



**BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

10 CADILLAC DRIVE, SUITE 220
BRENTWOOD, TENNESSEE 37027
TELEPHONE: (615) 361-7500
(800) 486-5714
FAX: (615) 367-2480
E-MAIL: ethics@tbpr.org
Website: www.tbpr.org

RELEASE OF INFORMATION
RE: DAVID J. JOHNSON, BPR# 04595
CONTACT: KEVIN D. BALKWILL
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

February 15, 2013

MEMPHIS ATTORNEY SUSPENDED

On February 15, 2013, the Tennessee Supreme Court suspended the law license of David J. Johnson pursuant to Section 14 of Tennessee Supreme Court Rule 9. The Court suspended Mr. Johnson's law license based upon his conviction of a serious crime, i.e. Wire Fraud, in violation of United States Code § 1343.

The Supreme Court further ordered the Board of Professional Responsibility to institute a formal proceeding to determine the extent of final discipline to be imposed as a result of the conviction. Mr. Johnson was ordered to fully comply with the provisions of Tennessee Supreme Court Rule 9, section 18, which requires, in part, withdrawal from representation and prohibits undertaking any new representation.

This suspension shall remain in effect until it is dissolved or amended by order of the Supreme Court of Tennessee.

Johnson 2187-9 rel.doc

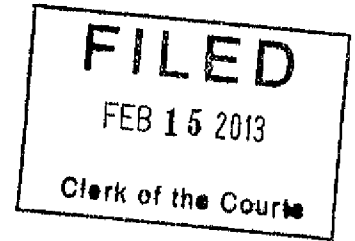
PLEASE NOTE

YOU MAY SUBSCRIBE TO RECEIVE INFORMATIONAL RELEASES, FORMAL ETHICS OPINIONS, NEWSLETTERS AND ANNUAL REPORTS ELECTRONICALLY BY SIGNING IN AT THE BOARD'S WEBSITE

www.tbpr.org/Subscriptions

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

DAVID J. JOHNSON, BPR#04595
An Attorney Licensed in Tennessee
(Shelby County)



NO. M2013-00469-SC-OT-BP

BOPR NO. 2013-2187-9-KB(14)

ORDER OF ENFORCEMENT

This matter is before the Court pursuant to Tenn. Sup. Ct. R. 9, § 14, upon a certificate filed by Disciplinary Counsel for the Board of Professional Responsibility consisting of a certified copy of the judgment in a criminal case, United States of America v. David J. Johnson, (attached as Exhibit A) filed in the United States District Court for the Western District of Tennessee on January 2, 2013, demonstrating that David J. Johnson, a Tennessee attorney, was found guilty of a serious crime, i.e., Wire Fraud.

It is therefore, **ORDERED, ADJUDGED and DECREED** by the Court that:

1. David J. Johnson is suspended from the practice of law on this date pending further orders of this Court, pursuant to Tenn. Sup. Ct. R. 9, § 14.
2. This matter shall be referred to the Board of Professional Responsibility for the institution of a formal proceeding in which the sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the conviction by jury verdict.
3. David J. Johnson shall fully comply with the provisions of Tenn. Sup. Ct. R. 9, § 18 concerning disbarred or suspended attorneys.
4. The Board of Professional Responsibility shall cause notice of this suspension to be published as required by Tenn. Sup. Ct. R. 9, § 18.10.

FOR THE COURT:

Cornelia A. Clark

CORNELIA A. CLARK, JUSTICE

UNITED STATES DISTRICT COURT

Western District of Tennessee

REDACTED
AMENDED

UNITED STATES OF AMERICA

v.

DAVID J. JOHNSON

JUDGMENT IN A CRIMINAL CASE

Case Number: 2:12CR20197-01

USM Number: 17410-076

Stephen B. Shankman

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) 1 of the Information on 8/16/2012
- pleaded nolo contendere to count(s) _____
which was accepted by the court.
- was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count(s)</u>
18 U.S.C. § 1343	Wire Fraud	9/30/2011	1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____
- Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

11/14/2012
Date of Imposition of Judgment

s/ S. Thomas Anderson
Signature of Judge

S. Thomas Anderson U.S. District Court Judge
Name and Title of Judge

1/2/2013
Date

Exhibit A

CERTIFIED TRUE COPY
THOMAS M. GOULD, CLERK
BY [Signature]
DEPUTY CLERK

DEFENDANT: DAVID J. JOHNSON
CASE NUMBER: 2:12CR20197-01

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:
48 Months.

