

### Prima-Facie Case—Battery

(NB! The definition below does not incorporate transferred-intent doctrines; apply them separately)

A  $\pi$  must demonstrate both the intent and action/result elements.

**I. INTENT:**  $\delta$  must intend to [1] cause a contact with the  $\pi$  [2] that is harmful or offensive;

SINGLE INTENT = [1] only; DUAL INTENT = [1] + [2]

[1]. The intent to contact is satisfied if the  $\delta$  either:

[a]. Desires to cause the contact; or

[b]. Knows with substantial certainty that the contact will occur.

[2]. An intent to cause a contact that is [a] harmful or [b] offensive is shown if the  $\delta$  either:

[a]. Desires to harm, or is substantially certain the contact will harm, the  $\pi$ ; or

[i]. For the definition of harm, see below.

[b]. Desires to offend the  $\pi$  or is substantially certain the contact will offend a reasonable sense of personal dignity, *i.e.*, it would be offensive to an ordinary, reasonable person under the circumstances.

[i]. If the contact would not offend a reasonable person's sense of personal dignity, and the  $\pi$  is unusually sensitive, the contact nevertheless becomes "offensive" if the  $\delta$  is aware of the  $\pi$ 's sensitivity.

**II. ACTION/RESULT:** The  $\delta$  must actually [1] cause the [2] contact to result and [3] the contact must be harmful or offensive.

[1]. The  $\delta$  can cause the contact either directly or indirectly.

[2]. An actual contact must occur with the  $\pi$ 's body or with items closely associated with the  $\pi$ 's body or person.

[3]. The contact must be [a] harmful or [b] offensive.

[a]. A contact is harmful if it is a physical impairment of the condition of the  $\pi$ 's body, including physical injury, illness, or death.

[b]. A contact is offensive if the  $\pi$  is actually offended and it would offend a reasonable sense of personal dignity, *i.e.*, it would be offensive to an ordinary, reasonable person under the circumstances.

[i]. If the contact would not offend a reasonable person's sense of personal dignity, and the  $\pi$  is unusually sensitive, the contact nevertheless becomes "offensive" if the  $\delta$  is aware of the  $\pi$ 's sensitivity.

[A]. But this special sensitivity rule will not apply where it would violate public policy.