

FILED

April 27, 2004

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

No.03-50160

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DONALD KEITH CRAWFORD, SR,

Defendant-Appellant.

Appeal from the United States District Court
Western District of Texas
(SA-02-CR-23-1)

Before JOLLY, JONES, and BARKSDALE, Circuit Judges

PER CURIAM:*

Donald Keith Crawford appeals from his conviction and sentence, following a jury trial, for 11 counts of bank fraud, in violation of 18 U.S.C. §§ 1344 and 2, and two counts of making false statements for the purpose of influencing the action of a financial institution, in violation of 18 U.S.C. § 1014.

Crawford challenges: the sufficiency of the evidence to convict him on four of the bank fraud counts; the district court's refusal to grant a mistrial after the Government made allegedly

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

improper statements during jury voir dire; the upward adjustment of Crawford's sentence because he was a leader or organizer of the scheme to defraud; the calculation of the amount of loss resulting from the fraudulent scheme as it affected his sentence; and the calculation of the restitution amount owed by Crawford to Security National Bank.

There is no reversible error, except for the restitution amount. Because Crawford should be credited with the amount he paid Security National Bank in their civil settlement, the restitution amount is reduced by \$18,500. Accordingly, this matter is remanded to district court for entry of an amended judgment consistent with this opinion.

***AFFIRMED IN PART; REVERSED IN PART;
AND REMANDED FOR ENTRY OF AMENDED JUDGMENT***