers others, both known and unknown to the Grand Jurors, provided or assisted in providing materially fraudulent documents, including bank statements and tax returns to Wells Fargo Bank, N.A., to support false income and asset claims contained in the loan applications submitted to Wells Fargo Bank, N.A.

9. It was further a part of the conspiracy that MICHAEL ALLAN JOHNSON, JR., Person A, Luis Francisco Moreno, and divers others, both known and unknown to the Grand Jurors, prepared and signed materially false HUD-1 settlement statements in connection with loans obtained from Wells Fargo Bank, N.A.

10. It was further a part of the conspiracy that MICHAEL ALLAN JOHNSON, JR., Person A, Luis Francisco Moreno, and divers others, both known and unknown to the Grand Jurors, submitted fraudulent documents, including HUD-1 settlement statements and bogus checks to Wells Fargo Bank, N.A., and Carolina Bank, to conceal their fraudulent conduct and diversion of loan proceeds.

11. It was further a part of the conspiracy that MICHAEL ALLAN JOHNSON, JR., Jennifer Willard Furrmire, Person A, Luis Francisco Moreno, and divers others, both known and unknown to the Grand Jurors, diverted loan proceeds obtained from Wells Fargo Bank, N.A., and Carolina Bank, from the intended and declared purposes.

12. It was a further part of the conspiracy that MICHAEL ALLAN JOHNSON, JR., created a fake work estimate from Artisan Construction of Concord, Inc., which was provided to Carolina Bank in connection with a loan application.

13. It was further a part of the conspiracy that MICHAEL ALLAN JOHNSON, JR., created fake paystubs allegedly from White Meadows, LLC, which were provided to Wells Fargo, N.A., to delay foreclosure proceedings.

14. It was further a part of the conspiracy that MICHAEL ALLAN JOHNSON, JR., created letters on his law firm letterhead falsely indicating various large sums were being held in the law firm trust and escrow accounts.

15. It was further a part of the conspiracy that fraudulent letters on MICHAEL ALLAN JOHNSON, JR.'s letterhead were provided to Wells Fargo Bank, N.A., to delay foreclosure proceedings.

16. It was further a part of the conspiracy that MICHAEL ALLAN JOHNSON, JR.; and Person A diverted proceeds from a loan from Countrywide, FSB, to pay off an earlier fraudulent loan to MICHAEL ALLAN JOHNSON, JR., from M&T Bank.

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

#### COUNT TWO

1. The Grand Jury realleges and incorporates paragraphs 1 through 16 of Count One as if fully set forth herein.

2. From on or about October 8, 2006, continuing up to and including on or about March 21, 2007, the exact dates to the Grand Jurors unknown, in the Counties of Davidson and Guilford, in the Middle District of North Carolina, MICHAEL ALLAN JOHNSON, JR., and Jennifer Willard Turpmire, did knowingly execute a scheme and artifice to obtain money, funds, and property owned by and under the custody and control of a financial institution,

as defined by Title 18, United States Code, Section 20, the deposits of which were then insured by the Federal Deposit Insurance Corporation, that is, Wells Fargo Bank, N.A., by means of materially false and fraudulent pretenses, representations, and promises by submitting and causing to be submitted a fraudulent loan application via Guaranteed Home Mortgage Company, Inc., to Wells Fargo Bank, N.A., in the amount of \$1,000,000.00 to purchase a property located at 5400 Dorchester Road, Greensboro, North Carolina, and by diverting the proceeds from the stated purpose of the loan as represented to Wells Fargo Bank, N.A., in order to enrich themselves and their co-conspirators; all in violation of Title 18, United States Code, Sections 1344(2) and 2.

