

**SUPREME COURT OF LOUISIANA**

**NO. 02-K-0323**

**STATE OF LOUISIANA**

**VERSUS**

**EUGENE WILSON**

**Johnson, J., Concurs in the denial of the writ application.**

In reaching its conclusion on the issue of whether defendant's constitutional rights against double jeopardy was violated, the court of appeal relied, in part, on its decision in *State v. Arnold*, 99-0742 (La. App. 3 Cir. 4/11/01), 801 So.2d 408. This analysis is flawed, as that appellate court holding was reversed twice by this Court. See *State v. Arnold*, 99-0742 (La. App. 3 Cir. 1/25/00), \_\_\_ So.2d \_\_\_, rev'd and remanded, *State v. Arnold*, 00-0570 (La. 10/6/00), 770 So.2d 332, following remand, *State v. Arnold*, 99-0742 (La. App. 3 Cir. 4/11/01), 801 So.2d 408, rev'd *State v. Arnold*, 01-1399 (La. 4/12/02), \_\_\_ So.2d \_\_\_.

However, I agree with the court of appeal's ultimate conclusion that the defendant's convictions for forgery and theft violated double jeopardy, primarily relying on this court's holding in the analogous case of *State v. Doughty*, 379 So.2d 1088 (La. 1980) (simultaneous theft and forgery convictions constituted double jeopardy).