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**OJJDP's 13th National Enforcing Underage Drinking Laws (EUDL) Leadership Conference:
Spotlighting the Host Hotel - Rosen Shingle Creek**

The conference is being held in the Rosen Shingle Creek Hotel, conveniently located in beautiful Orlando, Florida. Hotel rooms can be booked online at the discounted group rate of \$90 single/double per night plus applicable fees and taxes. Visit our Web site: www.udetc.org and click on the conference icon. You can also contact the hotel's reservation department at 888-697-7997 to make a reservation. Be sure to mention OJJDP's 13th National EUDL Leadership Conference to receive the discounted group rate. The group rate is available until July 8, 2011. Please don't wait; rooms are going quickly!

RESOURCE ALERT LEGAL CASE

Convicted parent provider challenges youth testimony in appeal

On March 10, 2011, Supreme Court of New York, Third Department rendered their decision on an appeal from Kellie St Andrews who was convicted of the crimes of unlawfully dealing with a child in the first degree and endangering the welfare of a child in a judgment of the County Court of Washington County provided on April 3, 2009.

On April 20-21, 2008, Kellie St. Andrews' son had a party in the field behind the family home attended by 20 to 40 individuals - most of whom were under 21. Beer was consumed by many in attendance. A minor who attended the party testified that the defendant purchased a case of beer the day before the party for her son and his friends and "left it in the truck for us." While this witness acknowledged never being told by Ms. St. Andrews that she purchased the beer for her party, it was proven at trial that this beer - a 30-pack of cans of Keystone Lite - was made available to anyone at the party and was entirely consumed by those in attendance. Ms. St. Andrews was sentenced to 60 days in jail and three years of probation for these crimes and appeals her conviction.

This case presents an interesting test on the sufficiency and weight of the evidence used to convict a person of directly or indirectly providing alcohol to minors. The Court's opinion compares the facts presented at trial against the language of the law. To read more about this interesting case and further determine whether her arguments prevailed, please visit the provided link that follows here below:
<http://www.udetc.org/documents/ResourceAlerts/May2011case.pdf>

SUCCESS STORIES: MISSISSIPPI

Mississippians successful in passing a statewide social host law!

On March 30, 2011, Mississippi's Governor Barbour approved their statewide social host bill by signing the bill into law. This journey was neither short or without its challenges and results in a maximum fine of a \$1,000 and/or 90 days jail time. This success story shows the importance of bringing the right people to the table, the benefits of collaboration, educating legislators with data, and the results of sustained efforts. Read the full Success story by visiting the following link:
http://www.udetc.org/documents/success_stories/ms0511.pdf

NATIONAL ELECTRONIC SEMINARS

MAY 2011

Party Crews: Coming Soon?

Date: Thursday, May 19, 2011

Time: 3:00-4:15 p.m. ET

Speakers: Sgt. Pride Henry, Detroit, MI Police Dept; Ofc. Brian Lis, Detroit, MI Police Dept and Lt. Mike Pryor, Tucson, AZ Police Dept

Dubbed the "Junior Varsity of Street Gangs", communities and law enforcement agencies from Arizona to Michigan have been forced to devote resources to addressing this trend. Party crews are groups of teenagers who move from city to city setting up in vacant homes and businesses, warehouses, rural settings or even taking over smaller parties and making them their own. Inexpensive alcohol, music, and plenty of action prevail. Beyond cheap alcohol and underage drinking these events often turn violent and result in assaults and shootings. Are these events occurring in your community? Will you be taken by surprise when they do? While the use of social networking sites and technology are key to implementing these parties they are also tools that can help to intercept or prevent them. We will discuss the tactics that have been used to address "party crews" from law enforcement and communities who have experienced these activities and hear strategies and techniques that can be used to address the problem.

Visit www.udetc.org/audioconfregistration.asp to register.

To print a copy of this month's Resource Alert visit:
www.udetc.org/documents/ResourceAlerts/ResourceAlert0511.pdf

Did You Know?!

That the deadline to submit nominations for a law enforcement agency or a sworn law enforcement officer/agent has been extended to May 15th?! Nomination forms and submission instructions can be found at these links

<http://www.udetc.org/documents/NLC2011/OfficerAward.docx>

<http://www.udetc.org/documents/NLC2011/AgencyAward.docx>

Resource Source Alert Descriptor

May 2011

THE PEOPLE OF THE STATE OF NEW YORK, Respondent,

v.

KELLIE ST. ANDREWS, Appellant.

No. 2011-01745

Supreme Court of New York, Third Department

March 10, 2011

Calendar Date: January 13, 2011

Robert M. Winn, Granville, for appellant.

