

Snyder v. turk essay



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Snyder v. Turk p40 Procedural History: Lower court entered a directed verdict for Dr. Turk b/c there was an absence of evidence that he intended to inflict personal injury Directed verdict: a ruling by a trial judge taking a case from the jury b/c the evidence will permit only one reasonable verdict (after trial) -testing sufficiency of evidence (enough facts to prove elements) Issue: Did Dr. Turk intend to commit a battery when he touched D but did not intend personal injury? Does a person intend to commit battery when he initiates contact that is offensive to a reasonable person? Facts: D was performing a gall-bladder operation and it was not going well. He was becoming frustrated w/the operation and the P who he felt was making mistakes and making it more difficult. Finally, P handed D an instrument that he felt was inappropriate so he grabbed her shoulder and pulled her face down to the surgical opening and said Arguments: D argues that the lower court was right in its dismissal, there is no evidence that he intended to inflict personal injury

Court argues that you are liable for battery when your actions intend to cause a harmful or offensive contact and the harm/off contact results. - offensive contact is contact that is offensive to a reasonable sense of personal dignity Rule: A person intends to commit battery when he initiates contact w/another that is offensive to a reasonable person Holding: Lower court made error. Reasonable minds could conclude that Dr. Turk intended to commit an offensive act. Rationale: Dr. Turk intended to grab plaintiff and pull her face -This action is offensive to a reasonable person (sense of personal dignity)