

**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(1), 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. 95-2978

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT II**

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

MIKE VALERI,

Defendant-Appellant.

APPEAL from a judgment of the circuit court for Winnebago County: WILLIAM E. CRANE, Judge. *Affirmed.*

NETTESHEIM, J. Mike Valeri appeals from a civil judgment of forfeiture based upon his no contest plea to a charge of operating a motor vehicle while intoxicated pursuant to § 346.63(1)(a), STATS. Valeri contends that this prosecution was barred on double jeopardy grounds because his operator's license had previously been administratively suspended under the implied consent law based on the same event.

However, this court recently ruled in *State v. McMaster*, No. 95-1159-CR, slip op. at 6 (Wis. Ct. App. Nov. 8, 1995, ordered published Jan. 30, 1996), that the implied consent law is remedial, not punitive. Therefore, the court held that an OWI prosecution is not barred on double jeopardy grounds by a prior administrative suspension growing out of the same incident. *See id.* at 11.

McMaster governs this case. We affirm the judgment.

By the Court. – Judgment affirmed.

This opinion will not be published.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