Kevin C. Kortright, District Attorney, Fort Edward (Katherine G. Henley of counsel), for respondent.

Before: Cardona, P.J., Rose, Kavanagh, McCarthy and Egan Jr., JJ.

MEMORANDUM AND ORDER

McCarthy, J.

Appeal from a judgment of the County Court of Washington County (McKeighan, J.), rendered April 3, 2009, upon a verdict convicting defendant of the crimes of unlawfully dealing with a child in the first degree and endangering the welfare of a child.

Defendant was charged with five counts of unlawfully dealing with a child in the first degree, seven counts of endangering the welfare of a child and five counts of criminal nuisance in the second degree in connection with several parties alleged to have occurred on her property when minors were drinking alcohol and smoking marihuana. Defendant's husband was charged with similar crimes and the two were tried jointly, represented by the same counsel. Prior to and during the trial, County Court dismissed several counts and, with regard to defendant, ultimately submitted to the jury four counts of endangering the welfare of a child and four counts of unlawfully dealing with a child. The jury convicted her of one count of unlawfully dealing with a child and one count of endangering the welfare of a child, relating to a party that occurred on defendant's property on April 20-21, 2008. Defendant, who was sentenced to 60 days in jail and three years of probation, now appeals.

The conviction for unlawfully dealing with a child in the first degree was supported by legally sufficient evidence. As relevant here, that crime is committed by anyone who "gives or sells or causes to be given or sold any alcoholic beverage" to a person less than 21 years of age (Penal Law § 260.20 [2]). At trial, competent evidence was introduced that defendant's 16-year-old son had a party in the field behind the family home attended by 20 to 40 individuals - most of whom were under 21 - and that beer was consumed by many in attendance. A minor who attended the party testified that the day before the party was held, defendant purchased a case of beer for her son and his friends and "left it in [the truck] for us." While this witness acknowledged never being told by defendant that she purchased the beer for her son and his friends, it was proven at trial that this beer - a 30-pack of cans of Keystone Lite - was made

available to anyone at the party and was entirely consumed by those in attendance. Another minor who attended the party, when asked at trial if he had ever been with defendant when she purchased beer for her son, testified, "Yeah, but she - like... she didn't actually give the beer to [her son]." The witness went on to describe how defendant left the beer in her vehicle where her son would have access to it. While defendant denied knowing that beer would be available and consumed at the party, she admitted being aware that her son would host a gathering and individuals under 21 would attend. She also acknowledged being home throughout the entire evening while the party took place. Moreover, defendant was seen at the party by several witnesses while she was walking in the midst of a number of individuals, some of whom were minors, who were drinking beer and making no attempt to conceal it. Viewed in a light most favorable to the prosecution, and giving the People the benefit of every favorable inference that can be rationally drawn from it, this evidence, taken as an integrated whole, supports the conclusion that defendant purchased the 30-pack of beer for her son's party and was aware that some, if not all of it, would be consumed by young adults under 21 (*see People v Gregory*, 78 A.D.3d 1246, 1248 [2010]; *People v Clairmont*, 75 A.D.3d 920, 923 [2010], *lv denied* 15 N.Y.3d 919 [2010]). Hence, the evidence was legally sufficient to support the charge of unlawfully dealing with a child in the first degree.

The evidence supported the conviction for endangering the welfare of a child. The witnesses consistently testified that, while the party was occurring, defendant went outside to give the telephone to a teenaged boy who received a call. Several witnesses testified that many underage individuals were drinking alcohol on defendant's property when she came outside, she approached the area where they were congregating, and they made no efforts to hide their alcohol consumption. This evidence was legally sufficient to establish that she endangered the welfare of several minors, who were invited onto her property and were present without their parents or guardians there to supervise them, by permitting them to ingest alcohol. Although some witnesses called into question whether defendant was able to see anyone drinking, or testified that the youths were not drinking when defendant brought out the phone, we defer to the jury's credibility determinations in that regard. Thus, that conviction was supported by the weight of the evidence (*see People v Strickland*, 78 A.D.3d 1210, 1212 [2010]; *People v Bush*, 75 A.D.3d 917, 919 [2010], *lv denied* 15 N.Y.3d 919 [2010]).

