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IN THE
COURT OF APPEALS OF INDIANA

TRERAY LEVAN PINKSTON,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 02A03-0903-CR-118
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE ALLEN SUPERIOR COURT
The Honorable John F. Surbeck, Jr., Judge
Cause No. 02D04-0810-FC-284

OCTOBER 15, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

GARRARD, Senior Judge

A jury convicted Treray Levan Pinkston of check fraud, a Class D felony, and fraud on a financial institution, a Class C felony. Pinkston challenges the sufficiency of the evidence to sustain the convictions.

Concerning the check fraud conviction (Ind. Code § 35-43-5-12), the evidence disclosed that a fraudulent check in the amount of $ 918.72, payable to a Ronald Ratley, was cashed at the Chestnut Plaza branch of the Three Rivers Federal Credit Union on October 3, 2008. Gretchen Lahrman, the teller who cashed the check, identified Pinkston in court, in a photo array, and in a photo of the transaction as the person who presented identification that he was Ronald Ratley and who cashed the check.

Pinkston's attempts on appeal to challenge her identification are merely attempts to have us redetermine the credibility of the witnesses and reweigh the evidence. This we may not do. *Alkhalidi v. State*, 753 N.E.2d 625, 627 (Ind. 2001). The evidence sustains the conviction for check fraud.

Concerning the fraud on a financial institution conviction, we note that I.C. § 35-43-5-8 states that a person commits the offense when he knowingly executes, or attempts to execute, a scheme or artifice: (1) to defraud a state or federally chartered or federally insured financial institution.

On October 2, 2008, an account was opened at Three Rivers Federal Credit Union in the name of Ronald Ratley. The next day Pinkston, bearing identification as Ronald Ratley, appeared at the Chestnut Plaza branch of the credit union and cashed a check payable to Ratley in the amount of $918.72. The check appeared to be on the account of

State Farm Automobile Insurance Company and was drawn on JP Morgan Chase Bank. "Chase" was misspelled as "Case" on the check. The check carried the signature stamp "Carl Garey."

On the following two days, five additional identical checks were cashed at the credit union. All six checks were returned as fraudulent.

Less than two weeks later, Pinkston entered another branch of the credit union and attempted to cash a fraudulent check against an account in the name of Julious Washington. Pinkston had identification that he was Washington. This check was purportedly issued by Executive Management Inc. on an account with Fifth Third Bank in the amount of $597.05. It again, however, bore the stamped signature "Carl Garey." There was a hold on this account and the police were called. Pinkston maintained to the police that he was Julious Washington.

It is not disputed that the credit union was a federally insured financial institution. Evidence of the cashing of seven fraudulent checks bearing the stamped signature of "Carl Garey" at branches of this particular credit union permitted the jury to reasonably infer that there was a scheme to defraud the credit union. Pinkston was identified as the person cashing two of the checks, and in each instance, he presented false identification that he was the payee. This evidence permitted the reasonable inference that he executed the scheme to defraud Three Rivers Credit Union.

In reviewing a claim of insufficient evidence, we will affirm if the probative evidence and the reasonable inferences that may be drawn from the evidence would

permit a reasonable fact finder to find the defendant guilty beyond a reasonable doubt. *Tobar v. State*, 740 N.E.2d 109, 111-12 (Ind. 2000).

It follows that the evidence was sufficient to sustain Pinkston's conviction for fraud on a financial institution.

Affirmed.

ROBB, J., and MATHIAS, J., concur.