

**QUESTION 6 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK
II OR IN EXAMPLIFY ANSWER SCREEN 6**

John Smith was at a local hardware store looking to buy a few electrical items. Smith told the sales associate that he was looking for fuses, electrical tape, light bulbs, and a few other items. With his help, Smith found all the items, including some fuses. Because Smith forgot a shopping cart, and his hands were getting quite full, he put the fuses in his pocket to carry to the checkout line. A store security officer saw Smith place the fuses in his pocket. After gathering the rest of his items, Smith proceeded to the checkout line.

At the register Smith presented all his items to the sales clerk, except the fuses. He paid for the other items, and the officer watched him leave the store. After placing the bag of goods into his car, Smith reached into his pocket and realized he forgot to pay for the fuses. As Smith turned to go back into the store and pay for them, he was confronted by the security officer. The officer took Smith back into the store and into a windowless back room. There, the officer asked Smith to empty his pockets, which revealed the fuses. Smith stated he had the money and meant to pay for the fuses, but forgot they were in his pocket. Because Smith failed to produce a receipt, the officer told him to wait in the room until he returned, and that the door was being locked.

The officer investigated the situation. He spoke with the electrical aisle sales associate, as well as the sales clerk, who both confirmed that Smith was a long-time customer who was not acting suspicious. An hour after starting the investigation, the officer met with his supervisors and the supervisors decided that Smith did not intend to steal the fuses and that he should be released upon paying for the fuses. However, because he thought Smith was trying to steal the fuses, the officer did not release Smith for another two hours, hoping that would teach him a lesson.

Smith is now suing the hardware store for his wrongful detention.

Identify:

1. The most relevant cause of action;
2. Set forth the elements for the claim;
3. Explain whether Smith can prevail; and,
4. What damages can he seek.

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