

Animal rights activists were protesting the use of monkeys in medical experiments by scientists who were developing a vaccine for a harmful virus. For several consecutive days, the activists marched in front of the exit door of the scientists' laboratory so that the scientists could not leave without first facing a barrage of name-calling and heckling from the activists. One scientist who was particularly agitated by the protesting decided to take revenge on one of the most vocal activists. On her way out of the laboratory, the scientist threw the skull of a monkey at the activist. The activist happened to turn his body and look away just after the scientist threw the skull. The skull struck the bag that the activist was carrying on his back. Upon discovering that he had been hit by a monkey skull, the activist became extremely distressed and upset.

Is the scientist guilty of the crime of battery?

- A. No, because the activist did not see the monkey skull coming toward him.
- B. No, because the monkey skull struck the activist's backpack instead of his person.
- C. Yes, because the scientist had the specific intent to throw the monkey skull at the activist.
- D. Yes, because there was an unlawful application of force that constituted an offensive touching.

Explanation:

Criminal battery is the unlawful application of force to the **victim's person**—including an **object near, carried by, or attached to** the victim—that causes bodily harm or constitutes an offensive touching. Contact is offensive if a reasonable person would find it unpleasant or repugnant.

Here, the scientist unlawfully threw a monkey skull (unlawful application of force) at the activist, striking the backpack that the activist was carrying (victim's person). Being struck by a monkey skull would be unpleasant or repugnant to a reasonable person, so the resulting contact was offensive. Therefore, the scientist is guilty of criminal battery (**Choice B**).

(Choice A) Unlike assault, which arises from an attempted battery or when a defendant intentionally places another in reasonable apprehension of imminent contact, battery does not require proof of apprehension. Therefore, the fact that the activist did not see the monkey skull coming is irrelevant.

(Choice C) Battery is a **general intent** crime, so the criminal act (throwing a skull) need only be consciously performed or criminally negligent. Therefore, the scientist's *specific* intent—ie, that the criminal act be performed for a particular purpose (to hit the activist)—is not required to find her guilty of battery.

Educational objective:

Criminal battery is the unlawful application of force to the victim's person—including an object near, carried by, or attached to the victim—that causes bodily harm or constitutes an offensive touching.

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