

No. 2018-001

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IN THE  
**Supreme Court  
of the  
United States**

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Amazon.com, INC,  
*Petitioner,*

v.

Mr. Christian Leering, Citizen of the State of Missouri,  
*Respondent .*

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ON WRIT OF CERTIORARI TO THE MISSOURI STATE  
SUPREME COURT

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# MOOT CASE 1 PACKET

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**NOTE TO PARTICIPANTS:**  
**THE PRIMARY STATE LAW AND FEDERAL REGULATION USED IN**  
**THIS CASE ARE FICTIOUS. THEY EXIST ONLY FOR THE**  
**PERFORMANCE AND CREATION OF THIS MOOT CASE. ONLY**  
**UTILIZE THE CITATIONS SPECIFICALLY OUTLINED IN THIS**  
**PACKET.**

# **ISSUES**

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- 1. Whether a federal agency regulation takes precedent over a state law when the federal regulation conflicts with a state law.**
- 2. Whether Mr. Christian Leering had the right to defend himself with the use of a firearm from such a vehicle.**
- 3. Whether Mr. Christian Leering should be held responsible for damages caused by him destroying a drone owned and operated by Amazon.com, INC.**

## **STATEMENT OF FACTS**

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In 2016, Amazon.com, INC., in a joint event with many other private organizations, announced that it would soon begin utilizing autonomous flying vehicles, more commonly known as drones, for delivering packages and goods. Amazon is calling this program "Amazon Prime Air". Due to this announcement, the Federal Aeronautics Administration (FAA) created and established several regulations pertaining to drones, including the height and flight path where private companies could utilize these vehicles. In response to those FAA regulations, and believing that the use of drones by private companies to be a risk to the privacy of its citizens, the State of Missouri passed several laws pertaining to the rights of citizens defending themselves against a perceived threat of an autonomous flying vehicle.

The State of Missouri enacted two laws which stated:

(a) Autonomous flying vehicles could fly no less than one hundred (100) feet over an individual's residence, provided that the vehicle could descend lower than that altitude if on final approach to the location in which it was delivering the package or good, provided that the flight plan in which the vehicle will be utilizing is filed with any and all law

**enforcement jurisdiction(s) that falls within the path of the flight.**

**(b) A private citizen, who is properly licensed to own a firearm, could use such firearm to destroy the vehicle if the person believed that there was a credible threat to their privacy or safety.**

**These two statutes conflict with three already-established FAA regulations, which are as follows:**

**(1) A private company or organization may utilize an autonomous flying vehicle or device to deliver a good or perform a service, provided that the vehicle not descend below fifty (50) feet, unless the vehicle is on final approach to the directed location, and,**

**(2) That no person may destroy such a vehicle while it is service, and,**

**(3) That the flight path in which the vehicle will be utilizing simply be filed with this department. No other department need be notified of the flight path or plan.**

**On May 16, 2016 at approximately 5:30 pm, a Mister Christian Leering, who is a citizen of the State of Missouri, witnessed a device he recognized to be an autonomous flying**

vehicle to flying over his property, which is a small farm located within Newton County. Upon noticing the vehicle, fearing for his privacy, he promptly took possession of his Mossberg 500 Persuader 12-Gauge Pump-Action Shotgun, which he is licensed to own under Missouri law, and fired four rounds in the direction of the vehicle. The drone immediately crashed to the ground, having one of its four propellers destroyed. An emergency beacon sent the location of the drone to the nearest Amazon distribution center, which is located in Jefferson City, the capitol city of the State of Missouri.

The following day, Amazon sent two (2) of its technicians to the property of Mr. Leering. As they approached the property, Mr. Leering demanded that they leave immediately. They refused until they took possession of the drone. He then took possession of his firearm, the same at which he had destroyed the vehicle, and fired of two (2) rounds into the air. The technicians immediately left the property and contacted the local sheriff's department. The technicians returned, being escorted by three (3) deputies of the Newton County Sheriff Department. Upon arriving back at Mr. Leering's property, the law enforcement officers took possession and returned the now destroyed vehicle to the two Amazon technicians, without further incident from Mr. Leering.

One (1) month later, Amazon filed suit in the Newton County Circuit Court on grounds that Mr. Leering owed Amazon twenty-five thousand dollars (\$25,000) due to the cost of replacing the drone, and the cost of the package that Amazon was delivering. The judge found in favor of Amazon, and Mr. Leering appealed to the Missouri Court of Appeals on grounds that the drone had flown beneath the one hundred (100) feet that was specified by state law and that he believed that there was a credible threat to his privacy. The appellate court found in favor of Amazon, stating in its opinion that "There was no immediate danger or threat to the petitioner's safety or privacy, even if it did descend beneath the one hundred (100) feet, because Federal Aeronautics Administration regulations state that the device could descend to minimum of fifty (50) feet."

Mr. Leering continued the appeals process to the State Supreme Court of the State of Missouri, which sided with the petitioner. In its opinion, delivered by Chief Justice Zel Fischer, the court stated that "Federal regulation, although important in clarifying subjects not yet covered by state law, does not override existing state law. The state law directed that device not descend below one hundred (100) feet, and the device did indeed descend below that level. Mr. Leering was in his right to fear for his safety and privacy, and had full rights and privileges to protect himself from such a vehicle. The right to protect himself with the use of a firearm is

**enshrined in the sanctity of the second (2<sup>nd</sup>) Amendment of the Constitution of the United States” The Court went on in its opinion and stated that “Mr. Leering is not held liable for any damages caused by respondent’s negligence in not abiding by state law. If we found in favor of the respondent, we would placing an undue burden on the petitioner, and would be overriding a longstanding precedent that the individual states themselves have the right in regulating and protecting its citizens, as guaranteed under the tenth (10<sup>th</sup>) amendment of the Constitution of the United States.”**

**Finally, Amazon has appealed to the Supreme Court of the United States, which has granted certiorari.**

## **APPENDIX**

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**Tenth Amendment of the United States Constitution:**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

**Second Amendment of the United States Constitution:**

A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

**25 Missouri State Cod Section 2905 (a):**

(a) Autonomous flying vehicles may fly no less than one hundred (100) feet over an individual's residence, provided that the vehicle could descend lower than that altitude if on final approach to the location in which it was delivering the package or good, provided that the flight plan in which the vehicle will be utilizing is filed with any and all law enforcement jurisdiction(s) that falls within the path of the flight.

**25 Missouri State Cod Section 2905 (b):**

(b) A private citizen, who is properly licensed to own a firearm, may use a firearm (or other means as necessary) to

**destroy the vehicle if the said person believes that there is a credible threat to their privacy or safety.**

**Federal Aeronautics Administration Regulation 3589:**

- (1) A private company or organization may utilize an autonomous flying vehicle or device to deliver a good or perform a service, provided that the vehicle not descend below fifty (50) feet, unless the vehicle is on final approach to the directed location, and,**
- (2) That no private person may destroy such a vehicle while it is service, and,**
- (3) That the flight path in which the vehicle will be utilizing simply be filed with this department. No other department, whether it be state or federal, need be notified of the flight path or plan.**

## CASE CITATIONS

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**NOTE: YOU ARE ONLY PERMITTED TO USE THE CASE CITATIONS PROVIDED BELOW FOR YOUR CASE.**

**Printz v. United States**

**New York v. United States**

**United States v. Cruikshank**

**United States v. Miller**

**District of Columbia v. Heller**

**Missouri SB 656**