

TORTS I
8/25 Hypothetical

Ann, a five-year-old girl, was standing in a country lane throwing rocks for entertainment. Unbeknownst to Ann, she was on Ben's property rather than on her own family's property. Shortly thereafter, Ben and Carol rode by on bicycles. Continuing to throw rocks, Ann hit Ben, who fell and broke his arm. At trial, Carol testified that Ann aimed at her. Ann testified that she was trying to hit the trees behind Ben and Carol.

Ben sues Ann for battery and trespass. Did Ann act with intent?

Note: In trespass, the defendant must intend to enter the property in question.