

IN THE COURT OF APPEALS OF IOWA

No. 6-743 / 06-0019
Filed September 21, 2006

STATE OF IOWA,
Plaintiff-Appellee,

vs.

JOSE MENDOZA, a/k/a
DANILO MORALES DUARTE,
Defendant-Appellant.

Appeal from the Iowa District Court for Woodbury County, Edward A. Jacobson, Judge.

The defendant appeals from his judgment and sentence following his conviction of identity theft. **AFFIRMED.**

John S. Moeller of O'Brien, Galvin & Moeller, Sioux City, for appellant.

Thomas J. Miller, Attorney General, Martha Boesen, Assistant Attorney General, Thomas S. Mullin, County Attorney, and Mark Campbell, Assistant County Attorney, for appellee.

Considered by Vogel, P.J., and Miller and Eisenhauer, JJ.

EISENHAUER, J.

Jose Mendoza is not a citizen of the United States. Using the name of Robert Dill, he obtained employment at John Morrell in Sioux City where he earned \$1824.20 for work performed from May 19 until July 1, 2004. He was convicted of identity theft for use of the name Robert Dill.

Iowa Code section 715A.8(2) (2003) states:

A person commits the offense of identity theft if the person fraudulently uses or attempts to fraudulently use identification information of another person with the intent to obtain credit, property, services or other benefit.

On appeal, defendant contends the wages he earned are not property or a benefit as defined by the statute. We review this claim for corrections of errors at law. Iowa R. App. P. 6.4.

When the text of a statute is plain and unambiguous, the court does not search beyond the express terms for the meaning of the statute. *State v. Tesch*, 704 N.W.2d 440, 451 (Iowa 2005). Under the plain language of section 715A.8(2), we conclude the defendant committed identity theft. The defendant was not legally able to work in the United States. He used Robert Dill's identity to obtain employment and, in turn, to earn wages. Property is defined as anything of value. Iowa Code § 702.14. Wages, or money, is intrinsically valuable. By using the identity of another, the defendant obtained the benefit of employment and, in turn, property. Accordingly, we affirm his conviction for identity theft.

AFFIRMED.