

Criminal Law

Case 4:  
Don't Mess  
With My  
Friends

# People v. William D.

## The "Defense of Others" Defense

### OBJECTIVE

To understand the use of "defense of others" as a defense to the charge of assault and battery in a school fight.

### TOPICS COVERED

- Assault and Battery
- Defense of Others
- Reasonable Force

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# People v. William D.

## The “Defense of Others” Defense

### BACKGROUND

- The victim, Fabrizio, a 6-foot tall high school student, was engaged in conversation with Danny, a 5-foot 3-inch student, regarding an incident in the high school lunchroom where Danny threw food at Fabrizio.
- William D., the Defendant, was also a student at the high school, and Danny’s friend.
- William D. allegedly threatened and then punched Fabrizio in the face when Fabrizio was about to strike Danny, and as such, was defending Danny.
- William D. was charged with assault and battery against Fabrizio. William D. did not dispute that he punched Fabrizio, but claimed that he was using reasonable force in defense of others, namely, Danny.

### BEFORE YOU BEGIN

#### What is Assault and Battery?

Assault and battery are two separate crimes. Assault is an act that creates an apprehension or fear in another person of an imminent harmful or offensive contact. The “act” consists of a threat of harm accompanied by an apparent, present ability to carry out the threat. Battery is a harmful or offensive touching of another, typically considered the defendant’s “following through” with the assault.

#### What is the “Defense of Others” Defense?

A person may defend another against an imminent assault or battery by use of force against an attacker. Reasonable force is justified when a person reasonably believes that it is necessary to prevent harm to himself or another person. A person must use no more force than appears reasonably necessary under the circumstances.

#### What is Reasonable Force?

Reasonable force is the amount of force necessary to protect oneself or one’s property. Reasonable force is a term associated with defending one’s person or property from a violent attack, theft, or other type of unlawful aggression. If one uses excessive force, or more than the force necessary for such protection, he or she may be considered to have forfeited the right to defense. Reasonable force is also known as “legal force.”

## ISSUE BEFORE THE COURT

Was Danny in imminent danger when the Defendant intervened in the argument between Danny and Fabrizio? Was the level of force that the Defendant used “reasonable” to prevent injury to Danny, or was the force “excessive” under the circumstances?

## THE FACTS

William D., Danny, and Fabrizio were all students at La Jolla High School in California. On September 19, 2003, after a lunchroom incident, William D. punched Fabrizio in the face. The punch fractured Fabrizio’s left malar bone and required his hospitalization. William D. was criminally charged with assault and battery.

Fabrizio testified that the incident began when Fabrizio accused Danny of throwing food at him in the school lunchroom. Later that day, Fabrizio approached Danny and asked, “What was that all about?” Danny began calling Fabrizio names and protested that he never threw food at him. Fabrizio believed Danny was trying to get him angry by calling him names, and stated that he refrained from action because of their size difference (Fabrizio is 6 feet tall and Danny is 5 feet 3 inches tall). Fabrizio walked away from the confrontation to cool off. William then approached Fabrizio and told him “not to mess with his friends” and punched him.

Several students witnessed the incident and, based on the friendships, had differing versions of what took place.

Three of Fabrizio’s friends testified that Danny taunted Fabrizio, then Fabrizio and Danny pushed each other, and William punched Fabrizio.

Two of William’s friends testified that Fabrizio and Danny were arguing, Fabrizio said he wanted to go elsewhere and fight Danny, Danny looked intimidated, and Fabrizio shoved Danny. William arrived and told Fabrizio not to mess with his friends. Fabrizio approached William with his fist clenched, and William punched Fabrizio.

William was charged as a juvenile for assault and battery. William argued that he used reasonable force to defend Danny, in other words, the “defense of others” defense.

In order to claim “defense of others,” the Defendant must believe that there was a definite need for intervention, and the person who is aided, must have a legitimate claim to self defense.

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### Sources

The case briefing above contains excerpts and direct extractions from the sources noted below that have been combined with the author's own expert legal input. The case has been condensed and formatted from its original content for purposes of this workbook.

People v. William D., 2005 Cal. App. Unpub. LEXIS 3563.  
Court of Appeals of California, Fourth Appellate District, Division One  
April 22, 2005. Opinion written by Judge McDonald.  
Published by Lexis Nexis

NAME

DATE

## Review the Case

After reading People v. William D., answer the following:

1. Identify the Plaintiff(s) in the case.

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2. Identify the Defendant(s) in the case.

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3. What injuries did Fabrizio suffer?

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4. How many times did William D. hit Fabrizio?

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5. What is the size difference between Fabrizio and Danny?

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6. In Fabrizio's opinion, what was Danny trying to do when Fabrizio confronted him?

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7. According to Fabrizio, what did he plan to do after he confronted Danny?

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8. According to the testimony, what did William say when he approached Fabrizio?

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NAME \_\_\_\_\_

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### **Review the Case (continued)**

9. According to William's friends, how did Fabrizio approach William?

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10. Fabrizio's friends offer a different version of events than William's. In Fabrizio's friends' version, what occurred immediately prior to the punch? Does their version help or hurt William's case of defense of others? Why?

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## **Make the Argument**

In order for the judge or jury to render a decision, the following are some of the questions that must be considered:

1. Was Fabrizio in fear of imminent bodily harm when William D. approached him? Explain.

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2. Did William D. hit Fabrizio with the intention to injure him? Explain.

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3. Was Danny afraid that Fabrizio was going to attack him at the time William punched Fabrizio? Explain.

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4. Did William use reasonable force to protect Danny from Fabrizio? Explain.

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