

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

June 13, 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. 95-3375

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

CURTIS J. MAHER,

Defendant-Appellant.

APPEAL from a judgment of the circuit court for Dane County:
RICHARD J. CALLAWAY, Judge. *Affirmed.*

EICH, C.J.¹ Curtis Maher, appealing from a judgment finding him guilty of driving while intoxicated (first offense), argues that the double jeopardy clause of the United States Constitution bars his prosecution for the

¹ This appeal is decided by one judge pursuant to § 752.31(2)(c), STATS.

charge once he has incurred an administrative suspension of his operator's license under § 343.305, STATS.²

We rejected the identical argument in *State v. McMaster*, 198 Wis.2d 542, 552-53, 543 N.W.2d 499, 503 (Ct. App. 1995), as we do here.

By the Court.—Judgment affirmed.

This opinion will not be published.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

² The statute provides that where a person submits to chemical testing for blood alcohol concentration and the test results indicate the presence of a prohibited level of alcohol in the blood, "[t]he person's operating privilege is administratively suspended for 6 months."