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**WISCONSIN COURT OF APPEALS**

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**DISTRICT IV**

June 15, 2016

To:

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Circuit Court Judge  
Jefferson County Courthouse  
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You are hereby notified that the Court has entered the following opinion and order:

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2015AP1199-CR

State of Wisconsin v. Steven T. Delap (L.C. # 2012CF423)

Before Kloppenburg, P.J., Lundsten, and Blanchard, JJ.

Steven Delap appeals a judgment convicting him of identity theft and an order denying his postconviction motion for plea withdrawal. After reviewing the record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2013-14).<sup>1</sup> We affirm for the reasons discussed below.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

The sole issue on appeal is whether there was a sufficient factual basis to support Delap's no-contest plea. Delap contends that his use of another inmate's PIN, or personal identification number, to make telephone calls and transfer the other inmate's money was insufficient to establish that Delap "represented" that he was the PIN owner or that he was acting with the consent of the PIN owner. *See* WIS JI—CRIMINAL 1458.

Delap's contention is without merit. The entire function of a PIN is to verify the identity or authorization of a user who is attempting to access an account. Thus, according to the plain meaning of the term, a person using a PIN is "representing" to the custodian of the account (whether in person, by phone, or by some other mechanism) that the use of the account is, in fact, authorized.

IT IS ORDERED that the judgment of conviction and postconviction order are summarily affirmed under WIS. STAT. RULE 809.21(1).

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*