

## Sample Case Brief

(1) **Case Name, Court, & Year:** *Vosburg v. Putney*, Supreme Court of Wisconsin, 1891.

(2) **Facts:**

**Evidentiary:** Two boys were in a classroom during school hours; the teacher had just called the class to order. Defendant kicked plaintiff in the shin. Afterward, the shin area became infected, and plaintiff eventually lost use of his limb.

**Procedural:** The boy who was injured sued the boy who kicked him, alleging battery. Jury found for plaintiff. Jury found in a special verdict that although defendant kicked plaintiff in the shin, defendant did not intend to harm plaintiff. Defendant appeals.

(3) **Issue:** Whether a boy satisfied the intent element of battery when he kicked another boy in the knee while in class and, as a result, the knee later became infected, and the leg became lame.

(4) **Rule:** In an action to recover damages for battery, plaintiff must show either that defendant intended to do the act and the act was unlawful or that defendant intended the ultimate result. If the intended act is unlawful, then the intention to commit it must necessarily be unlawful.

(5) **Application:** Here, defendant did not intend the end result (injuring plaintiff's leg so severely), but he did intend to kick him in the shin during a time (when class was in session) and a place (the classroom) where this action (the kicking) was unlawful. Because defendant intended the act (kicking) and the kick was unlawful, he satisfied the intent element of battery.

(6) **Conclusion:** Because defendant's intended act of kicking plaintiff was unlawful, his intention to kick plaintiff was also unlawful. Therefore, defendant is responsible for any harm resulting from his unlawful act.