#### COUNT THREE

1. The Grand Jury realleges and incorporates paragraphs 1 through 16 of Count One as if fully set forth herein.

2. From on or about December 12, 2006, continuing up to and including on or about March 28, 2007, the exact dates to the Grand Jurors unknown, in the Counties of Davidson and Randolph, in the Middle District of North Carolina, MICHAEL ALLAN JOHNSON, JR., and Jennifer Willard Turnaire did knowingly execute a scheme and artifice to obtain money, funds, and property owned by and under the custody and control of a financial institution, as defined by Title 18, United States Code, Section 20, the deposits

of which were then insured by the Federal Deposit Insurance Corporation, that is, Carolina Bank, by means of materially false and fraudulent pretenses, representations, and promises by submitting and causing to be submitted a fraudulent construction loan application in the amount of \$155,000.00 for Brantley Gordon Road, Denton, North Carolina, and by diverting the proceeds from the stated purpose of the loan as represented to Carolina Bank in order to enrich themselves and their co-conspirators; all in violation of Title 18, United States Code, Sections 1344(2) and 2.

#### COUNT FOUR

1. The Grand Jury realleges and incorporates paragraphs 1 through 16 of Count One as if fully set forth herein.

2. From on or about January 28, 2008, continuing up to and including on or about March 7, 2008, the exact dates to the Grand Jurors unknown, in the Counties of Davidson and Guilford, in the Middle District of North Carolina, MICHAEL ALLAN JOHNSON, JR., did knowingly execute a scheme and artifice to obtain money, funds, and property owned by and under the custody and control of a financial institution, as defined by Title 18, United States Code, Section 20, the deposits of which were then insured by the Federal Deposit Insurance Corporation, that is, Countrywide Bank, FSB, by means of materially false and fraudulent pretenses, representations, and promises by

submitting and causing to be submitted a fraudulent loan application in the approximate amount of \$1,097,968.00 for 5400 Dorchester Road, Greensboro, North Carolina, and by diverting the proceeds from the stated purpose of the loan as represented to Countrywide Bank, FSB, in order to enrich himself and to pay off an earlier fraudulent mortgage to M&T Bank; all in violation of Title 18, United States Code, Sections 1844(2) and 2.

COUNT FIVE

1. The Grand Jury realleges and incorporates paragraphs 1 through 16 of Count One as if fully set forth herein.

2. On or about January 2, 2009, in the County of Davidson, in the Middle District of North Carolina, MICHAEL ALLAN JOHNSON, JR., knowingly made and caused to be made a false statement to Wells Fargo Bank, N.A., a financial institution whose accounts at that time were insured by the Federal Deposit Insurance Corporation, for the purpose of influencing the action of said bank in delaying a foreclosure proceeding by representing in a letter that \$815,000.00 in funds were on deposit in MICHAEL ALLAN JOHNSON, JR.'s escrow and trust account and causing said letter to be provided to Wells Fargo Bank, N.A., whereas in truth and in fact, as MICHAEL ALLAN JOHNSON, JR., then well knew, his trust and escrow account only

contained approximately \$2,800.00 at that time; in violation of Title 18, United States Code, Sections 1014 and 2.

COUNT SIX

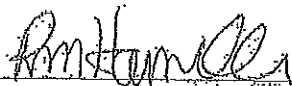
1. The Grand Jury realleges and incorporates paragraphs 1 through 16 of Count One as if fully set forth herein.

2. On or about July 16, 2009, in the County of Davidson, in the Middle District of North Carolina, MICHAEL ALLAN JOHNSON, JR., knowingly made and caused to be made a false statement to Wells Fargo Bank, N.A., a financial institution whose accounts at that time were insured by the Federal Deposit Insurance Corporation, for the purpose of influencing the action of said bank in delaying a foreclosure proceeding, in that MICHAEL ALLAN JOHNSON, JR., caused a fictitious paystub to be created and provided to Wells Fargo Bank, N.A., indicating that Luis Francisco Moreno was employed by White Meadows, LLC, in June 2009, earning \$21,000.00 per month; when in truth and in fact, as MICHAEL ALLAN JOHNSON, JR., then well knew, Luis Francisco Moreno was not an employee of White Meadows, LLC, and

did not receive \$21,000.00 per month from White Meadows, LLC; in violation of Title 18, United States Code, Sections 1014 and 2,

DATED: March 27, 2017

SANDRA J. HAIRSTON  
Acting United States Attorney



BY: ROBERT M. HAMILTON  
Assistant United States Attorney

A TRUE BILL:

J

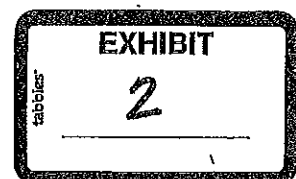
FILED  
IN THIS OFFICE

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO, N.C.

