

ANSWER KEY - Assault and Similar Offenses Worksheet

1. Diane and Ken are southbound on Interstate 5; Ken is the front seat passenger and Diane is driving. There are two teens in the backseat. Diane is chatting on her cell phone and not paying attention to traffic. She has not committed any traffic infractions yet (other than talking on her cell phone while driving). Ken gets annoyed at Diane and tells her to get off the phone. Diane continues her phone conversation, ignoring Ken. Ken gets frustrated and decides to teach her a lesson. Ken grabs the steering wheel, causing the car to swerve right toward the physical barrier wall. Diane regains control of the car, narrowly avoiding the concrete barrier

What crime has Ken committed, if any? *Reckless Endangerment (9A.36.050)*

What are the elements of the crime? *Recklessly engages in conduct which creates substantial risk of death or serious injury*

What is the penalty? *Gross Misdemeanor*

2. Owen and Robert are walking home from Jackson High School. They run into Norman, who is standing along the side of the road near the Safeway. Owen and Robert approach Norman and threaten to beat him up if he refuses to go into Safeway and steal some donuts and beer for them. Norman is scared of them. He steals the donuts and beer and gives the goods to Owen and Robert.

Owen and Robert are guilty of what? *Coercion (RCW.36.070) and Theft (9A.56.050)*

What are the elements of the crime? *By use of a threat, compels or induces a person to do something (control behavior by use of threats; take other's stuff with intent to deprive*

What is the penalty? *Both are Gross Misdemeanors*

Did Norman commit a crime? *Yes (theft), but he has an affirmative defense (duress).*

3. Sven and Omar are driving past the community center on the tribal land near their house. Sven really dislikes the Native American culture in the area because he blames them for controlling all the good hunting and fishing land around his home town because of the reservation land. At the entrance to the community center is a large, hand-carved untreated wooden statue of a Tribal elder. Sven pulls off the road near the statue and tosses a gallon of red paint over the statue. He smirks to Omar, "Now the Chief has his war paint!" The nine hundred dollar statue is ruined.

What crime has Sven committed, if any? *Malicious Mischief 2 (9A.48.080) and Malicious Harassment (9A.36.060)*

What are the elements of the crime? *Knowingly and maliciously caused property damage exceeding \$750 dollars; maliciously and intentionally caused property damage because of the victim's race/ethnicity*

What is the penalty? *Both are Class C felonies*

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4. You respond to a rush hour road rage incident in progress. The victim is on the phone with 911 because another driver followed him home after a traffic incident a couple miles down the road. The victim is currently parked in his driveway in his Toyota Camry with the doors locked. The victim tells dispatch that the other driver has exited his vehicle carrying a tire iron. The victim tells dispatch that the suspect is aggressively coming toward him, waving the tire iron around. Dispatch advises you that they heard a second male, probably the suspect, yell, "Get out of that car so I can beat some manners into that thick head of yours! I should get my gun out and just shoot your dumb ass!" The victim screams into his phone, "Oh, my gosh! I think he's going to kill me!" You arrive and find the suspect back by his vehicle, the tire iron no longer in view. You detain him and confirm the story above; specifically, the victim tells you that the suspect stood about twenty feet from his Camry while he yelled the threats and waved his tire iron. When the victim told him he was calling the police, the suspect walked back to his pick-up truck and waited.

What crime has occurred, if any? *Harassment (9A.46.020) and Brandishing (Weapons Capable of Producing Bodily Harm 9A.41.270) – you can charge both because he is brandishing the weapon in a manner to intimidate and he verbally threatened the victim*

What are the elements of the crime? *Harassment - knowingly threatens victim and victim has reasonable fear that the threat would be carried out; Brandishing – displayed weapon in a manner that manifested an intent to intimidate.*

What is the penalty? *Harassment – gross misdemeanor or felony (threats to kill?) and Brandishing – gross misdemeanor*

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What crime has occurred, if any? *Assault 2 (9A.36.021)*

What are the elements of the crime? *Assaults another with a deadly weapon (not amounting to first degree)*

What is the penalty? *Class B felony*

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5. One sunny afternoon in late August the temperature reached 98 degrees by 2 PM. David (36 YOA) and Crystal (33 YOA) decided to stop at Albertsons to get a 12-pack of beer, a video, and a few groceries before they headed home. When they pulled into the parking lot, they realized that their newborn had finally fallen asleep. Not wanting to wake the baby, they decided to leave the baby in the car while they did their shopping. Another shopper saw the child (several minutes after the parents had gone inside), watched for about 15-20 minutes during which time the parents did not return, and called 911 because the child woke up and was screaming and sweating profusely. The RP told the officer who arrived that the child had now been alone inside the car for at least 45 minutes by the time police arrived. When David and Crystal return to the car, they tell the officer that they have raised three other children and never left them like this. They were tired and frustrated with the screaming child and had not wanted to wake her. They only meant to be gone for a couple minutes, but they got distracted looking at movies to rent and lost track of time. Paramedics respond and advise that the baby is getting dehydrated and they immediately hook up an IV.

What crime has occurred, if any? *Abandonment Second Degree (9A.42.070)*

What are the elements of the crime? *Risks great bodily harm or Causes substantial bodily harm; failed to provide adequate hydration for child due to heat/conditions*

What is the penalty? *Class C felony*

NOW WHAT IF: One sunny afternoon in late August the temperature reached 98 degrees by 2 PM. David (18 YOA) and Crystal (16 YOA) decided to stop at Albertsons to get a 12-pack of soda, a video, and a few groceries before they headed home. When they pulled into the parking lot, they realized that their newborn had finally fallen asleep. Not wanting to wake the baby, they decided to leave the baby in the car while they did their shopping. Another shopper saw the child (several minutes after the parents had gone inside), watched for about 15-20 minutes during which time the parents did not return, and called 911 because the child woke up and was screaming and sweating profusely. The RP told the officer who arrived that the child had now been alone inside the car for at least 45 minutes by the time police arrived. When David and Crystal return to the car, they tell the officer that they have no other children and have never even babysat before. They didn't realize how dangerous this situation could get. They were tired and frustrated with the screaming child and had not wanted to wake her. They only meant to be gone for a couple minutes, but they got distracted looking at movies to rent and lost track of time. Paramedics respond and advise that the baby is getting dehydrated and they immediately hook up an IV. Does anything change?

