STATE OF LOUISIANA	*	**NO. 2018-KA-0336**
VERSUS	*	
		COURT OF APPEAL
CHAD LIGHTFOOT	*	
		FOURTH CIRCUIT
	*	
		STATE OF LOUISIANA

*** * * * * * ***

APPEAL FROM
CRIMINAL DISTRICT COURT ORLEANS PARISH
NO. 531-337, SECTION "L"
Honorable Franz Zibilich, Judge
* * * * * *
Judge Tiffany G. Chase
* * * * * *

(Court composed of Judge Terri F. Love, Judge Rosemary Ledet, Judge Tiffany G. Chase)

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CONVICTIONS AND SENTENCES AFFIRMED
December 12, 2018

Chad Lightfoot (hereinafter "Lightfoot") appeals his conviction for one count each of monetary instrument abuse, forgery, bank fraud, and fraudulent acquisition of a credit card. Mr. Lightfoot lists nine assignments of error for review.[1] After consideration of the record before this Court and the applicable law, we affirm Lightfoot's convictions and sentences.

RELEVANT FACTS AND PROCEDURAL HISTORY

On April 16, 2016, Lightfoot visited a local title company, ABC Title, where he obtained a Louisiana identification card, which displayed his picture but bore the name John Hawkins (hereinafter referred to as "Hawkins"). Later that year, on August 19, 2016, Lightfoot went to the Greater New Orleans Federal Credit Union (hereinafter referred to as the "Credit Union") and presented himself as Hawkins.

Danielle Williams, a ten-year employee of the Credit Union, who was responsible for opening new accounts and loan processing, testified that Lightfoot represented himself as Hawkins. Lightfoot successfully opened a checking

[1] Mr. Lightfoot has also filed a brief in proper person with this Court assigning several assignments of error. Many of his assignments of error are subsumed in the assignments of error raised by his attorney. Accordingly, we will address the assignments of error together.

account. Ms. Williams explained the application process for the opening of checking accounts. She stated that the system is computerized and testified that she scanned the social security card and ID given to her by Lightfoot into the system. She further testified that Lightfoot deposited cash and a $9.00 check from the Louisiana Department of Revenue, payable to Hawkins, to open the account. He applied for a credit card with a $2,000.00 limit, also in the name of Hawkins.[2] Ms. Williams recalled that there was video surveillance footage from the day of the event. The video was played for the jury, and Ms. Williams positively identified Lightfoot as the person who represented himself as Hawkins.

Testimony was also presented from an administrator at the Credit Union who became suspicious when she recognized the employer's name listed on the credit application and the picture on the ID She delved further by pulling up a previous transaction, which contained a photo of Lightfoot. The photos of Lightfoot and Hawkins were the same. All employees of the credit union who testified were unequivocal that there was never any indication that Lightfoot was opening an account for anyone other than himself. The Director of Compliance for the Credit Union contacted the New Orleans Police Department.

On November 18, 2016, Lightfoot was arrested and charged with one count of monetary instrument abuse, one count of forgery, one count of bank fraud, and one count of fraudulent acquisition of a credit card. During trial, Lightfoot filed several motions for mistrial, which were denied. After a jury trial, Lightfoot was

[2] The credit card application was submitted on August 19, 2016 and an Adverse Action Notice declining credit was sent on August 27, 2016.

found guilty on all counts. Following trial, Lightfoot filed a motion for mistrial and a motion for judgment notwithstanding the verdict. All motions were denied by the trial court. The trial court sentenced Lightfoot to five years at hard labor with credit for time served. This appeal followed.

ERRORS PATENT

We have reviewed the record for errors patent and find none. *See* La.C.Cr.P. art. 920.

DISCUSSION

Lightfoot lists nine assignments of error for review. For ease of discussion, we organize the assignments into seven sections: (1) sufficiency of the evidence; (2) authentication; (3) jury selection process; (4) use of back strikes; (5) jury instruction; (6) presentation of defense; and (7) double jeopardy.[3]

SUFFICIENCY OF EVIDENCE

Lightfoot argues that the State presented insufficient evidence to support his convictions for monetary instrument abuse, forgery, bank fraud, fraudulent and acquisition of a credit case. When issues are raised on appeal as to the sufficiency of the evidence and as to one or more trial errors, the reviewing court should first determine the sufficiency of the evidence. *State v. Marcantel*, 2000-1629, p. 8 (La.4/3/02), 815 So.2d 50, 55 (citing *State v. Hearold*, 603 So.2d 731, 734 (La.1992)). This Court set forth the applicable standard of review for sufficiency of the evidence in *State v. Huckaby*, 2000-1082, p. 32 (La.App. 4 Cir. 2/6/02), 809 So.2d 1093, 1111, as follows:

[3] The procedural issues raised by the assignments of error on the motions for new trial and mistrial will be addressed in context of the substantive arguments throughout this opinion.