UNITED STATES OF AMERICA : 1:17CR21-1  
v. :  
MICHAEL ALLAN JOHNSON, JR. : PLEA AGREEMENT

NOW COME the United States of America, by and through Sandra J. Hairston, Acting United States Attorney for the Middle District of North Carolina, and the defendant, MICHAEL ALLAN JOHNSON, JR., in his own person and through his attorney, Bruce A. Lee, and state as follows:

1. The defendant, MICHAEL ALLAN JOHNSON, JR., is presently under Superseding Indictment in case number 1:17CR21-1, which in Count One charges him with a violation of Title 18, United States Code, Section 1349, conspiracy to commit bank fraud; which in Counts Two, Three, and Four, charge him with violations of Title 18, United States Code, Section 1344, bank fraud; and which in Counts Five and Six charge him with violations of Title 18, United States Code, Section 1014, false statements to a financial institution.
2. The defendant, MICHAEL ALLAN JOHNSON, JR., will enter a voluntary plea of guilty to Count Three of the Superseding Indictment herein. The nature of this charge and the elements of this charge, which must be



proved by the United States beyond a reasonable doubt before the defendant can be found guilty thereof, have been explained to him by his attorney.

a. The defendant, MICHAEL ALLAN JOHNSON, JR., understands that the maximum term of imprisonment provided by law for Count Three of the Superseding Indictment herein is not more than thirty years, and the maximum fine for Count Three of the Superseding Indictment herein is \$1,000,000. If any person derived pecuniary gain from the offense, or if the offense resulted in pecuniary loss to a person other than the defendant, MICHAEL ALLAN JOHNSON, JR., the defendant may, in the alternative, be fined not more than the greater of twice the gross gain or twice the gross loss unless the Court determines that imposition of a fine in this manner would unduly complicate or prolong the sentencing process. The fine provisions are subject to the provisions of Title 18, United States Code, Section 3571, entitled "Sentence of Fine."

b. The defendant, MICHAEL ALLAN JOHNSON, JR., also understands that the Court may include as a part of the sentence a requirement that the defendant be placed on a term of supervised release of not more than five years after imprisonment, pursuant to Title 18, United States Code, Section 3583.

c. The defendant, MICHAEL ALLAN JOHNSON, JR., also understands that the Court shall order, in addition to any other penalty authorized by law, that the defendant make restitution to any person directly harmed by the defendant's conduct in the course of the scheme set out in paragraphs 1 through 16 in Count One of the Superseding Indictment herein, pursuant to Title 18, United States Code, Section 3663A.

d. The defendant, MICHAEL ALLAN JOHNSON, JR., further understands that the sentence to be imposed upon him is within the discretion of the sentencing Court subject to the statutory maximum penalties set forth above. The sentencing Court is not bound by the sentencing range prescribed by the United States Sentencing Guidelines. Nevertheless, the sentencing Court is required to consult the Guidelines and take them into account when sentencing. In so doing, the sentencing Court will first calculate, after making the appropriate findings of fact, the sentencing range prescribed by the Guidelines, and then will consider that range as well as other relevant factors set forth in the Guidelines and those factors set forth in Title 18, United States Code, Section 3553(a) before imposing the sentence.

e. The defendant, MICHAEL ALLAN JOHNSON, JR., understands that if he is not a citizen of the United States that entering a plea of guilty may have adverse consequences with respect to his immigration

status. The defendant, MICHAEL ALLAN JOHNSON, JR., nevertheless wishes to enter a voluntary plea of guilty regardless of any immigration consequences his guilty plea might entail, even if such consequence might include automatic removal and possibly permanent exclusion from the United States.