****May need to guide discussion as students often miss this one****

What crime has occurred, if any? *Assault of a Child Third Degree (9A.36.140 on David) and Criminal Mistreatment Third Degree (9A.42.035 on Crystal)*

What are the elements of the crime? *David is 18+, child is under 13 YOA, criminally neg, bodily harm extending to cause considerable suffering; Crystal is parent, failed to provide necessary water, criminally neg, risks or causes substantial bodily harm*

What is the penalty? *Class C felony (David), Gross misdemeanor (Crystal)*

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6. Jim, a 24-year-old UW student, and Sally and Angie, both 20-year-old students, attended a party at the Alpha Sigma Phi fraternity house on the 4500 block of 19th Avenue Northeast. Jim and the women decided to join others in the hot tub out back. While in the hot tub, Jim tried holding hands with Angie and repeatedly slipped his arm around her. Angie told him several times to stop. Finally, Angie told Sally that she was leaving because Jim would not quit. Angie left. Sally was upset. Sally walked up to Jim, told him he was a rude jerk, and punched him in the gut.

What crime(s) occurred, if any, and who committed the crime(s)? *Assault 4 (9A.36.041 Jim against Angie), Assault 4 (9A.36.041 Sally against Jim)*

What are the elements of the crime? *Unwanted contact-holding hands without permission (Jim), intentionally causes bodily injury-punch to gut (Sally)*

What is the penalty? *Gross misdemeanor on both*

Does Sally have a defense? *No, a lawful use of force to protect self or others (self-defense) does not apply here (9A.16.020) because Sally was not present and defending Angie at the time Jim was assaulting her.*

7. Wally was traveling in a car with friends when their vehicle was blocked by a tow truck blocking the road while attempting to move an illegally parked car. Wally opened his window and started yelling at the driver to move his truck out of the way. When the driver didn't comply, Wally got out of the car. John and Danny cheered and yelled for Wally to "teach him a lesson" and "beat him but good!" Wally punched the tow truck driver in the face, breaking his nose. The tow driver was cussing and yelling at Wally that his nose was broken. John, one of Wally's companions, jumped out of the car and started yelling at the tow driver that he'd better shut up because he got what he deserved.

What crime has occurred, if any? *Assault Second degree (9A.36.021) on Wally, John, and Danny*

What are the elements of the crime? *Intentionally causes substantial bodily injury (fracture, substantial but temporary); complicity 9A.08-020 ("encouraged")*

What is the penalty? *Class B felony*

8. Michael was walking home from a club when three males saw him from their pick-up truck. They began yelling insults at Michael, calling him a "fag" and saying that he "dresses like he's a queer." Sam, the driver, stopped the truck and exited. He confronted Michael and asked him if he was gay. Michael said that he was not gay. Sam got mad and yelled that he did not believe Michael. Sam broke off the end of a beer bottle and began slashing at Michael's face with the broken end. Michael protected himself by putting his arms up, but his arms got cut deeply enough to require more than sixty stitches and leaving permanent scars. Paul and Jesse, exited the truck and joined in by kicking and punching Michael. Michael suffered cuts to his arms, and bruising, pain, and swelling to

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his face, shoulders, and back from the kicks and punches. As the suspects walked away, Jesse spit on Michael and said, "Homos get what they deserve."

What crime(s) occurred, if any? *Assault First Degree (9A.36.011) and Malicious Harassment (9A.36.080) on all three suspects*

What are the elements of the crime? *Intent, inflicts great bodily harm (trying to cut face, deadly weapon, permanent disfigurement); suspects' motivation was hatred for a protected group of people (sexual orientation) even if the victim isn't part of that group (based on suspects' belief/perception and motivation)*

What is the penalty? *Class A felony*

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Does that change anything? If so, how? *Should be Attempted Murder instead of Assault I because the remark about "riding the world" shows intent to kill him and since he did not die, you have attempted because they definitely took a substantial step; you still have Malicious Harassment, too.*

9. 25-year-old Susan has worked at a daycare for four years. When she was hired, she received training in how to care for children, how to deal with children throwing tantrums, and legal requirements regarding touching and disciplining children. One morning, another employee doesn't show up for work. Susan has to watch twice as many children. A baby starts crying. Two 4-year-olds start fighting over a toy. Susan is getting frustrated. She grabs one of the 4-year-olds and jerks him up off the floor by his arm. She hears a popping sound, and the boy begins to cry and hold his shoulder. Susan tells him to be quiet or he will get punished even more. The supervisor walks in and takes over care of the injured boy. He tells her that, "Miss Susan hurted me!" She calls for aid. He gets taken to the hospital and treated for a dislocated shoulder which the doctor is able to put back into place, but there will be several weeks of soft tissue damage trying to heal. The supervisor calls the police. She is able to provide security video since all common areas (excluding the bathroom and changing area) of the daycare are monitored by "nanny cam".

What crime(s), if any, occurred? *Assault of a Child Second Degree*

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What are the elements of the crime(s)? *Commits Assault 2 (can't be the second prong because that requires a pattern)*

What is the penalty? *Class B felony*