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TONY M. MOONE, CLERK
ALEXANDRIA, LOUISIANA
DATE 7/20/11
BY [Signature]

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA * CRIMINAL NO.: 1:11-cr-00073-01
*
vs. * JUDGE DEE D. DRELL
*
WILLIAM JOSEPH JOHNSON, JR. * MAGISTRATE JUDGE KIRK

PLEA AGREEMENT

A. INTRODUCTION

1. This document contains the complete plea agreement between the Government and **WILLIAM JOSEPH JOHNSON, JR.**, the Defendant. No other agreement, understanding, promise, or condition exists, nor will any such agreement, understanding, promise or condition exist unless it is committed to writing in an amendment attached to this document and signed by the Defendant, an attorney for the Defendant, and an attorney for the Government. The terms of this plea agreement are only binding on the Defendant and the Government if the Court accepts the Defendant's guilty plea.

B. THE DEFENDANT'S OBLIGATIONS

1. **WILLIAM JOSEPH JOHNSON, JR.** shall appear in open court and plead guilty to **Counts 2, 9 and 14** of the Indictment pending in this case.

C. THE GOVERNMENT'S OBLIGATIONS

1. If the Defendant completely fulfills all of his obligations and agreements under this plea agreement, the Government agrees to dismiss the remaining Counts of the Indictment after sentencing and it will not prosecute the Defendant for any other offense known to the United States Attorney's Office, based on the investigation which forms the basis of the Indictment.

2. The Government will and hereby moves pursuant to U.S.S.G. § 3E1.1(b) for the Defendant to receive a one point reduction in his offense level should that offense level be 16 or greater, as the Defendant has assisted authorities in the investigation or prosecution of his own misconduct by timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the Government to avoid preparing for trial and permitting the Government and the Court to allocate their resources efficiently.

D. SENTENCING

WILLIAM JOSEPH JOHNSON, JR. understands and agrees that:

1. the maximum punishment on **Count 2** is a term of imprisonment of not more than 30 years (pursuant to 18 U.S.C. § 1344), or a fine of not more than \$1,000,000.00 (pursuant to 18 U.S.C. § 3571), or both;

the maximum punishment on **Count 9** is a term of imprisonment of not more than 10 years (pursuant to 18 U.S.C. § 513), or a fine of not more than \$250,000.00 (pursuant to 18 U.S.C. § 3571), or both; and

the maximum punishment on **Count 14** is a mandatory term of imprisonment of two years (pursuant to 18 U.S.C. § 1028A);

2. he shall be required to pay a special assessment of \$300 at the time of the guilty plea by means of a cashier's check, bank official check, or money order payable to "Clerk, U.S. District Court;"

3. he may receive a term of Supervised Release of not less than three (3) years nor more than five (5) years in length in addition to any term of imprisonment imposed by the Court;

4. a violation of any condition of Supervised Release at any time during the period of Supervised Release may result in the Defendant being incarcerated over and above any period of imprisonment initially ordered by the Court;

5. the period of incarceration for a violation of a condition of Supervised Release could be as much as the full term of Supervised Release initially ordered by the Court regardless of the amount of time of the Supervised Release the Defendant had successfully completed;

6. in addition to the penalties set forth in the preceding paragraphs, the Court must order restitution in this case and the Defendant agrees that restitution in this case is not limited to the amounts or victims referred to in the specific charges to which he has pled guilty and will be determined by the Court after a complete review of the evidence developed in the investigation of this case by the Government and further investigation by the Probation Office as contained in the Presentence Report;

7. any fine and/or restitution imposed as part of the Defendant's sentence will be made due and payable immediately, that the Defendant will be held liable for all restitution and any federal income tax refund received by the Defendant from the Internal

Revenue Service while there is an outstanding fine and/or restitution shall be applied toward the fine and/or restitution award;

8. as part of the presentence investigation the Government will make available to the Court all evidence developed in the investigation of this case;

9. this case is governed by the Sentencing Reform Act, as modified by United States v. Booker, 543 U.S. 220 (2005), that he has discussed the Sentencing Guidelines and their applicability with his counsel, and understands and acknowledges that a final determination of the applicable guidelines range cannot be made until the completion of the presentence investigation;

10. the sentencing judge alone will decide what sentence to impose; and

11. the failure of the Court to adhere to a sentencing recommendation tendered by counsel shall not be a basis for setting aside the guilty plea which is the subject of this agreement.

