

IN THE SUPREME COURT OF PENNSYLVANIA

| | | |
|---------------------------------|---|------------------------------------|
| OFFICE OF DISCIPLINARY COUNSEL, | : | No. 2908 Disciplinary Docket No. 3 |
| | : | |
| Petitioner | : | |
| | : | |
| v. | : | No. 111 DB 2022 |
| | : | |
| | : | |
| CHARLES W. JOHNSTON, | : | Attorney Registration No. 15621 |
| | : | |
| | : | |
| Respondent | : | (Cumberland County) |

ORDER

PER CURIAM

AND NOW, this 8th day of March, 2023, upon consideration of the Verified Statement of Resignation, Charles W. Johnston is disbarred on consent from the Bar of this Commonwealth. See Pa.R.D.E. 215. Respondent shall comply with the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

A True Copy Nicole Traini
As Of 03/08/2023

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF
THE SUPREME COURT OF PENNSYLVANIA

| | | |
|---------------------------------|---|------------------------------|
| OFFICE OF DISCIPLINARY COUNSEL, | : | No. 2908 Disciplinary Docket |
| Petitioner | : | No. 3 - Supreme Court |
| | : | |
| | : | No. 111 DB 2022 |
| | : | |
| v. | : | Atty. Reg. No. 15621 |
| | : | |
| CHARLES W. JOHNSTON, | : | |
| Respondent | : | (Cumberland County) |

RESIGNATION
UNDER Pa.R.D.E. 215

Charles W. Johnston, hereby tenders his unconditional resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Rule 215, Pa.R.D.E. ("Enforcement Rules"), and further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about September 29, 1972. His attorney registration number is 15621.

2. He desires to submit his resignation as a member of said bar.

3. His resignation is freely and voluntarily rendered; he is not being subjected to coercion or duress; and he is fully aware of the implications of submitting this resignation.

4. He is aware that there are presently pending investigations into allegations that he has been guilty of misconduct, based upon his conviction of criminal charges as more fully set forth in the Judgment in a Criminal Case, a true and correct copy of which is attached hereto and made a part hereof as "Exhibit A."

5. On November 4, 2021, he was convicted of one count of Obstruction of Proceedings Before Departments and Agencies, in violation of 18 U.S.C § 1505, in the United States District Court for the Middle District of Pennsylvania in a case captioned, United States of America v. Charles W. Johnston, No. 1:18-CR-127, relating to his role as legal counsel for the Plumbers and Pipefitters, Local No. 520 Pension Plan, which conviction constitutes a per se ground for discipline under Enforcement Rule 203(b)(1).

a. By Supreme Court Order dated October 5, 2022, he was placed on temporary suspension based on his criminal conviction, a true and correct copy of which is attached hereto and made a part hereof as "Exhibit B."

6. He submits the within resignation because the said conviction stands as a per se ground for discipline under Enforcement Rules 214(e) and 203(b)(1), and because he is

guilty of the crime.

7. He submits the within resignation because he knows that if charges were predicated upon the conviction, he could not successfully defend against them.

8. He is fully aware that submission of this Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b) and (c).

9. He is aware that pursuant to Enforcement Rule 215(c), the fact that he has tendered this resignation shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the Secretary of the Board.

10. Upon entry of the order disbarring him on consent, he will promptly comply with the notice, withdrawal, resignation, trust accounting, and cease-and-desist provisions of subdivisions (a), (b), (c) and (d) of Enforcement Rule 217.

11. On October 31, 2022, he filed a verified statement of compliance as required by Enforcement Rule 217(e)(1) following his placement on temporary suspension.

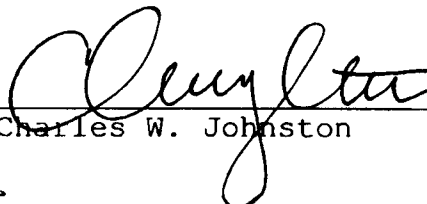
12. He is aware that the waiting period for eligibility to apply for reinstatement to the practice of law under Enforcement Rule 218(b) shall begin from the date of his

verified statement of compliance, and if the order of disbarment contains a provision that makes the disbarment retroactive to an earlier date, then the waiting period will be deemed to have begun on that earlier date.

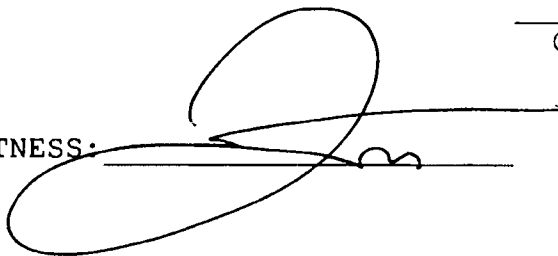
13. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has not retained, consulted with and acted upon the advice of counsel in connection with his decision to execute the within resignation.

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S., Section 4904 (relating to unsworn falsification to authorities).

Signed this 5TH day of February, 2023.


