

**In the Huntington Circuit Court
State of Indiana
2020 Term**

State of Indiana

vs

Cause No. **35C01-2012-F5-000**

Nicholas E. Johnson
DOB: 01/07/1987

Appearance Form

Case Type Proceeding: Criminal

Prosecuting Attorney Information:

Name: Amy C. Richison
Address: Room 417, Courthouse
Huntington, IN 46750
Computer Address:

Attorney No: 19624-41
Phone: 260-358-4846
FAX: 260-358-2671

Will the State accept service by FAX: Yes ____ No X

Arrest Report Number:
(Originating Agency Case Number)

Not Available

Arresting Agency:

Huntington Police Department

Transaction Control Number:

Not Available

State Identification Number:

Not Available

Additional information required by state or local rule:

IN THE HUNTINGTON CIRCUIT COURT
STATE OF INDIANA
2020 TERM

STATE OF INDIANA)

vs.)

Cause No.: 35C01-2012-F5-000

NICHOLAS E. JOHNSON)

COUNT 1

DOB: 01-07-1987

INFORMATION FOR
CHILD SEDUCTION
LEVEL 5 FELONY
I.C. 35-42-4-7(n) & (q)(2)

Sometime from August 8, 2020, through December 2, 2020, in Huntington County, Indiana, Nicholas Johnson had a professional relationship with a child less than eighteen (18) years of age and knew the child was at least sixteen (16) years of age but less than eighteen (18) years of age, and may have exerted undue influence on the child because of his current or previous professional relationship with the child and knowingly used or exerted his professional relationship to engage in other sexual conduct, namely, said defendant penetrated Victim 1's sex organ with his finger.

All of which is contrary to the laws of the State of Indiana.

Reviewed December 9, 2020.

/s/Amy C. Richison

Amy C. Richison, #19624-41

Prosecuting Attorney

56th Judicial Circuit

Material Witnesses: Det. Shane Blair, Det. Cory Boxell, [REDACTED] Victim 1,
Victim 1's mother, [REDACTED]

IN THE HUNTINGTON CIRCUIT COURT
STATE OF INDIANA
2020 TERM

STATE OF INDIANA)

vs.)

NICHOLAS E. JOHNSON)

DOB: 01-07-1987)

Cause No.: 35C01-2012-F5-000

COUNT 2

INFORMATION FOR
CHILD SEDUCTION
LEVEL 6 FELONY
I.C. 35-42-4-7(n) & (q)(1)

Sometime from August 8, 2020, through December 2, 2020, in Huntington County, Indiana, Nicholas Johnson had a professional relationship with a child less than eighteen (18) years of age and knew the child was at least sixteen (16) years of age but less than eighteen (18) years of age, and may have exerted undue influence on the child because of his current or previous professional relationship with the child and used or exerted his professional relationship to engage in any fondling or touching with the child with the intent to arouse or satisfy his own sexual desires or the sexual desires of the child, namely, said defendant fondled or touched Victim 1 with the intent to arouse or satisfy his own sexual desires or the sexual desires of Victim 1.

All of which is contrary to the laws of the State of Indiana.

Reviewed December 9, 2020.

/s/Amy C. Richison

Amy C. Richison, #19624-41

Prosecuting Attorney

56th Judicial Circuit

Material Witnesses: Det. Shane Blair, Det. Cory Boxell, [REDACTED] Victim 1,
Victim 1's mother, [REDACTED]

**IN THE HUNTINGTON CIRCUIT COURT
STATE OF INDIANA
2020 TERM**

STATE OF INDIANA

VS.

Cause No.: 35C01-2012-F5-000

NICHOLAS E. JOHNSON

COUNT 3

DOB: 01-07-1987

**INFORMATION FOR
KIDNAPPING
LEVEL 6 FELONY
I.C. 35-42-3-2(a)**

Sometime from August 6 through August 8, 2020, in Huntington County, Indiana, Nicholas Johnson knowingly removed another person by fraud or enticement from one place to another, namely, Victim 1.

All of which is contrary to the laws of the State of Indiana.

Reviewed December 9, 2020.

/s/ Amy C. Richison

Amy C. Richison, #19624-41

Prosecuting Attorney

56th Judicial Circuit

Material Witnesses: Det. Shane Blair, Det. Cory Boxell, [REDACTED] Victim 1, Victim 1's mother, [REDACTED]

IN THE HUNTINGTON CIRCUIT COURT
STATE OF INDIANA
2020 TERM

STATE OF INDIANA)

vs.)

Cause No.: 35C01-2012-F5-000

NICHOLAS E. JOHNSON)

COUNT 4

DOB: 01-07-1987

INFORMATION FOR
IDENTITY DECEPTION
LEVEL 6 FELONY
I.C. 35-43-5-3.5(a)

Sometime from July 16, 2020, through August 10, 2020, in Huntington County, Indiana, Nicholas Johnson knowingly used the identifying information of another person, namely, [REDACTED]'s consent and with the intent to profess to be [REDACTED]

All of which is contrary to the laws of the State of Indiana.

Reviewed December 9, 2020.

/s/Amy C. Richison

Amy C. Richison, #19624-41

Prosecuting Attorney

56th Judicial Circuit

Material Witnesses: Det. Shane Blair, Det. Cory Boxell, [REDACTED] Victim 1,
Victim 1's mother, [REDACTED]

IN THE HUNTINGTON CIRCUIT COURT
STATE OF INDIANA
2020 TERM

State of Indiana,)
)
vs.) 35C01-2012-F5-
)
Nicholas Edward Johnson)
DOB: 01-07-1987
411 Edith Blvd.
Huntington, IN 46750

AFFIDAVIT CONCERNING PROBABLE CAUSE FOR ARREST

The undersigned swears or affirms that he believes and has good cause to believe that Nicholas E. Johnson (DOB: 1/07/1987), committed the crime of child seduction, a Level 5 felony; kidnapping, a Level 6 felony; and identity deception, a Level 6 felony sometime during the months of July to December 2, 2020. All of these crimes occurred in Huntington County, Indiana. The following facts support my belief that Nicholas E. Johnson committed the crimes of child seduction, a Level 5 felony; child seduction, a Level 6 felony; kidnapping, a Level 6 felony; and identity deception, a Level 6 felony.

On December 2, 2020 I spoke with Mr. Johnson at the Huntington City Police Department during which he was read his Miranda Warning and waiver of rights from the standard form used by this department. Mr. Johnson stated he understood his rights and agreed to answer questions reference the above charges. Mr. Johnson stated he created a fraudulent email account and used the name J [REDACTED] July 16, 2020, to communicate with Victim 1, who was at least sixteen (16) years of age but less than eighteen (18) years of age. Mr. Johnson communicated via the fraudulent email account regarding an out-of-state recruiting visit to take place on August 6, 2020, through August 8, 2020. Johnson sent several emails from the fraudulent account he created and professed to be a woman named J [REDACTED]. Mr. Johnson sent emails from this fraudulent email account between July 16, 2020, and August 10, 2020. I spoke with J [REDACTED] on November 11, 2020, about Mr. Johnson and the fraudulent email account. Ms. [REDACTED] advised she does not know Mr. Johnson, she did not create the fraudulent email account, and she did not give Mr. Johnson permission to use her name to contact Victim 1 or anyone else.

Mr. Johnson stated he planned the false recruiting visit and paid for all travel and lodging for both he and Victim 1 because he wanted Victim 1 to accompany him to another state when he picked up a puppy. Johnson left the State of Indiana with Victim 1 without the permission and knowledge of Victim 1's parents. Victim 1's mother believed Victim 1 was traveling alone to the out-of-state recruiting visit and she had no knowledge of Mr. Johnson transporting Victim 1 out-of-state or paying for the travel and lodging expenses.

During Mr. Johnson's interview he described how he met Victim 1. Mr. Johnson provided details that established he had a "professional relationship" with Victim 1, as defined by I.C. 35-

42-4-7(i). Mr. Johnson stated he did treatments in his garage with Victim 1 and discussed a chest treatment he performed on Victim 1 several times. Mr. Johnson stated there were times during this treatment he touched Victim 1's breast in a sensual manner with the intention to arouse or please Victim 1. Mr. Johnson agreed this touch crossed the line and violated any method of treatment, as it was again described as a sensual touch by Mr. Johnson.

I spoke with Victim 1 and she initially denied traveling with Mr. Johnson and that he touched her inappropriately. Victim 1 eventually disclosed that she traveled to another state with Mr. Johnson August 6-8, 2020, to pick up a puppy. Victim 1's mother believed Victim 1 was traveling alone to another state for a college recruiting visit. Victim 1's mother was not aware Mr. Johnson was taking Victim 1 to another state because Mr. Johnson sent emails representing himself to be [REDACTED] and arranged a false recruiting visit for Victim 1.

Victim 1 stated there were times at Mr. Johnson's residence and Victim 1's residence, both located in Huntington County, when Mr. Johnson grabbed Victim 1's butt and brushed against Victim 1's lower back and/or arm. Victim 1 also described times when Mr. Johnson gave Victim 1 leg massages in his garage on a treatment table to assist in flushing lactic acid out of the muscles. Victim 1 stated during treatments Mr. Johnson placed his hand under Victim 1's shorts and rubbed her butt, skin to skin. Victim 1 said the touches were a rub and/or soft squeeze. Victim 1 stated on two occasions Mr. Johnson moved aside Victim 1's shorts and shorts liner and inserted his finger in Victim 1's vagina. Victim 1 stated this only lasted for a couple seconds and Mr. Johnson continued with the massage. Victim 1 stated Mr. Johnson asked if she enjoyed him inserting his finger into her vagina. Victim 1 could not provide specific dates the touches happened in Huntington County, but she knows they took place after she and Mr. Johnson returned from the false recruiting visit in early August 2020.

Based upon the information gathered in my investigation, I believe Mr. Johnson had a professional relationship with Victim 1, could have exerted undue influence on Victim 1 because of his professional relationship and used or exerted his professional relationship with Victim 1 to engage in other sexual conduct with Victim 1 and touching or fondling with the intent to arouse or satisfy his own sexual desires or the sexual desires of Victim 1. Mr. Johnson also knowingly removed Victim 1 by fraud or enticement from one place to another, and knowingly used the identifying information of another person without the person's consent and with the intent to profess to be another person.

I affirm under penalties of perjury that the foregoing information is true and accurate to the best of my knowledge.

Signed: /s/Shane Blair
Printed: Detective Sergeant Shane Blair
Huntington City Police Department

Reviewed:
/s/Amy C. Richison
Amy C. Richison, #19624-41
Huntington County Prosecuting Attorney

**In the Huntington Circuit Court
State of Indiana
2020 Term**

State of Indiana

vs

Cause No. **35C01-2012-F5-000**

**Nicholas E. Johnson
411 Edith Blvd.
Huntington, IN 46750
DOB: 01/07/1987**

Probable Cause Determination and Order

Comes now the State of Indiana and files its Affidavit of Probable Cause, which Affidavit and attached documents are examined by the Court. The Court finds probable cause that **Nicholas E. Johnson** committed the following crime on the following dates in Huntington County, Indiana:

Count 1

Child Seduction, a Level 5 Felony

Committed Sometime from August 8, 2020 through December 2, 2020

Count 2

Child Seduction, a Level 6 Felony

Committed Sometime from August 8, 2020 through December 2, 2020

Count 3

Kidnapping, a Level 6 Felony

Committed Sometime from August 6, 2020 through August 8, 2020

Count 4

Identity Deception, a Level 6 Felony

Committed Sometime from July 16, 2020 through August 10, 2020

☒ The Court now directs the Clerk to issue a warrant for the arrest of **Nicholas E. Johnson**.
The Court now sets the bond in the amount of:

_____ Bail Bondsman Only

\$_____ Cash Only

\$ 30,000 10% Cash

\$_____ Bail Bondsman + \$_____ 10% Cash

_____ No bond until Court Hearing

☐ The Court now directs the Clerk to issue a Summons for **Nicholas E. Johnson** to appear in the
Huntington Circuit Court on _____, at 8:30a.m.