3. By voluntarily pleading guilty to Count Three of the Superseding Indictment herein, the defendant, MICHAEL ALLAN JOHNSON, JR., knowingly waives and gives up his constitutional rights to plead not guilty, to compel the United States to prove his guilt beyond a reasonable doubt, not to be compelled to incriminate himself, to confront and cross-examine the witnesses against him, to have a jury or judge determine his guilt on the evidence presented, and other constitutional rights which attend a defendant on trial in a criminal case.

4. The defendant, MICHAEL ALLAN JOHNSON, JR., is going to plead guilty to Count Three of the Superseding Indictment herein because he is, in fact, guilty and not because of any threats or promises.

5. The extent of the plea bargaining in this case is as follows:

a. Upon the acceptance by the Court of a guilty plea by the defendant, MICHAEL ALLAN JOHNSON, JR., to Count Three of the Superseding Indictment herein, and at the conclusion of the sentencing

hearing thereon, the United States of America will not oppose a motion to dismiss the remaining counts of the Superseding Indictment as to the defendant, MICHAEL ALLAN JOHNSON, JR. This portion of the Plea Agreement is made pursuant to Rule 11(e)(1)(A) of the Federal Rules of Criminal Procedure.

b. It is understood that if the Court determines at the time of sentencing that the defendant, MICHAEL ALLAN JOHNSON, JR., qualifies for a 2-point decrease in the offense level under Section 3E1.1(a) of the Sentencing Guidelines and that the offense level prior to the operation of Section 3E1.1(a) is 16 or greater, then the United States will recommend a decrease in the offense level by 1 additional level pursuant to Section 3E1.1(b) of the Sentencing Guidelines. This portion of the Plea Agreement is made pursuant to Rule 11(e)(1)(B) of the Federal Rules of Criminal Procedure.

c. The defendant, MICHAEL ALLAN JOHNSON, JR., hereby abandons interest in, and consents to the official use, destruction, or other disposition of each item seized and/or maintained by any law enforcement agency during the course of the investigation, unless such item is specifically provided for in another section of this plea agreement. The defendant, MICHAEL ALLAN JOHNSON, JR., waives any and all notice of any

proceeding to implement the official use, destruction, or other disposition of such items.

d. The parties agree that the loss amount, including relevant conduct, for Count Three of the Superseding Indictment herein is \$195,165.84. This agreement is not binding upon the Court pursuant to Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure.

e. The parties agree the appropriate restitution amount for Count Three of the Superseding Indictment herein, including relevant conduct related to Count Three of the Superseding Indictment is \$195,165.84. This agreement is not binding upon the Court pursuant to Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure.

f. The United States and the defendant, MICHAEL ALLAN JOHNSON, JR., understand and agree that any information concerning the unlawful activities of others supplied to the Government as part of an agreement to cooperate is subject to all of the provisions of Section 1B1.8 of the Sentencing Guidelines and shall not be used in calculating the applicable guideline range. The use of such information shall not be restricted in any of the circumstances specifically set forth in Section 1B1.8(b) of the Sentencing Guidelines.

6. The defendant, MICHAEL ALLAN JOHNSON, JR., agrees that pursuant to Title 18, United States Code, Section 8613, all monetary penalties, including restitution imposed by the Court, shall be due immediately upon judgment and subject to immediate enforcement by the United States. The defendant agrees that if the Court imposes a schedule of payments, the schedule of payments shall be merely a schedule of minimum payments and shall not be a limitation on the methods available to the United States to enforce the judgment.

7. The defendant, MICHAEL ALLAN JOHNSON, JR., agrees that his debt resulting from the criminal monetary penalties due under the criminal judgment will be submitted to the Treasury Offset Program even if he is current in his payments under any Court imposed payment schedule.

8. It is further understood that the United States and the defendant, MICHAEL ALLAN JOHNSON, JR., reserve the right to bring to the Court's attention any facts deemed relevant for purposes of sentencing.

