

HYPOTHETICALS

Dual Intent

A intends to touch *B*, but intends the touching to be friendly. *A* taps *B* on the shoulder with his full hand, and *B* cries out in pain. As it turns out, *B* is actually seriously harmed by the touch because of a previously broken collar bone. The hand tap aggravates the injury greatly.

A, a child, becomes sick while riding in *B*'s taxi cab. *B* takes hold of *A* in order to help her. He ends up breaking her collar bone, not knowing his own strength or that her bones were brittle.

A is an adult male who is mentally disabled and has the mental development of a 5 year old. *A* intends to touch the breast of *B*, not intending to hurt or offend *B*. *A* touches *B*'s chest several times, and *B* is actually and reasonably revolted by the touching.

A travels to the airport to pick up his wife on her return from a business trip. As he is walking through baggage claim, he sees his wife facing away from him. He recognizes her from behind and walks up behind her and then gives her a big bear hug and "romantic" kiss on the ear. The woman, *B*, is not his wife, but someone else. It was a case of mistaken identity.

Thin-Skull (a.k.a. Egg-Shell Plaintiff) Rule

Intending an offensive contact, *A* lightly kicks *B* on the shin. The blow, although offensive, is so slight that it would normally cause no bodily harm. *B* suffers from a diseased leg, however, of which *A* neither knows nor has reason to know. The slight blow so aggravates the diseased condition as to result in a prolonged and expensive illness. *B* sues *A* for battery.

Assault

A drives his automobile close to the curb for the purpose of frightening *B*, a pedestrian. *B* is put in fear of his bodily safety but is otherwise unharmed.

A, intending to frighten *B*, discharges a pistol behind his ear. *B*, who is deaf, does not hear the pistol and does not discover what happened until later.

A, standing behind *B*, points a pistol at him. *C* overpowers *A* before he can shoot. *B*, hearing the noise, turns around and for the first time realizes the danger to which he had been subjected.

A, a scrawny individual, attempts to strike *B* with his fist. *B* is a heavyweight boxer. *B* is not at all afraid of *A*, is confident that he can avoid any such blow, and in fact succeeds in doing so.

A, a notorious gangster, who is known to have killed other men, telephones *B* and tells him that he will shoot him on sight. A week later, coming around a corner, *B* encounters *A* standing on the sidewalk. Without moving, *A* says to *B*, "Your time has come." After waiting 2 minutes, *A* then walks away, having done nothing.

Dabbs calls Purtle, his next-door neighbor, and says: "I'm coming over right now and I'm going to beat you up." Dabbs slams down the phone, but becomes absorbed in a TV program and never leaves his house.

Transferred Intent Between Battery/Assault

A is playing golf. *B*, his caddie, is inattentive and *A* becomes angry. Intending to frighten but not harm *B*, *A* aims a blow at him with a golf club which he stops some eight inches from *B*'s head. Owing to the negligence of the club maker, the rivet which should have secured the head is defective, though *A* could not have discovered the defect. The head of the club flies off and strikes *B* in the eye, putting it out.

A and *B* are trespassers upon *C*'s land. *C* sees *A* but does not see *B*, nor does he know that *B* is in the neighborhood. *C* throws a stone at *A*. Immediately after *C* has done so, *B* raises his head above a wall behind which he has been hiding. The stone misses *A* but strikes *B*, putting out his eye.

A throws a stone at *B*, whom he believes to be asleep. *B*, who in fact is awake, sees *A* throwing the stone and escapes by dodging.

False Imprisonment—Intent

We work at a restaurant. Just before closing, I tell you to inventory the items in a freezer. I then forget and accidentally lock you in and go home. I realize as much, run back and let you out. Requisite intent for false imprisonment?

Same as above, except that when I get home and realize I locked you in I decide to leave you there. It would be a pain to drive back to work to let you out now, and I'm so tired, so I'll let you out tomorrow morning. First thing, I swear!

I put you in a room intending to send poisonous gas in it to scare you, and thus commit a battery or at least an assault, but I did not intend to confine you in that room. I locked the door accidentally. Is that enough intent for false imprisonment?

I intend to confine you to a room for five hours, and nothing more. I accidentally hit a button on a machine sending poisonous gas in, thereby causing a touching and harm. Claim for battery?

I dig a pit that is 10 feet deep, intending for you to fall in it. I know you will be hurt when you fall in. I don't intend you to be trapped, but you are. Requisite intent for false imprisonment?

I am a store security person and I suspect that you are shoplifting. I order a lock down of the store, intending to confine you in it. In the process, I also lock in someone else. That other person wants to sue for false imprisonment. Sufficient intent as to them?