> In evaluating whether evidence is constitutionally sufficient to support a conviction, an appellate court must determine whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the defendant guilty beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979); *State v. Green*, 588 So.2d 757 (La.App. 4 Cir.1991). However, the reviewing court may not disregard this duty simply because the record contains evidence that tends to support each fact necessary to constitute the crime. *State v. Mussall*, 523 So.2d 1305 (La.1988). The reviewing court must consider the record as a whole since that is what a rational trier of fact would do. If rational triers of fact could disagree as to the interpretation of the evidence, the rational trier's view of all the evidence most favorable to the prosecution must be adopted. The fact finder's discretion will be impinged upon only to the extent necessary to guarantee the fundamental protection of due process of law. *Mussall*; *Green*; *supra*. "[A] reviewing court is not called upon to decide whether it believes the witnesses or whether the conviction is contrary to the weight of the evidence." *State v. Smith*, 600 So.2d 1319 (La.1992) at 1324.

Huckaby, 2000-1082, p. 32, 809 So.2d at 1111 (quoting *State v. Ragas*, 98-0011, p. 13 (La.App. 4 Cir. 7/28/99), 744 So.2d 99, 106, 107). The testimony of a single witness, if believed by the trier of fact, is sufficient to support a conviction. *State v. Wells*, 2010-1338, p. 5 (La.App. 4 Cir. 3/30/11), 64 So.3d 303, 306. A factfinder's decision concerning the credibility of a witness will not be disturbed unless it is clearly contrary to the evidence. *State v. James*, 2009-1188, p. 4 (La.App. 4 Cir. 2/24/10), 32 So.3d 993, 996. Applying this standard, we will discuss each of the convictions for which Lightfoot contends there is insufficient evidence.

MONETARY INSTRUMENT ABUSE

The crime of monetary instrument abuse requires the transfer of a forged monetary instrument with the intent to deceive another. The State submits that Lightfoot committed this crime by negotiating Hawkins' tax refund check. La. R.S. 14:72.2 provides:

> A. Whoever makes, issues, possesses, sells, or otherwise transfers a counterfeit or forged monetary instrument of the United States, a state, or a political subdivision thereof, or of an organization,

> with intent to deceive another person, shall be fined not more than one million dollars but not less than five thousand dollars or imprisoned, with or without hard labor, for not more than ten years but not less than six months, or both.
>
> B. Whoever makes, issues, possesses, sells, or otherwise transfers an implement designed for or particularly suited for making a counterfeit or forged monetary instrument with the intent to deceive a person shall be fined not more than one million dollars but not less than five thousand dollars, or imprisoned, with or without hard labor, for not more than ten years but not less than six months, or both.

This element was established by the presentation and negotiating of the tax refund check to Ms. Williams and signed by Lightfoot, in her presence, in the name Hawkins. Thus, we find the evidence submitted sufficient for the conviction of monetary instrument abuse.

FORGERY

On August 19, 2016, Lightfoot went to the Credit Union with an ID and check representing himself as Hawkins. He intended to open and was successful in opening, a bank account in a name other than his own. La. R.S. 14:72 provides:

> B. Issuing, transferring, or possessing with intent to defraud, a forged writing, known by the offender to be a forged writing, shall also constitute a violation of the provisions of this Section.
>
> C. For purposes of this Section:
>
> (1) "Forge" means the following:
>
> (a) To alter, make, complete, execute, or authenticate any writing so that it purports:
>
> (i) To be the act of another who did not authorize that act…
>
> (b) To issue, transfer, register the transfer of, pass, publish, or otherwise utter a writing that is forged in accordance with the meaning of Subparagraph (1)(a).
>
> (2) "Writing" means the following:

> (a) Printing or any other method of recording information;

The documents used to open the account and the signature on the check was that of Lightfoot, not Hawkins. Forgery is defined as "the act of alter[ing]… execut[ing], or authenticat[ing] any writing so that it purports…[t]o be the act of another who did not authorize that act." La. R.S. 14:72(C)(1)(a) Lightfoot obtained a fraudulent ID card bearing the name of Hawkins, who had been incarcerated in Texas since 2003. He presented this fraudulent ID card to Ms. Williams in an attempt to defraud the Credit Union. Thus, we find the evidence submitted sufficient for the conviction of forgery.

