

I. Intentional Torts

A. Prima-Facie Cases

1. Battery
2. Assault
3. False Imprisonment
4. Trespass to Land
5. Trespass to Chattels

B. Defenses

1. Defense of People (a.k.a. self defense)
2. Defense of Property
3. Discipline
4. Consent
 - a. Affirmative defense?
 - b. Accomplished by:
 - i. Actual consent
 - ii. Apparent consent
 - iii. Emergency
 - iv. Substituted/Proxies
 - c. Negated by:
 - i. Incapacity
 - a. Age*, mental disability, power dynamic, intoxication
 - ii. Duress—Economic v. Physical
 - iii. Exceeded Scope
 - iv. Revoked
 - v. Fraud

Prima Facie v. Affirmative Defense

You file a complaint that says I intentionally punched you in the nose and knocked out all your teeth. You claim it was a battery. Would this survive a motion to dismiss?

I then file an answer and plead self-defense. I admit I intentionally punched you in the nose and that I did it with an intent to harm you, but the reason I did it was because you were coming at me with a knife.

Self-Defense Hypos

1. I encounter you in a dark alley at night and you raise what looks to me to be a walking cane. You then call me a loser, who will never go anywhere in life. I run up and knock you out for spite. Turns out your cane was really a shot gun. I was wearing sunglasses at night to look cool; most people would have seen it was a gun. You really wanted to shoot me and would have had I not knocked you down. Self-defense available?
2. I am an especially paranoid person. You walk up to me in class, extend your hand to shake, and I pop you in the face. I actually believed you were about to hit me. Self-defense available?
3. You sucker punch me from behind and then start to walk away. I get up, chase you down, and punch you. Self-defense available?
4. You shoot me with a tranquilizer dart, handcuff me, and then lock me into a room, thereby imprisoning me. When you walk back in I head butt you and escape. Self-defense available?
5. You punch me and say you will punch me again. Seeing as I am much stronger than you, I can stop the second punch by grabbing you, which I do. But then I gratuitously punch you in the nose, breaking it. Self-defense available?
6. You come at me with a toothpick, saying you are going to stab me in the leg with it. Can I hold up a gun and assault you with it by saying that if you take one step closer that I will shoot you?
7. There is fight where fists are flying from one person to the other, with both committing batteries on each other. Who, if anyone, gets to use self defense?