

Unprepared for a final examination, a student asked his girlfriend to set off the fire alarms in the university building 15 minutes after the test commenced. The girlfriend did so. Several students were injured in the panic that followed as people were trying to get out of the building.

If both the student and the girlfriend are prosecuted for battery and for conspiracy to commit battery, what is the likely result?

- A. They are guilty of both crimes.
- B. They are guilty of battery but not conspiracy.
- C. They are guilty of conspiracy but not battery.
- D. They are not guilty of either crime.

Explanation:

Battery requires proof that the defendant unlawfully inflicted **harmful or offensive physical contact** on another. Since battery is a **general intent crime**, the contact need not be intentionally inflicted. **Criminal negligence**—ie, a gross deviation from the level of care a reasonable person would use under similar circumstances—is enough to support a battery conviction.

Here, several students were injured when the fire alarms caused people to exit the building in a panic. Although the girlfriend did not intend to inflict harmful or offensive contact when she set off the alarms, she was criminally negligent when she did so during an examination. Therefore, she is guilty of battery. And since the student acted as her **accomplice** when he encouraged her to set off the alarms, he is liable to the same extent as the girlfriend (**Choices C & D**).

Conspiracy requires proof that (1) the defendant entered an **agreement** with the **specific intent** to **commit a crime** and (2) an overt act was committed in furtherance of that agreement. Here, the student and the girlfriend agreed that she would pull the fire alarms. But since they did not enter that agreement with the specific intent to commit battery, they are not guilty of conspiracy to commit battery (**Choice A**).

Educational objective:

General intent crimes (eg, battery) require at least criminally negligent conduct—ie, grossly deviating from the level of care a reasonable person would use under similar circumstances. But specific intent crimes (eg, conspiracy) require intentional conduct—ie, purposefully or knowingly causing a particular result.

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Types of mens rea