BANK FRAUD

The crime of bank fraud was committed by the act of defrauding the Credit Union, a financial institution, by opening an account in the name of Hawkins. Once the account was opened, Lightfoot could obtain funds and other assets. La. R.S. 14:71.1 defines bank fraud as follows:

> A. Whoever knowingly executes, or attempts to execute, a scheme or artifice to do any of the following shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than one hundred thousand dollars, or both:
>
> (1) To defraud a financial institution;
>
> (2) To obtain any of the monies, funds, credits, assets, securities, or other property owned by or under the custody or control of a financial institution by means of false or fraudulent pretenses, practices, transactions, representations, or promises.

Lightfoot opened a checking account in the name of another in an attempt to defraud the Credit Union by requesting the Credit Union to provide him with an account in the name of Hawkins. Thus, we find the evidence submitted sufficient for the conviction of bank fraud.

FRAUDULENT ACQUISITION OF A CREDIT CARD

Fraudulent acquisition of a credit card was established when Lightfoot completed and signed the credit card application, using false statements specifically related to his identity. La. R.S. 14:67.22 defines fraudulent acquisition of a credit card as follows:

> A. As used in this Section, "credit card" shall mean any instrument or device whether known as a credit card, credit plate, bank service card, banking card, check guarantee card, debit card, or by any other name, including an account number, issued with or without a fee by an issuer for the use of a cardholder in obtaining money, goods, services, or anything of value on credit or for use in an automated banking device to obtain any of the services offered through the device.
>
> B. No person shall make or cause to be made, either directly or indirectly, any false statement as to his identity or that of any other person, firm, or corporation, knowing it to be false and with the intent that it be relied on, for the purpose of procuring the issuance of a credit card.

Lightfoot completed an application for a credit card using false information. He signed the application as Hawkins. Thus, giving false and misleading information. It is of no moment that the credit card application was declined. The relevant facts necessary for this crime is that Lightfoot provided false information. Thus, we find sufficient evidence for the conviction of fraudulent acquisition of a credit card.

Lightfoot argues in defense of the crimes listed above that he possessed a power of attorney, given to him by Hawkins, which negates violations of the statutes. Nonetheless, the employees of the Credit Union were unequivocal in their testimony that Lightfoot never represented himself as having a power of attorney, he purported to actually be Hawkins. Moreover, the policy of the Credit Union was not to accept power of attorneys for the opening of bank accounts. The evidence presented at trial was that Lightfoot signed Hawkins' name, presented a

state ID, bearing his photograph but the name Hawkins, to establish his identity as Hawkins when opening the account. Accordingly, our review of the evidence and testimony reveals that the evidence was sufficient for a finding of the crimes charged.

AUTHENTICATION

Lightfoot contends the State failed to properly authenticate copies of the income tax check; the application submitted by Lightfoot to open the checking account; and documentation provided to ABC Title to obtain the ID. He argues the State introduced copies of documents rather than the originals. The documents admitted were stored electronically, thus, maintained electronically in the regular course of business. La.C.E. art. 1003.1 provides that "duplicate may not be deemed inadmissible or excluded from evidence solely because it is in electronic form or is a reproduction of electronically imaged or stored records, documents, data, or other information." The record reflects that each of the documents placed into evidence were identified by the individual entering the information into the computer or receiving the information. All documents were kept in the regular course of business for the banking institution and properly submitted into evidence. The State provided testimony from the individuals with personal knowledge that the documents were what they were purported to be; thus, we find the evidence was properly admitted pursuant to La. C.E. arts 901 and 1003.1. Thus, we find no merit to this assignment of error.