E. REINSTATEMENT OF ORIGINAL INDICTMENT

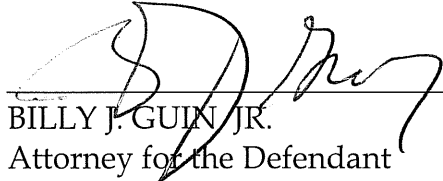
1. **WILLIAM JOSEPH JOHNSON, JR.** understands and agrees that should this plea be overturned for any reason at a later date, the Indictment, in its entirety, will be automatically reinstated without need for presentment to a Grand Jury or any motion or other action by the Government.

F. SIGNATURE OF ATTORNEY FOR THE DEFENDANT, THE DEFENDANT, AND THE ATTORNEY FOR THE GOVERNMENT

I have read this plea agreement and have discussed it fully with my client, **WILLIAM JOSEPH JOHNSON, JR.** It accurately and completely sets forth the entire plea

agreement. I concur in **WILLIAM JOSEPH JOHNSON, JR.** pleading guilty as set forth in this plea agreement.

Dated: 7/20/11


BILLY J. GUIN, JR.
Attorney for the Defendant

I have read this plea agreement and have discussed it with my attorney. I fully understand the plea agreement and accept and agree to it without reservation. I do this voluntarily and of my own free will. No threats have been made to me, nor am I under the influence of anything that could impede my ability to fully understand this plea agreement.

I affirm that absolutely no promises, agreements, understandings, or conditions have been made or entered into in connection with my decision to plead guilty except those set forth in this plea agreement.

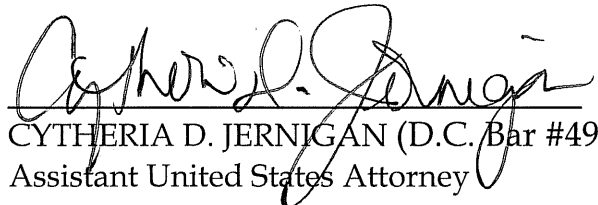
I am satisfied with the legal services provided by my attorney in connection with this plea agreement and the matters related to this case.

Dated: 7/20/11


WILLIAM JOSEPH JOHNSON, JR.
Defendant

I accept and agree to this plea agreement on behalf of the United States of America.

Dated: July 20, 2011


CYTHERIA D. JERNIGAN (D.C. Bar #494742)
Assistant United States Attorney

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA * CRIMINAL NO. 1:11-cr-00073-01
*
VERSUS * JUDGE DEE D. DRELL
*
WILLIAM JOSEPH JOHNSON, JR. * MAGISTRATE JUDGE KIRK

UNDERSTANDING OF MAXIMUM PENALTY
AND CONSTITUTIONAL RIGHTS

I, WILLIAM JOSEPH JOHNSON, JR., the above-named defendant, having been furnished a copy of the charges and having discussed same with my attorney, state that I understand the nature of the charges against me and the maximum possible penalties that may be imposed against me as set forth in the Plea Agreement.

I further state that I understand:

1. My right to be represented by counsel (a lawyer) of my choice, or if I cannot afford counsel, my right to be represented by court-appointed counsel at no cost to me;
2. My right to plead guilty or not guilty;
3. My right to have a jury trial with twelve jurors who must all agree as to my guilt in order to convict;
4. My right not to be required to testify against myself or at all, if I do not so desire;

5. My right to confront and cross-examine witnesses against me and my right to have compulsory process to require witnesses to testify.

