More on transferred intent

Restatement (Second) of Torts § 20 (1965) restates the transferred intent doctrine for international torts:

“If an act is done with the intention of . . . putting the other in apprehension of . . . a[n] offensive bodily contact, and if it causes an offensive bodiy contact to the other, the actor is subject to liability to the other although the act was not done with the intention of bring about the resulting offensive contact.”

This section and the comments and example accompanying it do not suggest that the doctrine has any effect on standards for causation.

Section 16 deals with a special kind of transferred intent: an intent to cause an offensive contact that results in a harmful contact. Its Illustration 2 involves a golfer who, intending to frighten his caddy, swings his golf club at the caddy’s head and stops the swing eight inches from the caddy. A defective rivet, unknown and unknowable to the golfer cause the head to separate and bash the caddy, putting out his eye.

The golfer is liable to the caddy, the illustration says. Restatement (Second) of Torts § 16 (1965).

This is pretty strong support for Bennaza’s argument that his injuries from falling off the curb are within the scope of the transferred intent doctrine triggered by an intentional brandishing of the flashlight.