JURY SELECTION PROCESS

In this assignment of error, Lightfoot argues that the trial court failed to comply with the procedure mandated by La. C.Cr.P. art. 784 in selecting the jury panel. La. C.Cr.P. art. 784 provides, in pertinent part, that "names shall be drawn

from the petit jury venire indiscriminately and by lot in open court." Lightfoot argues that the trial court deviated from the requisite procedure by allowing prospective jurors to be called by the trial judge in the order in which their names appeared on the jury panel sheet compiled by the Jury Commission. Lightfoot cites to the following language from *State v. Hoffman*, 345 So.2d 1, 6 (La. 1977) (on rehearing), in support of his argument:

> Except for the fact that a jury panel in Orleans Parish may now be selected from a Central jury pool rather than from the Petit jury venire as is the practice in most other parishes in the state, we perceive no conflict between the provisions of La.Code Crim.P. arts. 409.1 and 784. Hence, we conclude that the mandates of La.Code Crim.P. art. 784 are equally applicable whether the jury panel is selected from a petit jury venire or from a central jury pool. In either situation, La.Code Crim.P. art. 784 prescribes that the jury panel 'shall be drawn. . .indiscriminately and by lot in open court. . .'
>
> In the instant case, the jury panel was not selected in compliance with La.Code Crim.P. art. 784. Prospective jurors were called by the trial judge in the order that their names appeared on the jury panel sheet compiled by the Jury Commission. Clearly, the panel was not drawn indiscriminately and by lot in open court as mandated by law. Hence, defendant's objection is well founded and we conclude that his conviction and sentence must be reversed.

However, Lightfoot fails to note that La.C.Cr.P. art. 784 was amended after *State v. Hoffman* to allow specifically for the selection of a jury panel in the manner employed in the case *sub judice*. This amendment was also addressed by our Supreme Court in *State v. Williams*, 383 So.2d 996, 999-1000 (La. 1979) as follows:

> "[A]fter our decision in *Hoffman*, La.Code Crim.P. art. 784, was amended by Acts 1977, No. 556, to provide:
>
> > In selecting a panel, names shall be drawn from the petit jury venire indiscriminately and by lot in open court and in a manner to be determined by the court.

> In those judicial district courts, including the Criminal District for the parish of Orleans, wherein use of a jury pool has been authorized by law, the petit jury panel shall be selected by random, indiscriminate choice in a manner to be determined by the rules of the court in which the jury panel is selected, (amendment emphasized)
>
> It is now apparent that those judicial district courts, wherein use of a jury pool has been authorized by law, are exempt from the requirement of the first paragraph of article 784 (i.e., that, in selecting a panel, names shall be drawn from the petit jury venire indiscriminately and by lot in open court) and are required, instead, to select the petit jury panel by random, indiscriminate choice in a manner to be determined by the rules of the court in which the jury panel is selected. *See State v. Hillin*, 367 So.2d 282 (La. 1978) (per curiam) (unpublished appendix to *per curiam*).

State v. Williams, 383 So.2d 996, 999-1000 (La.1979).

We find Lightfoot's contention that the trial court failed to comply with the requirements of La. C.Cr.P. art. 784 is without merit. In addition, Lightfoot's claim that the trial court erred in denying his motion for a new trial on that basis is likewise without merit.

Accordingly, for the reasons set forth above, we find the evidence was sufficient to support the convictions of forgery, bank fraud, fraudulent acquisition of a credit card and monetary instrument abuse. Likewise, Lightfoot's argument that the trial court erred in denying his motion for new trial and motion for post-verdict judgment of acquittal are without merit.

USE OF BACK STRIKES

In this assignment, Lightfoot contends the trial court erred in prohibiting the use of back strikes as allowed under La. C.Cr.P. art. 799.1. La. C.Cr.P. art. 799.1 provides as follows:

> Notwithstanding any other provision of law to the contrary, and specifically notwithstanding the provisions of Article 788, in the jury

> selection process, the state and the defendant may exercise all peremptory challenges available to each side, respectively, prior to the full complement of jurors being seated and before being sworn in by the court, and the state or the defendant may exercise any remaining peremptory challenge to one or more of the jurors previously accepted. No juror shall be sworn in until both parties agree on the jury composition or have exercised all challenges available to them, unless otherwise agreed to by the parties.

The record reflects that Lightfoot utilized all of his peremptory challenges during the first panel of *voir dire* and had no further challenges available. In the case *sub judice*, since Lightfoot exercised all of his peremptory challenges during the first panel; any error perceived by the trial court's statement was clearly harmless. [4] Accordingly, we find no merit to this assignment of error. In addition, the trial court's ruling denying the request for a mistrial and motion for new trial on that basis is without merit.

