### Module 1: Understanding Legal Sources

<table>
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<tr>
<th>Course Week</th>
<th>Lecture Topics</th>
<th>Readings</th>
<th>Lab Exercise</th>
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</table>
| Aug. 17     | The American Legal System | ALW Chs. 2, 4             | Lab 1  
Outlining Rules of Law         |
|             | Rules          |                           |                                     |
| Aug. 24     | Legal Method   | UMB Ch. 1, Sections A-C    | Lab 2  
State v. Lochs                    |
|             | Precedent and Stare Decisis |                  |                                     |
|             | Intro to Legal Citations and the Bluebook | |                                     |
| Aug. 31     | Reading statutes | ALW Ch. 3                  | Lab 3  
Drafting a Rule and Case Illustration |
|             | Reading and evaluating case law | Bing Problem Memorandum #1 People v. S.M. | |
### Module 2: Legal Analysis & Drafting

#### Deliverables due by midnight Sunday, Oct. 4
- Assignment: Memo One
- MB Exercises 1-8, 35
- CG Book A: Sentence Structure, CG Book B: Quotations
- PPP self-evaluation

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<thead>
<tr>
<th>Course Week</th>
<th>Lecture Topics</th>
<th>Readings</th>
<th>Lab exercise</th>
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</thead>
<tbody>
<tr>
<td>Sept. 7</td>
<td>NO LECTURE - LABOR DAY</td>
<td>UMB Ch. 1, Sections D-G</td>
<td>Citation Practice with TAs during Tuesday and Wednesday lab times</td>
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<td>WESTLAW training out of class</td>
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<tr>
<td>Sept. 14</td>
<td>Legal Reasoning Basic Paradigm Synthesizing Rules Using Precedent</td>
<td>ALW Chs. 5-7 Bing Problem Memorandum #2 People v. Moore People v. Shipp</td>
<td>Lab 4 Organizing Your Legal Authority</td>
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<td>LEXIS training out of class</td>
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<tr>
<td>Sept. 21</td>
<td>Applying Rules Reasoning by analogy</td>
<td>ALW Chs. 8, 9</td>
<td>Lab 5 Organizing to Outlining to Drafting</td>
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<tr>
<td>Sept. 28</td>
<td>Drafting Rule Explanation and Rule Application</td>
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<td>Lab 6 Drafting a Complete Legal Analysis</td>
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<td>Course Week</td>
<td>Lecture Topics</td>
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<tr>
<td>Oct. 5</td>
<td>Finding the Law: Introduction to Research</td>
<td>Client 2 Case File</td>
<td>Lab 7</td>
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<td>Introduction to Client 2</td>
<td>Roberts &amp; Schluter, Legal Research Guide</td>
<td>Guided Research</td>
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<td>How to work collaboratively</td>
<td>Sloan, Basic Legal Research</td>
<td>BLOOMBERG training out of class</td>
</tr>
<tr>
<td>Oct. 12</td>
<td>Finding the Facts</td>
<td>Interviewing the Client</td>
<td>Lab 8</td>
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<td></td>
<td>Identifying Issues</td>
<td>Hartje &amp; Wilson, The Lawyer-Client Relationship, Parts I &amp; II</td>
<td>Simulated Client Interview</td>
</tr>
<tr>
<td>Oct. 19</td>
<td>Refining issues, policy arguments</td>
<td>ALW Ch. 10</td>
<td>Lab 9</td>
</tr>
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<td></td>
<td>Free research</td>
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<td>Research Status Conferences</td>
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</table>
## Module 4: Formal Communication

### Deliverables due by 5 pm Sunday, Nov. 1
- Memo Two

### Deliverables due by midnight Sunday, Nov. 22
- Memo Three (The Final)
- MB Exercises 17-22
- CG E: Style Manual Eccentricities, CG F: Clarity
- Core Grammar Post-Test
- PPP self-evaluation

