



Alcohol-Related Community Service Options:

Select any combination of exercises necessary to complete the number of hours you need.

INSTRUCTIONS:

If **hand written:** single-spaced ONLY and MUST be legible.

If **typed:** single or double-spaced ONLY. All essays MUST have standard 1" margins on all sides, 12 pt. Times New Roman or Arial font.

If these requirements are not followed, the Court may reject your work and hours performed.

Plagiarized essays will **NOT** be accepted and may result in a final judgment being entered for your case and/or in the denial or suspension of your Driver's License.

Alcohol-related hours ordered: _____

Due by: _____

IMPORTANT NOTICE: Juvenile non-traffic records are confidential. Information regarding Juvenile cases cannot be given over the phone or via email unless it is from a number/address already provided to the Court. Otherwise, the Juvenile and/or parent must appear at the Cedar Park Municipal Court with photo identification to obtain further information about their case, OR submit a signed (manually or electronically by typing your full name) request and photo identification.

EXERCISE #1: The Unconscious Truth

Exercise: Watch “The Unconscious Truth” videos from the Texas Young Lawyers Association at <https://tyla.org/resource/the-unconscious-truth/>

This is a 4 part video (about 43 minutes)

If you complete Exercise #1 you will receive:

4 hours of service

Based on this video, you must answer **all** of the following questions on a separate piece of paper.
(for guidance, please look at the Criminal/Civil Charts and the definitions list on pages 4 – 6 of this packet):

1. What are the criminal offenses, if any, contained in the Definitions and Criminal and Civil Consequences handouts that you think apply to Hannah; the Boyd’s; and, Cameron? List each one you think applies.
2. What if Hannah and Shelby did not get the bottles of vodka from the liquor cabinet? Would that change your mind about any of the criminal laws or consequences they are or could be charged with? If so, why does that make a difference?
3. Do you think Shelby would have gotten alcohol poisoning and died if there was no liquor in the house? Why or why not?
4. How would you decide any civil liability against the Boyd’s or Hannah if there was no liquor in the Boyd home?
 - a. Would you hold them liable for negligence for beer alone? Why or why not?
 - b. Would you hold them liable for wrongful death? Why or why not?
5. What signs and symptoms of alcohol poisoning were exhibited in the video?
6. What was the first sign exhibited by Shelby? When should have 911 first been called?
7. What would the police and authorities have done with the person who called 911? Would the caller be charged?
8. How could Shelby’s death have been prevented? List all steps and ways this tragedy could have been prevented.
9. List Shelby’s Rules.

EXERCISE #2: Attend an AA Open Meeting

Exercise: Attend an open AA meeting and write a three page report on your experience at the meeting. *Please keep your reports anonymous excluding all names of individuals in the group. If available, obtain a signature on the below attendance log from the meeting chairman. Meetings are usually an hour in length. **A calendar with open meeting dates and times can be found at <http://www.austinaa.org/>.**

3 page essay + meeting attendance card = 6 hours of service

AA Open Meeting Attendance Card

Date of Attendance: _____

Location of Meeting: _____

Signature of chairman: _____

(If you are unable to obtain a signature, bring back 1 piece of literature or brochure from the meeting.)

EXERCISE #3: Jacqui’s Story (may only submit one essay for this exercise)

Exercise: Watch Jacqui’s Story and write an essay reflecting the impact this story has on you. How will it change your future behaviors? Do you feel the punishment was adequate?

This is a three part story (26 minutes total)

If you submit a:

2 page essay = 3 hours of service

3 page essay = 4 hours of service

4 page essay = 5 hours of service

The Jacqui DVD can be checked out from the Court or watched online at <http://www.cedarparktexas.gov/index.aspx?page=232> Under “Community Service” click on the Jacqui Saburido Video link.

EXERCISE #4: Case Study: Matthew O'Connor (from the Texas Young Lawyers Association)

Exercise: Read the following short story and answer **all** the questions.

