

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 99-2039

United States of America,	*	
	*	
Appellee,	*	Appeal from the United States
	*	District Court for the Eastern
v.	*	District of Arkansas.
	*	
Larry D. Casey,	*	[UNPUBLISHED]
	*	
Appellant.	*	

Submitted: January 6, 2000

Filed: January 19, 2000

Before BOWMAN, FAGG, and MURPHY, Circuit Judges.

PER CURIAM.

Larry D. Casey challenges the sufficiency of his indictment after he was convicted on one count of wire fraud, in violation of 18 U.S.C. § 1343. After reviewing the record and the parties' briefs, we conclude the indictment sufficiently alleged the essential elements of wire fraud under § 1343 because the indictment's statement that Casey's fraudulent credit card transactions were "electronically forward[ed]" described the interstate use of the wires in a form that substantially stated this element. See 18 U.S.C. § 1343; United States v. O'Hagan, 139 F.3d 641, 651-52 (8th Cir. 1998) (indictment that alleged fraudulent use of confidential business

information held to have alleged "property" element of mail fraud statute "in a form that substantially state[d] the element"); United States v. Just, 74 F.3d 902, 904 (8th Cir. 1996) (indictment challenged after jeopardy has attached is liberally construed in favor of sufficiency); United States v. Mallen, 843 F.2d 1096, 1102 (8th Cir.) (court cannot require indictment to contain particular word or phrase when it alleges element "in a form which substantially states element") (quoted source omitted), cert. denied, 488 U.S. 849 (1988).

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.