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<thead>
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<th>Course Week</th>
<th>Lecture Topics</th>
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<tbody>
<tr>
<td>Oct. 26</td>
<td>Additional parts of the formal memo</td>
<td>ALW Chs. 12-16</td>
<td>Lab 10</td>
</tr>
<tr>
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<td>Revising, Editing, Polishing—in that order</td>
<td></td>
<td>Writing Workshop</td>
</tr>
<tr>
<td>Nov. 2</td>
<td>Reporting results orally</td>
<td>Schultz &amp; Sirico, Basic Principles of Oral Communication</td>
<td>Lab 11</td>
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<td>Live Feedback Conference</td>
</tr>
<tr>
<td>Nov. 9</td>
<td>Client Two Wrap-up</td>
<td>Hartje &amp; Wilson, The Lawyer-Client Relationship, Part III</td>
<td>Lab 12</td>
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<tr>
<td></td>
<td>Advising the client</td>
<td></td>
<td>Oral Report to Mentor</td>
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<tr>
<td>Nov. 16</td>
<td>Final memo</td>
<td>ALW Ch. 17</td>
<td>Lab 13</td>
</tr>
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<td>Evaluations</td>
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<td>Client Counseling</td>
</tr>
<tr>
<td>Nov. 23</td>
<td>Client 2 wrap-up</td>
<td>Walton, Cover Letters that Sing</td>
<td>Lab 14 (Optional)</td>
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<td>Cover and Reference Letters</td>
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<td>Cover or reference letter workshop</td>
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<tr>
<td>Calendar Week</td>
<td>Module/Subject</td>
<td>Out of Class Preparation—due before Lecture</td>
<td>Lab assignment</td>
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<td><strong>Module One</strong></td>
<td>Assignment due my midnight Sunday, February 1</td>
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<td></td>
<td><strong>Rhetoric &amp; Persuasion</strong></td>
<td>• ICW 10</td>
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<tr>
<td><strong>Monday, January 12</strong></td>
<td>Rhetoric: Ethos</td>
<td>AAP Ch. 2</td>
<td>Lab 1 Rhetorical Analysis</td>
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<td>Professionalism and Credibility</td>
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<tr>
<td><strong>Monday, January 19</strong></td>
<td>MLK Day Monday, so no class or lab this week</td>
<td>The Traditional Canons of Rhetoric</td>
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<tr>
<td><strong>Monday, January 26</strong></td>
<td>Rhetoric: Logos and Pathos</td>
<td>AAP Ch. 8</td>
<td>Lab 3 Draft Proof and Application</td>
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<td>Persuasive Theory, Theme, and Arguments</td>
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<td>The Spring Case</td>
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<td>ICW 10: Prior and Subsequent History</td>
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<tr>
<td>Module Two</td>
<td>Assignment due by midnight Sunday, March 1</td>
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</tbody>
</table>
| Trial practice | - ICW 11, 12, 13, 17  
| | - One PPP Self-Evaluation for Modules 1 and 2 |

