Hypothetical 1

Bob and Joe had known each other for years because they worked at the same place, but they didn’t like each other at all. One day, Bob saw Joe talking to some guys on his coffee break, and Bob walked right up to Joe, swung his right fist, and punched Joe in the nose, breaking it.

Did Bob commit BATTERY?

Battery is the intentional, harmful or offensive touching of another.

When Bob punched Joe, Bob’s act was intentional because Bob was purposefully swinging at Joe. It was a harmful and offensive touching because Bob’s punch hit Joe’s nose and it actually broke his nose.

Therefore, Bob committed battery.
Hypothetical 2

John had a car he wanted to sell and he ran an ad. Harold saw John’s ad, and called John to arrange to see the car at John’s house.

After Harold arrived and looked the car over, he took it for a test drive. When he returned, John asked, “So what do you think? Do you want to buy it? I’ll sell it to you for $500.”

Harold replied, “Yes, I’m interested.”

Did Harold ACCEPT John’s offer?

An acceptance is an unequivocal assent to the terms of an offer.

Harold told John, “Yes, I’m interested,” which John will argue was an acceptance because of John’s use of the word “Yes,” which generally indicates agreement or assent. However, being interested in an offer is not an unequivocal assent because a person could be interested without actually deciding to buy. Thus, John’s statement was ambiguous, not unequivocal.

So Harold did not accept John’s offer.
Hypothetical 3

Rule to know:

Under common law, burglary is the breaking and entering of the dwelling house of another during the nighttime with intent to commit a felony therein. However, the rule has been modified under modern statutes to include any structure, including a car, any time, and any criminal intent, including petty theft.

Hypothetical 3

Sally was lost, it was storming, and she was desperate to find shelter. Although it was so dark she couldn’t see a thing, she managed to make her way to Jan’s door. She pounded on the door, but there was no answer.

Sally groped along the wall until she found a window. It was unlocked, so Sally opened it and crawled into the house. She curled up on the couch and slept until morning when Jan came home from her overnight job and found her.

Did Sally commit BURGLARY?

Under common law, burglary is the breaking and entering of the dwelling house of another during the nighttime with intent to commit a felony therein. However, the rule has been modified under modern statutes to include any structure, including a car, any time, and any criminal intent, including petty theft.

When Sally found a window which was unlocked, she didn’t need to break it to enter; however, opening a closed window is considered to be a breaking for the purposes of burglary. Further, Sally crawled through the window into the house, which is an entry. It was Jan’s house, which is the dwelling of another, and it was night because it was dark and Jan was at her overnight job.

However, Sally did not intend to commit any crime once inside. She was merely seeking shelter from a storm. The fact that she went to sleep provides further evidence of her lack of criminal intent.

Thus, Sally did not commit burglary