

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

AUGUST 7, 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. 96-0224

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT II**

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

ROBERT J. O'REILLY,

Defendant-Appellant.

APPEAL from an order of the circuit court for Waukesha County:

JOSEPH E. WIMMER, Judge. *Affirmed.*

ANDERSON, P.J.

The trial court revoked Robert J. O'Reilly's driving privileges for two years after it found that his refusal to submit to a breathalyzer test was unreasonable. See § 343.305(10), STATS. O'Reilly now renews his argument that the informing the accused form which was read to him was defective.

O'Reilly 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’Reilly’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 640.¹

Prior to the *Bryant* decision, this court has consistently held that the informing the accused form must be assessed against its substantial compliance with the reasonable objectives of the statute. See *State v. Sutton*, 177 Wis.2d 709, 715, 503 N.W.2d 326, 328 (Ct. App. 1993); *State v. Riley*, 172 Wis.2d 452, 457-58, 493 N.W.2d 401, 403 (Ct. App. 1992); *State v. Piskula*, 168 Wis.2d 135, 140-41, 483 N.W.2d 250, 252 (Ct. App. 1992); *State v. Muenta*, 159 Wis.2d 279, 280-81, 464 N.W.2d 230, 231 (Ct. App. 1990). The form used by the arresting officer fully advised O’Reilly of his rights and the potential consequences of his refusal to submit to a requested chemical test. O’Reilly does not dispute that. The omission of the words “driving or operating a motor vehicle” does not affect O’Reilly being properly advised of his rights and penalties as recited in the form.

The trial court's order finding that O’Reilly’s refusal to submit to the requested chemical test was unreasonable is therefore affirmed.

¹ O’Reilly’s principal and reply briefs fail to comply with the requirements of RULE 809.19 (1)(a), (b) and (c), STATS., by not including a table of contents; a table of cases, statutes and other authorities; a statement on publication and oral argument; and a statement of the issues presented and how the trial court ruled. In addition, his appendix did not include relevant docket entries in the trial court and the portions of the trial court’s oral decision “showing the trial court’s reasoning” as required by RULE 809.19(2). Therefore, a separate order has been issued imposing appropriate sanctions.

By the Court. – Order affirmed.

This opinion will not be published.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