**Assignments due by midnight Sunday, March 8**
- Trial Brief

<table>
<thead>
<tr>
<th>Date</th>
<th>Activity</th>
<th>Modules/Chapters</th>
<th>Labs</th>
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| **Monday, February 2** | Motion Practice  
ICW 11: Secondary Sources | AAP Ch. 4 | Lab 4  
Debates Using Ethos, Pathos, Logos |
| **Monday, February 9** | Trial Briefs  
The case so far  
ICW 12: Parentheticals | AAP Ch. 10  
AAP Ch. 12 | Lab 5  
Argue Motion in Limine |
| **Monday, February 16** | Organization of the Argument  
Outlining  
ICW 13: Introductory Signals | AAP Ch. 7 | Lab 6  
Research Conferences |
| **Monday, February 23** | Persuasive Point Headings  
Persuasive Writing Techniques  
ICW 17: in Court Docs | AAP Ch. 9 | Lab 7  
Point Headings Lab  
Writing/editing Exercise |
| **Monday, March 2** | Persuading the Other Side: Negotiation  
Conciseness | Dessem, Negotiation and Settlement  
Pollman, Writing Concisely to Stay Within the Word Count | Lab 8  
Pre-trial settlement negotiations |
<table>
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<tr>
<td>Monday, March 9</td>
<td>Oral Argument</td>
<td>AAP Ch. 14</td>
<td>Lab 9</td>
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<td>Standard of Review</td>
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<td>Live Grading Conferences</td>
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<tr>
<td>Monday, March 16</td>
<td><strong>SPRING BREAK</strong></td>
<td><strong>SPRING BREAK</strong></td>
<td><strong>SPRING BREAK</strong></td>
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<tr>
<td>Monday, March 23</td>
<td>Appellate Practice</td>
<td>AAP Ch. 5</td>
<td>No lab—office hours instead.</td>
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<td>More on Oral Argument</td>
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<td>Monday, March 30</td>
<td>The Supremes on Oral Argument</td>
<td>Read advance materials for Judge’s Day</td>
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<tr>
<td></td>
<td>Appellate Briefs</td>
<td>AAP Ch. 11</td>
<td>Lab 11</td>
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<tr>
<td></td>
<td>ICW 15: Electronic and Non-Print Sources</td>
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<td>Attend Judge’s Day April 1</td>
</tr>
<tr>
<td>Monday, April 6</td>
<td>Counter-Arguments and Rebuttal</td>
<td>Review AAP Ch. 8, Sec III.B</td>
<td>Lab 10</td>
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<td>Practice Oral Arguments</td>
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<tr>
<td>Monday, April 13</td>
<td><strong>No lecture</strong></td>
<td><strong>No reading</strong></td>
<td>Lab 12</td>
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<td>Final oral arguments April 13 and 15</td>
</tr>
</tbody>
</table>
| **Module Four**  
| **Non-Legal Persuasion** | **Assignment due by midnight Sunday, April 26**  
| | • ICW 18 |
| **Monday, April 20** | Cover and reference letters  
| | ICW 18: Law Review  
| | Footnotes  
| | Course, self, and peer evaluations | Walton, Cover Letters That Sing | Lab 13  
| | | | Cover or reference letter workshop |
| **Monday, April 27** | End of year brunch | | No lab this week  
| | | | Classes end April 28 |
LAB EXERCISE #1
Outlining Rules of Law

The following exercises include both various rule structures. Carefully review each rule below, identify the type of rule structure the rule of law illustrates, and then outline each rule.

When outlining a rule structure with a set of elements, remember that it is important to identify each separate element of the rule, even when the statute itself does not clearly reflect the separate elements.

When outlining discretionary rules, there are often a number of ways in which they can be outlined.

You may or may not decide to change the order in which factors are enumerated. You may or may not decide to add subsections that conceptualize different criteria for you, or to reorganize any subsections that already appear in the rule of law.¹

Exercise (1)

Or. Rev. Stat. § 163.212(1)—Unlawful use of an electrical stun gun, tear gas, or mace in the second degree.

A person commits the crime of unlawful use of an electrical stun gun, tear gas, or mace in the second degree if the person recklessly discharges an electrical stun gun, tear gas weapon, mace, tear gas, pepper mace, or any similar deleterious agent against another person.

Exercise (2)

¹ This material is taken in part from Robin Wellford Slocum, Legal Writing, Reasoning, and Persuasive Argument 59-60 (2d Ed. 2006).
720 Ill. Comp. Stat. 5/7-1—Use of force in defense of person.

A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to defend himself or another against such other’s imminent use of unlawful force. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or the commission of a forcible felony.

Exercise (3)


It shall be unlawful employment practice for an employer to –

(1) Fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin; or

(2) To limit, segregate, or classify his employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, sex, or national origin.

Exercise (4)
N.Y. Mental Hyg. § 9.6(e)(2)—Criteria for involuntary outpatient treatment

A court may order the involuntary administration of psychotropic drugs as part of an involuntary outpatient treatment program if the court finds the hospital has shown by clear and convincing evidence that the patient lacks the capacity to make a treatment decision as a result of mental illness and the proposed treatment is narrowly tailored to give substantive effect to the patient’s liberty interest in refusing medication, taking into consideration all relevant circumstances, including the patient’s best interest, the benefits to be gained from the treatment, and any benefits to be gained from the treatment, the adverse side effects associated with the treatment, and any less intrusive alternative treatments. Such order shall specify the type and amount of such psychotropic drugs and the duration of such involuntary administration.