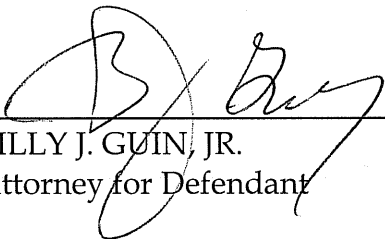
I realize that by pleading guilty, I stand convicted of the crime charged and waive my privilege against self-incrimination, my right to jury trial, my right to confront and cross-examine witnesses, and my right of compulsory process.

I further state that my plea in this matter is free and voluntary and that it has been made without any threats or inducements whatsoever (except the Plea Agreement) from anyone associated with the State or United States Government or my attorney, and that the only reason I am pleading guilty is that I am in fact guilty as charged.

Thus done and signed this 20~~12~~ day of July, 2011.



WILLIAM JOSEPH JOHNSON, JR.
Defendant



BILLY J. GUIN, JR.
Attorney for Defendant

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ELEMENTS OF THE OFFENSE - Count 2
18 U.S.C. § 1344
(Bank Fraud)

Title 18, United States Code, Section 1344, makes it a crime for anyone to execute a scheme or artifice to obtain any money or other property of an insured financial institution by means of false or fraudulent pretenses, representations, or promises.

In order to establish that a Defendant is guilty, the Government must prove the following beyond a reasonable doubt:

First, that the defendant knowingly executed a scheme or plan to obtain money or property from **Peoples State Bank** by means of false or fraudulent pretenses, representations, or promises;

Second, that the defendant acted with specific intent to defraud **Peoples State Bank**;

Third, that the false pretenses, representations, or promises that the defendant made were material; and

Fourth, that the defendant placed the financial institution at risk of civil liability or financial loss; and

Fifth, that **Peoples State Bank** was insured by the Federal Deposit Insurance Corporation.

A "scheme or plan to defraud" means any plan, pattern, or course of action involving a false or fraudulent pretense, representation, or promise intended to deceive others in order to obtain something of value, such as money, from the institution to be deceived.

A defendant acts with the requisite "intent to defraud" if the defendant acted knowingly and with the specific intent to deceive, ordinarily for the purpose of causing some financial loss to another or bringing about some financial gain to the defendant.

A representation is "false" if it is known to be untrue or is made with reckless indifference as to its truth or falsity. A representation would also be "false" when it constitutes a half truth, or effectively omits or conceals a material fact, provided it is made with intent to defraud.

A false statement is "material" if it has a natural tendency to influence, or is capable of influencing, the institution to which it is addressed.

It is not necessary that the government prove all of the details alleged in the indictment concerning the precise nature of the alleged scheme, or that the alleged scheme actually succeeded in defrauding someone. What must be proven beyond a reasonable doubt is that the accused knowingly executed or attempted to execute a scheme that was substantially similar to the scheme alleged in the indictment.

ELEMENTS OF OFFENSE - Count 9

18 U.S.C. § 513(a)
(Counterfeit Securities)

Title 18, United States Code, Section 513(a), makes it a crime for anyone to make, utter or possess a counterfeit security of an organization with an intent to deceive another person, organization, or government.

In order to establish that a Defendant is guilty, the Government must prove the following beyond a reasonable doubt:

First, that the defendant uttered, made or possessed a check;

Second, that the check was counterfeit or forged;

Third, that the check was a security of a private organization in interstate commerce;
and

Fourth, that the defendant acted with an intent to deceive.

The term "counterfeited" means a document that purports to be genuine but is not, because it has been falsely made or manufactured in its entirety.

The term "forged" means a document that purports to be genuine but is not because it has been falsely altered, completed, signed, or endorsed, or contains a false addition thereto or insertion therein, or is a combination of parts of two or more genuine documents.

The term "security" means a note, stock certificate, treasury stock certificate, bond, treasury bond, debenture, certificate of deposit, interest coupon, bill, check, draft, warrant, debit instrument as defined in section 916(c) of the Electronic Fund Transfer Act, money order, traveler's check, letter of credit, warehouse receipt, negotiable bill of lading, evidence of indebtedness, certificate of interest in or participation in any profit-sharing agreement, collateral-trust certificate, pre-reorganization certificate of subscription, transferable share, investment contract, voting trust certificate, or certificate of interest in tangible or intangible property, instrument evidencing ownership of goods, wares, or merchandise, and blank forms for any of the items meeting this definition.

