

## Drone vs. Shotgun – Where to Draw the Privacy Line?

By: Andrew L. Smith

In July 2015 a Kentucky man was arrested when he shot down a neighbor's drone hovering over his backyard with a shotgun. William "Willie" Merideth, age 47, was at his Bullitt County home when his 16 year-old daughter told him she saw the drone flying in the sky.

The drone's owner, David Boggs, age 40, stated he was trying to have fun and take pictures of "a friend's house." He said the drone was worth approximately \$1,800. The parties debated exactly how low the drone was flying – Mr. Merideth claimed the drone was as low as 10 feet above ground, while Mr. Boggs stated his drone was above the tree-line. This is certainly an important factor when considering issues such as trespass and invasion of privacy.



Local police were called to the scene after Mr. Merideth shot the drone down, leading to an altercation between him and the drone owner. The charges included wanton endangerment and criminal mischief. Mr. Merideth pled not guilty, stating "I have a right as an American citizen to defend my property." The Judge agreed, clearing Mr. Merideth of all charges, largely relying on Mr. Merideth's account of the facts.

Instances such as this have occurred elsewhere, and will become more and more frequent as consumers continue to purchase drones for recreational use. A New Jersey resident who shot down a neighbor's drone was arrested and charged with possession of a weapon for an unlawful purpose and criminal mischief. Likewise, after a Californian shot down a neighbor's drone thinking "it was a CIA surveillance device," the drone's owner won a suit in a small claims court, reasoning the man "acted unreasonably \*\*\* regardless of whether it was over his property or not." Arizona, for instance, also has a statute, called Shannon's Law, which makes it a felony offense to fire a gun "randomly" into the air.

Not all courts have ruled in favor of the homeowner, as in this case. FAA regulations have yet to be finalized. And unlike a number of states, Ohio and Kentucky have yet to enact drone legislation. We have all heard of the "castle doctrine," but how do we interpret the right to protect one's land when dealing with drones instead of the classic examples of robberies or home invasions? So what do you think – who is in the wrong here: the drone owner or the landowner?



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