

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

August 29, 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. 96-0990-CR

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

TOM E. SCOLA,

Defendant-Appellant.

APPEAL from a judgment of the circuit court for Dane County: SARAH B. O'BRIEN, Judge. *Affirmed.*

DYKMAN, P.J. This is a single-judge appeal decided pursuant to § 752.31(2)(c), STATS. Tom E. Scola appeals from a judgment convicting him of operating a motor vehicle while intoxicated (OMVWI). He asserts that his prior administrative suspension imposed under § 343.305(7) and (8), STATS., barred this prosecution because this prosecution constitutes a violation of the Double Jeopardy Clause of the Fifth Amendment to the United States Constitution. Because this court recently decided this issue against Scola, we affirm.

We need not recite the facts of this case other than to note that Scola's operating privileges were administratively suspended and that he was thereafter found guilty of OMVWI, as a second, and therefore criminal offense arising out of the same facts as the administrative suspension. His assertion that this constitutes double jeopardy, prohibited by the United States Constitution, was rejected in *State v. McMaster*, 198 Wis.2d 542, 543 N.W.2d 499 (Ct. App. 1995), *review granted*, ___ Wis.2d ___, 546 N.W.2d 468 (1996). He makes no attempt to distinguish *McMaster*. We therefore affirm Scola's judgment of conviction.

RULE 809.19(1)(e), STATS., requires that any citation to authority contained in an appellant's brief must conform with SCR 80.02. Supreme Court Rule 80.02 (1996) requires the citation of any published opinion of the court of appeals or the supreme court to include a reference to the volume and page number of both the Wisconsin Reports and the North Western Reporter. Scola's briefs refer only to the North Western citation of *State v. McMaster*, though the Wisconsin Reports citation was available when both of his briefs were filed. In future briefs, Scola's counsel shall conform to SCR 80.02.

By the Court. – Judgment affirmed.

This opinion will not be published.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