

The defendant's argument on appeal is narrow; he argues only that, " because the evidence is inadmissible, it is improper for the trial court to instruct the jury that it may infer that a defendant is intoxicated from his refusal to take a breath test." Under the circumstances presented here, defendant's argument is not well understood. As we have explained, the admissibility of a driver's refusal to take a breath test depends on the nature of the officer's request, and the state bears the burden of showing admissibility after an appropriate objection has been raised. Here, because defendant did not object to the admission of evidence of his refusal, the state had no reason to develop the necessary record. Thus, we have no way of knowing whether, as defendant asserts, the evidence was inadmissible. Because we disagree with defendant's premise that the evidence of his refusal was inadmissible, we cannot reach his proposed conclusion that the trial court erred in instructing the jury as it did.