The term "organization" means a legal entity, other than a government, established or organized for any purpose, and includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, society, union or any other association of persons which operates in or the activities of which affect interstate or foreign commerce.

To act with "intent to deceive" means to act with the specific intent to deceive or cheat, usually for personal financial gain or to cause financial loss to someone else. The Government does not have to prove that anyone was in fact deceived.

ELEMENTS OF OFFENSE - Count 14

18 U.S.C. § 1028A

(Aggravated Identity Theft)

Title 18, United States Code, Section § 1028A makes it a crime for anyone to transfer, possess or use without lawful authority a means of identification of another during and in relation to any enumerated felony.

For you to be convicted of this offense, the Government must prove each of the following beyond a reasonable doubt:

First, that the defendant knowingly transferred, possessed or used a means of identification of another person;

Second, that he did so without lawful authority; and

Third, that he did so during and in relation to an enumerated felony.

Misuse of a Social Security number is an enumerated felony. See 18 U.S.C. § 1028A(c)(11).

A “means of identification” means any name or number that may be used alone or in conjunction with other information to identify a specific individual.

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SHREVEPORT, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

UNITED STATES OF AMERICA

*

CRIM. NO.: 1:11-cr-00073-01

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18 U.S.C. § 513 (Counterfeit Securities)

VERSUS

*

18 U.S.C. § 1344 (Bank Fraud)

*

18 U.S.C. § 1028A (Aggravated Identity Theft)

*

*

JUDGE DRELL

WILLIAM JOSEPH JOHNSON, JR.

*

MAGISTRATE JUDGE KIRK

INDICTMENT

THE GRAND JURY CHARGES:

COUNTS 1 - 2

18 U.S.C. §§ 1344(1) and (2)
(Bank Fraud)

A. THE SCHEME TO DEFRAUD

1. Dimension Development is based in Natchitoches, Louisiana and is comprised of a collection of hotels located across the United States.

2. The Defendant, WILLIAM JOSEPH JOHNSON, JR., was employed by Dimension Development as the Assistant Controller.

3. In his position as the Assistant Controller, the Defendant would alter invoices previously paid by Dimension Development and thereby cause additional payments to be made by Dimension Development.

4. After altering the invoices, the Defendant would alter the checks issued in satisfaction of those newly created invoices to be made payable to banks for his benefit.

B. ACTS OF BANK FRAUD

On or about the dates set forth below, in the Western District of Louisiana the Defendant, **WILLIAM JOSEPH JOHNSON, JR.**, having devised the above-described scheme and artifice to defraud and for obtaining money, did knowingly execute and attempt to execute a scheme and artifice to defraud Peoples State Bank, an institution whose deposits are insured by the Federal Deposit Insurance Corporation, and to obtain money, funds, credits, assets, or other property owned by or under the custody or control of Peoples State Bank by means of false and fraudulent pretenses, representations or promises, that is by altering the payee on checks of his employer's checking account as follows:

Count	Date of Check	Originally Payable to	Altered Payable To	Check Number and Amount
1	07/26/2006	Mr. Rooter of NW Florida	Capital One Bank	#1205 in the amount of \$2,987.25
2	07/27/2006	Air Temperature Specialists	Capital One Bank	#1319 in the amount of \$2,659.43

all in violation of Title 18, United States Code, Sections 1344(1) and (2) and 2. [18 U.S.C. §§ 1344(1) and (2) and 2].

COUNT 3

18 U.S.C. §§ 1344(1) and (2)
(Bank Fraud)

A. The allegations contained in Counts 1-2 in paragraph A including subparagraphs are re-alleged and incorporated by reference as though set forth in full herein as the scheme to defraud.

