



2011 Gasparilla Survival Guide: Info from Tampa DUI Lawyers

Here are some tips for "surviving" the 2011 Gasparilla Pirate Fest.

Jan. 20, 2011 - [PRLog](#) -- It is that time of year again; this year's Gasparilla Pirate Fest is scheduled for January 29, 2011. Gasparilla can be a great time, but it can become a nightmare. If last year's police enforcement is repeated, this year we can expect a large number of arrests. In 2010, over 400 people were arrested on criminal charges at Gasparilla. The vast majority if these arrests were related to the possession of alcohol. Most of the arrests were for possession of open containers of alcohol.

Last year, after complaints from the neighborhoods around the parade route, the City of Tampa Police Department stepped up enforcement of all alcohol related crimes. Unfortunately, many people who were arrested believed from past years experience that open containers were allowed. In fact, if you look at the website for the Gasparilla Pirate Fest you will see that alcohol is sold at the event. So the obvious question is how people were arrested for having an open container when alcohol was sold at the event. The answer is that open containers are only allowed in the area specifically designated directly around the parade route. The Tampa Police Department claims that the area where alcohol is allowed will be marked with signs this year. If you do not see signs the general rule is that open containers are allowed from the southbound sidewalk of Bayshore Boulevard to the bay.

Last year the Tampa Police Department posted officers on many of the streets in South Tampa that lead to the parade route. As you can imagine this was like shooting fish in a barrel. People who were going to the parade and had an alcoholic drink in their hand were stopped and charged with open container. Most people were given a notice to appear in court and not taken to jail. These notices to appear in court are considered an arrest, but the person is released at the scene without going to jail. However, many people who did not have local addresses were taken to jail. As you can imagine either one of these scenarios would not be a good start to your Gasparilla.

The Tampa DUI attorneys <http://www.duiattorneystampabay.com/> at our firm were successful in having charges against several of our clients dismissed based on issues relating to the stop and search of our clients. Law Enforcement officers cannot randomly stop and search citizens without reasonable suspicion. Several of our clients were stopped only because they were holding a cup. Courts have held that the mere fact that a person has a cup is not a valid reason to stop a citizen to check and see if the cup contains an alcoholic beverage. Officers in most of the arrests from last year argued in court that they did not order people to stop, but only spoke to people as they passed. This is what is known as a citizen encounter, and as long as the person is not ordered to do anything it may allow an officer to observe alcohol in a cup without a stop or search. However, in most cases we found officers ordered people to stop or to come over to them. In these cases we were able to file successful motions to suppress the evidence.

Many of the other arrests from last year were for possession of alcohol by a person under twenty one. Underage drinking will again be the target of law enforcement at this year's parade. Many underage college students travel to Tampa for Gasparilla, and inevitably some of them will be arrested. A majority of these students will be taken to jail because they do not have a local address. In addition, each year many of these underage people are found with a fraudulent identification card after their arrest. Possession of a fraudulent identification can be a felony. Anyone facing these or other charges should contact a Tampa DUI

lawyer <http://www.duiattorneystampabay.com/>.

Law enforcement will also be on the lookout for impaired boaters during the Gasparilla invasion. Dozens of boaters find themselves under arrest for boating under the influence every year at Gasparilla. Unlike when driving an automobile, police do not need reason to stop a vessel. Law enforcement officers are allowed to stop boaters for a safety inspection, and if they notice that the captain has been drinking they may conduct a B.U.I. investigation. As always, it is important that the captain of your vessel at Gasparilla refrain from drinking any alcohol.

At Thomas & Paulk, P.A. we hope that you have a great time if you attend any of the Gasparilla festivities. We hope that the above information helps you have a fun filled day that is not ruined by an arrest for any alleged criminal conduct. If however you are charged with any crime resulting from Gasparilla, the attorneys at Thomas & Paulk, P.A. are on call and ready to help. Our attorneys help clients with all of the above charges every year, and we stand ready to help. A Tampa DUI attorney <http://www.duiattorneystampabay.com/> from our office can be reached 24/7 at 813-221-4200.

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