Dawn G. Smith

Judge, Huntington Circuit Court

December 10, 2020

Date

STATE OF INDIANA
COUNTY OF HUNTINGTON

AMT. OF BOND: \$ 30,000.00

CAUSE # 35C01-2012-F5-000419

STATE OF INDIANA

-Vs.-

Nicholas E. Johnson
DEFENDANT

4665 W. 800 N
ADDRESS

Huntington, IN, 46750
CITY / STATE / ZIP CODE

SSN _____

PHONE # _____

EMPLOYER _____

PURSUANT TO ORDER OF THE HUNTINGTON SUPERIOR AND CIRCUIT COURTS, ALL 10% AND CASH BONDS **MUST BE POSTED BY AND ONLY IN THE NAME OF THE DEFENDANT** AND ALL CASH MONIES POSTED WILL BE CONSIDERED A PERSONAL ASSET OF THE DEFENDANT

NOTICE TO PERSON DEPOSITING FUNDS FOR CRIMINAL DEFENDANTS:

You are hereby notified that the funds being deposited by you for the defendant are subject to the conditions of a certain agreement entered into by the defendant regarding the terms and conditions of the defendant's bond, including forfeiture. You are further notified that, at the conclusion of the defendant's case, the funds posted for the defendant's bond will be delivered to the defendant after deduction of Public Defender fees (if any), administrative fees, fines and court costs assessed against the defendant.

THE BOND MONEY FOR THE DEFENDANT WILL **NOT** BE RETURNED TO YOU, BUT WILL BE PAID TO THE DEFENDANT, LESS ANY APPLICABLE DEDUCTIONS

BY DEPOSITING BOND FOR THE DEFENDANT, YOU ARE RELEASING **ALL** RIGHTS IN THE BOND FUNDS TO THE DEFENDANT

I HAVE READ THIS NOTICE AND UNDERSTAND IT:

DATE: _____

SIGNATURE OF PERSON POSTING DEFENDANT'S BOND _____

☐ **FULL CASH BOND:** AMOUNT OF BOND \$ _____ AMOUNT DEPOSITED \$ _____

COURT: ☐ SUPERIOR ☐ CIRCUIT NEXT COURT APPEARANCE DATE: _____ TIME: _____

☐ **BOND IN LIEU OF APPEARANCE:** AMOUNT OF BOND \$ _____ AMOUNT DEPOSITED \$ _____

PAID IN FULL IN LIEU OF APPEARING IN COURT. I AUTHORIZE THE COURT TO APPLY THIS BOND TOWARD PAYMENT OF MY OUTSTANDING FINES, FEES, OR COSTS ASSOCIATED WITH THIS CAUSE NUMBER.

☐ **BONDSMAN / SURETY BOND:** AMOUNT OF BOND \$ _____ (SURETY PAPERS, BOND FEE ATTACHED)

COURT: ☐ SUPERIOR ☐ CIRCUIT NEXT COURT APPEARANCE DATE: _____ TIME: _____

☐ **PROPERTY BOND:** AMOUNT OF BOND \$ _____ (SHERIFF PAPERS, BOND FEE ATTACHED)

COURT: ☐ SUPERIOR ☐ CIRCUIT NEXT COURT APPEARANCE DATE: _____ TIME: _____

☐ **PERSONAL RECOGNIZANCE / PROMISE TO APPEAR:** ORIGINAL AMOUNT OF BOND \$ _____

COURT: ☐ SUPERIOR ☐ CIRCUIT NEXT COURT APPEARANCE DATE: _____ TIME: _____

☒ **PERSONAL APPEARANCE BOND WITH 10% CASH DEPOSIT:**

AMOUNT OF BOND \$ 30,000.00 AMOUNT DEPOSITED \$ 3,005.00 COURT: ☐ SUPERIOR ☒ CIRCUIT
NEXT COURT APPEARANCE DATE: 12-14-2020 TIME: _____

In lieu of a surety, property, or full cash bond, I voluntarily accept the option to deposit 10% of the amount of bail with the Clerk of the Court as security for the full amount of the bond.

I understand that I am bound to the State of Indiana for the full amount of the bond listed above. If I appear in court as directed and comply with all conditions as ordered by the Court until this cause is finally determined, then this bond shall be void; if otherwise, the bond shall remain in full force. Any proceedings concerning the bond, or its forfeiture, judgment, or execution of judgment, will be held in the Court hereby admitting me to bail. I understand that an administrative fee of ten percent (10%) of the deposit or \$50.00 (whichever is less) will be retained by the Court from the deposit.

If the defendant does not appear at any time fixed by the Court, the Court shall declare this bond to be forfeited and notice of forfeiture shall be mailed to the defendant at the above addresses. If the defendant does not appear within thirty (30) days from the date of forfeiture and satisfy the Court that his/her appearance was (or is) impossible and without he/her own fault, then the Court shall enter a judgment for the State against the defendant and certify the judgment to the Clerk for record. The amount deposited in cash shall be applied to the payment of the judgment. The balance of the judgment may be enforced and collected in the manner as a judgment entered in a civil action.

If the court receives a written notice of a pending civil action or unsatisfied judgment against me arising out of the same transaction or occurrence forming the basis of the criminal case against me, the funds deposited with the Clerk may not be declared forfeited by the Court and the Court shall order the deposited funds to be held by the Clerk. If there is an entry of final judgment in favor of the plaintiff in the civil action, as is necessary to satisfy the civil judgment. The Court shall then order the remainder of the deposit, if any, and the bond forfeited.

If there is no forfeiture but assigned counsel represents me and there are publicly paid costs of representation, the deposit (less fees retained by the Clerk) shall be retained by the Clerk and I shall receive back only that portion of the deposit (if any) which exceeds the publicly paid costs of representation. Amounts of the deposit not remitted to me and retained for publicly paid costs of representation shall be deposited by the Clerk in the supplemental public defender services fund established by Indiana State Statute.

If there is no forfeiture and no publicly paid costs of representation are incurred on my behalf, I understand that upon my request and written assignment, whatever amount is refundable from my deposit may be applied to fines, Court costs, restitution, or probation user fees, or will be paid to me directly.

AS A CONDITION OF THIS BOND DEFENDANT SHALL NOT BE ARRESTED FOR ANY CRIMINAL CHARGES AND SHALL SUBMIT TO DRUG TESTING WHENEVER REQUIRED BY THE COURT AND MUST TEST "NEGATIVE" ON ALL TESTS I FURTHER UNDERSTAND THAT AT MY INITIAL COURT APPEARANCE, THE COURT MAY IMPOSE ADDITIONAL TERMS RELATING TO MY BOND.

(VIOLATION OF ANY CONDITIONS LISTED WILL RESULT IN THE REVOCATION OF THIS BOND)

I UNDERSTAND THE TERMS OF THIS BOND AGREEMENT AND VOLUNTARILY ENTER INTO IT.

DATE: 12-11-2020

DEFENDANT'S SIGNATURE: _____

APPEARANCE FORM (CRIMINAL)

Defendant

Case Number: 35C01-2012-F5-000419 (file stamp)

// Check if *Pro Se*. In the event the defendant decides to represent him or herself, complete this form listing the address and other service information in number 2.

1. Name of Defendant: Nicholas E Johnson

2. Defense Attorney information (as applicable for service):

James H. Voyles, Jr., #631-49
VOYLES VAIANA LUKEMEYER BALDWIN & WEBB
One Indiana Square
211 N. Pennsylvania Street, Ste. 2400
Indianapolis IN 46204
(317) 632-4463
(317) 631-1199 (fax)
jvoyles@voyleslegal.com

Jennifer M. Lukemeyer, #17908-49
VOYLES VAIANA LUKEMEYER BALDWIN & WEBB
One Indiana Square
211 N. Pennsylvania Street, Ste. 2400
Indianapolis IN 46204
(317) 632-4463
(317) 631-1199 (fax)
jlukemeyer@voyleslegal.com

3. Will Defendant accept service by fax or email: Yes

4. Additional information required by state or local rule:

Service upon Huntington County Prosecutor's Office on or before date of filing

Authority: Pursuant to Criminal Rule 2.1(B), this form shall be filed at the time a criminal proceeding is commenced. In emergencies, the requested information shall be supplied when it becomes available. Parties shall advise the court of a change in information previously provided to the court. This format is approved by the Division of State Court Administration.

STATE OF INDIANA

IN THE HUNTINGTON CIRCUIT COURT

COUNTY OF HUNTINGTON

CAUSE No. 35C01-2012-F5-000419

STATE OF INDIANA

PLAINTIFF,

v.

NICHOLAS JOHNSON

DEFENDANT.

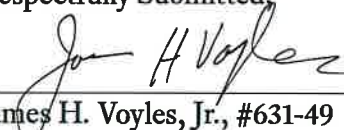
JOHNSON'S MOTION TO CONTINUE


Nicholas Johnson, by counsel James H. Voyles, Jr. and Jennifer M. Lukemeyer, respectfully moves the Court to continue this matter.

- 1) This matter is presently scheduled for a pretrial conference on February 8, 2021, at 8:15 a.m..
- 2) The defense is requesting additional time to review discovery.
- 3) Deputy prosecuting attorney Amy Richison has been notified of this motion and she has no objection

WHEREFORE, Johnson prays the Court continue this matter.

Respectfully Submitted,

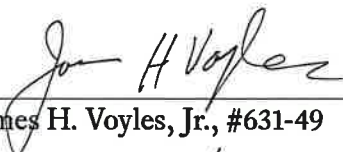

James H. Voyles, Jr., #631-49


Jennifer M. Lukemeyer, #17908-49

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following counsel of record by electronic filing, on or before the date of filing:

Huntington County Prosecutor's Office
201 N. Jefferson Street, Room 417
Huntington IN 46750


James H. Voyles, Jr., #631-49


Jennifer M. Lukemeyer, #17908-49

James H. Voyles, Jr., #631-49
VOYLES VAIANA LUKEMEYER BALDWIN & WEBB
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STATE OF INDIANA

COUNTY OF HUNTINGTON

IN THE HUNTINGTON CIRCUIT COURT

CAUSE No. 35C01-2012-F5-000419

STATE OF INDIANA

PLAINTIFF,

v.

NICHOLAS JOHNSON

DEFENDANT.

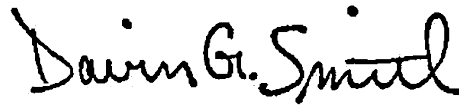
ORDER OF THE COURT

This matter has come before the Court on Johnson's Motion to Continue. The Court finds the motion should be GRANTED.

IT IS THEREFORE ORDERED that this matter is reset for pretrial conference on the 1st day of March, 2021 at 8:15 a.m.

ALL OF WHICH IS ORDERED THIS

February 2, 2021



JUDGE

AD

Distribution:

Huntington County Prosecutor's Office
James H. Voyles, Jr. and Jennifer M. Lukemeyer

STATE OF INDIANA

IN THE HUNTINGTON CIRCUIT COURT

COUNTY OF HUNTINGTON

CAUSE No. 35C01-2012-F5-000419

STATE OF INDIANA

PLAINTIFF,

v.

NICHOLAS JOHNSON

DEFENDANT.

