

First exam



**ASSIGN
BUSTER**

No: Mr. David Adamson's Case The minimum drinking age in the United States is 21 years. However, people can legally drink below the age of 21 years under certain circumstances.

Drinking Age Act promulgated in the year 1984, binding all states to raise their minimum purchase and public possession of alcohol to the age of 21 years. Those States who fail to comply with the instructions shall face reduction in highway funds. In other words the mentioned act took restrictive measures to stop people under the age to drink. However, it does not prevent persons under the age of 21 to drink but under identified circumstances (Hanson 2011).

If an adult family member shows his consent about alcoholic consumption by a minor, some States of US regard this as legalized. Usage of alcohol on private property is also somewhat legalized by some States but presence of a guardian or adult member is essential. Medical intentions, educational intentions or religious intentions also allow alcohol consumption to some extent by some States. However, all these allowances are not legal in all States but a few States only (Illinois Liquor Control Act of 1934 As Amended Through Public Act 89-0376).

As per American Law, non-resident defendant could be brought to the court of law only when service of process was ensured within the territorial jurisdiction of state. Jurisdiction for an out-of-state defendant considered as extra territorial jurisdiction. A state can exercise its jurisdiction within its area of operations (Long-Arm Statute - Further Readings 2011).

The U. S. Supreme Court upheld this principle and stated that judgments by a court of law without such jurisdiction mere violations of due process of law.

According to Illinois Liquor Control Act of 1934 As Amended Through Public Act 89-0376 given on the Illinois State website,

“ Any person under the age of 21 years who presents or offers to any licensee, his or her agent or employee, any written evidence of age and identity that is false, fraudulent, or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, who falsely states in writing that he or she is at least 21 years of age when receiving alcoholic liquor from a representative, agent, or employee of an express company, common carrier, or contract carrier, or who has in his or her possession any false or fraudulent written evidence of age and identity, is guilty of a Class A misdemeanor wherein sentence of imprisonment for the guilty person varies from state to state and the persons sentence shall include, but shall not be limited to the following:

- a) A fine of not less than \$500
- b) At least 25 hours of community service for an alcohol abuse prevention program”.

If any guardian or parent of a minor allows his premises or residential area to an invitee of ward or child and in case the invitee is less than 21 years, this is categorized as breach of law and is totally illegal.

Under the mentioned scenario, Mr. Adamson cannot initiate legal action against Makers Mark, alcoholic beverage company for providing liquor to his eldest child aged 15 years due to the following reasons:

- 1) Makers Mark located in Kentucky and Mr. Adamson is residing in Old Homes Idaho. As per American Law, non-resident defendant could be brought to the court of law only when service of process effected within the

territorial jurisdiction of a state.

2) Mr. Adamson's eldest son faxed fraudulent age on oath to the above company which attracts punishment under Class A misdemeanor. The sentence for the guilty person may be extended to one-year imprisonment or more by the competent court of law and a fine not less than USD 500.

Works Cited

Illinois Liquor Control Act of 1934 As Amended Through Public Act 89-0376.

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Hanson, David J. The National Minimum Drinking Age Act of 1984. 2011.

Retrieved on September 21, 2011 from <http://www2.potsdam.edu/hansondj/YouthIssues/1092767630.html>

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