Exercise (5)

Please write a clear rule governing the type of restaurant your group would hypothetically like to go to tonight.
TA Manual: Lab 1

1. Prepare the Rule Statements on Lab Google Docs in advance
2. All students should have access to the Google Document; make sure the students names show up in the document (to do so, go to the “Chat” box in the upper right of the document and get each student to activate Chat which will then reveal their names)
3. Students will all do this in a shared google doc.
4. The TA transcribes and outlines the rule breakdown as the students create it with Professor Moran
5. Include these parts in the template outline below each statute:
   a. What’s the causal term and the result?
   b. Causal term:
   c. Result:
   d. Outline:

Review
Rules: formula for making a decision (element or factor)

1. Factor - not deal breaker
2. Elements - mandatory
3. Casual term - must, shall, may not
4. Result
5. Exceptions

TA’s Role:

This is fairly passive role for the TA in the lab. The professor takes a leading role. Mainly the TA needs to convey to the students that they’re doing well and to cheer them on. The TA should be, as always, paying attention and determining the level of each student’s PPP: participation, preparedness, and professionalism. Freely address and ask a student speak up or repeat themselves if the Professor doesn't see or hear them.

Note: It is very helpful if the TA turns up 15 minutes early to chat with students and introduce him- or herself. Talking before class starts opens students up more and they are more likely to participate and contribute in the actual lab if the TA gets them talking beforehand.
LAB EXERCISE #3  
Rule, Case Illustration, and Application

Using the Illinois self-defense statute, People v. S.M., and the facts of the Bing case, draft the following:

- A rule that sets forth the standard a court will use when interpreting the requirement that a defendant have a reasonable belief that deadly force was necessary to avoid death or great bodily harm to oneself or another; and

- A case illustration that clarifies and explains how the court determined that S.M. reasonably believed that deadly force was necessary in the case of People v. S.M.

For this exercise, do not use any other case or address any other issue raised by the case or the statute.
TA Manual Lab 3: Drafting a Rule and Case Illustration

Subject: People v. S.M.

Summary: Students will construct their rule from People v. S.M. in separate documents. Use IRAC.

1. Thesis sentence - that should be our answer
2. Causal term and result - what happens if those things are satisfied? This should be the answer to the question. Narrow question: reasonable belief. Then we will deem his belief to be reasonable, and if reasonable, then he will be entitled to use deadly force.
   a. Casual term here: has a reasonable belief
   b. “It is reasonable only if…” Reasonably believed; reasonably believe - not a term of art.
3. Rule - factors or elements? Try to construct a rule based on the case People v. S.M. about our issue:
   a. Elements test (all must be present -- when, only if, a court must find)? All elements met: “Therefore the court held that each element was met.”
   b. Or is it a factors test? Which are the most important to the court? Balancing test.
   i. For example:

   Issue (call of the question): Did Mr. Bing **reasonably believe** that deadly force was **necessary to prevent** his death or great bodily harm? (When is a person’s belief reasonable?)

   “Reasonable for the defendant to **believe** that deadly force was necessary,”
   or
   “A person is justified in using deadly force when he reasonably believes deadly force is necessary when:
   (1) there is avoidance of confrontation by defendant (warnings, fleeing, apologizing);
   (2) victim has the **ability** (physical characteristics; weapons) to harm; or
   (3) there is clear **intent** to harm by the victim”

   What would a court say if only two are present?
4. Rule Proof (Explanation) - case illustration; “for example” what are the key facts of the case, and what led the court in that case to its holding.
   a. “For example, in the case of S.M. … ” then “Further,” or “Additionally” for example; how did the ability to harm play out?; want to be detailed and fact specific.
   b. For example, in the case of S.M., the ability of the aggressor to cause harm was present when the boys threw things, pursued the defendant across the parking lot, cornered the defendant, and continued to advance even after a warning shot. The court thus held that this ability to harm made the defendant’s belief more reasonable.
5. Case illustrations with “intent” factor all go together
   a. All three cases applied to the single factor or element (v. analyzing each case by factor separately)

Logistics:

Student Objectives:
1. Get something on paper - and quickly
2. See how IRAC plays out
LP Program Student Learning Outcomes:
- Students can identify the essential components of a case
- Students can outline a rule
- Students can write a document that provides an objective legal analysis

Lab Procedures:
Students will each create their own Google Doc that professor can access and comment on live.

