

# Studying a

Law



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False Imprisonment: The Case of Paul Trune Introduction When an individual has been confined without his or her consent and thus defying the will of the individual and the associated violation of freedom then it is said that false imprisonment has occurred. False imprisonment is a tort which is also presented in the common law felonies and applies to both government and private detentions. This paper presents a case of Paul Trune against a farmer who allegedly falsely imprisoned him in relation to the *Herbst v.*

*Wuennenberg* case in which the plaintiff's complain for false imprisonment was disapproved by evidence. The paper discusses Trune's accusation with a view of illustrating the dissenting opinion that there was no false imprisonment.

The accusations of Trune that the farmer intended to confine him within fixed boundaries do not sufficiently prove the crime of false imprisonment because the farmer did not lock him in the farm house. Because the farmer did not lock the farm house, it can thus be argued that there was no false imprisonment because Trune's freedom was not limited at all. This case can be compared with the *Herbst v. Wuennenberg* case in which the plaintiffs were asked by the accused to leave before the occurrence of the events which led to the legal suit. This illustrates that in the *Herbst v. Wuennenberg* case, the freedoms of the plaintiffs was not violated. The case led to a ruling of the appeal court that favored Wuennenberg because sufficient evidence suggested that there was no false imprisonment of the plaintiff (Supreme Court of Wisconsin 1).

The actions of the farmer were motivated by the need to protect his farm from intruders and trespassers and there was no intention of leading to the confinement of the plaintiff otherwise he would have locked him in the farm

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yard. In the *Herbst v. Wuennenberg* case, the plaintiffs admitted that they were not intimidated neither threatened by the accused (Supreme Court of Wisconsin 2). On a counter argument, Trune admits that he stayed in the farm house because he feared the possible outcome of the farmer's actions, which does not adequately substantiate the claims that his life was in immediate danger. The actions of the farmer were in ordinary sense harmless and the plaintiff has no real evidence to prove that the farmer put him in unbearable danger.

Trune's arguments however differ with the *Herbst v. Wuennenberg* case on the trespass issue is compared between the two cases. Like in the case of *Herbst* and the other plaintiffs, Trune does not defend his reason for being on the farmer's field. However, the fact that some form of trespass was involved in the two cases illustrates their similarity. The issue of forceful imprisonment however is not subsequently proved in the two cases. The lack of false imprisonment in the *Herbst* accusations is demonstrated by the fact that the appeal case was ruled in favor of *Wuennenberg* (Supreme Court of Wisconsin 3). The accusations of Trune against the farmer are compromised by the fact that his freedom was not limited and remaining in the farm house after the farmer left was arguably on the plaintiff's own volition.

#### Conclusion

The claims of Trune for the alleged false imprisonment by the farmer do not provide sufficient proof because the farm house in which the plaintiff claims to have been confined was left open. The freedom of the plaintiff was not limited as illustrated by his free will that let him remain in the unlocked farm house even after the farmer had left. The court finds that there is no false imprisonment in this case and thus rules in favor of the farmer.

Work Cited

Supreme Court of Wisconsin. Herbst v. Wuennenberg. 1978. Web. 5 February 2012