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7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MARICOPA**

9
10 **STATE OF ARIZONA,**

11 *Plaintiff,*

12 **vs.**

13 **JENNIFER ELIZABETH
JOHNSON (001), and**

14 **PHILLIP WAYNE
JOHNSON (002)**

15 *Defendants.*
16
17

56 SGJ 55

CHARGING VIOLATIONS OF:

COUNT 1: FRAUDULENT SCHEME
AND ARTIFICE, a Class 2 Felony
in violation of A.R.S. § 13-2310

COUNT 2: THEFT, a Class 2 Felony
in violation of A.R.S. § 13-1802

COUNT 3: UNLAWFUL USE OF
POWER OF ATTORNEY, a Class 2
Felony in violation of A.R.S. § 13-1815

18 The Arizona State Grand Jury accuses Defendants **JENNIFER ELIZABETH**
19 **JOHNSON (001), and PHILLIP WAYNE JOHNSON (002)**, charging on this 11th day
20 of February, 2005, that in or from Coconino County and Maricopa County, Arizona:
21

22 **COUNT 1**

23 **(Fraudulent Scheme and Artifice)**

24 Between approximately October 2001 and November 2003, Defendants **JENNIFER**
25 **ELIZABETH JOHNSON (001), and PHILLIP WAYNE JOHNSON (002)**, pursuant
26 to a scheme or artifice to defraud, knowingly obtained a benefit by means of false or
27 fraudulent pretenses, representations, promises, or material misrepresentations.
28

1 This conduct occurred when Defendants **JENNIFER ELIZABETH JOHNSON**
2 **(001)**, and **PHILLIP WAYNE JOHNSON (002)** knowingly obtained for their own
3 benefit over \$100,000 of the principal and income of the Jane B. Nelson Revocable Living
4 Trust, after obtaining access to these funds based on false pretenses that Defendant
5 **JENNIFER ELIZABETH JOHNSON (001)**, as trustee of the Jane B. Nelson Revocable
6 Trust, was acting in compliance with the Trust Declaration, which authorized the trustee to
7 use trust income and principal only for the benefit of the trustor, Jane B. Nelson.

8 In violation of A.R.S. §§ 13-2310, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702,
9 13-702.01 and 13-801.

10
11 **COUNT 2**

12 **(Theft)**

13 Between approximately October 2001 and November 2003, Defendants **JENNIFER**
14 **ELIZABETH JOHNSON (001)**, and **PHILLIP WAYNE JOHNSON (002)**, without
15 lawful authority, knowingly converted for an unauthorized use assets of the Jane B. Nelson
16 Revocable Living Trust, of a value of more than \$100,000, that were entrusted to
17 Defendant **JENNIFER ELIZABETH JOHNSON (001)** for a limited, authorized use.

18 This conduct occurred when Defendants **JENNIFER ELIZABETH JOHNSON**
19 **(001)**, and **PHILLIP WAYNE JOHNSON (002)** knowingly converted for their own use
20 over \$100,000 of the assets of the Jane B. Nelson Revocable Living Trust after Defendant
21 **JENNIFER ELIZABETH JOHNSON (001)** was entrusted with those assets for the
22 limited purpose of using them for the benefit of the trustor, Jane B. Nelson.

23 In violation of A.R.S. §§ 13-1802(A)(2), 13-1801, 13-301, 13-302, 13-303, 13-304,
24 13-701, 13-702, 13-702.01, and 13-801.

COUNT 3

(Unlawful Use of Power of Attorney)

Between approximately October 2001 and November 2003, Defendant **JENNIFER ELIZABETH JOHNSON (001)**, who then held Jane Nelson’s power of attorney, used or managed Jane Nelson’s assets or property with the intent to unlawfully deprive her of said assets and property, and in this unlawful activity Defendant **JENNIFER ELIZABETH JOHNSON (001)** was aided and abetted by Defendant **PHILLIP WAYNE JOHNSON (002)**.

This conduct occurred when Defendants **JENNIFER ELIZABETH JOHNSON (001)**, and **PHILLIP WAYNE JOHNSON (002)** knowingly used the power of attorney that Defendant **JENNIFER ELIZABETH JOHNSON (001)** held for Jane B. Nelson to spend for their own benefit over \$ 100,000 of the assets of Jane B. Nelson.

In violation of A.R.S. section 13-1815, 13-1801,13-1802, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-702.01, and 13-801.

Pursuant to A.R.S. § 21-425, the State Grand Jurors find that the offenses described above were committed in Coconino County and Maricopa County, Arizona.

TERRY GODDARD
Attorney General
State of Arizona

E. G. NOYES, JR.
Assistant Attorney General

("True Bill")

Date

FOREPERSON OF THE GRAND JURY