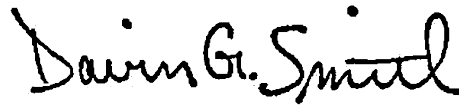
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The Court finds the motion should be GRANTED.

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STATE OF INDIANA

IN THE HUNTINGTON CIRCUIT COURT

COUNTY OF HUNTINGTON

CAUSE NO. 35C01-2012-F5-000419

STATE OF INDIANA

PLAINTIFF,

v.

NICHOLAS E. JOHNSON

DEFENDANT.

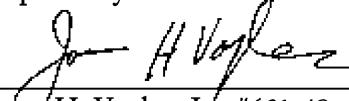
UNOPPOSED MOTION TO CONTINUE

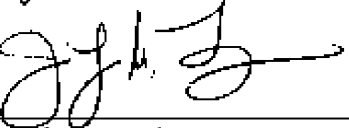
Comes now the defendant, by counsel, and respectfully moves the Court to continue the Pre-Trial Conference set in this cause and in support of this motion, the defendant avers as follows:

- 1) This matter is presently scheduled for Pre-Trial Conference on May 10, 2021 at 8:15 a.m.
- 2) Negotiations in this matter are ongoing and there is outstanding discovery that needs to be completed for both adequate preparation as well as to further negotiations
- 3) Counsel is requesting that this matter be reset in due course the defendant understands this delay his attributable to him for the purposes of Criminal Rule 4.
- 4) The State, by Deputy Prosecuting Attorney Amy Richison has no objection.

WHEREFORE, the defendant pray the Court continue this matter.

Respectfully Submitted,

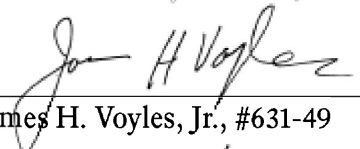

James H. Voyles, Jr., #631-49

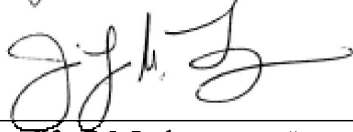

Jennifer M. Lukemeyer, #17908-49

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following counsel of record by electronic filing, on or before the date of filing:

Huntington County Prosecutor's Office


James H. Voyles, Jr., #631-49


Jennifer M. Lukemeyer, #17908-49

James H. Voyles, Jr., #631-49
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STATE OF INDIANA

COUNTY OF HUNTINGTON

IN THE HUNTINGTON CIRCUIT COURT

CAUSE NO. 35C01-2012-F5-000419

STATE OF INDIANA

PLAINTIFF,

v.

NICHOLAS E. JOHNSON

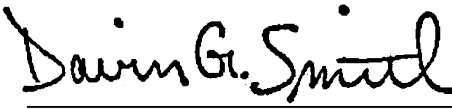
DEFENDANT.

ORDER OF THE COURT

This matter has come before the Court on an Unopposed Motion to Continue. The Court finds the motion should be GRANTED.

IT IS THEREFORE ORDERED that this matter is reset for Pre-Trial Conference on the 21st day of June, 2021, at 8:15am.

ALL OF WHICH IS ORDERED THIS
May 10, 2021


JUDGE JS

Distribution:

Huntington County Prosecutor's Office

James H. Voyles, Jr. and Jennifer M. Lukemeyer

STATE OF INDIANA

COUNTY OF HUNTINGTON

IN THE HUNTINGTON CIRCUIT COURT

CAUSE NO. 35C01-2012-F5-000419

STATE OF INDIANA

PLAINTIFF,

v.

NICHOLAS E. JOHNSON

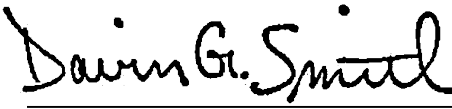
DEFENDANT.

ORDER OF THE COURT

This matter has come before the Court on an Unopposed Motion to Continue. The Court finds the motion should be GRANTED.

IT IS THEREFORE ORDERED that this matter is reset for Pre-Trial Conference on the 21st day of June, 2021, at 8:15am.

ALL OF WHICH IS ORDERED THIS
May 10, 2021


JUDGE JS

Distribution:

Huntington County Prosecutor's Office

James H. Voyles, Jr. and Jennifer M. Lukemeyer

STATE OF INDIANA

COUNTY OF HUNTINGTON

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STATE OF INDIANA

PLAINTIFF,

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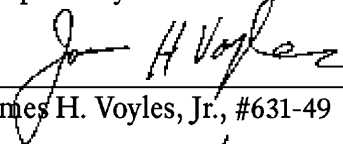
DEFENDANT.

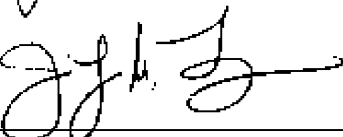
DEFENDANT'S NOTICE OF DISCOVERY COMPLIANCE

Nicholas Johnson, by counsel James H. Voyles and Jennifer M. Lukemeyer, respectfully notifies the court he has complied with the rules of discovery in this cause by notifying the State that the following items are available for its review:

1. Instagram post from A.W.

Respectfully Submitted,

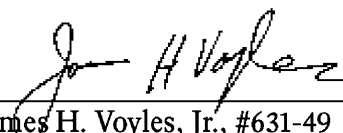

James H. Voyles, Jr., #631-49

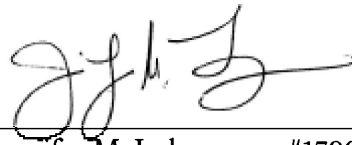

Jennifer M. Lukemeyer, #17908-49

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following counsel of record by electronic filing, on or before the date of filing:

Huntington County Prosecutor's Office


James H. Voyles, Jr., #631-49



Jennifer M. Lukemeyer, #17908-49

James H. Voyles, Jr., #631-49

VOYLES VAIANA LUKEMEYER BALDWIN & WEBB

211 N. Pennsylvania Street, Suite 2400

Indianapolis IN 46204

(317) 632-4463

(317) 631-1199 (fax)

jvoyles@voyleslegal.com

Jennifer M. Lukemeyer, #17908-49

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Indianapolis IN 46204

(317) 632-4463

(317) 631-1199 (fax)

jlukemeyer@voyleslegal.com

STATE OF INDIANA

COUNTY OF HUNTINGTON

STATE OF INDIANA

PLAINTIFF,

v.

NICHOLAS E. JOHNSON

DEFENDANT.

IN THE HUNTINGTON CIRCUIT COURT

CAUSE NO. 35C01-2012-F5-000419

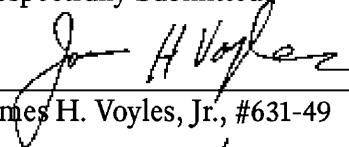
MOTION FOR REMOTE APPEARANCE

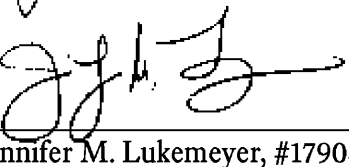
Nicholas Johnson, by counsel James H. Voyles and Jennifer M. Lukemeyer, respectfully moves the Court to allow the parties to appear remotely.

- 1) This matter is presently scheduled for a pretrial conference on **June 21, 2021 at 8:15 a.m.**
- 2) Counsel is requesting this matter be handled via remote appearance by the parties.
- 3) The State by Deputy Prosecuting Attorney, Amy Richison is aware of this motion and has no objection.

WHEREFORE, Johnson prays the Court grant notice of remote appearance in this matter.

Respectfully Submitted,

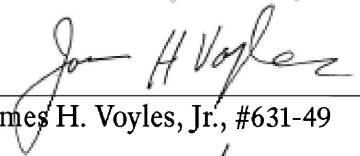

James H. Voyles, Jr., #631-49



Jennifer M. Lukemeyer, #17908-49

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Huntington County Prosecutor's Office


James H. Voyles, Jr., #631-49


Jennifer M. Lukemeyer, #17908-49

James H. Voyles, Jr., #631-49

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(317) 631-1199 (fax)

jlukemeyer@voyleslegal.com

STATE OF INDIANA)
) SS:
COUNTY OF HUNTINGTON)
)
STATE OF INDIANA)
)
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)
)
)
NICHOLAS JOHNSON)

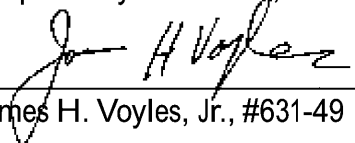
PETITION FOR PERMISSION TO LEAVE JURISDICTION

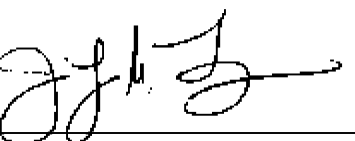
Nicholas Johnson, by counsel James H. Voyles and Jennifer M. Lukemeyer, respectfully requests permission from this Court to leave the jurisdiction and in support of this motion, he would show the following:

1. Johnson has a case pending under this cause number. He has a Final Pre-Trial Conference scheduled for December 20, 2021 at 8:15 a.m. and Jury Trial scheduled for February 11, 2021 at 1:00 p.m.
2. Johnson is requesting that he be allowed to travel to Phoenix, Arizona on July 9, 2021 from Fort Wayne, Indiana and drive a truck back immediately to Huntington, Indiana for his employer. Johnson will be returning an estimated 26 hours after he arrives in Phoenix.
3. Johnson has been in constant contact with his attorneys and will be reachable during his trip via cell phone.

WHEREFORE, Johnson requests permission from this Court to travel for work to Phoenix, Arizona and transport a company truck back to Huntington, Indiana on July 9, 2021.

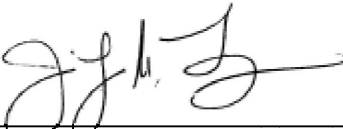
Respectfully Submitted,


James H. Voyles, Jr., #631-49


Jennifer M. Lukemeyer, #17908-49

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the Huntington County Prosecutor's Office via the Indiana E-Filing System,



Jennifer M. Lukemeyer, #17908-49

James H. Voyles, Jr., #631-49
VOYLES VAIANA LUKEMEYER BALDWIN & WEBB
One Indiana Square
211 N. Pennsylvania Street, Suite 2400
Indianapolis IN 46204
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jvoyles@voyleslegal.com

Jennifer M. Lukemeyer, #17908-49
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Indianapolis IN 46204
(317) 632-4463
(317) 631-1199 (fax)
jlukemeyer@voyleslegal.com

STATE OF INDIANA)	IN THE HUNTINGTON CIRCUIT COURT
) SS:	
COUNTY OF HUNTINGTON)	CAUSE NO. 35C01-2012-F5-000419
STATE OF INDIANA)	
)	
v.)	
)	
)	
NICHOLAS JOHNSON)	

ORDER

Comes now the Defendant, having petitioned this Court for permission to leave the jurisdiction which asks this Court to allow the Defendant to travel by plane from Fort Wayne, Indiana on July 9, 2021 to Phoenix, Arizona and drive a company truck back to Huntington, Indiana and the Court, being duly advised, now finds that the Defendant's motion should be GRANTED/DENIED.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Johnson is permitted to travel to Phoenix, Arizona on July 9, 2021 and drive a company vehicle back to Huntington, Indiana.

ALL OF WHICH IS ORDERED THIS _____, 2021

DENIED
July 7, 2021
DS

/s/ Judge Kathleen Lang, Senior Judge

JUDICIAL OFFICER

Distribution:
James H. Voyles/Jennifer M. Lukemeyer
Huntington County Prosecutor's Office

STATE OF INDIANA

COUNTY OF HUNTINGTON

IN THE HUNTINGTON CIRCUIT COURT

CAUSE NO. 35C01-2012-F5-000419

STATE OF INDIANA

PLAINTIFF,

v.