- The court makes the following recommendations to the Bureau of Prisons:

- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district:
 - at _____ a.m. p.m. on _____
 - as notified by the United States Marshal.
- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
 - before 2 p.m. on _____
 - as notified by the United States Marshal.
 - as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: DAVID J. JOHNSON
CASE NUMBER: 2:12CR20197-01

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:
2 Years.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 5) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 6) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician, and shall submit to periodic urinalysis test as directed by the probation officer to determine the use of any controlled substance;
- 7) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered, and shall submit to periodic urinalysis test as directed by the probation officer to determine the use of any controlled substance;
- 8) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 9) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 10) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 11) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 12) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 13) if this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

DEFENDANT: DAVID J. JOHNSON
CASE NUMBER: 2:12CR20197-01

ADDITIONAL SUPERVISED RELEASE TERMS

1. The defendant shall submit to mental health testing and treatment as directed by the Probation Officer.
2. The defendant shall make full financial disclosure as directed by the Probation Officer.
3. The defendant shall provide third party risk notification as directed by the Probation Officer.

DEFENDANT: DAVID J. JOHNSON
 CASE NUMBER: 2:12CR20197-01

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 0.00	\$ 1,746,429.20

The determination of restitution is deferred until _____ . An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Address</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Realty Title and Escrow, Inc., Attn: Matthew McDonald	Memphis, TN 38120	\$62,795.00	\$62,795.00	
Dr. Mike and Susan Alabaster; Dr. Steven Alabaster	Memphis, TN 38120	\$237,306.89	\$237,306.89	
Estate of Shirley Stadelman, Attn: Justin Croft, Executor	Knoxville, TN 37922	\$230,327.31	\$230,327.31	
TOTALS		\$ <u>1,746,429.20</u>	\$ <u>1,746,429.20</u>	

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: DAVID J. JOHNSON
CASE NUMBER: 2:12CR20197-01

ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Notredam, LLC c/o William W. Anderton Tiptonville, TN 38079	\$525,000.00	\$525,000.00	
Fatemah Behral Eads, TN 38028	\$16,000.00	\$16,000.00	
McLemore Trust, Attn: Almeda McLemore Zent Memphis, TN 38117	\$600,000.00	\$600,000.00	
Regions Corporate Security, Attn: Restitution Dept. Hoover, AL 35244	\$75,000.00	\$75,000.00	

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: DAVID J. JOHNSON
CASE NUMBER: 2:12CR20197-01

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$ 100.00 due immediately, balance due
- not later than _____, or
 in accordance C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Defendant shall pay restitution in regular monthly installments of not less than 10% of gross monthly income. Interest requirement is waived. Defendant to notify Court and U.S. Attorney of any material change in economic circumstances that may affect defendant's ability to pay restitution.

Unless the court has expressly ordered otherwise, all criminal monetary penalties shall be made payable to the Clerk, U.S. District Court, 167 N. Main Street, Room 242, Memphis, TN. 38103 for disbursement.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA)

Plaintiff,)

VS)

DAVID JOHNSON)

Defendant.)

CR. NO. 12-20197-A

ORDER TO SURRENDER

The defendant, David Johnson, having been sentenced in the above case to the custody of the Bureau of Prisons and having been granted leave by the Court to report to the designated facility, **IS HEREBY ORDERED** to surrender to the Bureau of Prisons by reporting to the FCI MEMPHIS SCP, 1101 John A. Donle Rd., Memphis, Tennessee 38134, by 2:00 p.m. on **TUESDAY, FEBRUARY 12, 2013.**

IT IS FURTHER ORDERED that upon receipt of a copy of this Order the defendant shall report immediately to the Office of the Clerk, Federal Office Building, 167 N. Main Street, Room 242, Memphis, Tennessee 38103 to acknowledge by signature receipt of a copy of this Order and that the defendant will report as ordered to the facility named above.

ENTERED this the 2nd day of January, 2013.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

RECEIVED

2013 JAN -8 PM 1:55

ACKNOWLEDGEMENT

I agree to report as directed above and understand that
if I fail to report, I may be cited for contempt of
Court and if convicted, may be punished by
imprisonment, fine or both.

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
JAN 8 2013

Signed and acknowledged before me on January 8, 2013

Cynthia Farrell
Clerk/Deputy Clerk

Daniel Johnson
Defendant