Matthew O'Connor was a 17-year old junior in high school. He was a popular high school student who played baseball and was active in his community. One Saturday night in October, Matthew decided to attend a Halloween party with some of his friends from school. His friend, Jacob Langford, had the Halloween party at his house because his parents were out of town. Jacob obtained some tequila from his parents' liquor cabinet, and his 21-year old cousin bought a couple of cases of beer for the party. After attending a different, non-alcoholic party, Matthew went home and then snuck out of his house in order to attend Jacob's party. Matthew took a bottle of wine to the party.

After partying and consuming alcohol at Jacob's house, Matthew started walking home about 2:00 a.m. (he lived just a couple of blocks from Jacob). Matthew stumbled and ended up passing out in the street. Shortly thereafter, a truck hit Matthew in the street. The driver called 911 and reported the incident. Matthew did not survive, and tests revealed that his Blood Alcohol Content was .231 (which is almost three times the Texas legal limit). The driver who hit Matthew was not criminally charged because he could not avoid the accident.

If you complete Exercise #4 you will receive:

1 hour of service

Based on this scenario, please answer **all** of the following questions on a separate piece of paper:
(for guidance, please look at the Criminal/Civil Charts and the definitions list on pages 4 – 6):

1. Do you think Jacob committed a crime by providing alcohol from his parents' liquor cabinet to his guests? If so, what crime?
2. Do you think Jacob may have social host liability because he hosted the party for his friends? Why or why not?
3. What crime did Jacob's 21-year old cousin commit by purchasing alcohol for the party?
4. What are the charges that may be imposed on Jacob's parents if they knew he would be having a party with alcohol available when they were out of town?

EXERCISE #5: Case Study: Lauren Thompson (from the Texas Young Lawyers Association)

Exercise: Read the following short story and answer **all** the questions.

Lauren Thompson is a 19-year old sophomore in college. When she was a freshman, she went back to her hometown for the break in between the fall and spring semesters. Her mother, Karen Thompson, wanted Lauren to have her friends over for a party so that they could all catch up. Many of Lauren's friends were still in high school. Thinking it would be a safe environment for a party, Karen provided some beer and made some Jell-O shots for the party-goers. All party goers did shot after shot of the Jell-O shots because they were not able to taste the alcohol contained in them.

After the party, one of Lauren's friends, Adam Griffin (who was 17 at the time), stumbled out of the house and drove three other friends (also 17 years old) who were at the party to Whataburger. On the way to Whataburger, Adam lost control of his vehicle and wrecked. Adam survived the wreck (although, he was injured), but two friends in the vehicle did not survive the accident. Tests revealed that Adam had a Blood Alcohol Content of .255.

If you complete Exercise #5 you will receive:

1 hour of service

Based on this scenario, please answer **all** of the following questions on a separate piece of paper:
(for guidance, please look at the Criminal/Civil Charts and the definitions list on pages 4 – 6):

1. What crime(s) did the party-goers probably commit (not Karen)?
2. Do you think Karen Thompson's actions subject her to any criminal and/or civil consequences? If so, what criminal and/or civil consequences?
3. Do you think Adam Griffin could potentially be charged with a crime? If so, what crimes? Do you think he could also be civilly liable?

Criminal Consequences of Underage Drinking (from the Texas Young Lawyers Association)