NICHOLAS E. JOHNSON

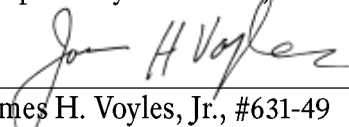
DEFENDANT.

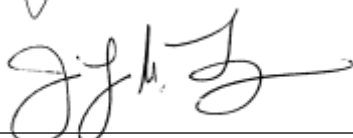
DEFENDANT'S NOTICE OF DISCOVERY COMPLIANCE

Nicholas Johnson, by counsel James H. Voyles and Jennifer M. Lukemeyer, respectfully notifies the court he has complied with the rules of discovery in this cause by notifying the State that the following items are available for its review:

1. Email from Addy dated 7/14/2021

Respectfully Submitted,

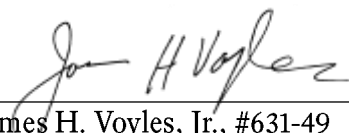

James H. Voyles, Jr., #631-49

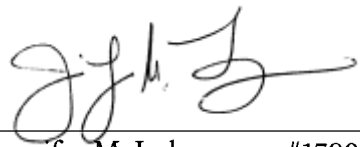

Jennifer M. Lukemeyer, #17908-49

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following counsel of record by electronic filing, on or before the date of filing:

Huntington County Prosecutor's Office


James H. Voyles, Jr., #631-49



Jennifer M. Lukemeyer, #17908-49

James H. Voyles, Jr., #631-49
VOYLES VAIANA LUKEMEYER BALDWIN & WEBB
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STATE OF INDIANA

COUNTY OF HUNTINGTON

IN THE HUNTINGTON CIRCUIT COURT

CAUSE No. 35C01-2012-F5-000419

STATE OF INDIANA

PLAINTIFF,

v.

NICHOLAS E. JOHNSON

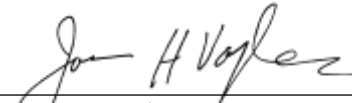
DEFENDANT.

DEFENDANT'S NOTICE OF DISCOVERY COMPLIANCE

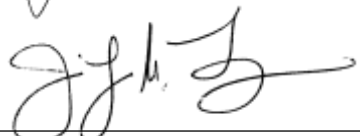
Nicholas Johnson, by counsel James H. Voyles and Jennifer M. Lukemeyer, respectfully notifies the court he has complied with the rules of discovery in this cause by notifying the State that the following items are available for its review:

- I. Correspondence from A.W.

Respectfully Submitted,



James H. Voyles, Jr., #631-49

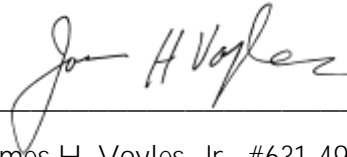


Jennifer M. Lukemeyer, #17908-49

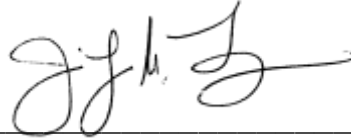
CERTIFICATE OF SERVICE

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Huntington County Prosecutor's Office



James H. Voyles, Jr., #631-49



Jennifer M. Lukemeyer, #17908-49

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jlukemeyer@voyleslegal.com

STATE OF INDIANA

IN THE HUNTINGTON CIRCUIT COURT

COUNTY OF HUNTINGTON

CAUSE NO. 35C01-2012-F5-000419

STATE OF INDIANA

PLAINTIFF,

v.

NICHOLAS JOHNSON

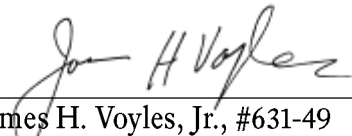
DEFENDANT.

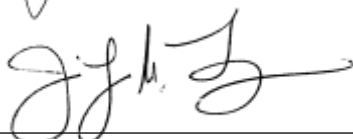
NOTICE OF DEPOSITION

Johnson will depose the following witnesses on November 8, 2021 at
Huntington County Prosecuting Attorney's Office, 201 N. Jefferson St, Room 417,
Huntington, IN, 46750, at the times indicated below:

11:00 a.m.: A.W.

Respectfully Submitted,

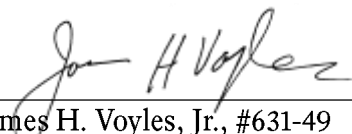

James H. Voyles, Jr., #631-49

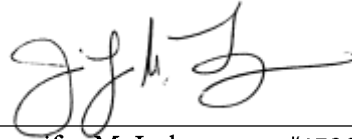

Jennifer M. Lukemeyer, #17908-49

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following counsel of
record by electronic filing, on or before the date of filing:

Huntington County Prosecutor's Office
201 N. Jefferson Street, Room 417
Huntington IN 46750


James H. Voyles, Jr., #631-49



Jennifer M. Lukemeyer, #17908-49

James H. Voyles, Jr., #631-49

VOYLES VAIANA LUKEMEYER BALDWIN & WEBB

One Indiana Square

211 N. Pennsylvania Street, Ste. 2400

Indianapolis IN 46204

(317) 632-4463

(317) 631-1199 (fax)

jvoyles@voyleslegal.com

Jennifer M. Lukemeyer, #17908-49

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One Indiana Square

211 N. Pennsylvania Street, Ste. 2400

Indianapolis IN 46204

(317) 632-4463

(317) 631-1199 (fax)

jlukemeyer@voyleslegal.com

STATE OF INDIANA

COUNTY OF HUNTINGTON

IN THE HUNTINGTON CIRCUIT COURT

CAUSE NO. 35C01-2012-F5-000419

STATE OF INDIANA

PLAINTIFF,

v.

NICHOLAS JOHNSON

DEFENDANT.

SUBPOENA AD TESTIFICANDUM

The State of Indiana to the Sheriff of Huntington County, Greeting:

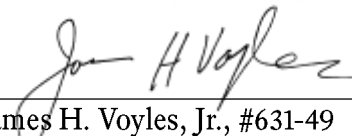
You are hereby commanded to summon:

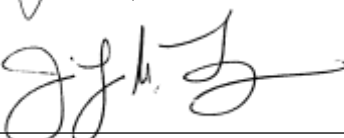
A.W.

Huntington County Courthouse Prosecutor's Office
201 N Jefferson St
Huntington, IN 46750

to personally appear for deposition on the **8th day of November, 2021, at 11:00 a.m.**, at the offices of Huntington County Prosecuting Attorney's Office, 201 N. Jefferson St, Room 417, Huntington, IN, 46750, then and there to testify in the matter of *State of Indiana v. Nicholas Johnson*, and have you then and there this writ.

Issued under the authority of Ind. Trial Rule 45 on September 15, 2021, by James H. Voyles, Jr.
Jennifer M. Lukemeyer, attorney for Johnson.


James H. Voyles, Jr., #631-49


Jennifer M. Lukemeyer, #17908-49

STATE OF INDIANA

COUNTY OF HUNTINGTON

IN THE HUNTINGTON CIRCUIT COURT

CAUSE NO. 35C01-2012-F5-000419

STATE OF INDIANA

PLAINTIFF,

v.

NICHOLAS JOHNSON

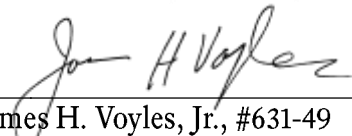
DEFENDANT.

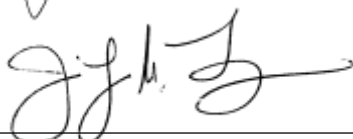
NOTICE OF DEPOSITION

Johnson will depose the following witnesses on November 8, 2021 at
Huntington County Prosecuting Attorney's Office, 201 N. Jefferson St. Room 417,
Huntington, IN, 46750, at the time indicated below:

1 :30 p.m.: Stacy Wiley

Respectfully Submitted,

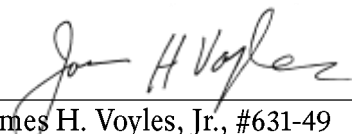

James H. Voyles, Jr., #631-49

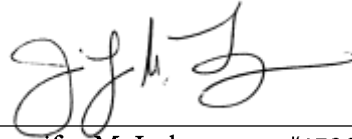

Jennifer M. Lukemeyer, #17908-49

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following counsel of
record by electronic filing, on or before the date of filing:

Huntington County Prosecutor's Office
201 N. Jefferson Street, Room 417
Huntington IN 46750


James H. Voyles, Jr., #631-49



Jennifer M. Lukemeyer, #17908-49

James H. Voyles, Jr., #631-49

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Indianapolis IN 46204

(317) 632-4463

(317) 631-1199 (fax)

jlukemeyer@voyleslegal.com

**In the Huntington Circuit Court
State of Indiana
2021 Term**

State of Indiana,

vs.

Cause No.: **35C01-2012-F5-000419**

Nicholas E. Johnson,
Defendant

MOTION TO DISMISS COUNT 1

The State of Indiana, by Huntington County Prosecutor Jeremy K. Nix, motions the Court to dismiss Count 1, Child Seduction, a Level 5 felony, in this cause of action. The State submits this motion because the State has determined that it is in the interest of justice to do so.

/s/Jeremy K. Nix
Jeremy K. Nix, #24330-35
Prosecuting Attorney
56th Judicial Circuit

CERTIFICATE OF SERVICE

This is to certify that I electronically filed this motion on November 16, 2021 via the Indiana E-Filing System and a copy of the foregoing has been served upon counsel of record, James H. Voyles and Jennifer M. Lukemeyer, this 16th day of November, 2021 via the Indiana E-Filing System.

/s/Jeremy K. Nix
Jeremy K. Nix, #24330-35
Prosecuting Attorney
56th Judicial Circuit

**In the Huntington Circuit Court
State of Indiana
2021 Term**

State of Indiana,

vs.

Cause No.: **35C01-2012-F5-000419**

Nicholas E. Johnson,
Defendant

Order to Dismiss Count 1

Comes now the State of Indiana by Huntington County Prosecuting Attorney, Jeremy K. Nix, and files its Motion to Dismiss Count 1, Child Seduction, a Level 5 felony.

The Court, having examined said motion and being duly advised in the premises, now finds that said motion should be granted.

IT IS, THEREFORE, ORDERED that Count 1, Child Seduction, a Level 5 felony, be dismissed.

SO ORDERED THIS November 16, 2021.

A handwritten signature in black ink, reading "Darrin G. Smith". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Judge, Huntington Circuit Court

IN THE HUNTINGTON CIRCUIT COURT
STATE OF INDIANA
2022 TERM

STATE OF INDIANA)	CAUSE NO. 35C01-2012-F5-000419
Plaintiff,)	
)	
v.)	
)	
NICHOLAS E. JOHNSON)	
Defendant.)	

SENTENCING ORDER

State appears by Prosecuting Attorney Nix. The Defendant appears in person and by his counsellors, Ms. Lukemeyer and Mr. Voyles. Matter comes on for sentencing. The pre-sentence report has been filed with the Court and is made a part of the sentencing hearing record.

The Defendant entered a plea of guilty on 12/19/2021 to Count 4, the crime of Identity Deception, a Level 6 Felony.

The Court accepts the plea and enters judgment of conviction. On motion of the Prosecutor, Counts 2 and 3 are dismissed.

It is **ORDERED** and **ADJUDGED** that the Defendant, NICHOLAS E. JOHNSON, is hereby sentenced for a period of two (2) years.