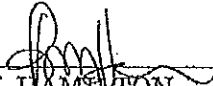
9. The defendant, MICHAEL ALLAN JOHNSON, JR., further understands and agrees that pursuant to Title 18, United States Code, Section 3013, for any offense committed on or after October 11, 1996, the defendant shall pay an assessment to the Court of \$100 for each offense to which he is pleading guilty. This payment shall be made at the time of sentencing by cash

or money order made payable to the Clerk of the United States District Court. If the defendant is indigent and cannot make the special assessment payment at the time of sentencing, then the defendant agrees to participate in the Inmate Financial Responsibility Program for purposes of paying such special assessment.

10: No agreements, representations, or understandings have been made between the parties in this case other than those which are explicitly set forth in this Plea Agreement, and none will be entered into unless executed in writing and signed by all the parties.

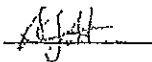
This the 6<sup>th</sup> day of July, 2017.

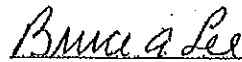
SANDRA J. HAIRSTON  
Acting United States Attorney

  
ROBERT M. HAMILTON  
LASB # 1400  
Assistant United States Attorney

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BRUCE A. LEE  
Attorney for Defendant

  
MICHAEL ALLAN JOHNSON, JR.  
Defendant

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U.S. District Court  
North Carolina Middle District (NCMD)  
CRIMINAL DOCKET FOR CASE #: 1:17-cr-00021-WO-1  
Internal Use Only

Case title: USA v. JOHNSON et al

Date Filed: 01/31/2017

Assigned to: CHIEF JUDGE  
WILLIAM L. OSTEEEN, JR

Defendant (1)

MICHAEL ALLAN JOHNSON, JR.

represented by BRUCE ALAN LEE  
330 South Greene Street, Suite 302  
GREENSBORO, NC 27401  
336-271-3060  
Fax: 336-271-2827  
Email: ecfncmd@attorneybrucelee.com  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED  
Designation: Retained

Pending Counts

- 18:1349 Conspiracy to commit bank fraud (1)
- 18:1349 Conspiracy to commit bank fraud (1s)
- 18:1344(2) and 2 Bank Fraud (2-3)
- 18:1344(2) and 2 Bank fraud (2s)
- 18:1344(2) and 2 Bank fraud (3s)
- 18:1014 and 2 False statement on loan application (4-5)
- 18:1344(2) and 2 Bank fraud (4s)
- 18:1014 and 2 False statement to a bank (5s-6s)

Disposition

A True Copy

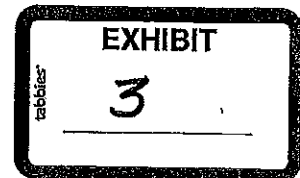
Teste:

John S. Brubaker Clerk

By:

*[Handwritten Signature]*  
Deputy Clerk

Highest Offense Level (Opening)



Felony

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

Disposition

None


Plaintiff

USA

represented by **ROBERT M. HAMILTON**  
 U. S. ATTORNEY'S OFFICE  
 101 S. EDGEWORTH ST., 4TH  
 FLOOR  
 GREENSBORO, NC 27401  
 336-333-5351  
 Email: robert.hamilton@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: United States Attorney*

Date Filed	#	Docket Text
01/31/2017	<u>1</u>	INDICTMENT as to MICHAEL ALLAN JOHNSON, JR (1) count(s) 1, 2-3, 4-5, JENNIFER WILLARD TURNMIRE (2) count(s) 1, 2-3. (Daniel, J) (Entered: 01/31/2017)
02/01/2017	<u>3</u>	ARREST Warrant Issued in case as to MICHAEL ALLAN JOHNSON, JR (1). (Daniel, J) (Entered: 02/01/2017).
02/02/2017		Minute Entry for proceedings held before MAG/JUDGE L. PATRICK AULD:Initial Appearance as to MICHAEL ALLAN JOHNSON, JR held on 2/2/2017. (AUSA Robert Hamilton; Counsel for defendant Bruce Lee; Proceedings Recorded) (Kemp, Donita) (Entered: 02/02/2017)
02/02/2017		Minute Entry for proceedings held before MAG/JUDGE L. PATRICK AULD:Arraignment/Release Hearing as to MICHAEL ALLAN JOHNSON JR. (1) Count 1,2-3,4-5 held on 2/2/2017. Appearance entered by BRUCE ALAN LEE for MICHAEL ALLAN JOHNSON, JR on behalf of defendant. Defendant(s) pleads NOT GUILTY to all charges. The Government agrees to conditions of release and the defendant is ordered Released after processing; Written order forthcoming. (AUSA Robert Hamilton; Counsel for defendant Bruce