Criminal offenses	Illegal activities	Criminal Consequences
<p>-Purchase of alcohol (Class A misdemeanor)</p> <p>-Attempt to purchase alcohol (Class C misdemeanor)</p> <p>-Consumption of alcohol (Class C misdemeanor)</p> <p>-Possession of Alcohol by a Minor (M.I.P.) (Class C misdemeanor)</p> <p>-Public Intoxication (Class C misdemeanor)</p> <p>-Misrepresentation of Age (Class C misdemeanor)</p>	<p>A person under 21 commits an offense if he or she purchases, attempts to purchase, uses a fake or fraudulent state issued identification to purchase alcohol, or shows fake identification to a police officer, or consumes an alcoholic beverage (includes minors who are intoxicated in public or who misrepresent their age to obtain alcoholic beverages); Also includes "constructive possession," which occurs when alcohol is readily accessible to any minor (for example, if a beer can is in a vehicle, any minor in the car can get an M.I.P.).</p>	<p>Monetary fine, community service hours, alcohol awareness class, and driver's license suspension (all vary depending on if it is a minor's first, second, or third offense). (If a minor is 17 or older, he or she may also be sentenced to jail.)</p>
<p>Driving While Intoxicated</p>	<p>A person under 21 commits an offense if he or she operates a motor vehicle in a public place while having any detectable amount of alcohol in his or her system (odor on the breath is enough for this offense). This is anything over .01.</p> <p>For persons over 21 the legal limit of BAC is .08.</p>	<p>Class B misdemeanor with confinement from 72 hours to 6 months. Monetary fine, community service hours, alcohol awareness class, and driver's license suspension (all vary depending on if it is a minor's first, second, or third offense). (If a minor is 17 or older, he or she may also be sentenced to jail.)</p>
<p>Intoxication Assault</p>	<p>A person commits an offense if he or she operates a motor vehicle in a public place while intoxicated and by reason of that intoxication causes serious bodily injury to another by accident or mistake.</p>	<p>Third degree felony, with confinement in jail from 2 to 10 years and/or a fine of up to \$10,000; If granted probation, still must serve a minimum of 30 days in jail and perform a minimum of 160 hours of community service, among other probation conditions.</p>
<p>Intoxication Manslaughter</p>	<p>A person commits an offense if he or she operates a motor vehicle in a public place while intoxicated and by reason of that intoxication causes the death of another by accident or mistake (Sometimes the vehicle is considered a "deadly weapon").</p>	<p>Second degree felony, with confinement in jail from 2 to 20 years and/or a fine of up to \$10,000; If granted probation, still must serve a minimum of 120 days in jail and perform a minimum of 200 hours of community service, among other probation conditions (if the vehicle is found to be a "deadly weapon, the person cannot get probation).</p>
<p>Criminally Negligent Homicide</p>	<p>A person commits an offense if he or she causes the death of an individual by criminal negligence (see definition of "criminal negligence").</p>	<p>State jail felony, punishable by up to two years in jail and up to a \$10,000 fine.</p>
<p>Sale of Alcohol to a Minor</p>	<p>A person commits an offense if with criminal negligence he or she sells an alcoholic beverage to a minor.</p>	<p>A person commits an offense if with criminal negligence he or she sells an alcoholic beverage to a minor.</p>
<p>Purchase of Alcohol for a Minor; Furnishing Alcohol to a Minor</p>	<p>A person commits an offense if he or she purchases or gives an alcoholic beverage with criminal negligence make available an alcoholic beverage to a minor.</p>	<p>Class A misdemeanor, punishable by up to one year in jail and up to a \$4,000 fine.</p>

Civil Consequences of Underage Drinking (from the Texas Young Lawyers Association)

Civil actions	Wrongful activities	Civil Consequences
Wrongful Death Action	A person is responsible when his or her negligence caused the death of another.	Payment of money (amount to be determined by a judge or a jury).
Social Host Action	An adult (other than the minor's parent) is responsible for injuries if he or she knowingly serves or provides to a minor under the age of 18 (or allowed the minor to be served or provided any of the alcoholic beverages that contributed to the minor's intoxication).	Payment of money (amount to be determined by a judge or a jury).
Negligence and Personal Injury	To support a civil claim for negligence, you must prove a duty is owed to the person injured; that duty was breached by the person causing the injury; an injury did in fact occur; and the injury was proximately caused by the acts of the person being sued. For purposes of this definition, the term "duty" means a legal duty that one person owes to another, and a duty to not injure another. A "personal injury" claim is when someone is injured, either physically and/or emotionally by the negligence of another.	Payment of money (amount to be determined by a judge or a jury) for the damages and injuries caused by the negligence.