- A. Five hundred fifty (550) days of the sentence shall be suspended to be served on probation, the terms of which are set out in the separately issued Conditions of Probation.
- B. Thirty (30) days of the sentence shall be executed at the Huntington County Jail, with the Defendant ordered to report for remand by 9:00 a.m. on Friday, February 11, 2022.
- C. One hundred fifty (150) days shall be served on electronic monitoring through the Huntington County Community Corrections Department, the terms of which are defined in the separately issued Conditions of Community Corrections.
- D. A No Contact Order with the Victim is entered as a condition of the sentence in its entirety.

The Defendant shall receive one (1) actual day (accrued time) credit for time incarcerated prior to sentencing; said time is for the date of 12/11/2020.

The Defendant is assessed and shall pay the following:

Fine in the amount of:	\$200.00
Cash bond fee:	\$50.00
Court costs:	\$185.00
Probation user fees:	\$100.00
Administrative fees:	\$100.00
Electronic monitoring set-up fee:	\$150.00

For the term of probation, a monthly user's fee:	\$20.00 /month
For the term of electronic monitoring, a daily fee:	\$12.00 /day

All aforementioned fines and fees are payable through the Huntington County Clerk of Courts office, second floor, courthouse.

The following fees are assessed and ordered to be paid directly to the Huntington County Community Corrections office:

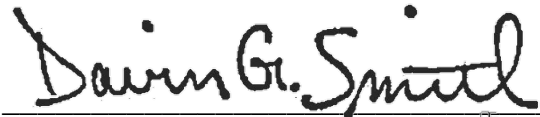
Electronic monitoring set-up fee:	\$100.00
-----------------------------------	----------

For the term of electronic monitoring, a daily fee:	\$12.00 /day
--	--------------

Any cash bond held herein is released to be applied towards restitution, fees, and or fines. Any bond remaining upon satisfaction of the aforementioned is ordered released to the Defendant. Any surety bond applied herein is released.

The Court finds the Defendant knowingly and voluntarily waived his right to appeal his sentence. DNA sample ordered as required by statute.

**So ORDERED:
FEBRUARY 7, 2022**



Davin G. Smith, Judge
Huntington Circuit Court

5. I have told my attorney all of the facts and circumstances as known to me concerning the matters mentioned in the Information, including the names of all witnesses on my behalf, and I believe and feel that my attorney is fully informed about all such matters. My attorney has advised and counseled me about every accusation against me and any possible defenses that I might have to this cause.

6. I understand that I am entitled to have all of my rights which may be involved in this matter explained to me by my attorney or by the Court and that I have the right to have any questions answered for me in this matter by my attorney or by the Court.

7. I understand that I may, if I so choose, plead NOT GUILTY to any offense charged against me; and that if I choose to plead NOT GUILTY, the Constitution guarantees me the following rights: (a) the right to a speedy and public trial by jury in this Court; (b) the right, subject to certain exceptions, to be released on reasonable bail until my trial occurs; (c) the right to see and hear, confront and cross-examine all witnesses against me at my trial; (d) the right to use the power of the Court to compel the production of any evidence, including the attendance of any witnesses in my favor at my trial; (e) the right to the assistance of an attorney at every stage of the proceedings including an appeal if I am convicted; (f) the right to testify and also the right not to testify without prejudice; (g) that in the event that I should be found guilty of the charges against me, I would have the right to appeal my conviction upon such charges to a higher court; (h) the right to remain silent, and that the burden is on this State to prove me guilty beyond a reasonable doubt; and (i) the right to be defended in this cause by an attorney. I have the right to employ the

attorney of my choice to defend me; I also understand that if I cannot afford to employ an attorney, the Court will provide an attorney for me in this cause. I further understand that I have the right to have an attorney provided by the Court even if I am guilty of the offenses as charged. I understand that by pleading guilty, I specifically WAIVE all of my rights as set out above.

8. I have been advised that the punishment which the law provides for the charges presently filed against me is as follows:

Level 6 Felony: Imprisonment for a fixed term of between six (6) months and two and one-half (2 ½) years, with the advisory sentence being one (1) year; in addition, a fine of not more than Ten Thousand Dollars (\$10,000.00). However, the Court may enter judgment of conviction of a class A misdemeanor. The punishment for a class A misdemeanor is imprisonment for a fixed term of not more than one (1) year; in addition, a fine of not more than Five Thousand Dollars (\$5,000.00). A person can receive up to one (1) day of credit for each day the person is imprisoned.

9. **There is a plea agreement** between myself and the Prosecuting Attorney and that under the terms of such plea agreement my sentence, if the Court accepts the plea agreement, will be as follows: **I am pleading guilty to Count 4, Identity Deception, a Level 6 Felony. In exchange for my plea of guilty, the State and I have agreed to the following:**

A. The State shall dismiss Count 2, Child Seduction, a Level 6 Felony and Count 3, Kidnapping, a Level 6 Felony. The State previously dismissed Count 1, Child Seduction, a Level 5 Felony;

B. A cap of 180 days on my initially executed sentence;

C. A No Contact Order shall be issued preventing me from having any contact

with the person identified as Victim 1 in the charging informations for Counts 1-3 during the term of any executed sentence and probation.

D. That if I successfully complete all terms of my sentence and probation, the State will agree to waive the 3-year waiting period in I.C. 35-50-2-7(d)(5). However, the ultimate decision whether to grant any request under I.C. 35-50-2-7(d) will be left to the Court's discretion with the parties free to argue their respective positions.

E. All other terms of my sentence and/or probation shall be left to the Court's discretion.

I understand that even though the Prosecuting Attorney has entered into a plea agreement with respect to my sentencing, his/her agreement is NOT BINDING upon the Court. I also understand that if the Court, after having received a pre-sentence investigation and report from the Probation Officer, is unable to accept the above plea agreement, I will be permitted to withdraw my plea of guilty and the Court will reinstate a plea of not guilty and set the matter for trial. I further understand if the State and I have entered into a plea agreement in this case, and the judge accepts my plea of guilty, the judge must follow the plea agreement.

I understand that if I have entered into a plea agreement and the Court accepts my plea of guilty, the Court is bound by the terms of the plea agreement both at sentencing and at any time I request a sentencing modification in the future. I understand that the Court will not have the authority to modify my sentence beyond the terms of my plea agreement without the consent of the Prosecuting Attorney.

I understand that if I am pleading guilty to more than one offense, the Court may impose the penalties concurrently, i.e., together, or consecutively, i.e., one after the other.

I understand that if I was on probation or parole or was incarcerated at the time I committed this offense, my plea of guilty may have an adverse effect upon my probation, parole, or incarceration status, and any sentence that I may receive for this offense must be consecutive to any sentence that I was on probation or parole, or imprisoned for.

I understand that if I have a prior history of juvenile or criminal offenses, that fact alone may cause me to receive a harsher penalty than I would otherwise receive.

10. I understand also that if I plead GUILTY, I waive the right to trial by jury.

11. I understand also that if I plead GUILTY, my punishment could be the same as, greater than, or less than the penalty I would have received if I had been found guilty after a trial for the same charge.

12. I know the Court will not accept a plea of GUILTY from anyone who claims to be innocent. I make no claim of innocence, and I state that I am GUILTY of the crime(s) to which I plead GUILTY.

13. I declare that I offer my plea of GUILTY freely and voluntarily; that I have not taken any drugs or alcohol into my system in the last forty-eight (48) hours; I have not received threats from anyone to cause me to plead guilty; and I have not received promise(s) from anyone that I would receive probation, a lighter sentence, or any other form of leniency except the plea agreement, if any, as set forth in paragraph #9 of this Motion to Enter a Plea of Guilty.

14. Therefore, I respectfully move the Court to withdraw my former plea of NOT GUILTY and now enter a plea of GUILTY to: **Count 4, Identity Deception, a Level 6 Felony.**

15. The factual basis for my plea of GUILTY is as follows: **My full true name is Nicholas Edward Johnson and I am 34 years old.**

Sometime from July 16, 2020 through August 10, 2020, in Huntington County, Indiana, I knowingly used the identifying information of Jillian "Jill" Steele, without her consent, to create a gmail account. I then used that gmail account to send email message(s) to a third party with the intent that at least one other person believe that the email was originally sent by Jillian "Jill" Steele.

I now admit that sometime from July 16, 2020 through August 10, 2020, in Huntington County, Indiana, I knowingly used the identifying information of another person without the other person's consent and with the intent to profess to be another person.

16. I hereby specifically WAIVE the requirement that I be sentenced within thirty (30) days from today.

17. I understand that I have a right to appeal my sentence. As a condition of entering into this plea agreement, I hereby knowingly and voluntarily waive my right to appeal my sentence so long as the Judge sentences me within the terms of my plea agreement.

18. I understand I may file a Petition for Post Conviction Relief with the trial

Court. I understand a Petition for Post Conviction Relief is a standard form that can be obtained from the Court's office, or found in any library in any Department of Correction institution, or in the Indiana Rules of Court book that can be found in any public library. I understand that if I am going to file a Petition for Post Conviction Relief, I must file it at the earliest possible opportunity following the imposition of my sentence. I understand if I delay in filing a Petition for Post Conviction Relief, and the State becomes unable to prosecute this case because witnesses and/or evidence is unavailable to them, the Petition for Post Conviction Relief may be denied even if good grounds for my Petition exist.

19. I understand as part of this plea of guilty and the Court's sentencing order I will be required to provide a DNA sample within seven (7) days of the sentencing hearing if I am incarcerated at the Huntington County Jail or if I receive a suspended sentence. If I am incarcerated at an Indiana Department of Correction facility, then I will be required to provide a DNA sample as directed by the Indiana Department of Correction.

20. I hereby state that I understand all of the rights and information contained in this Motion to Enter a Plea of Guilty, and I acknowledge the same by placing my signature on this Motion.

21. The Deputy/Prosecuting Attorney signing below certifies to the Court that:

A. The victim was informed that the State entered into discussions with the Defendant or defense counsel concerning a plea Agreement/Recommendation, was informed of the contents of the Agreement/Recommendation before it was filed, and was offered the opportunity to see the Agreement/Recommendation and to provide her/his

opinion as to its terms;

B. The victim was informed of the time at which the Agreement/Recommendation will be entered; and

C. The victim will be informed of the sentencing hearing and that the victim is entitled to be present and address the Court (in person or in writing) when the Court considers the Agreement/Recommendation at the sentencing hearing.

Signed by me this _____ day of _____, 2021.

DocuSigned by:

70F66FE72DCA4CF...
Nicholas E. Johnson Defendant

APPROVED:

/s/ Jeremy K. Nix
Jeremy K. Nix, #24330-35
Prosecuting Attorney
Huntington County, Indiana

CERTIFICATE OF DEFENDANT'S COUNSEL

The undersigned, as attorney for the above-named defendant, hereby certifies as follows:

1. I have read and fully explained to the Defendant all the accusations against the Defendant which are set forth in the Information in this cause.

2. I have discussed the foregoing written MOTION TO ENTER A PLEA OF GUILTY with the Defendant; and to the best of my knowledge and belief, each statement set forth therein is in all respects accurate and true.

3. The Defendant has read this Motion in my presence or I have read this Motion to the Defendant in full.

4. The plea of GUILTY as offered by the Defendant in paragraphs 14 and 15 of the foregoing Motion accords with my understanding of the facts as related to me by the Defendant, and is consistent with my advice to the Defendant.

5. In my opinion, the plea of GUILTY as offered by the Defendant in paragraphs 14 and 15 of the foregoing Motion is voluntarily and understandingly made, and is in the best interest of the Defendant; and I recommend to the Court that such a plea of GUILTY be now accepted and entered on behalf of the Defendant. I represent that there would be no advantage to the Defendant if he/she were to proceed to trial.

Signed by me in the presence of the above-named Defendant this 17th day of December, 2021.