Defendant is not entitled to a new trial because her defense was not affected by counsel's joint representation of defendant and her codefendant husband. Because joint representation may create a conflict of interest, "the court must ascertain, on the record, whether the defendant's decision to proceed with the attorney is an informed decision" (*People v Recupero*, 73 N.Y.2d 877, 879 [1988]). If a court fails to make such an inquiry, as occurred here, reversal is only required "where the defendant demonstrates that a significant possibility of a conflict of interest existed bearing a substantial relationship to the conduct of the defense" (*id.*). For a defendant to prevail, the conflict of interest must have "affected" the conduct of the defense or "'operated on'" counsel's representation (*People v Adeola*, 51 A.D.3d 811, 812 [2008], quoting *People v Abar*, 99 N.Y.2d 406, 409 [2003]; *see People v Mainello*, 29 A.D.3d 1175, 1177 [2006]).

Here, the indictment alleged that both defendant and her husband were responsible for providing the alcohol for the party and permitting minors to drink. Thus, the People did not assert different levels of culpability, which would suggest that different theories and defense tactics should have been pursued for each codefendant (*compare People v Burwell*, 53 N.Y.2d 849, 851 [1981]). While counsel may have had an incentive to shift blame from the husband to defendant because the People tried to prove that she personally purchased alcohol for the party and he was more passively involved, counsel did not engage in such a maneuver (*compare People v Adeola*, 51 A.D.3d at 812)^[1]. Instead, counsel pursued the defense that neither defendant nor her husband was aware that drinking was occurring on their property and they did not purchase the alcohol. Defendant argues that conflict-free counsel could have aggressively cross-examined her husband to elicit exculpatory testimony, but her husband did not inculcate her in any way and defendant has presented nothing more than her bare assertion implying that he may have possessed exculpatory information. Despite County Court not having addressed the joint representation, defendant is

not entitled to reversal because she has not established that counsel's conflict of interest adversely affected or operated on counsel's representation of her (*see People v Recupero*, 73 N.Y.2d at 879).

Rose, Kavanagh and Egan Jr., JJ., concur; Cardona, P.J., not taking part.

ORDERED that the judgment is affirmed, and matter remitted to the County Court of Washington County for further proceedings pursuant to CPL 460.50 (5).



Success Stories

Enforcing the Underage Drinking Laws Program

NEWS FROM THE FIELD

www.udetc.org

May 2011

Mississippians successful in passing a statewide social host law!

On March 30, 2011, Governor Haley Barbour signed into law the Mississippi statewide social host bill. The statewide law, effective July 1, 2011, was unanimously passed by both the House and the Senate and becomes effective July 1, 2011. The social host bill makes adults liable for knowingly allowing underage drinking parties on their property. The law applies to any private property, including deer camps or lake houses. This journey to passage was neither short nor without challenges and results in a maximum fine of a \$1,000 fine and/or 90 days in jail.

The bill the governor signed was originally drafted by Long Beach Police Chief Wayne McDowell, with support from the Gulf Coast Substance Abuse Task Force. In the 2009 session, the bill was introduced by Representative Richard Bennett.

A statewide interagency task force, Mississippians Advocating against Underage Drinking (MAAUD) saw the need for legislator education and, on January 13, 2011, hosted a press conference on the Capitol steps. The goal of the press event was to raise awareness about social hosting. Along with the Gulf Coast Substance Abuse Task Force and the parent-driven Community of Concern, MAAUD shared information about the influence of parents who host underage drinking parties and talked with legislators, parents, and other community members to about their concerns. "The purpose of this bill is to hold parents accountable for knowingly allowing underage drinking parties to take place either within their homes or on their private property. ...Policies such as a social host law do just that," said DREAM's Caroline Newkirk, Statewide Underage Drinking Prevention Coordinator and EUDL Leadership Institute graduate.

MAAUD reported that 28 percent of Mississippi's students aged 13 and younger have tried alcohol and that this statistic increases the closer they get to graduation. "Forty to fifty percent of eighth graders report that it's

easy to get alcohol," Newkirk said. In noting these troubling statistics, MAAUD shared the benefits of passing a Social Host bill in Mississippi, including:

- Decreases in underage drinking and drinking-related consequences (i.e., car accidents and fatalities, violence, sexual assaults, and risky behaviors);
- Reduces the long-term effect of underage drinking. (95% of adult alcoholics began drinking before age 21); and
- Reduces the number of underage drinking parties by holding adults liable for knowingly hosting such parties.

In the past, local officials have had to rely on charging adults with contributing to the delinquency of a minor. The stronger penalty and the criminal liability associated with the social host law should make parents or other adults consider the consequences of hosting parties. Mississippi's collaboration with MAAUD, the Mississippi Department of Mental Health (Ms. Melody Winston), the Bureau of Alcohol and Drug Abuse, Law Enforcement agencies, and the Mississippi Department of Public Safety Planning (Ms. Jacqueline Ledger) shows the importance of bringing the right people to the table, the benefits of collaboration, and the results of sustained efforts. For further information on this successful EUDL collaboration, contact:

Ms. Jackie Ledger, EUDL Coordinator

Phone: (601)987-4171

E-Mail: jledger@mdps.state.ms.us

Ms. Caroline Newkirk, Underage Drinking Coordinator

Phone: (601) 933-9165

E-mail: cnewkirk@dreaminc.org

The views expressed in this document do not necessarily represent the views of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) or the Underage Drinking Enforcement Training Center (UDET) and are solely of the author/source.