Definitions (from the Texas Young Lawyers Association)

Alcoholic beverage: a beverage with more than a half percent alcohol by volume and is considered one serving of an alcoholic beverage, which includes: (a) 12 ounces of beer, or a single can or bottle of beer; (b) 5 ounces of wine, or a single glass of wine; (c) or 1.5 ounces of "hard liquor", or a single shot of liquor

Alcohol poisoning: a medical condition in which a toxic amount of alcohol has been drunk, usually in a short period of time; symptoms of alcohol poisoning include ANY one of the following: (1) vomiting; (2) incoherent, confusion, stupor, unresponsive, or unconscious; (3) low temperature or cold; (4) absence of color or blue or pale skin; (5) slow or irregular breathing, which could be less than 8 breathes a minute; and/or (6) seizures or shaking

Binge drinking: consuming 4-5 alcoholic beverages (or more) in a short span of time, which is considered "an occasion" and usually in less than two hours

Blood alcohol content (BAC): refers to a metric of alcohol intoxication, usually expressed as a percentage of alcohol in the blood (for instance, a BAC of .10 means that 10% of a person's blood, by volume, is alcohol); in Texas, the maximum legal BAC for adults over 21 is .08, but for minors (persons under the age of 21) the BAC is anything over .00

Civil liability: potential legal responsibility of a person for payment of monetary damages or other court-enforcement in a civil lawsuit, such as wrongful death action where a plaintiff brings a lawsuit against a defendant for money damages for the death of a spouse, child and on behalf of the deceased, and also includes monetary claims for pain and suffering, emotional distress, loss of income, loss of consortium (loss of a loved one), attorney's fees incurred by the injured person/victim, or any punitive/exemplary damages. These types of damages are ONLY allowed in civil proceedings

Criminal liability: potential fine and/or confinement resulting from a legal responsibility that arises out of breaking a criminal law by committing a criminal act (i.e., the prosecution represents the state in cases against the accused defendant who violated the law)

Criminal negligence: occurs when a person ought to be aware of a substantial and unjustifiable risk that certain circumstances exist or that a certain result will occur; the risk must be of the nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances

Immunity: protection from prosecution in exchange for certain conduct (for example, immunity from charges for underage drinking for the first person who calls 911 when another person is exhibiting symptoms of alcohol poisoning); in Texas, the law is called the "911 Lifeline" law, and it states that a minor under the age of 21 will not be prosecuted and is immune from prosecution by police if

he/she notices signs of alcohol poisoning and calls 911 because he/she is concerned that someone they are with has alcohol poisoning; but, the law only applies to the first person who calls 911 and does not include other possible offenses that may be occurring such as drug possession or illegal weapons possession

Minor: for purposes of alcohol-related offenses, any person under the age 21

Negligence: in civil causes of action, it refers to the failure to use reasonable care; doing or not doing something which a reasonably prudent person would or would not do under similar circumstances; more specifically, it means a duty is owed to the person injured; that duty was breached by the person causing the injury; an injury did in fact occur; and the injury was proximately caused by the acts of the person being sued. For purposes of this definition, the term "duty" means a legal duty that one person owes to another, and a duty to not injure another (i.e., a person causing a car accident has a duty to all persons on the road to not cause such an accident, which may be the result of a "negligent" act such as texting, talking on cell phone, etc.)

Social host: refers most often to a private individual who serves alcohol in a non-commercial setting (for example, a homeowner serving alcohol in his or her home) social host liability: potential legal responsibility for social hosts, either criminally and/or civilly, as a result of their serving alcohol to minors (and serving adults under some circumstances)

Wrongful death: civil law action brought against a person when the person's wrongful act, neglect, carelessness, unskillfulness, or default causes another person's death