James H. Voyles/Jennifer M. Lukemeyer Attorney for Defendant
#631-49 17408-49

**In the Huntington Circuit Court
State of Indiana
2021 Term**

State of Indiana

vs

**Nicholas E. Johnson,
Defendant**

)
)
)
)
)
)

Cause No. **35C01-2012-F5-000419**

**Level 6 Felony
Written Advisement and Waiver of Rights**

Before the Court may accept a guilty plea, you must be informed of certain rights that you have. **(You must read this document carefully.)**

1. You have been charged with a level 6 felony.
2. The maximum penalty for a level 6 felony is two and one-half (2 ½) years imprisonment at the Department of Corrections and the minimum penalty is six (6) months imprisonment at the Department of Corrections. Additionally, the Court may impose a fine of not more than ten thousand dollars (\$10,000.00) and the Court must impose court costs.
3. Notwithstanding Paragraph 2, the Court may sentence you as a Class A Misdemeanor unless you have received such treatment on a prior, unrelated level 6 felony and that prior felony was committed within three (3) years of the commission of this offense. The Maximum penalty for a Class A misdemeanor is 365 days in jail. Additionally, the Court may impose a fine of not more than five thousand dollars (\$5,000.00). The Court may suspend any part of the sentence or fine. The Court may also put you on probation. The minimum penalty for a Class A Misdemeanor is no days in jail and no fine; however, court costs must be paid.
4. If you are pleading guilty to more than one offense, the Court may impose the penalties concurrently, i.e., together, or consecutively, i.e., one after the other.
5. If you were on probation or parole or were incarcerated at the time you committed this offense, your plea of guilty may have an adverse effect upon your probation, parole, or incarceration status, and any sentence you receive for this offense must be consecutive to any sentence that you may be on probation or parole, or

incarcerated for.

6. If you have a prior history of juvenile or criminal offenses, that fact alone may cause you to receive a harsher penalty than you might otherwise receive.

7. I understand that a criminal conviction may affect my immigration status in the United States if I am not United States citizen, including possible deportation, and that I have the right to consult with the consulate from my country of origin before entering into any plea agreement. By entering into this plea agreement I represent that I have either already contacted my consulate or am waiving my right to such consultation.

8. You have the right to be represented by an attorney. If you cannot afford an attorney, the Court will appoint an attorney for you at no cost. You have the right to a continuance in which to hire an attorney and to have an attorney prepare your case and subpoena witnesses. If you proceed without an attorney, you will be giving up those rights.

9. You have the right to a public and speedy trial by jury, the right to confront and cross examine the witnesses against you; the right to subpoena witnesses to testify on your behalf at no cost; the right to require the State to prove you guilty beyond a reasonable doubt at a trial at which you do not have to testify, but in which you may testify if you wish; and, the right to appeal any decision made by the judge or jury. By pleading guilty, you will give up and waive each and every one of these rights.

10. You have a right to appeal your sentence. As a condition of entering into this plea agreement, you knowingly and voluntarily waive your right to appeal your sentence so long as the Judge sentences you within the terms of your plea agreement.

11. Your plea of guilty has been made knowingly and voluntarily and no promises, threats, or force have been used to make you plead guilty.

12. If the offense to which you are pleading guilty involves the operation of a motor vehicle, notice of your conviction will be sent to the Bureau of Motor Vehicles and will count toward you being a Habitual Traffic Violator.

13. If you have committed a crime of domestic violence, as defined by I.C. 35-41-4-6.3, you shall lose the right to possess a firearm; possession of a firearm or ammunition may constitute a separate crime; parenting time with minor children may be restricted; and other legal penalties may be applicable and should be discussed with your attorney.

14. As a result of your conviction you will likely face harsher penalties for any future criminal conviction. Further, there are several collateral consequences of many convictions which you should be aware. These consequences may include:

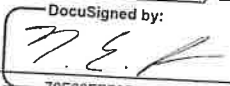
- a. Having your Indiana driving privileges or license suspended;
- b. Notice of your conviction being sent to the Bureau of Motor Vehicles and counting towards you being a Habitual Traffic Violator, which could result in a suspension of your driver's license for up to 10 years, and in some circumstances a lifetime;
- c. Enhanced penalties or increased charges for certain repeat offenses;
- d. Being found to be a Habitual Vehicular Substance Offender;
- e. Being found to be a Habitual Offender if you are pleading to a felony; and,
- f. If you have one prior conviction for Operating While Intoxicated, you must at minimum be sentenced to 5 days in jail or be ordered to perform 180 hours of community service. If you have two or more prior convictions for Operating While Intoxicated, you must be sentenced to a minimum of 10 days in jail or be ordered to perform 360 hours of community service.

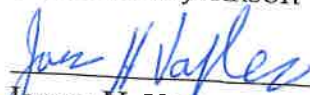
15. If you and the State have entered into a Plea Agreement in this case, and the judge accepts your plea of guilty, the judge must follow the plea agreement.

16. You have been given the opportunity to read the probable cause affidavit filed in this case and the facts contained in it are true and constitute a factual basis for your plea of guilty.

I hereby certify that I have read the above and foregoing statements, that I understand each paragraph, and that I wish to waive and do hereby waive each and every right enumerated above.

Dated: 12/17/2021, 2021.

DocuSigned by:

70F56FE729CA4CF
Nicholas E. Johnson
Defendant


James H. Voyles/Jennifer M. Lukemeyer Attorney for Defendant
631-49

SUBPOENA

CAUSE NO. 35C01-2012-F5-000419

State of Indiana, Huntington County, ss:

THE STATE OF INDIANA, TO THE SHERIFF OF SAID COUNTY - GREETINGS:

You are hereby commanded to summon Detective Shane Blair, HPD, 450 Cherry Street, Huntington, IN 46750 to appear before the Judge of the Huntington Circuit Court on *February 7, 2022 at 8:15 A.M.* in the Huntington Circuit Court Room at the Huntington County Court House, 201 N. Jefferson Street, Huntington, Indiana, to testify in an action wherein **STATE OF INDIANA**, Plaintiff, and **NICHOLAS EDWARD JOHNSON** Defendant, on behalf of **STATE OF INDIANA** and return this writ.

WITNESS the Clerk and seal of said Court on

12/21/2021

Shelley Septon
Clerk, Huntington Circuit Court



No. 35C01-2012-F5-000419

STATE OF INDIANA

vs.

NICHOLAS EDWARD JOHNSON

Witnesses

SUBPOENA

Circuit Court

To _____ Day of Term

Attorneys

SHERIFF'S FEES

Service	\$
Mileage,	
Copy,	
Return	
	\$

STATE OF INDIANA)
) SS:
COUNTY OF HUNTINGTON)

IN THE HUNTINGTON CIRCUIT COURT
CAUSE NUMBER: 35C01-2012-F5-000419

STATE OF INDIANA

VS

NICHOLAS EDWARD JOHNSON

**NOTICE OF EXCLUSION OF CONFIDENTIAL INFORMATION FROM PUBLIC ACCESS
(FILED WITH TRIAL COURT CLERK)**

Contemporaneous with the filing of this notice, State of Indiana has filed confidential information under the Indiana Rules on Access to Court Records. State of Indiana provides this notice that the confidential information is to remain excluded from public access in accordance with the authority listed below:

<u>Name or Description of Document</u>	<u>ACR grounds for exclusion</u>
Trial Subpoena	ACR Rule 5(C)(3)

Respectfully submitted,

/s/ Jeremy K. Nix
Jeremy K. Nix
Prosecuting Attorney

STATE OF INDIANA

COUNTY OF HUNTINGTON

IN THE HUNTINGTON CIRCUIT COURT

CAUSE No. 35C01-2012-F5-000419

STATE OF INDIANA

PLAINTIFF,

v.

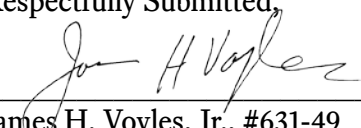
NICHOLAS E. JOHNSON

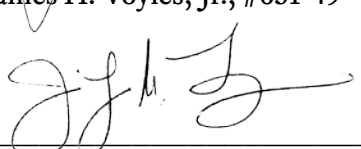
DEFENDANT.

COUNSEL'S SUBMISSION TO THE COURT

Comse now James H. Voyles and Jennifer M. Lukemeyer, Counsels for Nicholas Johnson and hereby submits to the Court a letter from Addison Wiley. Counsel received this letter, unsolicited, from Ms. Wiley, who was a named alleged victim in this cause. The letter is addressed to the Court and thus Counsel submits the letter to the Court presumably to be considered by the Court in its sentencing decision.

Respectfully Submitted,

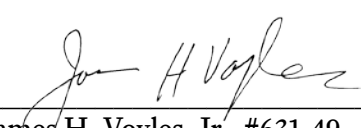

James H. Voyles, Jr., #631-49

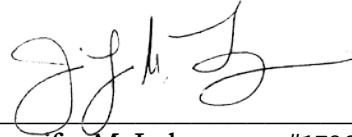

Jennifer M. Lukemeyer, #17908-49

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following counsel of record by electronic filing, on or before the date of filing:

Huntington County Prosecutor's Office


James H. Voyles, Jr., #631-49



Jennifer M. Lukemeyer, #17908-49

James H. Voyles, Jr., #631-49

VOYLES VAIANA LUKEMEYER BALDWIN & WEBB

211 N. Pennsylvania Street, Suite 2400

Indianapolis IN 46204

(317) 632-4463

(317) 631-1199 (fax)

jvoyles@voyleslegal.com

Jennifer M. Lukemeyer, #17908-49

VOYLES VAIANA LUKEMEYER BALDWIN & WEBB

211 N. Pennsylvania Street, Suite 2400

Indianapolis IN 46204

(317) 632-4463

(317) 631-1199 (fax)

jlukemeyer@voyleslegal.com

Form ACR (Access to Court Records)

STATE OF INDIANA
IN THE CIRCUIT COURT, COUNTY OF HUNTINGTON

State of Indiana,
Plaintiff(s),

vs. Case No: 35C01-2012-F5-000419

Nicholas Edward Johnson,
Defendant(s)

**NOTICE OF EXCLUSION OF CONFIDENTIAL INFORMATION
FROM PUBLIC ACCESS**

Contemporaneous with the filing of this notice, the undersigned Probation Officer has filed confidential information under the Indiana Rules on Access to Court Records. The Officer provides this notice that the confidential information is to remain excluded from public access in accordance with the authority listed below:

A. Name or description of document:

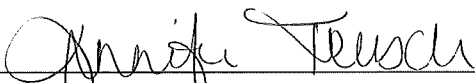
Presentence Investigation Report

B. ACR grounds upon which exclusion is authorized:

ACR 5(B)(2)

Indiana Code Section 35-38-1-13 declares the information confidential.

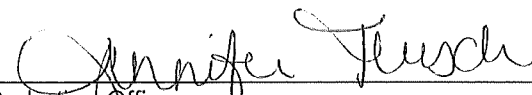
Respectfully Submitted,



Probation Officer

CERTIFICATE OF SERVICE

I certify that on this 2 day of February, 2022, I served the foregoing upon the State of Indiana and counsel for the Defendant.



Probation Officer

IN THE HUNTINGTON CIRCUIT COURT
STATE OF INDIANA
2022 TERM

STATE OF INDIANA)	CAUSE NO. 35C01-2012-F5-000419
Plaintiff,)	
)	
v.)	
)	
NICHOLAS E. JOHNSON)	
Defendant.)	

SENTENCING ORDER

State appears by Prosecuting Attorney Nix. The Defendant appears in person and by his counsellors, Ms. Lukemeyer and Mr. Voyles. Matter comes on for sentencing. The pre-sentence report has been filed with the Court and is made a part of the sentencing hearing record.