B. Between the dates of October 17, 2006 and January 6, 2007, in the Western District of Louisiana the Defendant, **WILLIAM JOSEPH JOHNSON, JR.**, having devised the above-described scheme and artifice to defraud and for obtaining money, did knowingly execute and attempt to execute a scheme and artifice to defraud M & T Bank, an institution whose deposits are insured by the Federal Deposit Insurance Corporation, and to obtain money, funds, credits, assets, or other property owned by or under the custody or control of M & T Bank by means of false and fraudulent pretenses, representations or promises, that is by altering the payee on check #1262 in the amount of \$4,896.47 from Guest Distributions to Wachovia Bank, all in violation of Title 18, United States Code, Sections 1344(1) and (2) and 2. [18 U.S.C. §§ 1344(1) and (2) and 2].

COUNT 4-13

18 U.S.C. § 513(a)
(Counterfeit Securities)

On or about the dates set forth below in the Western District of Louisiana and elsewhere, the Defendant, **WILLIAM JOSEPH JOHNSON, JR.**, did knowingly make, utter, and possess counterfeit securities of an organization, which operated in and affected interstate commerce, with the intent to deceive another person or organization, as described below,

Count	Date of Check	Payable To	Description
4	08/06/2006	Wachovia Bank	Check #1253 in the amount of \$2,927.30 originally payable to A and C Plumbing & Heating Inc.
5	08/06/2006	Capital One Bank	Check #1256 in the amount of \$2,834.25 originally payable to Hilton Supply Management
6	09/18/2006	Wachovia Bank	Check #1209 in the amount of \$2,985.00 originally payable to Paradigm Design Group
7	09/19/2006	Wells Fargo Bank	Check #1210 in the amount of \$3,387.00 originally payable to Jefco Air Conditioning
8	10/03/2006	Wells Fargo	Check #1331 in the amount of \$5,625.40 originally payable to Fairmont Designs
9	10/03/2006	Wachovia Bank	Check #1724 in the amount of \$8,391.13 originally payable to Fairmont Designs
10	10/10/2006	Wachovia Bank	Check #2029 in the amount of \$6,835.50 originally payable to P/Kaufmann Contract
11	10/17/2006	Wells Fargo Bank	Check #1267 in the amount of \$4,376.35 originally payable to Guest Distributions
12	10/25/2006	Wells Fargo	Check #1278 in the amount of \$4,885.74 originally payable to Guest Supply
13	10/25/2006	Wachovia	Check #1312 in the amount of \$4,784.35 originally payable to Guest Supply

all in violation of Title 18, United States Code, Section 513(a). [18 U.S.C. § 513(a)].

COUNT 14

18 U.S.C. § 1028A

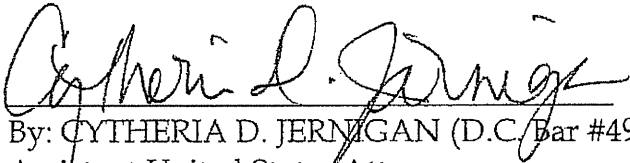
(Aggravated Identity Theft)

On or about July 2, 2006, in the Western District of Louisiana, the Defendant, **WILLIAM JOSEPH JOHNSON, JR.**, did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, namely the social security number of another person, during and in relation to an offense under 42 U.S.C. § 408(a)(7)(B), namely, misuse of a Social Security number, an offense enumerated in 18

U.S.C. § 1028A(c)(11), all in violation of Title 18, United States Code, Sections 1028A(a)(1) and (b)(2). [18 U.S.C. §§ 1028A(a)(1) and (b)(2)].

A TRUE BILL:

STEPHANIE A. FINLEY
United States Attorney

A handwritten signature in black ink, appearing to read "Cytheria D. Jernigan". The signature is written in a cursive style and is positioned above the typed name and title.

By: CYTHERIA D. JERNIGAN (D.C. Bar #494742)
Assistant United States Attorney
300 Fannin Street, Suite 3201
Shreveport, Louisiana 71101
Phone: (318) 676-3600