		Lee; Proceedings Recorded) (Kemp, Donita) (Entered: 02/02/2017)
02/02/2017	<u>5</u>	SCHEDULING ORDER as to MICHAEL ALLAN JOHNSON, JR. Signed by John S. Brubaker, Clerk, U. S. District Court, on 1/23/2017. Motions due 2/13/2017. Responses due 2/21/2017. Hearing on any motions at 9:30 a.m. on 3/6/2017 in Winston-Salem. Plea Agreements, if any, due no later than 12:00 noon 3/2/2017. Change of Plea Hearing at 9:30 a.m. on 3/6/2017 in Winston-Salem. Counsel to notify U. S. Attorney's Office of any scheduling conflicts no later than 2/27/2017. Jury Trial set for 9:30 a.m., 3/13/2017, in Winston-Salem unless otherwise instructed by the Court. Trial Briefs and Request for Preliminary Instructions must be filed by 12:00 noon on 3/8/2017, prior to beginning of jury term. (Kemp, Donita) (Entered: 02/02/2017)
02/02/2017		Arrest of MICHAEL ALLAN JOHNSON, JR. on 2/2/2017. (Kemp, Donita) (Entered: 02/02/2017)
02/02/2017	<u>6</u>	ORDER Setting Conditions of Release for MICHAEL ALLAN JOHNSON, JR. Signed by MAG/JUDGE L. PATRICK AULD on 2/2/2017. (Sheets, Jamie) (Entered: 02/02/2017)
02/02/2017	<u>7</u>	Appearance Bond Entered as to MICHAEL ALLAN JOHNSON JR. (1) \$10,000.00 Unsecured. (Sheets, Jamie) (Entered: 02/02/2017)
02/03/2017	<u>9</u>	Arrest Warrant Returned Executed on 2/2/2017 in case as to MICHAEL ALLAN JOHNSON, JR. (Sheets, Jamie) (Entered: 02/03/2017)
02/10/2017	<u>15</u>	First MOTION to Continue Trial by MICHAEL ALLAN JOHNSON, JR. Response to Motion due by 3/3/2017 (LEE, BRUCE) (Entered: 02/10/2017)
02/14/2017	<u>16</u>	RESPONSE to Motion to Continue Trial filed by USA as to MICHAEL ALLAN JOHNSON, JR re <u>15</u> First MOTION to Continue Trial Replies due by 2/28/2017 (Attachments: # <u>1</u> Text of Proposed Order) (HAMILTON, ROBERT) (Entered: 02/14/2017)
02/15/2017		Motion Submission as to MICHAEL ALLAN JOHNSON, JR re <u>15</u> First MOTION to Continue Trial to JUDGE LORETTA C. BIGGS. (Powell, Gloria) (Entered: 02/15/2017)
02/17/2017	<u>17</u>	ORDER signed by JUDGE LORETTA C. BIGGS on 2/17/2017; that the trial as to this Defendant is continued to the July 2017 Criminal Term of Court. The parties shall file pretrial motions and responses in accordance with the Scheduling Order which governs disposition of the July 2017 Criminal Term of Court. FURTHER that the period from March 13, 2017, up to and including July 10, 2017, is hereby excluded from the provisions of 18 U.S.C. § 3161, et seq., pursuant to 18 U.S.C. § 3161(h) (7)(A). (Sheets, Jamie) (Entered: 02/17/2017)
03/27/2017	<u>18</u>	SUPERSEDING INDICTMENT as to MICHAEL ALLAN JOHNSON, JR (1) count(s) 1s, 2s-4s, 5s-6s. (Daniel, J) (Entered: 03/28/2017)
03/29/2017	<u>20</u>	NOTICE OF HEARING in case as to MICHAEL ALLAN JOHNSON, JR. This case will be called for Arraignment during the first week of the