The Defendant entered a plea of guilty on 12/19/2021 to Count 4, the crime of Identity Deception, a Level 6 Felony.

The Court accepts the plea and enters judgment of conviction. On motion of the Prosecutor, Counts 2 and 3 are dismissed.

It is **ORDERED** and **ADJUDGED** that the Defendant, NICHOLAS E. JOHNSON, is hereby sentenced for a period of two (2) years.

- A. Five hundred fifty (550) days of the sentence shall be suspended to be served on probation, the terms of which are set out in the separately issued Conditions of Probation.
- B. Thirty (30) days of the sentence shall be executed at the Huntington County Jail, with the Defendant ordered to report for remand by 9:00 a.m. on Friday, February 11, 2022.
- C. One hundred fifty (150) days shall be served on electronic monitoring through the Huntington County Community Corrections Department, the terms of which are defined in the separately issued Conditions of Community Corrections.
- D. A No Contact Order with the Victim is entered as a condition of the sentence in its entirety.

The Defendant shall receive one (1) actual day (accrued time) credit for time incarcerated prior to sentencing; said time is for the date of 12/11/2020.

The Defendant is assessed and shall pay the following:

Fine in the amount of:	\$200.00
Cash bond fee:	\$50.00
Court costs:	\$185.00
Probation user fees:	\$100.00
Administrative fees:	\$100.00
Electronic monitoring set-up fee:	\$150.00

For the term of probation, a monthly user's fee:	\$20.00 /month
For the term of electronic monitoring, a daily fee:	\$12.00 /day

All aforementioned fines and fees are payable through the Huntington County Clerk of Courts office, second floor, courthouse.

The following fees are assessed and ordered to be paid directly to the Huntington County Community Corrections office:

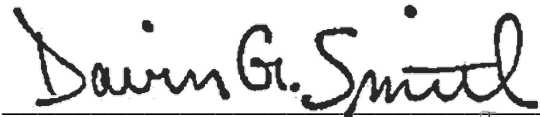
Electronic monitoring set-up fee:	\$100.00
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For the term of electronic monitoring, a daily fee:	\$12.00 /day
--	--------------

Any cash bond held herein is released to be applied towards restitution, fees, and or fines. Any bond remaining upon satisfaction of the aforementioned is ordered released to the Defendant. Any surety bond applied herein is released.

The Court finds the Defendant knowingly and voluntarily waived his right to appeal his sentence. DNA sample ordered as required by statute.

**So ORDERED:
FEBRUARY 7, 2022**



Davin G. Smith, Judge
Huntington Circuit Court

Huntington County Community Corrections
The O'Donnell Center of Victory Noll
20 Victory Noll Drive, Door #7
Huntington, IN 46750

Phone (260) 359-3640 | Fax (260) 359-3641

Defendant:

Nicholas Johnson

Address:

411 Edith Blvd
Huntington IN

35C01-

2012-F5-000419

Phone:

260-341-1624

DOB:

1/7/87

SS No:

XXX-XX-1090

Offense:

Identity Deception, Flc, Counts 1, 2, 3 dismissed

Sentence:

2yr all but 180 days suspended to probation
30 days incarcerated and remaining balance on @ EHP
DP @ ~~EHP~~ CC

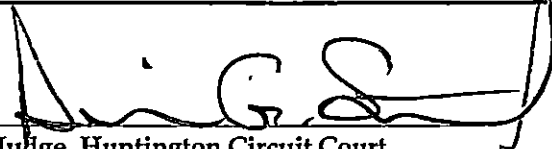
Conditions of Huntington County Community Corrections

- (1) I understand that while on Community Corrections programming, I will be under the supervision of Huntington County Community Corrections and subject to all rules and regulations of that program and all programs referred to as determined to be appropriate for me to attend.
- (2) I understand that I must attend ALL appointments and complete ALL activities as assigned by the Huntington County Community Corrections Staff. Also, I agree to report to the Huntington County Community Correction's office immediately upon request, whether it is written or verbal and shall notify the Community Correction Officer within 48 hours of any changes including but not limited to a change in address, telephone, employment, and verify all information as requested, failure to comply will be deemed a violation.
- (3) I will not consume, or possess on my person or in my home, any alcohol or drugs, unless prescribed by a physician. I will submit to drug and alcohol tests immediately upon request. Failure to submit to a test or tests will be considered an admission of guilt. I understand I have two hours from the time notified to produce a urine specimen for drug testing. I will be responsible for the cost of said tests and any attempt to dilute, alter or substitute a urine sample to mask the test results will be deemed a violation.
- (4) I will not use or consume any illegal drugs, controlled substances, hemp, hemp products, CBD Oil, K2/Spice or form of the intoxicant or extracts. I will not take any drugs unless I possess a current and valid prescription from a legally licensed physician.
- (5) I understand that I am not to possess or use any firearm, destructive device, or other dangerous weapon.
- (6) I understand that if a medical emergency arises I must contact Huntington County Community Corrections as soon as possible to inform the staff as to the nature and extent of the problem as well as provide verification.
- (7) If I leave the State of Indiana, with or without permission of Huntington County Community Corrections, I understand that I waive (give up) my extradition rights and will voluntarily return to Indiana.
- (8) I understand that transportation to and from Huntington County Community Corrections is my responsibility. I further understand that transportation problems WILL NOT be considered a valid, verifiable excuse of why I could not come in for an assigned activity through Community Corrections.
- (9) I will not commit a new offense.
- (10) I shall not drive unless properly licensed.
- (11) I shall agree to pay all fees associated with my participation in Huntington County Community Corrections.
- (12) You shall complete the following conditions as ordered by the Court NCD, Daily call-ins

(13) I understand that any violation of the Conditions of Huntington County Community Corrections can result in the loss of good time credit.

(14) I understand that Huntington County Community Corrections can terminate my participation in this program without notice, including the loss of good time credit, if I have any violations of the above conditions.

So ordered this 7 day of February, 2022.

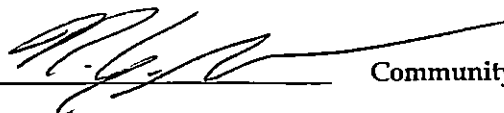

Judge, Huntington Circuit Court

I, the undersigned, have read and/or had explained to me the above conditions of Community Corrections and by my signature do acknowledge and agree to all conditions. I acknowledge I have received a copy of this order. I hereby knowingly, intentionally and specifically waive my rights against self-incrimination and search and seizure as provided for in the Constitution of the United States and the State of Indiana as it may be initiated by the Huntington Superior Court and/or Huntington County Community Corrections personnel.

Date

2/7/22

Participant



Community Corrections Staff



HUNTINGTON COUNTY PROBATION

201 N. Jefferson, Room 209

Huntington, IN 46750

Phone: 260-358-4841 Fax: 260-358-4853

Defendant: Nicholas E. Johnson

Cause Number: 35C01-2012-F5-000419

Address: ~~4665 W 800 N~~ 411 Edith Blvd.

Phone: 260-341-1624

Huntington, IN 46750

DOB: 01/07/1987

SS#: xxx-xx-1090

Offense: Ct I: Child Seduction, Level 5 Felony, Ct II: Child Seduction, Level 6 Felony, Ct III: Kidnapping, Level 6 Felony, Ct IV: Identity Deception, Level 6 Felony

Sentence: Ct IV: 2 years - all but 180 days suspended to probation (30 days HCJ/150 days CC Eto)

Credit Time: 1 days License Suspension: _____ Term of Probation: _____ to end _____

Cts 1, 2, 3 dismissed

CONDITIONS OF PROBATION

1. You shall make an appointment with your Probation Officer within twenty-four (24) hours upon release from custody. Thereafter, you shall report as directed and shall answer all reasonable inquiries.
2. You shall not commit a criminal offense. You shall report any arrest or criminal charge to your Probation Officer within 24 hours. You shall not drive unless properly licensed.
3. You shall notify your Probation Officer, in writing, within 48 hours of any change in address or telephone number from that listed above and you shall not leave the State of Indiana. Your voicemail is to be activated, working properly and available at all times. You shall permit your Probation Officer to visit you at reasonable times at your home or elsewhere.
4. You shall not carry, use or possess any firearms, destructive devices or dangerous weapons.
5. You shall maintain or seek suitable employment or pursue a course of study of vocational training. You shall notify your Probation Officer of any changes in employment or educational status within 48 hours.
6. You shall not possess or consume alcohol or controlled substances unless prescribed by a licensed physician. You shall not be in a place where alcohol is sold as a primary commodity. You shall submit to drug/alcohol screens at your own expense if requested by the Court and/or Probation Department, or when otherwise directed, and test negative on all tests. A dilute drug screen will be considered a positive drug screen. You will do Daily Call Ins to the drug testing hotline at any time if instructed by the Court or the Probation Department.
7. You shall not consume any products and/or substances that contain CBD oil, poppy seeds or alcohol.
8. You, your residence, a vehicle you drive or under your control, any items in your possession and personal electronics, shall be subject to search and seizure, at any time. By signing these terms of probation, you agree that the probation department and/or anyone assisting the probation department may search you, your residence, a vehicle you drive or under your control, any items in your possession and personal electronics without reasonable suspicion.
9. If you were arrested for a felony offense, you must submit a DNA sample, if you have not already done so as of the date of your conviction.
10. The Court enters a restitution judgment in the amount of \$ _____, to be paid at a rate as established by your Probation Officer and/or the Court \$ _____.
11. You shall successfully complete, at your own expense, and provide proof of completion of Alcohol Education Counseling _____, Drug and Alcohol Assessment (and follow any recommendations) _____, Psychological Assessment (follow any recommendations) _____, Mental Health Assessment (follow any recommendations) _____, IOP (or Court Approved Equivalent) _____, Sex Offender Treatment _____, Anger Management counseling program _____, MADD Victim Impact Panel _____, or _____, as ordered by the Court.
12. Successfully complete _____ days of Electronic Home Detention or CAM as a condition of probation. (\$12.00 daily fee for EHD, \$15.00 daily fee for CAM and \$150 hook-up fee for EHD and CAM)
13. Successfully complete _____ hours of Community Service as a condition of probation within _____ days.
14. Successfully obtain your GED/HSE as a condition of probation within 6 months.
15. You shall abide by the Sex Offender Special Stipulations.
16. Pay as Ordered \$ _____ Current Child Support, \$ _____ Child Support Arrears, and execute a Wage Withholding.
17. No Contact Order: w/ Victim
18. Special or Other Terms: Report for incarceration on Friday 2/11/2022 @ 9am

Pursuant to IC 35-38-2.2.3(b), if you violate a condition of probation during the probationary period, a Petition to Revoke Probation will be filed before the earlier of the following (1) One year after the term of probation or (2) 45 days after the State receives notice of the violation.

SO ORDERED THIS 7 DAY OF February, 20 22

Judge, Circuit Court

I, the undersigned, have read and/or had explained to me the above conditions of probation and by my signature do acknowledge and agree to all conditions. I acknowledge that I received a copy of this order. I hereby knowingly, intentionally and specifically waive my rights against self-incrimination and search and seizure as provided for in the Constitution of the United States and the State of Indiana as it may be initiated by the Huntington Circuit Court and/or Probation Personnel. I further agree that if I am arrested for a warrant issued for violation of my probation, I hereby waive extradition to the State of Indiana and this Court.