TA Responsibilities:
- Have each student’s document open and switch between them
- Open IM chat with Professor Moran in Outlook
- Be supportive and look for struggling students
- Comment on student’s documents as they write; take Professor’s cues on who to help
- Professor note: provide Issue Statement to students so time can be spent on rule drafting

People v. S.M. 2015: Class Notes

Tried to avoid
- apologized
- tried to retreat
- wrestler
- V kept coming
- warning shot
- asked for help
- drinking
- older
- didn’t stand his ground
- short interval between shots
- appearance and conduct of victims
- boys threw stuff
- V’s not discouraged by gun
- no time to assess

Victim’s behavior (Intent to harm)
- advance
- wrestler (aggressive) (apt at fighting)
- drinking
- threw stuff
- kept coming after shot

De-escalation by D (attempt to avoid the confrontation)
- apology
- retreat
- ran away
- help call
- warning shot
- tried to avoid

Physical characteristics (ability to harm)
- wrestler
- drunk
- older
- 4-1

Past Student Examples (2014):
Karen:
Issue

The issue is whether or not our client was reasonable in believing that deadly force was necessary, thus justifying his action when he killed Mr. Geller, under IL Self Defense Statute

Brief Answer
Yes, Mr. Bing was reasonable to believe that deadly force was necessary because he could not avoid the violent advancements of Mr. Geller, and because Mr. Geller was both capable of and intending to kill him.

Discussion
A person is justified in using deadly force when he reasonably believes deadly force is necessary. In determining whether a person’s belief is reasonable, the court must find that:
(1) Defendant could not avoid the situation;
(2) Victim was capable of causing great bodily harm; and
(3) Victim intended to cause great bodily harm.

In the case of S.M., the defendant proved avoidance by yelling to the victims to stay away, yelling for help, apologizing, and attempting to flee the situation. The defendant showed that the victim was capable of causing great bodily harm because of victim’s relative size and stature and his use of objects as weapons. Defendant reasonably believed that the victim intended to cause great bodily harm because of victim’s pursuit of Defendant by chase and victim’s verbal threats.

As with the case of S.M., our client tried to avoid the situation when he apologized, yelled for help, and attempted to flee the situation. In both the S.M. case and ours, the Defendant was in a prolonged “circular” confrontation with the victim in which verbal threats were made. Both cases showed an attempt to flee the confrontation, although escape was not successful in either situation. S.M. showed a relative size/stature difference between the victim and Defendant (victim was larger in stature and had an athletic build) and we see the same between Mr. Bing and Mr. Geller (Geller was 15 pounds heavier and a former cross-country athlete; our client does not proclaim to be athletic). Similarly, S.M.’s victim was in possession of objects which were used as weapons, and in our case, Mr. Geller was in possession of a knife, which he did use against Mr. Newton. Mr. Geller’s possession and use of the knife showed his intention and capability for great bodily harm or death.

Josh:
Issue

***********************
Was Mr. Bing reasonable in believing that the situation required deadly force?

Brief Answer
Yes Mr. Bing was reasonable in believing that the situation required deadly force.

Discussion
A person is justified in believing that the use of deadly force is necessary when:

1. there is avoidance of confrontation by defendant (warnings, fleeing, apologizing);
2. victim has the ability to harm; or
3. there is clear intent to harm by the victim

In people vs. SM, the defendant attempted to avoid the confrontation by repeatedly warning the victims that he had the right to defend himself by showing his weapon, attempting to flee the scene, apologizing and asking for help. He did everything in his power to avoid the four victims and was justified in believing that his safety was at stake.