		April 2017 Criminal Term of Court beginning April 3, 2017 in Winston-Salem, Courtroom #2. (Daniel, J) (Entered: 03/29/2017)
04/04/2017		Minute-Entry for proceedings held before JUDGE THOMAS D. SCHROEDER in WS-2: Arraignment on superseding indictment as to MICHAEL ALLAN JOHNSON JR. (1) as to Counts 1s,2s-4s,5s-6s held on 4/4/2017. AUSA Robert Hamilton present for the Government. Attorney Bruce Lee present for the defendant. Defendant present on bond. Defendant pleads NOT GUILTY to all charges. Case has been continued to the July 2017 Criminal Term. (See <u>17</u> Order) (Court Reporter Briana Bell.) (Engle, Anita) (Entered: 04/04/2017)
04/26/2017	 <u>26</u>	SEALED MOTION by USA, MICHAEL ALLAN JOHNSON, JR as to MICHAEL ALLAN JOHNSON, JR. Response to Motion due by 5/17/2017 (Attachments: # <u>1</u> Attachments 1 - 11)(HAMILTON, ROBERT) (Entered: 04/26/2017)
05/02/2017	<u>28</u>	ORDER as to MICHAEL ALLAN JOHNSON, JR re <u>26</u> SEALED MOTION signed by CHIEF JUDGE WILLIAM L. OSTEEEN, JR on 5/2/2017 as set out herein. (Sheets, Jamie) (Entered: 05/02/2017)
05/04/2017	<u>29</u>	UNSEALED EXHIBITS in case as to MICHAEL ALLAN JOHNSON, JR (1) re: <u>28</u> Order. (Daniel, J) (Entered: 05/04/2017)
07/06/2017	<u>30</u>	NOTICE Pursuant to Rule 902(11) of the Federal Rules of Evidence by USA as to MICHAEL ALLAN JOHNSON, JR (Attachments: # <u>1</u> Att. 1, # <u>2</u> Att. 2, # <u>3</u> Att. 3, # <u>4</u> Att. 4, # <u>5</u> Att. 5, # <u>6</u> Att. 6, # <u>7</u> Att. 7, # <u>8</u> Att. 8, # <u>9</u> Att. 9, # <u>10</u> Att. 10, # <u>11</u> Att. 11, # <u>12</u> Att. 12, # <u>13</u> Att. 13, # <u>14</u> Att. 14)(HAMILTON, ROBERT) (Entered: 07/06/2017)
07/06/2017	<u>31</u>	PLEA AGREEMENT as to MICHAEL ALLAN JOHNSON, JR. (1). (Daniel, J) (Entered: 07/06/2017)
07/07/2017	<u>32</u>	Factual Basis Document as to MICHAEL ALLAN JOHNSON, JR filed on 7/7/2017 (HAMILTON, ROBERT) (Entered: 07/07/2017)
07/10/2017		Case as to MICHAEL ALLAN JOHNSON, JR reassigned to CHIEF JUDGE WILLIAM L. OSTEEEN, JR. UNASSIGNED no longer assigned to the case. (Welch, Kelly) (Entered: 07/10/2017)
07/10/2017		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEEN, JR., in G-1: CHANGE OF PLEA HEARING held on 7/10/2017. AUSA Robert Hamilton present on behalf of the Government. Attorney Bruce Lee appeared on behalf of the Defendant. Defendant present on bond. Defendant placed under oath and advised of rights/charges/penalties; Court reviews the plea agreement; Remaining Counts to be dismissed at sentencing. Court finds the Defendant is competent to enter a guilty plea; Plea accepted and defendant adjudged guilty as to count 3s. Court orders the preparation of a Presentence Report. Defendant allowed to remain out on pretrial release on the same terms and conditions as were previously imposed. Sentencing set for 10/12/2017 09:30 AM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEEN JR.(Court Reporter Joseph Armstrong.)

	(Welch, Kelly) (Entered: 07/10/2017)
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