JURY INSTRUCTION

Lightfoot contends the trial court erred in failing to give his requested jury instruction. La.C.Cr.P. article 807 provides:

> The state and the defendant shall have the right before argument to submit to the court special written charges for the jury. Such charges may be received by the court in its discretion after argument has begun. The party submitting the charges shall furnish a copy of the charges to the other party when the charges are submitted to the court.
>
> A requested special charge shall be given by the court if it does not require qualification, limitation, or explanation, and if it is wholly correct and pertinent. It need not be given if it is included in the general charge or in another special charge to be given.

La.C.Cr.P. art. 802 requires the trial court to charge the jury as to the law applicable to the case. Under La.C.Cr.P. art. 807, a requested special jury charge

[4] In *State v. Lewis*, 2012-1021, p. 11 (La.3/19/13), 112 So.3d 796, 802, our Supreme Court stated that the harmless error analysis must be employed when a defendant is denied his right to exercise his remaining peremptory challenges through backstriking before the jury panel is sworn.

shall be given by the court if it does not require qualification, limitation or explanation, and if it is wholly correct and pertinent; however, the special charge need not be given if it is included in the general charge or in another special charge to be given. *State v. Hollins*, 2008-1033, p. 3 (La.6/26/09), 15 So.3d 69, 71. Failure to give a requested jury instruction constitutes reversible error only when there is a miscarriage of justice, prejudice to the substantial rights of the accused, or a substantial violation of a constitutional or statutory right. *Id*.

The jury instruction which the trial court declined to give to the jury was as follows: "Simple use of a fictitious payee or an alias alone does not constitute the crime of forgery." The trial court denied the requested charge stating:

> Just so the record's clear, the alias is not an alias, at least in the Court's opinion, as the alias is an actual person. As far as the cases cited by [defense counsel], the Court is in agreement that those cases say mere use of a fictitious or false name may constitute false pretenses, but so long as the writing or check purports to be the act of the very person issuing it. And it talks about the mere use of a false or fictitious name may constitute false pretenses but not forgery. What we have here is something way over and above mere use. So that's the distinction that the Court's finding.

The trial court reviewed the requested charge and determined that the requested charge was not pertinent because the evidence in the case did not involve an alias or a fictitious payee. Instead, the evidence showed that Lightfoot has assumed the identity of another person, i.e. Hawkins. Moreover, Lightfoot has failed to show any prejudice by the trial court's failure to give the requested charge since there was no evidence that the charges presented involved a fictitious payee. Accordingly, we find no merit to this assignment of error.

PRESENTATION OF DEFENSE

In this assignment of error, Lightfoot argues that the trial court failed to allow him to present a defense that he had authorization to perform the matters

precipitating the charges and erred in not allowing Hawkins to testify that he gave Lightfoot the authority to deposit the check and open the accounts. Prior to trial, the State filed a Motion *in Limine* to exclude the testimony of Hawkins, contending that the evidence that Hawkins authorized Lightfoot's actions did not constitute an affirmative defense to any of the crimes charged. At the conclusion of the hearing, the trial court determined that Hawkins' testimony was not a viable defense to any of the crimes which defendant was charged and was then irrelevant. The trial court then granted the State's Motion *in Limine*. Lightfoot filed a writ application seeking review of the trial court's ruling. This Court denied the writ application.

Nonetheless, Lightfoot called Hawkins to testify. In accordance with Lightfoot's theory of the case, Hawkins testified he had given Lightfoot an oral power of attorney to "conduct [his] affairs" while he (Hawkins) was confined in prison. Hawkins further testified that the oral power of attorney was subsequently reduced to a written document, wherein he gave Lightfoot "full authorization to conduct business in the interest of me during my confinement." Lightfoot attempted to introduce the written power of attorney, dated January 17, 2017, into evidence during Hawkins' testimony but the trial court sustained the State's objections of hearsay and relevance. A proffer of Hawkins' testimony regarding the written power of attorney as well as the written power of attorney itself was made. In denying the motion for new trial, the trial court again reiterated that the power of attorney was not executed until after Lightfoot attempted to open various accounts in Hawkins' name thereby rendering the likelihood of an innocent explanation for his conduct *de minimis*.