Charles W. Johnston

WITNESS:



UNITED STATES DISTRICT COURT

Middle District of Pennsylvania

UNITED STATES OF AMERICA

v.

CHARLES W. JOHNSTON

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:18-CR-127

USM Number: 76380-067

Peter Goldberger, Esq.

Defendant's Attorney

THE DEFENDANT:

- ☐ pleaded guilty to count(s) _____
- ☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.
- ☒ was found guilty on count(s) 1
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

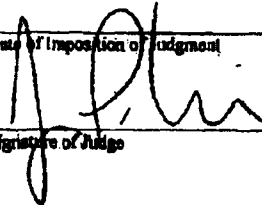
| Title & Section | Nature of Offense | Offense Ended | Count |
|------------------|--|---------------|-------|
| 18 U.S.C. § 1505 | Obstruction of Proceedings Before Departments & Agencies | 5/1/2015 | 1 |

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

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

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

Date of Imposition of Judgment 7/8/2022

Signature of Judge 

Name and Title of Judge Jennifer P. Wilson, United States District Court Judge

Date 7/8/2022

Certified from the record

Date 8/1/22

Peter J. Welsh, Clerk

Per 
Deputy Clerk

DEFENDANT: CHARLES W. JOHNSTON
CASE NUMBER: 1:18-CR-127

PROBATION

You are hereby sentenced to probation for a term of:

One (1) Year - The defendant is directed to return to the Eastern District of Virginia, and report for supervision at the Probation Office in Alexandria.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.
☒ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must cooperate in the collection of DNA
5. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*
7. ☐ You must make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664. *(check if applicable)*
8. You must pay the assessment imposed in accordance with 18 U.S.C. § 3013.
9. If this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment.
10. You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.

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

DEFENDANT: CHARLES W. JOHNSTON
CASE NUMBER: 1:18-CR-127

STANDARD CONDITIONS OF SUPERVISION

As part of your probation, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you were sentenced, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as machetes or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.
14. You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines or special assessments.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: CHARLES W. JOHNSTON
CASE NUMBER: 1:18-CR-127

ADDITIONAL PROBATION TERMS

1. The defendant must cooperate in the collection of a DNA sample.
2. The defendant must not use or possess any controlled substances without a valid prescription. If he does have a valid prescription, he must disclose the prescription information to the probation officer and follow the instructions on the prescription.

DEPENDANT: CHARLES W. JOHNSTON
CASE NUMBER: 1:18-CR-127

CRIMINAL MONETARY PENALTIES

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

| | <u>Assessment</u> | <u>Restitution</u> | <u>Fine</u> | <u>AVAA Assessment*</u> | <u>JVTA Assessment**</u> |
|--------|-------------------|--------------------|--------------|-------------------------|--------------------------|
| TOTALS | \$ 100.00 | \$ | \$ 50,000.00 | \$ | \$ |

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

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

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

| <u>Name of Payee</u> | <u>Total Loss***</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|----------------------|----------------------|----------------------------|-------------------------------|
|----------------------|----------------------|----------------------------|-------------------------------|

| | | | | |
|--------|----------|------|----------|------|
| TOTALS | \$ _____ | 0.00 | \$ _____ | 0.00 |
|--------|----------|------|----------|------|

☐ Restitution amount ordered pursuant to plea agreement \$ _____

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

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

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

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

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

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

DEFENDANT: CHARLES W. JOHNSTON
CASE NUMBER: 1:18-CR-127

SCHEDULE OF PAYMENTS

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

- A ☒ Lump sum payment of \$ 50,100.00 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

The fine must be paid in full within 60 days of imposition of sentence.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

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

- ☐ Joint and Several

| Case Number Defendant and Co-Defendant Names (including defendant number) | Total Amount | Joint and Several Amount | Corresponding Payee, if appropriate |
|---|--------------|-----------------------------|--|
|---|--------------|-----------------------------|--|

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

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 2908 Disciplinary Docket No. 3
:
: No. 111 DB 2022
CHARLES W. JOHNSTON :
: (United States District Court for the
: Middle District of Pennsylvania, Case
: No. 1:18-cr-127)
:
: Attorney Registration No. 15621
:
: (Cumberland County)

ORDER

PER CURIAM

AND NOW, this 5th day of October, 2022, having received no response to a Rule to Show Cause why Charles W. Johnston should not be placed on temporary suspension, the Rule is made absolute, and Charles W. Johnston is placed on temporary suspension. See Pa.R.D.E. 214(d)(2). He shall comply with all the provisions of Pa.R.D.E. 217.

Respondent's right to petition for dissolution or amendment of this Order and to request accelerated disposition of any charges underlying this Order pursuant to Pa.R.D.E. 214(d)(4) and (f)(2) are specifically preserved.

A True Copy Nicole Traini
As Of 10/05/2022

Attest: Nicole Traini
Chief Clerk
Supreme Court of Pennsylvania

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature: Gloria Randall Ammons

Name: Gloria Randall Ammons

Attorney No. (if applicable): 57701