Date 02/07/2022

Probationer N.E. Johnson

Probation Officer Jennifer French

You shall pay the following: Fine: \$ 200.00 Court Costs: \$ 185.00 Probation User Fees: \$ 100.00 Administrative Fee: \$ 100.00

☒ Monthly Probation Supervision Fee of \$20.00 (not included in the TOTAL below) Public Defender Fee: \$ _____ Mandatory D&A Fee \$ _____
DV fee \$ _____ Child Abuse Prevention Fee \$ _____ Other: \$ _____

Your TOTAL fines, fees and court costs in the amount of \$ 585.00 MUST BE PAID BY 1:30 pm on end of probation term

Or you must appear in Court for a hearing at that time.



ABSTRACT OF JUDGMENT

State Form 8466

INDIANA DEPARTMENT OF CORRECTION

INSTRUCTIONS: This form must accompany the Judgment, Pre-Sentence Report, and all other documents required by law upon the commitment of the adult offender to the Indiana Department of Correction. A separate Abstract must be used for each Case Number.

Case Name State of Indiana Vs. Nicholas Edward Johnson	
Court Huntington Circuit Court	
Case Number 35C01-2012-F5-000419	TCN Number 3510037223
Date of Sentencing 02/07/2022	
Presiding Judge Davin G Smith	
Date of Offense 07/16/2020 - 08/10/2020	
Prosecutor Jeremy K Nix	Defense Attorney James H. Voyles/Jennifer M. Lukemeyer

PART I		The Defendant was charged with the following crimes under the above-referenced cause:	
COUNT	CRIME	STATUTORY CITATION	DISPOSITION
I	35-42-4-7(n)/F5: Child Seduction-Def. has a professional relationship with child and engages in sexu	35-42-4-7(n)	Dismissed
II	35-42-4-7(n)/F6: Child Seduction-Defendant has a professional relationship with child and fondles ch	35-42-4-7(n)	Dismissed
III	35-42-3-2(a)/F6: Kidnapping-This is the basic kidnapping offense	35-42-3-2(a)	Dismissed
IV	35-43-5-3.5(a)/F6: Identity Deception obtain, possess, transfer or use identifying information of an	35-43-5-3.5(a)	Plea By Agreement

PART II		As a result of the above convictions, the Court has sentenced the defendant as follows:	
COUNT	SENTENCE	COMMENTS	
IV	Sentenced: 2 Years Jail Executed: 30 Days Comm. Corr: 150 Days Suspended: 550 Days Probation: 550 Days	N/A	

PART III		Dates of confinement prior to sentencing			
TYPE		FROM	TO	ACCRUED TIME	GOOD TIME CREDIT
Incarceration		12/11/2020	12/11/2020	1	1

PART IV	ADDITIONAL INFORMATION		
Date to Report for Incarceration 02/11/2022	Credit Restricted Felon No	Purposeful Incarceration No	Mental Health Concern No
Revocation No			
Revocation Reasons N/A			

PART V	JUDGE'S RECOMMENDATIONS
Is the defendant to be returned to the Court for probation at the completion of his/her sentence? Yes	Probation Office Huntington County Probation
	Recommended Degree of Security No Recommendation
Is the offender currently serving a sentence under DOC custody?	No
Additional Comments and Recommendations N/A	

PART VI	This section is only required for the official copy filed with the court
<div data-bbox="175 604 922 640">Davin G Smith, Presiding Judge</div> <div data-bbox="1122 604 1393 640">Date</div>	

SENDER: COMPLETE THIS SECTION.

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Nicholas E. Johnson
4665 W - 800 N
Huntington, IN 46750

35C01-2012-F5-000419



9590 9402 7030 1225 3746 39

2. Article Number (Transfer from service label)

7021 0950 0000 9704 2554

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X NS

☐ Agent

☒ Addressee

B. Received by (Printed Name)

NS

C. Date of Delivery

29 2012

- D. Is delivery address different from item 1?** ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation®
☐ Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery

(0)

USPS TRACKING#



9590 9482 7030 1225 3746 39

United States
Postal Service

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

Huntington County Clerk
ATTN: Bookkeeper
P.O. Box 228
Huntington, IN 46750

STATE OF INDIANA

COUNTY OF HUNTINGTON

IN THE HUNTINGTON CIRCUIT COURT

CAUSE NO. 35C01-2012-F5-000419

STATE OF INDIANA

PLAINTIFF,

v.

NICHOLAS E. JOHNSON

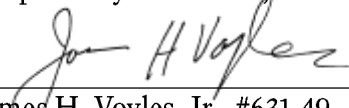
DEFENDANT.


DEFENDANT'S MOTION FOR CREDIT TIME

Nicholas Johnson, by counsel James H. Voyles and Jennifer M. Lukemeyer, respectfully moves this Court order Huntington County Sheriff award Johnson 1 full day credit for the time service when he was arrested. This would result in 2 days credit applied to his 30-day sentence and make his release date February 24, 2022. Currently the Huntington County Jail is denying him this credit because they say he was only in custody about an hour, so they are not acknowledging it as a day service. This Court's order was that he was to receive 1 day of accrued time and thus received 1 day good time credit and his sentence should be served as such.

WHEREFORE, the defendant prays this motion is GRANTED and that the jail is ordered to award Johnson the credit time consistent with the abstract of judgement in this cause.

Respectfully Submitted,

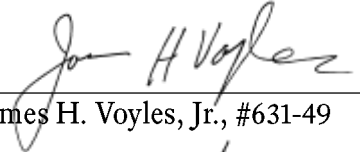

James H. Voyles, Jr., #631-49

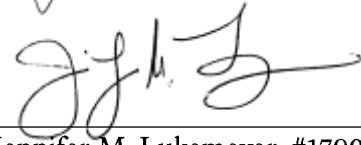

Jennifer M. Lukemeyer, #17908-49

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following counsel of record by electronic filing, on or before the date of filing:

Huntington County Prosecutor's Office


James H. Voyles, Jr., #631-49


Jennifer M. Lukemeyer, #17908-49

James H. Voyles, Jr., #631-49
VOYLES VAIANA LUKEMEYER BALDWIN & WEBB
211 N. Pennsylvania Street, Suite 2400
Indianapolis IN 46204
(317) 632-4463
(317) 631-1199 (fax)
jvoyles@voyleslegal.com

Jennifer M. Lukemeyer, #17908-49
VOYLES VAIANA LUKEMEYER BALDWIN & WEBB
211 N. Pennsylvania Street, Suite 2400
Indianapolis IN 46204
(317) 632-4463
(317) 631-1199 (fax)
jlukemeyer@voyleslegal.com

STATE OF INDIANA

COUNTY OF HUNTINGTON

IN THE HUNTINGTON CIRCUIT COURT

CAUSE NO. 35C01-2012-F5-000419

STATE OF INDIANA

PLAINTIFF,

v.

NICHOLAS E. JOHNSON


DEFENDANT.

ORDER

Comse now the defendant having filed his Motion for Credit Time which requests this Court order the Huntington County Sheriff to award Johnson credit time service for 1 day accrued and thus 1 day credit against the 30-day sentence.

IT IS THEREFORE ORDERED, DECREED AND ADJUDGED that Johnson is entitled to a full day credit for the time served when arrested

ALL OF WHICH IS ORDERED THIS **February 22, 2022**


JUDGE

Distribution:

Huntington County Sheriff's Department

Huntington County Prosecutor's Office

James H. Voyles, Jr. and Jennifer M. Lukemeyer

IN THE HUNTINGTON CIRCUIT COURT
STATE OF INDIANA
2022 TERM

STATE OF INDIANA)	CAUSE NO. 35C01-2012-F5-000419
Plaintiff,)	
)	
v.)	
)	
NICHOLAS E. JOHNSON)	
Defendant.)	

AMENDED SENTENCING ORDER

State appears by Prosecuting Attorney Nix. The Defendant appears in person and by his counsellors, Ms. Lukemeyer and Mr. Voyles. Matter comes on for sentencing. The pre-sentence report has been filed with the Court and is made a part of the sentencing hearing record.

The Defendant entered a plea of guilty on 12/19/2021 to Count 4, the crime of Identity Deception, a Level 6 Felony.

The Court accepts the plea and enters judgment of conviction. On motion of the Prosecutor, Counts 2 and 3 are dismissed. Count 1 was previously dismissed by motion of the State.

It is **ORDERED** and **ADJUDGED** that the Defendant, NICHOLAS E. JOHNSON, is hereby sentenced for a period of two (2) years.

- A. Five hundred fifty (550) days of the sentence shall be suspended to be served on probation, the terms of which are set out in the separately issued Conditions of Probation.
- B. Thirty (30) days of the sentence shall be executed at the Huntington County Jail, with the Defendant ordered to report for remand by 9:00 a.m. on Friday, February 11, 2022.
- C. One hundred fifty (150) days shall be served on electronic monitoring through the Huntington County Community Corrections Department, the terms of which are defined in the separately issued Conditions of Community Corrections.
- D. A No Contact Order with the alleged Victim from Count 1 is entered as a condition of the sentence in its entirety.

The Defendant shall receive one (1) actual day (accrued time) credit for time incarcerated prior to sentencing; said time is for the date of 12/11/2020.

The Defendant is assessed and shall pay the following:

Fine in the amount of:	\$200.00
Cash bond fee:	\$50.00
Court costs:	\$185.00
Probation user fees:	\$100.00
Administrative fees:	\$100.00
Electronic monitoring set-up fee:	\$150.00

For the term of probation, a monthly user's fee:	\$20.00 /month
For the term of electronic monitoring, a daily fee:	\$12.00 /day

All aforementioned fines and fees are payable through the Huntington County Clerk of Courts office, second floor, courthouse.

The following fees are assessed and ordered to be paid directly to the Huntington County Community Corrections office:

Electronic monitoring set-up fee:	\$100.00
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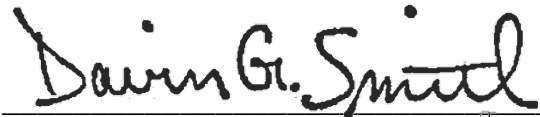
For the term of electronic monitoring, a daily fee:	\$12.00 /day
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Any cash bond held herein is released to be applied towards restitution, fees, and or fines. Any bond remaining upon satisfaction of the aforementioned is ordered released to the Defendant. Any surety bond applied herein is released.

The Court finds the Defendant knowingly and voluntarily waived his right to appeal his sentence. DNA sample ordered as required by statute.

Dated:
FEBRUARY 7, 2022

Amended:
February 22, 2022



Davin G. Smith, Judge
Huntington Circuit Court

HUNTINGTON COUNTY COMMUNITY CORRECTIONS

Community Corrections Case Closure

May 10, 2022

Nicholas Johnson
411 Edith Blvd.
Huntington, IN 46750

cause# 35C01-2012-F5-000419

Nicholas Johnson completed EHD with Huntington County Community Corrections. Nicholas will now transition to probation.

JOHNSON, NICHOLAS EDWARD (NEJ1987) > 35C01-2012-F5-000419 > EDIT LEVELS OF SUPERVISION CONDITION

Home Detention					Sentencing Calculator	
* Begin Date	Year	Month	Day	Scheduled End Date		
02/25/2022	0	2	15	05/10/2022		
* Referral Type			Actual End Date		* End Type	
Direct Commitment/Non-Suspendable/Executed Sentence			05/10/2022		Completed	
Comments						
150 days EHD 75 actual days						
<input type="checkbox"/> Create System Note						
					Save Cancel	

Brea Fisher-Shull
Services Case Coordinator
Huntington County Community Corrections



20 Victory
Noll Dr.
Huntington,
IN 46750

PHONE 260-359-3640
FAX 260-359-3641
EMAIL Community.Corrections@huntington.in.us
WEBSITE <https://www.huntington.in.us/>