

CARLA L. SIKES

Municipal Judge
(719) 562-3810

LISA COUGHLIN

Court Administrator
(719) 562-3850



**Municipal Court
200 South Main Street
Pueblo, CO 81003
Phone: (719) 562-3810
Fax: (719) 562-3811**

**Business Hours Monday thru
Friday 8:00am to 4:30pm
Excluding legal holidays**



DISCLAIMER

This non-comprehensive general information pamphlet regarding the City of Pueblo Municipal Court is not intended to provide legal advice of any kind.

While the majority of individuals charged with municipal ordinance violations represent themselves in Court, if you are charged with violating a municipal ordinance, you are encouraged to seek the legal advice of an attorney.



**Making
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<http://www.pueblo.us/court>

LEGAL EXPLANATION OF UNLAWFUL POSSESSION OR CONSUMPTION OF AN ALCOHOLIC BEVERAGE BY A MINOR

Many of you have been charged with Unlawful Possession or Consumption of an Alcoholic Beverage by a Minor, pursuant to Section 11-1-207 of the City of Pueblo Municipal Code.

The City of Pueblo Ordinance is almost identical to the Colorado Revised Statutes provisions. Both Prohibit people under the age of twenty-one (21) from possession or consuming alcohol (with very few exceptions).

Determining “consumption” is pretty straight forward! It means you drank it!

Someone saw you drink it, someone smelled it on your breath, someone saw you intoxicated, or someone saw other obvious signs of alcohol consumption (stumbling, slurred speech, B/S-watery eyes, etc.)

Determining “possession” is more complicated. Most people are charged with possession vs. consumption of alcohol.

Possession has several definitions:

A person has or holds any amount of an alcoholic beverage on their person: It means alcohol is in your hand, in your pocket, in your backpack that you are wearing, under the seat in the car you are driving etc. It means it is right there with you.

A person owns or has custody of an alcoholic beverage: It means the alcohol is yours or that you have the alcohol somewhere else (locker, trunk, of car, under your bed, etc.).

A person has an alcoholic beverage within their immediate presence **and** control.

This is the most controversial and most complex.

What does “immediate presence AND control” mean?

Immediate presence means that an alcoholic beverage was in the area immediately around you (“immediately around you” will depend upon the nature and location.)

Control means that you have the ability to complete the act of actual physical possession or consumption of an alcoholic beverage without interference from someone else that has control.

For example:

At a bar, the bartender has control over who possesses or consumes alcohol and the bartender will interfere and stop you if you are under 21 years of age, and you try to possess or consume an alcoholic beverage.

At home, parents have control over who possesses or consumed alcohol and parents presumably will interfere and stop you if you are under 21 years old and try to possess or consume an alcoholic beverage.

On the other hand, if you are at a kegger, a party, a get together or otherwise in which alcohol is available and no one is checking I.D., no one is actively controlling the possession or consumption of alcohol, and the alcohol is available to anybody and/or everybody, then each individual has the ability to complete the act of actual physical possession or consumption of an alcoholic beverage without interference from someone else that has control.

It does not matter that you don't drink or have decided not to drink alcohol.

It does not matter that you were the designated driver.

It does not matter that you had just walked in the door.

If you are under 21 years old and alcohol was within your immediate presence (meaning that an alcoholic beverage was in the area immediately around you) and alcohol was within your control (meaning you had the

ability to complete the act of actual physical possession or consumption of an alcoholic beverage without interference from someone else that has control, you unlawfully possessed or consumed (which ever is applicable) an alcoholic beverage by a minor, pursuant to Section 11-1-207 of the City of Pueblo Municipal Code.

What happens if charged and convicted?

Up to one (1) year in County Jail if you are over 18 years of age.

Fines up to \$1000.00 and court costs.

Substance abuse classes and treatment (possibly long-term inpatient treatment).

Community service (a fee is required).

Any other reasonable conditions (presentations to classes, curfews, school, job, or otherwise).

D.M.V. will suspend your driver's license or place your drivers license on suspension status (you won't be able to get a license when you turn 16 years old) if you fail to complete the court ordered treatment or if this is a second or subsequent offense. It makes no difference that you were not driving a car when it happened and it makes no difference that you were not drunk.

Your future insurance rates may be impacted if DMV suspends your driver's license.

Ultimately jail if you refuse to comply with Court orders!

College, jobs, military service may be impacted by criminal history checks.

If you are under 18 years old, parents are jointly and severally liable for fines and costs imposed pursuant to Pueblo Municipal Code Sec 1-2-9 entitled “Parental Responsibility”.

If you are under 18 years old, parents face jail if they refuse to require their children to comply with Court orders and refuse to take responsibility for their children.