

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

February 14, 1996

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 95-2533

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT II**

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

MICHAEL P. O'MALLEY,

Defendant-Appellant.

APPEAL from an order of the circuit court for Sheboygan County:
TIMOTHY M. VAN AKKEREN, Judge. *Affirmed.*

BROWN, J. The trial court revoked Michael P. O'Malley's driving privileges for one year after it found that his refusal to submit to a breathalyzer test was unreasonable. See § 346.63(1)(a), STATS. O'Malley now renews his argument that the informing the accused form which was read to him was defective.

O'Malley focuses on how the form did not reveal that any possible sanction would require proof that he had been “driving or operating a motor vehicle.” See § 343.305(4)(c), STATS. Nonetheless, we need not address O'Malley's specific theory because we find that the supreme court's decision in *Village of Oregon v. Bryant*, 188 Wis.2d 680, 524 N.W.2d 635 (1994), forecloses any claim that the form is defective. There the court held that the form provides “sufficient information” to the accused driver. *Id.* at 694, 524 N.W.2d at 640. O'Malley's argument fails.

By the Court. – Order affirmed.

This opinion will not be published. See RULE 809.23(1)(b)4, STATS.