

People v. Taylor

Criminal Law: Assault and Battery

Facts

Alex and Ezra went to a club to have a drink. Taylor, who had been drinking, came up to their table and began to speak to Ezra. Alex asked Ezra, "Do you know this person?" Ezra replied, "No." Alex got angry and told Taylor to "Get lost!" An argument took place and a fight ensued. The police were called, and Taylor was arrested for assault on Alex. Taylor claimed Alex caused the fight and that it was self-defense.

Evidence



Witnesses*

For the prosecution:

- Alex
- Ezra

For the defense:

- Taylor
- Sam

*Roles are not gender specific. Pronouns in the witness statements should be changed to the pronouns of the person playing the role.

The Law

Assault and Battery—Defined

“Any intentional and unlawful threat or attempt to commit injury upon the person of another, when coupled with an apparent present ability so to do, and a display of force such as to place the victim in apprehension of immediate bodily harm,” is held to constitute an assault. An assault may be committed without actually touching or striking or doing bodily harm to another.

“Battery is any intentional and unlawful use of force upon the physical person of another.” Very minor touching of the person of another may constitute a battery.

“Unlawful, as used in these instructions, means either contrary to law or without legal justification.”

Self-Defense—Defined

“Defendant would be criminally responsible only in the event that the striking of the complainant was unlawful. Not every striking of another person is unlawful. The law recognizes the right of an individual to defend his or her own person. A person does not need to delay their defense until unmistakably and in fact the supposed aggressor has made the first move. The test is reasonableness. A person with a reasonable fear for his or her own safety by reason of the conduct of another may take reasonable steps to defend himself or herself.”

Witness Statements

Alex: “I was just sitting in The Club with Ezra, listening to the music, when this person came up and started bothering us. I asked Ezra if she knew him, and she said, ‘No.’ So I told him to get lost. The guy was blind drunk, and he kept bothering us, so I stood up and told him to leave before I

called the manager. About that time, he clenched his fists and raised them like he was going to punch me. When I turned to walk away, he hit me.”

Ezra: “I was with my boyfriend, Alex, when an old friend of mine, Taylor, came over to our table. Taylor had been drinking, and he grabbed my arm and told me to dance with him. Alex asked me if I knew him, and I said, ‘No’ because Alex is very jealous. Then Alex told Taylor to leave before some trouble got started. Taylor didn’t leave, and Alex stood up to argue with him. The next thing I knew, they were fighting.”

Sam: “This one guy was sitting with a girl when Taylor went over to them. I know Taylor because he plays in a band here occasionally. Taylor only had two drinks. I know because I was waiting on his table. Taylor motioned to the girl to dance, and then he held her arm to help her up. The guy she was with got mad and started yelling. Taylor smiled and told him to be cool. The guy jumped up and grabbed Taylor. Taylor hit him, and they really went to it. After that, the cops came.”

Taylor: “I was at The Club, walking around checking the place out. I saw Ezra. I went out with her for two years, but I hadn’t heard from her in a couple of months. I went over to ask her how she was doing. I’d had a couple of drinks, but I wasn’t even a little drunk. I asked her to dance, and the guy with her looked at me funny. I know Ezra well, and I knew she wanted to dance with me, so I took her by the arm. Then the guy sitting with her confronted me. I told him I didn’t want any trouble. Then he jumped up and before I knew it, he grabbed me and hit me.”