

IIED – problem of balancing w/ free speech vs. existence of real injury

False imprisonment

-wilful detention w/out consent – need intent to detain

Physical restraint, threat to P or to another, fraud

Detention: confined for any length of time,

Definition of confined

-without authority of law

Shopkeepers' privilege: rsble belief stole something, search carried out in rsble manner

Trespass to land

Trespass to chattels -> conversion if permanent and can then get value of property

Defenses

Consent – to fight or roughhousing

No recovery for either side (Rstmt) vs. both sides sue each other and consent is invalid

What is consent? Actual or apparent

Effective consent? Coercion enough? Economic coercion?

Consent isn't effective if procured by threat, duress, fraud or if incompetent to consent

If P has abnormality that makes them unable to validly consent, D must know about it to vitiate consent

Self-defense

Can use force in self-defense when believe is necessary and when rsble person would think necessary - can use deadly force only if threatened w/ deadly force

Rsble mistake as to P's intent is OK

Can't use self defense if the aggressor unless withdraw and withdrawal is clear to other party

Retreat – not in own home and cts. Split

Defense of others – treated like self-defense except for rsble mistake

Defense of property – can use rsble force but can't use lethal force (aimed at causing death or serious harm) to protect property alone

Necessity – if needed to avoid greater harm and imminent harm + least restrictive means