Accordingly, we find the trial court did not err in finding the testimony inadmissible. Furthermore, the existence of a power of attorney was likewise not

relevant to the issue of whether Lightfoot committed the crimes of monetary instrument abuse, forgery, bank fraud, or fraudulent acquisition of a credit card. Thus, we find no merit to this assignment of error.

DOUBLE JEOPARDY

Lightfoot argues that the bill of information was inadequate because it failed to state the necessary elements to establish a crime and constitutes a violation of double jeopardy. Specifically, Lightfoot contends the bill of information was inadequate because he was charged with multiple violations arising out of the same incident or transaction. He further contends the trial court and this Court erred in finding the crimes charged in the single bill of information did not constitute double jeopardy. These arguments were previously raised in a motion to quash the bill of information and reviewed in a writ application filed by Lightfoot. We regard our previous writ denial as the law of the case; and, for the reasons that follow, decline to depart from our previous decision. *See State v. Lightfoot*, 2017-0513 (La.App. 4 Cir. 6/19/17).[5]

The Fifth Amendment to the United States Constitution and Louisiana Constitution, Art. I, §15 guarantees that no person shall be placed twice in jeopardy for the same offense. This guarantee protects against "a second prosecution for the same offense after acquittal; a second prosecution for the same

[5] The writ was denied but we stated, "We find that the trial court did not abuse its discretion in finding that double jeopardy was not violated." While we are cautious in our use of law of the case doctrine, we have applied the doctrine in some circumstances. "Despite this clear and sensible jurisprudential rule, we sometimes have applied the law-of-the-case doctrine to our prior writ denials if the language accompanying the denial suggests a ruling on the merits. *See State v. Berniard*, 14-0341, p. 23 (La.App. 4 Cir. 3/4/15), 163 So.3d 71, 87 (upon a finding that it had previously denied writ application "on the merits," court applied law of the case and declined to revisit issue); *State in Interest of A.S.*, 13–0144 (La.App. 4 Cir. 7/24/13), 156 So.3d 96 (denial of writ where court found no abuse of trial court's discretion warranted application of law-of-the-case doctrine); *State v. Golden*, 11–0735, pp. 12, 13 (La.App. 4 Cir. 5/23/12), 95 So.3d 522, 530,31 (court denied writ application "on the merits"; subsequently applied law-of-the-case doctrine to same issue)." *State v. Brown*, 2015-0855 (La.App. 4 Cir. 10/21/15); 176 So.3d 761.

offense after conviction; and multiple punishments for the same offense." *State v. Childs*, 2013-0948, p. 2 (La. App. 4 Cir. 1/15/14), 133 So.3d 104, 105 (citing *State v. Smith*, 95-0061, p. 3 (La.7/2/96), 676 So.2d 1068, 1069. In *State v. Frank*, 2016-1160, p. 11 (La. 10/18/17), 234 So.3d 27, 33-34, our Supreme Court clarified that the protections against double jeopardy mandated by the federal constitution, as restated in this state's constitution, fall within the analytical framework set forth in *Blockburger v. United States*, 284 U.S. 299, 52 S.Ct. 180, 76 L.Ed. 306 (1932) and Louisiana courts need only apply that framework in analyzing questions of double jeopardy.

Under the *Blockburger* test:

> [w]here the same act or transaction constitutes a violation of two distinct statutory provisions, the test to be applied to determine whether there are two offenses or only one, is whether each provision requires proof of a fact which the other does not.

Blockburger, 284 U.S. at 304, 52 S.Ct. at 180.

In the case *sub judice*, each of the statutes under which Lightfoot was convicted required proof of a fact which the other did not. Monetary instrument abuse was committed by the act of negotiating the tax refund check, issued in the name of another. The State alleged that Lightfoot committed forgery by obtaining, possessing and using an ID in the name of Hawkins. Bank fraud required the State to establish that Lightfoot opened a checking account in the name of Hawkins in an attempt to defraud the Credit Union by providing him with an account under the name Hawkins; and fraudulent acquisition of a credit case required a showing that Lightfoot completed a credit card application seeking to obtain a credit card in the name Hawkins. Accordingly, Lightfoot's argument that his constitutional right against double jeopardy was violated is without merit.

CONCLUSION

For the forgoing reasons, Lightfoot's convictions and sentences are affirmed.

CONVICTIONS AND SENTENCES AFFIRMED