You Decide

8.1 Officer O'Donnell pulled over an automobile for speeding in a "high crime area" of Charlottesville, Virginia, at 11 p.m. O'Donnell asked the driver for his license and registration, and the driver responded in a "hostile" fashion. Officer O'Donnell examined the interior of the car with his flashlight. Carter was seated in the front passenger seat with his right hand extended down toward his leg. "Extending the index finger on his right hand straight out and the thumb straight up, [Carter] pointed his index finger at the officer and said, 'Pow.'" O'Donnell, "'[t]hinking Carter had a weapon and was going to shoot,'" reached for his weapon. A "split second" later, O'Donnell realized "it was only [Carter's] finger." O'Donnell testified: "The first thing I thought was that I was going to get shot—it's a terrifying experience, and if I could have gotten my weapon, I would have shot him." O'Donnell, who was "visibly shaken," asked Carter "if he thought it was funny," and Carter stated, "Yes, I think it is funny." Is Carter guilty of assaulting Officer O'Donnell? See *Carter v. Commonwealth*, 594 S.E.2d 284 (Va. Ct. App. 2004).

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