

Trespass to Land

in Silicon Valley

Professor Eric E. Johnson

**Trespass to land —
an intentional entry onto
someone's real property.**

Trespass to land

in elements ...

- Intent
- Entry
- Real property

Trespass to land

in elements ...

- Real property
- Entry
- Intent

Real property

real property = land

land = immovable property

land = immovable property
[N.B: could be movable with effort]

Plasma cutter?

land = immovable property
[N.B: could be movable with effort]

Professor Johnson's *plasma cutter test*:
If you need to use a plasma cutter to make it movable, then it's not a chattel.

WARNING!
Probably don't
use this on
your exam.

Professor Johnson's *plasma cutter test*:
*If you need to use a plasma cutter to
make it movable, then it's not a chattel.*

Land vs Chattels

[bike parking
sign mounted
on strong
metal pole
anchored in
ground]

land!

Entry

HVAIF

**H
V
A
I
F**

HVVAIF

Horizontal
Vertical
Acting on
Inducement
Failure to leave/remove

Horizontal

V

A

I

F

H

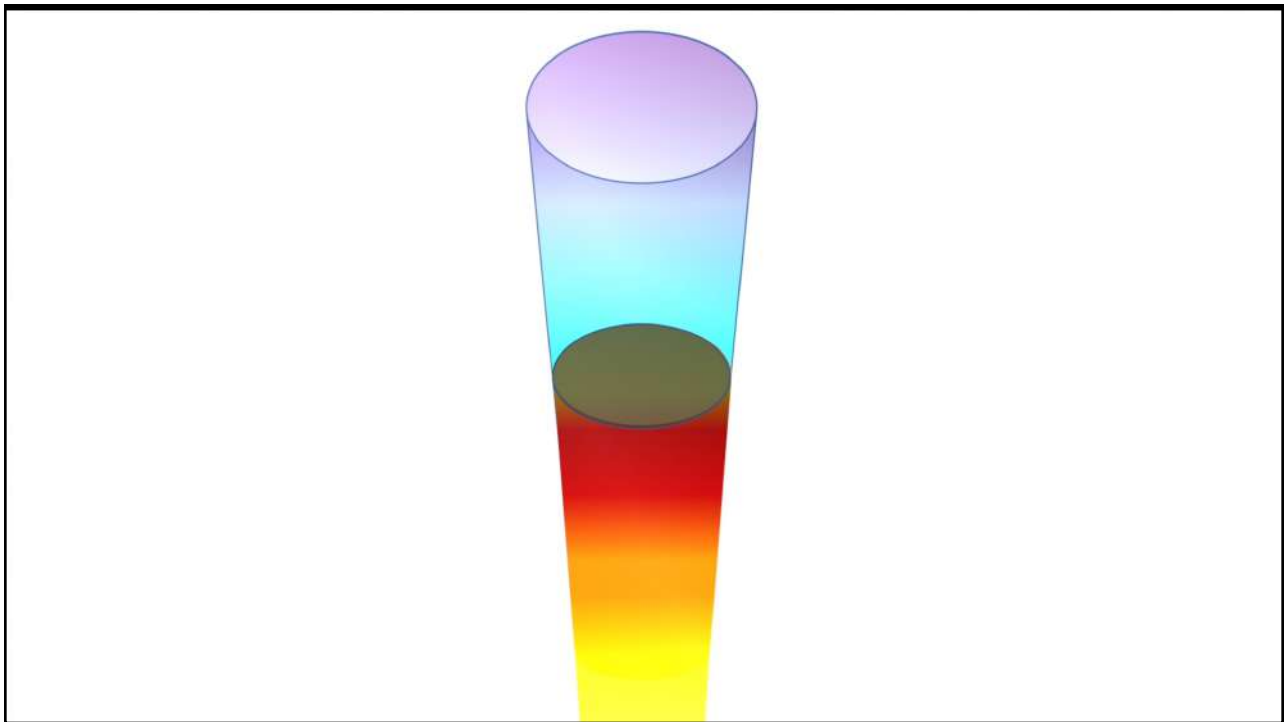
Vertical

A

I

F

The Heaven and Hell Cone



H

V

Acting on

I

F

H

V

A

Inducement

F

**H
V
A
I**

Failure to leave/remove

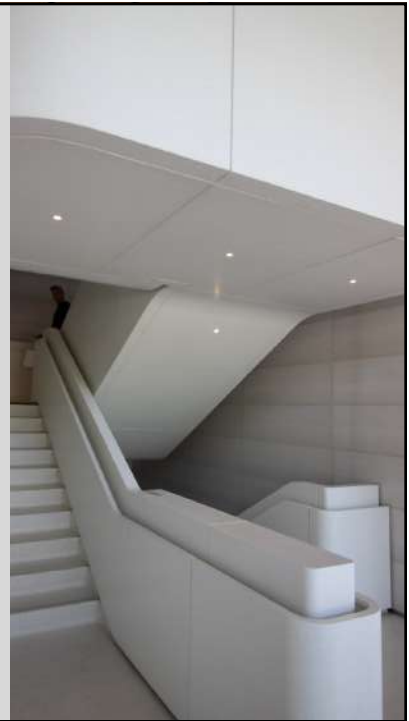
**Horizontal
Vertical
Acting on
Inducement
Failure to leave/remove**

Intent

**Hypo
Time!!**

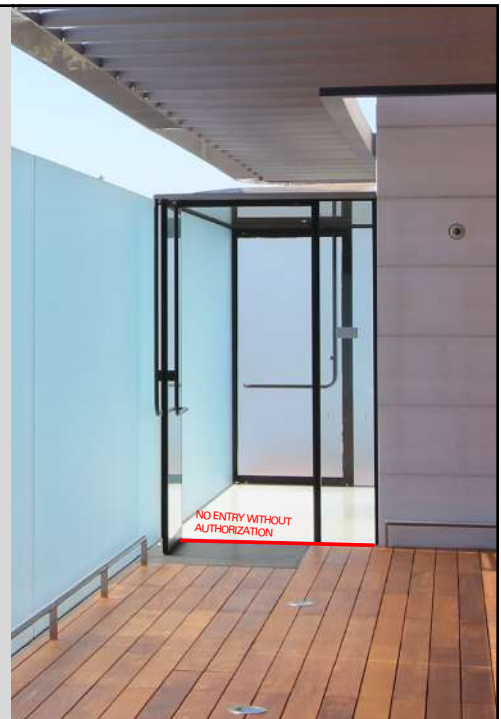


Independent inventor Indira is at the sparkling modern headquarters of Apricot Computer to pitch executives on her new invention: the world's most advanced soccer ball. Among other things, it can send and receive email and monitor 17 indications of your personal health. Indira calls it iBall (and yes, she knows she needs to work on that).



Allowed into a waiting area, Indira observes a red line on the floor marked "NO ENTRY WITHOUT AUTHORIZATION." A person walking through the lobby says, "We'll meet with you very soon. But in the meantime, have your ball go just over that red line." Indira programs the iBall to roll right up to and just one centimeter beyond the line. The iBall does as programmed. (The person who talked to Indira actually doesn't work for Apricot. He's a visitor whose own pitch was just shot down.)

Did Indira have the requisite intent to trespass?



Yes

Answer: Yes, Indira does have the requisite intent to trespass. Even though she didn't intend to trespass and arguably couldn't have reasonably believed she was trespassing, it doesn't matter. What matters is that she intended to make an object enter a place that is real property where she lacked authorization for an entry. She might not be liable for more than a dollar in nominal damages. But the intent element is met.

Let's tweak
the facts ...

Indira programs the iBall to roll right up to *but not beyond the line* and then reverse direction and return to her. The iBall starts to do as programmed, but an electrical short causes the ball to keep rolling past the red line into the unauthorized area.

Did Indira have the requisite intent to trespass?

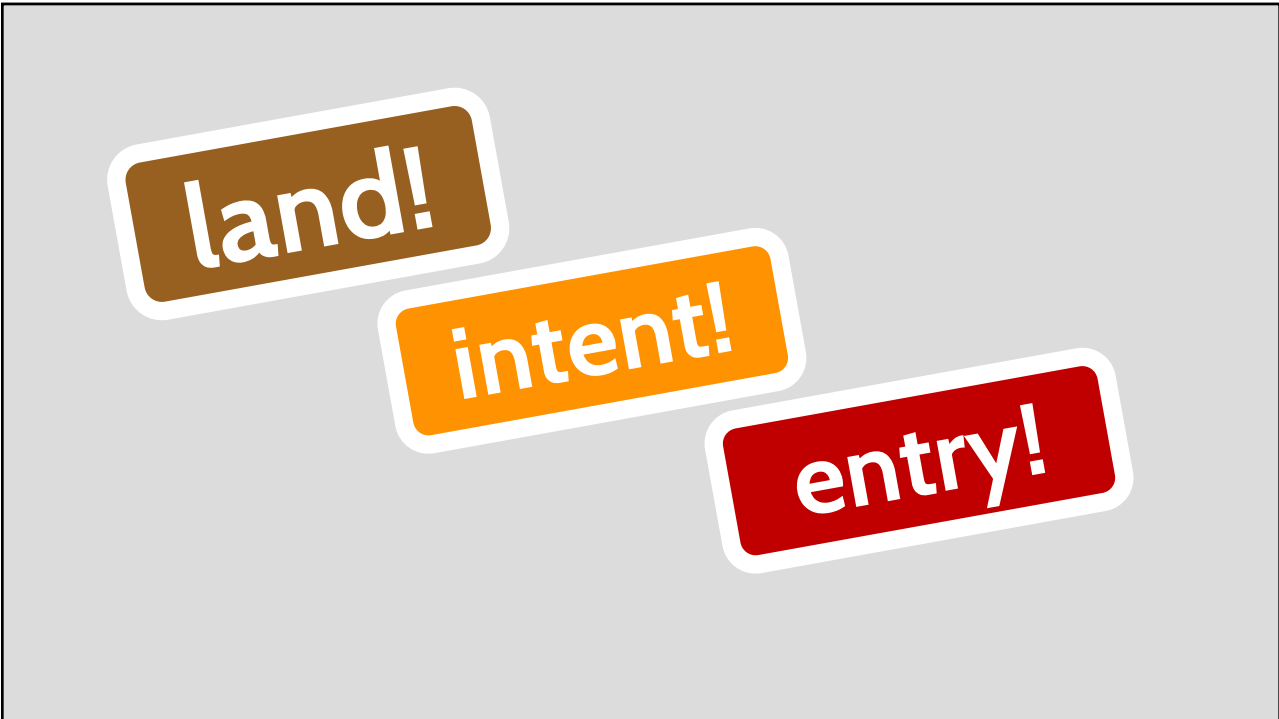


No

Answer: No, Indira does not have the requisite intent to trespass. She did not intend to make the iBall enter a place, where that place happens to be real property for which she lacked authorization for an entry. Even if the electrical short is attributable to her negligence, it still wouldn't matter.

Damages

Boring
v.
Google



Let's apply
what we've
learned!

Land
vs
Chattels
at Google

I'm Feeling Lucky



[sturdy
plastic
patio
chair]

chattel!

[small
sturdy
plastic
patio
coffee
table]

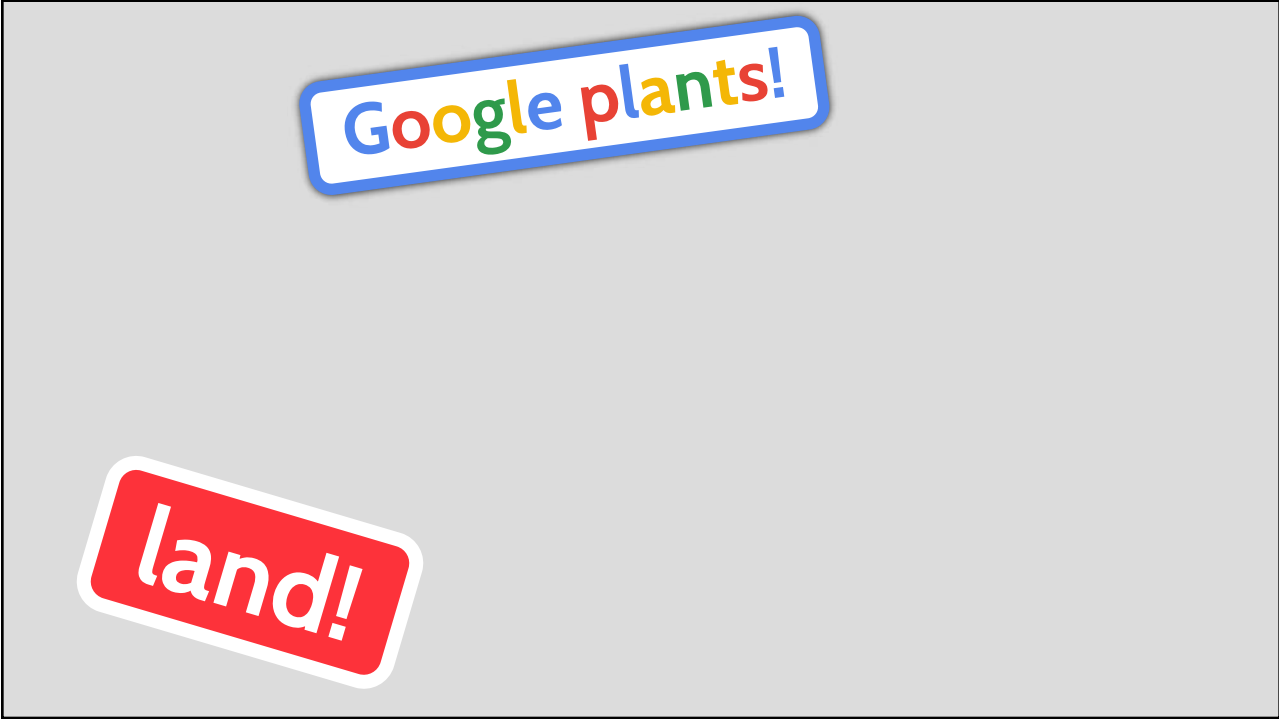
chattel!

[brick
bench/wall
built around
large
planter]

land!

chattel!

Google
trash
can!



Google flowers!