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National Electronic Seminars Enforcing Underage Drinking Laws Program

The OJJDP Audio-TELECONFERENCE Series

May 19, 2011

3:00 – 4:15 p.m. Eastern Time

Party Crews: Coming Soon?

Dubbed the “Junior Varsity of Street Gangs”, communities and law enforcement agencies from Arizona to Michigan have been forced to devote resources to addressing this trend. Party crews are groups of teenagers who move from city to city setting up in vacant homes and businesses, warehouses, rural settings or even taking over smaller parties and making them their own. Inexpensive alcohol, music, and plenty of action. And it doesn’t end with cheap underage drinking. These events often turn violent and result in assaults and shootings. Are these events occurring in your community? Will you be taken by surprise when they do? The use of social networking sites and technology are key to the success of these parties but are also a tool that helps to intercept or prevent them. We will discuss the tactics that have been used to address “party crews” from law enforcement and communities who have experienced “party crew” activities and hear strategies and techniques that can be used to address the problem.

June 23, 2011

3:00 – 4:15 p.m. Eastern Time

Does Your College’s Underage Drinking Policy Get a Passing Grade?

College’s can play a significant role in preventing underage alcohol use and should be included in all comprehensive efforts to reduce underage drinking. Reducing underage drinking on college campuses is an important goal of school administrators because of the many negative consequences resulting from alcohol misuse. With most school years winding down in May and June it’s now an opportune time to consider the effectiveness of your school’s policy on underage youth access/consumption of alcohol. Many policies are dated or not as effective as they should be. Also worth reviewing is the enforcement of school policies. Evidence indicates that policies can only work if they are enforced-so effective policies will include partnerships with law enforcement. This call will discuss why is it important to have an alcohol policy, share sample policies, identify key components and outline the responsibilities and roles of both enforcement and communities. Presenters will discuss successful school polices that can be modeled to address the goal of healthier and safer campuses.

July 21, 2011

3:00 – 4:15 p.m. Eastern Time

Translating Research into Action on Alcohol Issues



There will be no August Audio Call due to the National Leadership Conference, August 10-12, 2011.

We want to hear from you!

Do you have an Underage Drinking Topic that would make a great National Electronic Seminar? Send us your suggestions at udetc@udetc.org and put ‘NES Topic Suggestion’ in the subject line!



For audio-conference registration information, please visit www.udetc.org

All programs provide opportunities for presentation, discussion, and sharing information. Telephone dial-in instructions and accompanying materials will be mailed to registrants two weeks before the audio conference.

To register for any of these free electronic seminars by phone, call toll-free 1-877-335-1287 extension 230

Enforcing Underage Drinking Laws Program

AUDIO CONFERENCE



TOPIC

Party Crews: Coming Soon?

Dubbed the “Junior Varsity of Street Gangs”, communities and law enforcement agencies from Arizona to Michigan have been forced to devote resources to addressing this trend. Party crews are groups of teenagers who move from city to city setting up in vacant homes and businesses, warehouses, rural settings or even taking over smaller parties and making them their own. Inexpensive alcohol, music, and plenty of action. And it doesn’t end with cheap underage drinking. These events often turn violent and result in assaults and shootings. Are these events occurring in your community? Will you be taken by surprise when they do? The use of social networking sites and technology are key to the success of these parties but are also a tool that helps to intercept or prevent them. We will discuss the tactics that have been used to address “party crews” from law enforcement and communities who have experienced “party crew” activities and hear strategies and techniques that can be used to address the problem.

DATE

May 19, 2011

TIME

3:00–4:15 p.m. ET

PRESENTERS

Presenter 1:
Sergeant Pride Henry
Detroit, MI Police Department
henryp461@detroitmi.gov

Presenter 2:
Officer Brian Lis
Detroit, MI Police Department
lisb392@detroitmi.gov

Presenter 3:
Lieutenant Mike Pryor
Tucson, AZ Police Department
mike.pryor@Tucsonaz.gov

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- **To register by phone**, please dial our toll-free number, 1-877-335-1287, extension 230, and follow the prompts.

Telephone dial-in instructions and accompanying materials for the audio conference will be mailed one (1) week before the call.