Mr. Bing did everything in his power to avoid the confrontation with Mr. Geller. Mr Bing apologized repeatedly and made it clear that he was not interested in a physical altercation. He was winded and at a physical disadvantage to Geller, and together with Mr. Newton, attempted to resolve the conflict but were unable to dissolve the situation. This is analogous to the attempts of SM in avoiding the four defendants.

The victims clearly had the ability to harm SM as they had him outnumbered, continued to advance upon him after he attempted to resolve the situation, were actively yelling and throwing things at him and appeared to be intoxicated beyond the point of reason.

Mr. Geller was physically a larger man than Mr. Bing. He was also a more athletic person when compared to the defendant. His physical stature in concert with his unwillingness to be reasoned with and his brandishing of a deadly weapon satisfies the element of the ability to harm. In SM, the fact that the defendant was outnumbered by the four advancing victims in a violent and unrelenting manner satisfies this same element.

The victims showed clear intent to harm the defendant by blatantly disregarding his pleadings and impeding his ability to put himself in a position of safety. They were not deterred by the defendant’s weapon, and continued to back him into a compromising situation.

Mr. Geller blatantly disregarded Mr. Bing’s pleadings, would not listen to Mr. Newton, and continued to advance upon Mr. Bing for an extended period of time. The five minutes of circling and the fact that Mr. Geller’s state of mind did not change impeded Mr. Bing’s right to bring himself to safety.

Mr Bing repeatedly attempted to resolve the situation. He attempted to avoid the conflict by warning the victims, attempting to flee, apologizing and asking for help. It was also made clear to Mr. Bing that his attempts to dissolve the situation were futile. When he brandished the gun, the victims were not deterred in any way and continued to advance upon him in numbers.

***********************
Carter:

Issue:
Under the Illinois' self-defense statute concerning the use of force in defense of person (720 Ill. Comp. Stat. 5/7-1), did our client Jeffrey Bing possess a reasonable belief that use of deadly force was necessary in committing the act against John Geller?

Discussion:
A person has a reasonable belief that use of deadly force is necessary when the person attempts to avoid the confrontation, the victim demonstrates an intent to harm, and the victim demonstrates an ability to harm.

Rule Proof:
In the S.M. case, the court held the defendant demonstrated a reasonable belief the use of deadly force was necessary.

In order for a court to find the obligation to avoid the use of deadly force is met, the person must make every attempt to remove himself or herself from the situation, and refrain up to the very moment he or she reasonably believes because the threat is imminent, the use of deadly force is necessary. In the S.M. case, the defendant (S.M.) avoided confrontation by moving out of the way as the victim’s vehicle approached. Once the vehicle stopped, S.M. apologized to the victims for reacting in a startled manner. As the victims exited the vehicle, S.M. retreated. When the victims did not halt their advance, S.M. produced a gun which he waved into the air to warn the victims to back away. All four victims followed S.M. into a corner against a fence to which he responded by fleeing. Similarly in our case, Bing avoided confrontation by apologizing profusely to Mr. Geller, and moving away from him by circling as he advanced. When faced with a knife from Geller, Bing removed a gun from his knapsack and waved it to deter Geller’s advance.

A court is more likely to find a person possessed the intent to harm if he or she has but does not exercise the opportunity to remove himself or herself from the situation, and if avoided or warned to stop by the victim continues to advance anyway. In the S.M. case, the victims' intent to harm manifested as they were confronted with a gun, but advanced anyway. After the defendant fired a warning shot, the victims were not deterred and moved to surround and corner S.M. In our case, Geller revealed his intent to harm Bing immediately by physically beating Bing’s face until forcefully being removed by Newton. Geller responded by producing a knife and slashing Newton’s arm. He continued his assault by charging and attempting to tackle Bing.

In order for a court to find a person possessed the ability to harm, the person must have a significant physical or athletic advantage, or a weapon. In S.M., all four of the victims were physically bigger and more athletic than S.M.

Conclusion: