

# **2023-2024 Michigan High School Mock Trial Case**



Michigan High School Mock Trial Series  
Plus  
Courtroom Artistry & Courtroom Journalism

**Taylor Tomte  
vs.  
Estate of Orville Earhart**

**2023-0828-CV**

Compiled by the Michigan Center for Civic Education, Mock Trial Committee  
Special Thanks to the Nebraska State Bar Foundation and its State Center for Law-  
Related Education

## **TABLE OF CONTENTS**

PLAINTIFF TAYLOR TOMTE COMPLAINT FOR NEGLIGENCE .....	2
AND DEMAND FOR TRIAL BY JURY .....	2
DEFENDANT ESTATE ANSWER TO COMPLAINT .....	3
WITNESSES, EXHIBITS, AND STIPULATIONS .....	4
Stipulations.....	4
Statutory Definitions.....	5
Witness Statement of Taylor Tomte .....	6
Witness Statement of Cambridge Leone .....	9
Witness Statement of Sam Spade.....	12
Witness Statement of Morgan Elby.....	16
Witness Statement of Corey Rachett-Nicholson .....	19
Witness Statement of Sandy Boone .....	22
Exhibit #1 Page 1.....	24
Exhibit #1 Page 2.....	25
Exhibit #1 Page 3.....	26
Exhibit #1 Page 4.....	27
Exhibit #1 Page 5.....	28
Exhibit #2 .....	30
Exhibit #3 Page 1.....	31
Exhibit #3 Page 2.....	31
Exhibit #4 .....	33
Exhibit #5 .....	34
Exhibit #6 .....	35
Exhibit #7 .....	36
Exhibit #8 .....	37
Exhibit #9 .....	38
Exhibit #10 Page 1 .....	39
Exhibit #10 Page 2 .....	40
Exhibit #10 Page 3 .....	41
Exhibit #11.....	42

**IN THE CIRCUIT COURT OF MASON COUNTY, MICHIGAN  
2023-0828-CV**

**Taylor Tomte**

**Plaintiff**

**vs.**

**Estate of Orville Earhart**

**Defendant**

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**COMPLAINT**

**PLAINTIFF TAYLOR TOMTE COMPLAINT FOR NEGLIGENCE  
AND DEMAND FOR TRIAL BY JURY**

NOW COMES Plaintiff Taylor Tomte (hereinafter "Plaintiff"), by and through Plaintiff's attorneys, and for this cause of action against Defendant Morgan Elby as Personal Representative of the Estate of Orville Earhart (hereinafter "Defendant"), alleges and states as follows:

**PARTIES**

1. At all times relevant to this cause of action, Plaintiff, Taylor Tomte, was a resident of 1313 Countryclub Lane, Apple Blossom, Mason County, Michigan.
2. Defendant is the Estate of Orville Earhart (hereinafter "Decedent") and was a resident of Apple Blossom, Mason County, Michigan, at all times relevant to this cause of action.

**COUNT I - NEGLIGENCE**

1. On or about October 11, 2022, Decedent negligently caused the Plaintiff's damages by flying a drone in want of ordinary care, given the circumstances of his medical condition and failure to take medications as prescribed.
2. On or about October 11, 2022, Decedent negligently caused the damages to Plaintiff's property by flying a drone in an area where it was foreseeable that damage could occur to people or property in the event of a crash.
3. On or about October 11, 2022, Decedent negligently caused the Plaintiff's damages through a breach of duty by flying a drone out of his range of vision.
4. On or about October 11, 2022, Decedent negligently caused the Plaintiff's damages by flying a drone in violation of FAA rule.

**WHEREFORE**, Plaintiff prays for the following relief:

1. A judgment against the estate of Defendant Earhart for negligence in the actions that led to the damages to the property of the plaintiff.
2. An award for the recovery of plaintiff's costs to repair of their gnomes and for the lost value of those gnomes that cannot be repaired in the amount of \$1,001,693.
3. An award of the costs of this suit; for attorney fees; and for such other relief as the Court may deem just and equitable.

Taylor Tomte, Plaintiff  
By: *Student Attorney*  
PLAINTIFF'S ATTORNEY

IN THE CIRCUIT COURT OF MASON COUNTY, MICHIGAN

Taylor Tomte

2023-0828-CV

Plaintiff

)

)

vs.

)

Estate of Orville Earhart

)

ANSWER

Defendant

)

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**DEFENDANT ESTATE ANSWER TO COMPLAINT**

NOW COMES the Defendant, by and through Defendant's attorneys, and in answer to the Plaintiff's complaint as follows:

**PARTIES**

1. Defendant neither admits nor denies the allegation content in paragraph 1 of the plaintiff's complaint for lack of information or knowledge sufficient to form a belief as to the truth thereof and therefore leave Plaintiff to their proofs.
2. Admits 2 of Plaintiff's complaint.

**COUNT I - NEGLIGENCE**

1. Defendant admits that on October 11, 2022, Orville Earhart was flying a drone in the vicinity of decedent's own property in Apple Blossom, Michigan.
2. Defendant denies any negligence in regards to the medical condition and state of decedent's health; the actions were reasonable and ordinary compared to decedent's daily routine.
3. Defendant denies negligence as the actions of Decedent in flying the drone were done with ordinary care and with reasonable confidence in decedent's ability to fly the drone as he had done hundreds of times previously.
4. Defendant denies liability for the damages to property of the plaintiff as the crash was unrelated to the actions of the decedent or the death of the decedent.

**AFFIRMATIVE DEFENSES:**

1. Defendant alleges that the drone was shot down by Sandy Boone.
2. The crash and subsequent damages caused by the crash of the drone were not proximately caused by any actions of Defendant.

**WHEREFORE**, Defendant prays for a judgment in its favor and that this matter be dismissed in its entirety and that the Defendant be award costs and attorney's fees necessitated by this frivolous action.

Morgan Elby, Personal Representative of the Estate of  
Orville Earhart

By: *Student Attorney*

DEFENSE ATTORNEY

**IN THE CIRCUIT COURT OF MASON COUNTY, MICHIGAN**

**Taylor Tomte**

**2023-0828-CV**

**Plaintiff**

)

)

**vs.**

)

**Estate of Orville Earhart**

)

**Honorable Tom Calkins**

**Defendant**

)

**Presiding Judge**

)

**WITNESSES, EXHIBITS, AND STIPULATIONS**

**Witnesses for Plaintiff**

- 1: Taylor Tomte
- 2: Cambridge Leone
- 3: Sergeant Sam Spade

**Witnesses for the Defense**

- 1: Morgan Elby
- 2: Corey Rachett-Nicholson
- 3: Sandy Boone

**Exhibits**

1. Gnome More Insurance Appraisal
2. Hand Drawn Neighborhood Map
3. Photos of Damaged Gnomes
4. Demand Letter
5. Advisory Circular
6. Intact Drone Photos
7. Decedent's Hand on Drone Control Mechanism
8. Flight Path of Decedent's Drone
9. Boone Conviction Document
10. Earhart Autopsy Report
11. Rachett-Nicholson Nurse Tracking Chart

**Stipulations**

Both sides stipulate to the following:

1. All exhibits included in the case are authentic and accurate in all respects. No objections to the authenticity of the exhibits will be entertained.
2. No objections for any reason shall be entertained to the admissibility of the Autopsy Report. Either party may introduce and offer the Autopsy Report through the testimony of an appropriate witness. The Autopsy Report will be admitted into evidence without objection.

### **Statutory Definitions**

Negligence is conduct that falls below the standard established by law for the protection of others against unreasonable risk of harm. 57A Am Jur 2d *Negligence* §32. As set forth in *Wight v HG Christman Co*, 244 Mich 208, 212–213, 221 NW 314 (1928):

Negligence is absence or want of ordinary care ([*Woods v Chalmers Motor Co*, 207 Mich 556, 175 NW 449 (1919)]); the failure to do what a reasonable and prudent person would ordinarily do under the circumstances, or doing what such a person under the circumstances would not do. It may result from omission or commission. 1 Thompson on Negligence (2d Ed.) par. 2. The want of ordinary care.

The tort of negligence is commonly recognized as having four elements: a duty, breach of that duty, proximate cause, and damages. *Prosser and Keeton on the Law of Torts* §30, at 164–165 (5th ed 1984), describes the elements as follows:

1. A *duty*, or obligation, recognized by the law, requiring the person to conform to a certain standard of conduct, for the protection of others against unreasonable risks.
2. A failure on the person's part to conform to the standard required: a *breach of the duty*. These two elements go to make up what the courts usually have called negligence; but the term quite frequently is applied to the second alone. Thus, it may be said that the defendant was negligent, but is not liable because he was under no duty to the plaintiff not to be.
3. A reasonably close causal connection between the conduct and the resulting injury. This is what is commonly known as "legal cause," or "*proximate cause*," and which includes the notion of cause in fact.
4. Actual loss or *damage* resulting to the interests of another.

## **Witness Statement of Taylor Tomte**

1 My name is Taylor Tomte, retired landscape artist/architect and current artifact collector. I live at  
2 1313 Countryclub Lane, Apple Blossom, Michigan, and I mourn. I went to the San Francisco School of  
3 Landscape Architecture, which is where I met my spouse Bobbie. I earned my Master of Fine Arts  
4 (MFA) Landscape Architecture degree in 1987. I am accredited by the Landscape Architectural  
5 Accreditation board. Additionally, I have studied the well-known Calvert Vaux, my inspiration, who  
6 wrote *Villas and Cottages*. He also designed Central Park along with Frederick Olmsted.

7 My spouse and I have four children and 12 grandchildren. They all just love my "little family" of  
8 gnomes! In fact, we are all proud to be part of the Gnome Family! I first was inspired to start collecting  
9 as a child. My mother took me to the Brighton Garden Club for the annual summer Gnome Adventure.  
10 I have been in love with garden gnomes ever since.

11 Now, however, I weep for the precious gnomes I lost. Ma belle family - Noldor, Phillipp, Terra - gone.  
12 Others maimed, beyond recognition. I sent those who could be saved to "hospital" in Graefendorf,  
13 Germany, the only place really equipped to treat them. Griebel can hopefully help them. Orville  
14 Earhart maimed and killed my family, and he must pay. Earhart's irresponsible and violent use of that  
15 flying weapon comes with a price. And he shall certainly pay. How can a price be placed on the life  
16 they once had? And the joy they gave to me, with their sweet, pensive expressions -- their  
17 straightforward, honest sincerity?

18 I must address the issue of restitution, but, first, I must address their lives, their impact on me and  
19 those around them. I had everyone situated. It was magnifique. Noldor, my knowledgeable one, had  
20 his books, as he reads them and uses them as a seat; Phillipp, the artist, had his brushes and pallet;  
21 Terra, my miner, had his ax and towel; Faxon, my welcoming gnome, with his cornucopia and his  
22 collection of glossy shells. He was Mussorgsky's "Pictures at an Exhibition"; and Tomte, my darling  
23 namesake, ready to prepare for bed his joy and the cap to his toothpaste actually rotated! So many  
24 more, as well. My whole village; my Shire; my children; my friends; my protectors; scattered and  
25 broken.

26 All violated. Believe me when I affirm that they have protected me and my neighbors' homes many  
27 times over. Remember that tornado that hit Apple Blossom in 2011? Well, my neighbors and I were  
28 saved from any damage. Our houses were unscathed, while many near us lost everything. I owe it all  
29 to the earth elementals, my gnomes, for their protection. Those who lost their lives in this tragedy  
30 likely saved my life by risking their own. Their foresight into the future is well recognized, and I am  
31 convinced they intuited to me where to put the party table so they, not I nor the grandkids, would be  
32 at risk.

33 Earhart acted with such reckless disregard, with such vehement negligence, with such complete and  
34 utter disrespect, and when I reflect upon the devastation caused by that flying menace. On October 11,  
35 2022, not quite four months after International Gnome Day, celebrated on June 21, Earhart took away  
36 from me my precious gnomes with that dangerous drone. He likely had the aid and contribution of his

37 inept and moronic nurse, and that crazy, rabid person with a gun - they ALL should pay, in my  
38 opinion.

39 I cry myself to sleep every single night, thinking of all the pain and suffering caused for absolutely no  
40 reason. So pointless. Now they shall pay, even though it is virtually impossible to put a price on what  
41 they meant to me. How can you put a dollar amount on those who shared a special part of my life, my  
42 time, my being? However, it must be done, because I can - I must - rebuild their community, their  
43 magic, my *raison d'être*. I had previously had all my precious gnomes appraised earlier this year. The  
44 appraisal shows all the names and replacement prices for my precious gnomes. Of course they are all  
45 priceless! All who can be replaced, at least. Terra was irreplaceable, however. He was brought to  
46 England by Sir Charles Isham in 1847, and he was given to my relatives, good friends of Sir Isham  
47 when they visited his estate in 1860. Terra was insured for 1.1 million dollars. It was a hideous fluke  
48 that he was outside that day. The day of this disaster. You see, it was Noldor's birthday, and they were  
49 all outside at the party. My grandkids were supposed to come over at 7 p.m. for cake and ice cream, so  
50 I was getting everyone ready for the celebration. How was I to know that it would go so horribly  
51 wrong? That it would end in such a massacre?

52 It happened around 4:35 p.m. I heard that piercing, buzzing sound that always came right before the  
53 "fly-overs" by Earhart. Although I never knew who the drone belonged to before that day, I had  
54 always felt nervous about it. He flew his drone over many times before, at least once a week, but I  
55 never dreamed that it was with any malicious intent. I just figured that he, like everyone who ever had  
56 the pleasure to see my darlings, was entranced and enchanted by them. I was nervous but understood  
57 the allure of seeing them from above. Now I see how stupid I had been. I should have reported his  
58 intrusions on my peace and quiet long before, but I could not perceive the danger until it was too late.  
59 Far too late. Anyway, I heard the buzzing, although this time it sounded different from the times  
60 before, more angry, almost vehement, erratic. Then I saw it swooping down, like an angry vulture or  
61 one of those evil birds in that Hitchcock movie. It flew zig-zagging through the air straight at me, and I  
62 threw myself to the ground. I watched in horror as the drone swept a path through my gnomes, all  
63 seated around the table in the gazebo, and it threw them here and there, scattering their bodies. It  
64 looks like a minefield was all I could think. I still have nightmares, and I cannot watch any movies with  
65 any amount of violence.

66 Earhart's actions have severely and negatively affected my life and my being, beyond monetary  
67 damages. The psychological impact has been devastating. My therapist thinks it will take years before  
68 I am able to watch "Toy Story" without weeping uncontrollably. And that affects my relationship with  
69 my grandchildren, as well. We can no longer watch their favorite movies together. Back to that  
70 terrible day. That demonic drone cleared a path through my gnomes, who were just sitting peacefully  
71 around the table, patiently awaiting the celebration. It finally came to a stop after it rammed into the  
72 gazebo, which I have since had torn down because the image of it evoked flashbacks to that awful day.

73 I ran into the house, called 911, and then I ran out to the front of my house and waited in the driveway  
74 for the police to arrive. Yes, I have read Sergeant Spade's statement, and I must say that their lack of  
75 concern and unprofessional attitude and disregard for accurate nomenclature was disconcerting, to

76 say the least. What kind of ignoramus called gnomes "leprechauns or goblins or fairies?" Gnomes are  
77 nothing like those entities. Any fool knows that. And the gall, to link gnomes at all to orcs is beyond  
78 comprehension.

79 Sergeant Spade did take a statement from me and took photographs. I guess the Sergeant's  
80 investigation was fairly complete, as the diagrams they drew and photographs are accurate. Nothing  
81 had been moved before the Sergeant arrived. I know better than that, having watched CSI and the like,  
82 although, as I said, I can no longer watch those types of shows without suffering from panic attacks  
83 and nightmares. I told Sergeant Spade all about seeing the drone before, how it would approach, fly  
84 over, and then leave. Although I was terribly distraught, I told as many details as I could and was  
85 honest with the Sergeant. When Sergeant Spade returned and told me about Earhart's "medical  
86 incident" I really didn't care. Seems to me like a crime was committed. Trespassing, criminal mischief,  
87 assault, whatever. I wanted justice, and I still do.

88 I hired a lawyer, who located a drone expert, and I am suing Orville Earhart's estate. My gnome  
89 community is torn apart, my grandchildren are missing their confidants and companions, and we  
90 must be made whole. My lawyer sent a letter to that greedy Elby person, whom I have never seen in  
91 this town ever, and Elby sent the drone parts to my lawyer. I am confident in my lawyer, my  
92 appraiser, my expert, and, most of all, in the spirits of the gnomes who are watching over me and mine  
93 since this terrible tragedy. Help me get back what is mine.

#### WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,

J. Lante

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2023-24 Michigan State High School Mock Trial Competition.

Stephanie Egger Nelson

Stephanie Egger Nelson, Notary Public

My Commission Expires: December 31, 2025

## **Witness Statement of Cambridge Leone**

1 My name is Cambridge Leone or Cam for short. I am a mechanical and aeronautical engineer. I do  
2 research on artificial intelligence (AI) related to the operation of unmanned aerial vehicles (UAVs, aka  
3 drones) and drone technology. I have been interested in UAVs since I first read about Operations  
4 William Tell and Gunsmoke.

5 I live in Apple Blossom, Michigan, at 1903 Kill Devils Hills. I am married with no kids. We do own a  
6 dog, a roan colored Irish setter named Bailey. She is getting on in years but she hangs on. I have a B.S.  
7 in art history from the Apple Blossom University and a master's degree in aeronautical engineering  
8 from the Air Force Academy, which I earned while serving our country from 2005 to 2010. After the  
9 Air Force, I worked for about 8 years as a defense contractor on loan to the Department of Defense in  
10 UAV AI where I could hone my skills. Since the end of those contracts I have worked in the same field,  
11 but as an independent contractor. I have sewn some wild oats, and shown some irresponsibility in the  
12 past, mostly driving infractions. I have been blown away by my having grown to be more mature. I  
13 have thrown away my childish ways, so I can now be known as a person who can be counted upon.

14 Just a month after the drone accident, which I read about in the local paper, I received a call on the  
15 phone from the plaintiff's attorneys. They wanted me to be their expert witness. I nearly dropped my  
16 chocolate scone! I am most certainly qualified to consult on this subject. But this is the first time I have  
17 been called as an expert witness. It is an interesting experience. I have been retained at a flat rate of  
18 \$5,000.00, which includes my evaluation, research, and testimony, both at this deposition and later at  
19 trial. I did not realize how much time this would take, but it is much too late to change my mind, I am  
20 here now.

21 I was asked to see if I could gain any additional insight on the case by evaluating the drone pieces  
22 recovered and submitted to me. Drone parts and shattered pieces of more than one UAV were given  
23 to me in a cardboard box by plaintiff's attorneys. Morgan Elby was present when the box was handed  
24 over. Elby said, "Here are all of the drone parts I could find around Uncle Orville's house." The  
25 cardboard box contained about 70% of an octocopter manufactured by DJ Huffman Enterprises. The  
26 box also contained a number of extraneous pieces from various drones which were not involved in  
27 the gnome accident. The cardboard box contained a fragment of a bone; and oddly, there was a strong  
28 odor of cologne in the box on some of the uninvolved drone pieces. I reconstructed, to the extent  
29 possible, the accused drone. I did not however take a photograph of the box or its contents. Just did  
30 not think of that. The subject UAV is really an expensive clone of the Inspire I manufactured by DJI  
31 Corp. The DJ SkyHawk UAV has improvements over the base model which inspired it.

32 This drone has a lift-off weight of around 6.5 pounds and a top flight speed of nearly 49 mph. The  
33 flight platform obtains lift from eight adjustable rotors, powered by a very sophisticated battery pack.  
34 It obtains level flight and directional control using sophisticated GPS and multiple, coordinated  
35 gyroscope technology. The drone will fly between 25 and 30 minutes on each battery charge. This unit  
36 had a sensory array, including camera and self-monitoring capabilities.

37 The unit also had a remarkable ground station with a controller. The drone was apparently operated  
38 by Mr. Earhart. However, this drone is programmed to function autonomously if external command is  
39 lost. I was able to determine that the drone was programmed, in the event of a loss of manual control,  
40 to ascend vertically to a height of 44 feet, orient itself towards its base station, referred to in the  
41 parlance as its throne, fly there and then descend vertically. However, in its final minute, this drone  
42 was flown erratically, finally diving in a nearly straight line into gnome garden. It did not drop like a  
43 stone, which can be deduced by the trajectory of the drone amongst the gnomes. The flight recorder  
44 data is consistent with that portion of the police report and the photograph which I reviewed,  
45 showing that someone, presumably Earhart, had their thumb on the control arm. It is my opinion to a  
46 reasonable degree of certainty in the field of AI for drones, that this UAV lost control of itself for some  
47 reason and crashed into the backyard of Tomte's gnome home.

48 The map is a true and accurate depiction of the flight path of this drone. This depiction was recreated  
49 from the flight data I recovered from the "black box" from the damaged drone. It appeared as though  
50 the drone may have been hit by a projectile, such as buck shot or a small caliber bullet. I am not a  
51 firearms expert and it could have been a rock. This damage to the UAV appears to have been minimal,  
52 although it may have adversely influenced the out-of-control descent of the drone. Moreover, because  
53 I did not have all of the pieces of the involved UAV, it is possible that more of it was damaged or some  
54 parts were more seriously damaged. I cannot address these concerns.

55 It is my opinion, to a reasonable degree of professional certainty in the operation of drones, that this  
56 drone was capable of attaining sufficient momentum to cause the damage to Taylor Tomte's gnome  
57 sanctuary. I also determined that at least 6 of the 8 rotors were in motion when the drone made  
58 contact with the garden. This drone was flying well prior to the collision.

59 It is also quite clear that the deceased failed to operate the drone, at least while he was alive, in a  
60 manner consistent with the FAA regulations. Note that requirements for operating UAVs are set forth  
61 in the official advisory published by the FAA. This copy of this official FAA agency document details  
62 the appropriate ways to fly a drone. First, the drone crashed in a location beyond the line of sight of  
63 the controller. Second, the drone was being operated near people. Third, it is doubtful that the  
64 deceased had passed an FAA flight physical. And finally, the deceased apparently did not file a flight  
65 plan with the nearest airport. I confess that none of these violations, themselves, played much of a  
66 part in the accident.

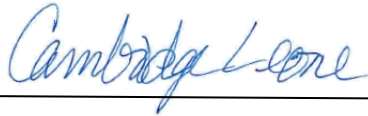
67 In my expert opinion, the "thumb on the control arm" hypothesis, even based on an incomplete  
68 reconstruction of the UAV, adequately and best explains, *lex parsimoniae*, the known facts. Of course, I  
69 do not know what might have caused the operator to die leaving his thumb in that exact place.  
70 Perhaps the timing is fortuitous, even remarkably so. Even though I do not know much about  
71 firearms, the marksman on the grassy knoll theory seems pretty far-fetched.

72 Finally, at the direction of Plaintiff's attorneys, I did not prepare a separate written report. I did  
73 discuss all of these findings and my conclusions with them over the telephone.

WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,



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SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2023-24 Michigan State High School Mock Trial Competition.



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Stephanie Egger Nelson, Notary Public

My Commission Expires: December 31, 2025

### **Witness Statement of Sam Spade**

1 My name is Sam Spade. I am a sergeant with the Mason County Sheriff's Department. Currently I am in  
2 the investigations unit. My duties include investigating drug crimes, murder, theft, sexual assaults and  
3 other crimes. Some of this involves undercover work. I wear plain clothes and drive an unmarked car.  
4 As part of my recent undercover drug ring investigation, for example, I have been driving a green  
5 Subaru WRX. I have been in investigations for approximately two years. Before that I was a Road  
6 Patrol Deputy. In another two years, I will most likely rotate back to road patrol.

7 I live at 1015 S. 63<sup>rd</sup> Street in Apple Blossom. I received my degree in Criminal Justice from Apple  
8 Blossom University in 2001. My spouse, Gail, is a high school teacher and she teaches Civics. We both  
9 attend a kickboxing class on a regular basis. It is a great workout. We have 2 kids –Matt, and Victoria.  
10 They are active in football and soccer. We also have a German Shepherd guard dog named Prince. He  
11 is a good ole dog and doesn't like people snooping around our house.

12 On the afternoon of October 11, 2022, at 1640 hours I was returning from an undercover meeting at  
13 the Flying 9 truck stop when I heard a radio dispatch about an incident at the Tomte residence  
14 involving a radio controlled type toy. This was in the area of the Apple Blossom Country Club and my  
15 route would take me very near. I answered to the dispatch that I would respond as being the closest  
16 officer in proximity.

17 I arrived at approximately 1647 hours and met Taylor Tomte in the driveway of the residence. Tomte  
18 was visibly upset and talking in a rapid manner. As I was not in uniform, I showed Tomte my  
19 identification and asked for a description of the occurrence.

20 Tomte escorted me around the side of the house to a back patio/garden type area. There was a  
21 covered gazebo structure with a large number of statues or yard art inside. As we approached, it  
22 became apparent that many of these statues were depictions of trolls or dwarves or some other  
23 fantasy-type creature. Tomte indicated, and I was able to observe, an extensive amount of debris. On  
24 closer inspection this turned out to be fragments and shards of these elf-type statues. Tomte then  
25 showed me where a mechanical device, later determined to be a small drone, had cut a path through  
26 the hobbit-type statues and partially embedded itself into the southeast corner of the structure.

27 Tomte explained that they had been in the backyard at approximately 1635 hours when there was a  
28 sound from the southeast. The backyard looks out onto the sixteenth fairway at the Apple Blossom  
29 Country Club and Tomte indicated the sound seemed to be coming from the general direction of the  
30 sixteenth green. As the sound became louder, Tomte saw a flying object appear from behind some  
31 cottonwood trees along the fairway. Tomte described the flying object proceeding in a zig-zagging  
32 manner toward their back garden/patio where Tomte was standing. Tomte described crouching  
33 down and seeing the object fly at a high rate of speed into the structure where the statue collection  
34 was housed.

35 After taking notes about this history, I examined the physical evidence and it appeared consistent  
36 with that history. There appeared to be a damage pattern generally from southeast to northwest

37 through the collection. The broken fragments appeared consistent with being struck by a flying metal  
38 object. It should also be noted there were numerous scuff marks and scratches on the drone itself. I  
39 also observed three or four small indentations on the bottom of the drone. I am familiar with shotgun  
40 blast patterns from my certification as a firearms instructor and my own biannual firearms  
41 qualifications with a shotgun, rifle and sidearm. In my opinion, the smaller indentations could be  
42 consistent with the drone having been hit with a shotgun load. But I cannot rule out other alternative  
43 explanations including those markings being caused by contact with the many statues which had any  
44 number of different materials, shapes, edges, and corners. In addition to the ceramic statues, there  
45 were metal, wood and glass statues that appeared to have been impacted by the drone. I do not know  
46 whether the evidence located at the scene was ever sent to the Crime Lab to be examined by a  
47 forensic firearm examiner. That would have been handled by the other deputies in charge of the  
48 scene. My firearm experience alone should qualify me to make these opinions, however.

49 I asked Tomte if there were any known drone owners in the area. Tomte continued to be quite upset  
50 at this point, including some commentary on my alleged lack of proper nomenclature for the dwarf-  
51 type characters depicted in the statues. Tomte advised that on a handful of occasions there had been a  
52 drone flying in the same general area and perhaps appearing to ascend and descend from a location  
53 across the thirteenth fairway and further southeast. Tomte also advised that the statues were  
54 "priceless." When asked how much the damaged statues were worth, their best estimate was  
55 \$1,000,000.00 at a minimum. That did surprise me, I will admit.

56 I advised Tomte of my intention to continue the investigation by attempting to retrace the  
57 approximate path of the drone. With permission, I walked through a field separating the backyard  
58 from the Apple Blossom Country Club sixteenth hole, crossed the fairway and walked along the rough  
59 in a southeast direction toward the area Tomte had indicated the drone might have come from. I  
60 encountered several homeowners in their backyards. When I asked about any possible neighbors who  
61 flew drones for fun, the name Orville Earhart came up repeatedly. I was directed by these neighbors  
62 to the back of a two-story tan house that backs up to an area between the thirteenth green and the  
63 fourteenth tee box of the golf course. I continued to walk in that direction and since there was not a  
64 fence to the backyard, I approached the back deck. It was at that point I saw a flat area in the bushes  
65 immediately under the back deck. Approaching more closely I observed a body, later identified as  
66 Earhart. I checked for vital signs and found none. It was clear to me that Earhart was deceased. I  
67 immediately used my cell phone to call in the situation to the station.

68 Earhart was dressed in casual clothes. He was barefoot. I later found one flip flop nearby on the  
69 ground and the other flip flop still on the deck above, which was by some empty junk food wrappers,  
70 an empty pop bottle and a partially eaten bag of candy. I also located a small control device which was  
71 later matched to the drone in Tomte's yard. It should also be noted that Earhart was wearing a med-  
72 alert bracelet indicating he had diabetes. I did not observe any wounds, bruising, or blood on  
73 Earhart's person. I took a few photographs of Earhart where I found him including the photograph  
74 which shows the controller, that was later determined to be for the drone in question. It is an accurate  
75 depiction of what I saw that day.

76 At approximately 1650 hours Deputies Smith and Weston arrived and assumed control of the scene. I  
77 retraced my path toward the Tomte residence. As I walked along the edge of the fairway an individual  
78 stepped out from behind a tree and approached me asking if "all this was about the drone." I asked the  
79 individual what about a drone. The individual stated a hatred for drones and said that if they saw one  
80 it would be shot down. I asked the individual for their name and was given the name Francoise  
81 Affenpinscher. I introduced myself and asked if the individual remembered meeting me at any time in  
82 the past. The individual indicated no recollection of any prior encounters. I asked this individual  
83 about any drone activity that day. The individual again repeated a profound dislike for drones.

84 I asked Affenpinscher if they had any knowledge of any particular drones in the vicinity on this  
85 particular day, and the individual again commented any drones flying overhead would be shot down. I  
86 asked if the individual had shot down any drones in this area and Affenpinscher indicated yes they  
87 had. I inquired if it was a drone that had been flying northwest to southeast ultimately landing in the  
88 area I had just come from. The individual indicated the details were fuzzy but that could be right; the  
89 individual did not correct me about the direction of flight as would be expected based on Tomte's  
90 history. I inquired what weapon Affenpinscher had used to shoot at the drone and was initially told it  
91 was a 9mm Beretta. When I congratulated Affenpinscher on such amazing marksmanship with a  
92 pistol, they indicated the actual weapon was a Benelli 20 gauge shotgun. At that point I informed  
93 Affenpinscher that I would be in touch if additional information was needed and acquired an address  
94 on Prairie Dog Circle which is where their home sits near the golf course.

95 I then returned to the backyard at Tomte's address and informed Tomte that the drone had come  
96 from a nearby house and the operator may have sustained some kind of medical event leading to its  
97 loss of control. Tomte demanded to know if criminal charges would be filed. I advised that the  
98 investigation was not yet complete but at this stage there was no reason to believe any crime had  
99 been committed. I suggested waiting a respectful period of time and then contacting the appropriate  
100 family member or representative of Earhart's estate to discuss any claim for damages or whether  
101 there might be some type of liability coverage under the homeowner's or other insurance.

102 Tomte did not seem to be particularly satisfied with my comments. I attempted to de-escalate any  
103 tension by expressing my sincere regret that the collection had been damaged. This did not seem to  
104 particularly alleviate any tension and at that point I determined the best course was to give Tomte my  
105 card and invite any additional communications or questions that might arise.

106 On my return to the Mason County Sheriff's Office, I performed a search on our joint agency database  
107 and confirmed my earlier suspicion that the individual identifying as Affenpinscher had contact with  
108 our office and me in particular four years earlier. At that point in time the individual identified  
109 themselves as Francoise Affenpinscher and identified themselves as a former member of the French  
110 Foreign Legion and international financier. That earlier contact had to do with this individual making  
111 a complaint that an officer of the Apple Blossom Bank of Commerce was wrongly withholding from  
112 the individual a Stradivarius violin, \$5,000,000.00 in "collateralized debt obligations," and many  
113 valuable music cassettes including Yanni and Michael Bolton. It was determined that the Apple  
114 Blossom Bank of Commerce was the trustee for the individual's late mother's funds being held for the

115 individual's benefit. My database research showed the individual was born back East in 1957 with the  
116 given name Kay Jones and has at different times used the names Francoise Affenpinscher, Georga  
117 Clarke and Alex Bell. Public records confirmed the individual officially changed their name from Kay  
118 Jones to Sandy Boone in 2018. Public records also confirmed the individual had a valid firearm permit  
119 for the last five years but had been denied a concealed carry permit in 2019. I later cited Boone with  
120 False Reporting for providing me a false name at the time of this investigation. Boone was later  
121 convicted of that charge and given a \$100 fine.

122 On the day after the incident, I conducted a telephone interview with Morgan Elby. Elby indicated that  
123 Earhart was their uncle and checked on his well-being two to three times per week depending on  
124 Elby's schedule. Elby reported to me that Earhart had insulin dependent diabetes. When I asked if the  
125 diabetes was generally kept under control, Elby indicated "fair." I asked Elby for any information  
126 about Earhart's use of insulin, other medications and other activities earlier in the day preceding his  
127 death. Elby told me that Earhart had taken all medications as scheduled per a home health nurse. At  
128 that point we ended the telephone interview after I expressed my condolences. However,  
129 approximately thirty minutes later Elby called again to inform me that, after speaking with the nurse  
130 again, it appeared Earhart had not taken medication as scheduled on the morning in question. I  
131 thanked Elby for providing the clarification. Approximately forty-five minutes later, Elby called a third  
132 time to inform me that, having spoken to the nurse yet again, it was unclear whether and when  
133 Earhart had taken medication on the morning of the previous day.

134 I did not attend Earhart's autopsy but an officer from our unit did attend and signed off on the  
135 autopsy report that was made and kept in the normal course of Mason County Sheriff's Office  
136 procedure.

#### WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,



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SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2023-24 Michigan State High School Mock Trial Competition.



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Stephanie Egger Nelson, Notary Public

My Commission Expires: December 31, 2025

### **Witness Statement of Morgan Elby**

1 My name is Morgan Elby. I live at 8002 Hanna Pointe Place, which is located in the southeast area of  
2 Apple Blossom. I've lived there for the last 13 years. After I graduated from Sterling Morton University  
3 in 2001 with my B.S. in Business Administration, I started working at the Michigan Arboretum Society  
4 as a Community Outreach Coordinator. I work with for-profit, non-profit, and governmental agencies.  
5 When I'm not trying to make a difference in the world through tree planting and good environmental  
6 stewardship, you can find me canoeing down the Grand River with my family. I'm married to Chris  
7 and we have 3 kids – Liam, Neve, and Aaron. They sure do keep us busy with soccer, dance, and little  
8 league baseball. Plus, we have a caramel colored Shorky named Sara. Of course, you probably know  
9 that a Shorky is a cross between a Shitsu and a Yorkshire Terrier. She is a playful pup and loves to  
10 sport her lime green collar with dog bones on it.

11 Oh, yes, back to why I'm here today. I am the sole surviving relative of Orville Earhart. He was my  
12 uncle. He was an eccentric old man. He never married. Never had children. Since he did not have kids,  
13 we were close. Well, I guess as close as anyone could be to Uncle Orville. He was a bachelor and pretty  
14 much a hermit. He stayed at his house a lot and was usually alone. He was super smart. Before he  
15 retired, he was an engineer. He was always messing around with building things and taking them  
16 apart. He loved that kind of thing. Long before there were drones for sale, he was always putting  
17 together model airplanes and flying them around. Bigger was always better. If there was a newer  
18 model, he just had to have it. In fact, he was visiting with the National Aeronautics and Space  
19 Administration and the local hospital about getting a medical transport drone. While these are not yet  
20 approved by the FAA, one drone was recently approved to carry medicine to a health clinic in rural  
21 Virginia. Can you imagine if this technology would have been around when ole John Nelson had that  
22 snake bite out in the hills 10 years ago? It could have carried the antivenom for snake bites. Poor John,  
23 the crusty old Senior Blaster owner of Tri-State Explosives, could have survived that nasty  
24 Diamondback rattlesnake bite with that antivenom.

25 Anyway, as I was saying, I never put together any drone models with Uncle Orville. I am not handy. It  
26 is a big accomplishment for me just to change a light bulb on my own. You know all those "Guess how  
27 many people it takes to change a light bulb?" jokes? I don't think they are all that funny. But, it sure  
28 did make Uncle Orville happy to fly his model airplanes and then his drones.

29 If I wanted to spend time with him, I knew to find him out in his backyard flying his drone, "The  
30 SkyHawk". Before he moved out to Apple Blossom Country Club, he used to go to the Cottonwood City  
31 Park to fly them. As you can imagine, on nice days it was pretty crowded. I think that was really why  
32 he moved to his house, the location was great for flying. He doesn't play golf and didn't really want  
33 anyone coming into his yard to get their wayward golf ball. He had "Keep Out" and "No Trespassing"  
34 signs up all over his yard. Anyway, once he moved to ABGCC, he could just fly them from the back  
35 yard. I have seen the map of the neighborhood and that is where Uncle Orville's house was located.  
36 When he was "going flying", Uncle Orville used to put on his pilot goggles, with his Bermuda shorts,  
37 Hawaiian shirt, and flip flops. All that was missing was a drink with a little umbrella in it and he was  
38 ready for the beach.

39 Oh, Uncle Orville didn't drink alcohol since he was diagnosed with diabetes when he was little. He  
40 took it seriously. Well, as seriously as I suppose any human can. He wasn't perfect, but I know he wore  
41 his med-alert bracelet all the time. I watched him take his medications when I visited him. He would  
42 take his own medicine. He had a daily pill box and he knew how to administer his insulin shots. Every  
43 now and then his blood sugar would get too low and when I would ask him, he would say that he  
44 maybe forgot to take his medicine that day or didn't test his blood sugar level that day. Like I said, no  
45 one is perfect. About 3 years ago, there seemed to be more episodes, so I encouraged Uncle Orville to  
46 hire a home health nurse to ensure that he was taking everything properly. Nurse Rachett-Nicholson  
47 was one of the few people that Uncle Orville really liked. Considering he hated the needles and insulin  
48 pump, he really liked Nurse Rachett-Nicholson. Uncle Orville never really even complained about  
49 what he was supposed to do for his diabetes maintenance, like the exercise, diet, and medications,  
50 although I don't think flying a drone is exercise, even if you are outside. After Uncle Orville's death, I  
51 paid Nurse Rachett-Nicholson a handsome bonus for everything they had done for Uncle Orville over  
52 the years.

53 I last saw Uncle Orville on October 4, 2022, a week before he died. It was just like any other time that I  
54 would stop by. Now that I think about it, I did see him take his medicine that day. Then, he put on his  
55 goggles and went flying. I stayed and watched him for a little while. Then, Uncle Orville got so  
56 involved in his drone that he seemed to forget I was even there. I just let myself out. That happened a  
57 lot. I just assumed I would see him again. It is a nice way to remember him. Seeing him do what he  
58 loved.

59 It really is too bad that Taylor Tomte's property got damaged. Although I can't imagine that those  
60 gnomes are worth near what Tomte is claiming. What a weird hobby and a waste of money, but I  
61 guess I can't say much with how much money Uncle Orville spent on his hobby of flying drones. Oh  
62 well, to each his own. Uncle Orville would never have meant to hurt anyone or anything with his  
63 drones, even if it was just gnomes. In part because he treated his drones like his children, his very  
64 expensive children, so he wouldn't want to risk damaging his babies. Although I was there a few times  
65 when Uncle Orville would tease one of the neighbors. Uncle Orville used to laugh about teasing some  
66 neighbor, because the neighbor used to get so wound up. I thought it was ornery, but again, it sure  
67 made him happy. After all this happened, I found out that Sandy Boone had posted on Facebook some  
68 bragging about being a crack shot and taking down that annoying drone, so I guess maybe Boone was  
69 that annoying neighbor. Although the annoying neighbor could have been Taylor; I guess the feeling  
70 was mutual.

71 As the sole relative, I am the Personal Representative for Uncle Orville's Estate and the only  
72 beneficiary. Heck, I just found out that Uncle Orville is really loaded. I never knew!! I stand to get a big  
73 inheritance, but if Taylor wins, those gnomes will take part of my inheritance. I mean I want to win  
74 this lawsuit to clear Uncle Orville's name, because I don't believe he intended to hurt those gnomes,  
75 but I have to be honest, I am not that interested in sharing my inheritance.

76 On November 16, 2022 or so, I received a letter from Taylor Tomte's Attorney for me to turn the  
77 drone over. When I got the drone back from the police, it was in pieces in a cardboard box. As I was

78 going through Uncle Orville's belongings in the house, I put all the old drone parts in the same tub. I  
79 wasn't going to keep it. Like I said, I can barely change a light bulb.

WITNESS ADDENDUM

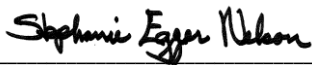
I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,



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SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2023-24 Michigan State High School Mock Trial Competition.



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Stephanie Egger Nelson, Notary Public

My Commission Expires: December 31, 2025

## **Witness Statement of Corey Rachett-Nicholson**

1 Hi there! My name is Nurse Corey Rachett-Nicholson and I'm a licensed practical nurse (LPN). People  
2 always tell me they don't trust people with hyphenated last names, but that never bothered Orville  
3 Earhart. He hired me without hardly looking at my resume, which is a good thing since it has a few  
4 "minor" blemishes. "Morphine" and "Motrin" look and sound pretty similar to me! Honest mistake, I  
5 swear! No one died and, now that the patient is out of rehab for opiate addiction, he seems to be doing  
6 just fine.

7 I live at 1022 South 35<sup>th</sup> Street in Apple Blossom, Michigan, in a fieldstone house. I went to school at  
8 Fletcher Community College in Medicine Creek, Michigan. I graduated in 2009 and worked at the local  
9 hospital until 2019. Then I was hired by Orville. My spouse, Robin, works as an Animal Curator at the  
10 Carson Zoo. We have one little girl named Rachel and she is three. Of course, we have a bunch of critters  
11 at our house. We have a Golden Retriever named Ginger, who is the sweetest dog ever! She is a great  
12 guard dog; although, in Apple Blossom, you really don't need a "guard" dog. Next, we have a pet rat  
13 named Louie. And an African Grey parrot named Waldo, who recently learned how to escape from his  
14 cage. Waldo used his beak to open the latch and unscrew the bolts. Geez! Smart bird!

15 Anyway, yes – well, I was as surprised as anyone that Orville died so suddenly. He did have a number  
16 of medical issues that I was helping him out with, along with some cooking and laundry, but he got  
17 along okay and never had any life-threatening medical issues that I was ever made aware of. He had  
18 diabetes, and I assisted him with administering his medications – insulin, mostly. Orville was deathly  
19 afraid of needles and couldn't stand the idea of an insulin pump. He had a thing about foreign objects in  
20 his body. He used to make analogies to needles, pumps, catheters, etc. being like aliens trying to invade  
21 and disrupt his body's systems. Weird. Still, his age, health, and eccentric behavior meant that he would  
22 often forget to take his meds if I wasn't around, even the ones that came in pill form.

23 The diabetes was Type 1, meaning he'd had it since he was a child and it wasn't a result of him being  
24 obese, doing drugs, having a poor diet, etc. Doctors think it was caused by a virus when he was 9 years  
25 old. Even though it didn't come as a result of obesity, Orville still had TONS of dietary restrictions and  
26 was encouraged to exercise regularly. He wasn't particularly good about either of those things. Orville  
27 sat and played with that darn drone for *hours* every day. He got that silly thing at a military surplus sale  
28 and now he uses it to pass hours and hours of his time. He tells me it's just a hobby, but I think it's more  
29 of an obsession. He puts those goggles on and it's like he's in a video game, completely off in his own  
30 world.

31 Some people in the area have gotten really upset with Orville because he likes to buzz houses so closely.  
32 I've seen him get to where he's circling only ten or fifteen feet above someone's backyard! That reminds  
33 me – the other day I personally got an earful from one of those angry neighbors. Sandy Boone stopped  
34 by the house when Orville was at the doctor. Since Orville wasn't around, I got the brunt of Boone's  
35 wrath. All Boone did was go on and on about how much they hate drones; how the drones are going to  
36 destroy the concept of personal privacy; the government is using them to spy on us; they're a nuisance  
37 because of noise; and Boone even told me that they like to shoot at them!

38 Now, I've seen this character around before. Evidently, we share an interest in firearms. I picked up  
39 shooting as a hobby when I was a kid. I was captain of my high school trap shooting team and, once I  
40 was old enough, bought a handgun to mess around with. I go to the range to practice just about every  
41 weekend, and I've seen Boone there on several occasions. I've never talked with Sandy prior to the day  
42 they came over for the anti-drone rant, but I've seen Boone shoot, if you can call it that. Standing directly  
43 in front of them while they target shoot might be the safest place on the range to be! That idiot couldn't  
44 hit the backside of a barn! To be honest, I'm not sure Boone could even hit one of those paper targets  
45 with a shotgun if they were more than five yards away... Bottom line? Sandy needs a LOT more practice  
46 before they should be allowed to fire that gun anywhere off the range. Yikes...

47 Anyway, Orville had this strange obsession with the neighbor's gnome garden. That neighbor Tomte  
48 has enough gnomes to populate a village! It makes Orville's drone addiction seem completely normal  
49 by comparison. I heard about how the drone was found to have crashed into the gnomes. "Gno-more"  
50 flying of the drone for him, I guess! Still, I feel bad the old guy died. I guess he was found slumped over  
51 the controls for the drone with his thumb still jammed forward on the control stick. Another funny  
52 thing, though – I also heard the drone had a few shotgun pellets lodged in the metal frame. Maybe ol'  
53 Boone got lucky after all!

54 You know, I see both sides – that stupid drone only served to get Orville into trouble and, ultimately,  
55 kill him. Now I'm not saying it literally rose up and killed him, but he never got any exercise since he  
56 was messing around with that thing all day long. Plus, when he was plopped in front of those monitors,  
57 all he wanted to eat was junk food. I always made what he told me – he signed the checks, after all. All I  
58 could do was try to administer his insulin properly and keep his blood sugar at acceptable levels. In  
59 fact, I was out buying Orville's medical supplies when he was found dead. I'd given Orville his morning  
60 insulin shot of 6 units – or was it 8? I have all that stuff written down somewhere, but I think maybe I  
61 left it at home that day. I kept all the information in his medical chart at the house. Oh well, it doesn't  
62 have to be exact, does it? If he wouldn't completely lose himself in that stupid drone, and maybe have  
63 eaten a little better - then he wouldn't have needed me around to give him his medicine anyway.

64 All I know is that I am going to be as cooperative as possible. Not only do I want to make sure that the  
65 family and law enforcement know I played NO role in Orville's death, I want everyone to be crystal clear  
66 that I *earned* my severance pay! I took pretty good care of the old guy and I don't want it to look like I  
67 got paid off or something. After Orville died, Morgan Elby gave me a nice severance check for all my  
68 hard work. Morgan knew Orville's death bothered me enough that I'm getting out of the home health  
69 care business altogether. As an added bonus, I won't have to take that recertification test I was trying  
70 to cram for either. I don't remember the exact amount of the bonus because it was just added to my  
71 regular pay check, but I can tell you that I won't have to worry about finding another job for several  
72 months.

WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,

C. Rackett-Nicholson

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2023-24 Michigan State High School Mock Trial Competition.

Stephanie Egger Nelson

Stephanie Egger Nelson, Notary Public

My Commission Expires: December 31, 2025

## **Witness Statement of Sandy Boone**

1 My name is Sandy Boone. I live at 5555 Prairie Dog Circle in Apple Blossom, Michigan, which is just  
2 outside the city limits and only two blocks west of the Apple Blossom Country Club. I have a big ole  
3 Chow, Casey, that is 8 years old and still chews on my ole Army boots. I still go to Boot Camp three  
4 times a week....keeps me in shape.

5 I am not originally from Michigan. I come from back East where after dropping out of high school, I  
6 joined the United States Army and served during the Vietnam War. Being in the military was good for  
7 me; I got an education and it brought some discipline to my life. I even achieved the rank of Master  
8 Sergeant and retired from the Army after 20 years of service.

9 An old Army buddy of mine was from Michigan and was always talking about how great the  
10 Michiganders are. He knew how much I enjoyed camping, hunting, and fishing, and told me that  
11 Michigan would be a great place for me to put down some roots as a civilian. So, in 1997, I moved to  
12 Apple Blossom. For the past 23 years, I have worked at Home on the Range Sporting Goods Store.

13 With my employee discount at work, I have been able to buy a pistol, a 12 gauge shotgun and a high  
14 powered rifle. I love to go hunting with my friends, and in my spare time, I go out to the Apple  
15 Blossom Gun Club to practice shooting. I used to be quite the sharpshooter, but these days, my ole  
16 cataracts are playing havoc with my aim.

17 Two years ago, as I was duck hunting with friends on the Platte River, which is about a quarter mile  
18 from where I live, a drone kept flying over our heads. We didn't know who owned the drone, but we  
19 did know that the dang drone was scaring away the ducks! My buddies and I got so mad at that  
20 blasted drone that we started to throw rocks and take shots at it. However, it just seemed to hover up  
21 there, and the duck hunt was a bust.

22 It seems that nowadays, drones are everywhere! My home is the only place on my side of the Prairie  
23 Dog Circle that is on a gravel road. On my side of the road I am surrounded by farmland and am really  
24 close to the Platte River. Someone around me is always flying a blasted drone over my home and over  
25 the houses at the golf course. I do not know who owns the drone. Maybe it is a person who lives on the  
26 fancy schmancy golf course who wants to spy on me and my neighbors. What do they think I am  
27 doing...making moonshine? I really don't know why anyone would want to spy on me, as I live a  
28 simple life. Just going to work, coming home, and minding my own business. Oh yeah, of course now  
29 and then I have to get in some hunting and fishing, but if you've ever waited for a fish to bite, you  
30 know how blasted boring that can be!

31 Besides being annoying and disturbing my peace, those pesky drones actually give me flashbacks to  
32 being overseas. Anything flying overhead puts me on high alert and almost makes me wonder if I  
33 might have some PTSD symptoms going on.

34 I love America and all of the freedom that we have. Like other Americans, I worry about anything that  
35 threatens our freedoms, like gun control and drones. When I see a drone flying over me, I believe that

36 I have a right, under the U.S. Constitution, to use my guns to defend myself and my privacy. I have shot  
37 at and will continue to shoot at any of those stupid drones that fly near me.

38 I'm pretty sure that I did shoot down a drone on October 11, 2022. Around 4:30 p.m., that day, a  
39 blasted drone was flying over my home. It sounded like a mad bumblebee and was flying low. At first,  
40 I was going to use my handgun, but I am not the best shot with it, so I quick grabbed my shotgun  
41 instead. Then I fired three shots at the drone which was flying over a cornfield by my mobile home. I  
42 saw something like dust fly from the machine after my last shot. The drone then started to wobble. It  
43 slowly gained altitude and then disappeared over the trees. I never heard a crash, but the buzz of that  
44 ole drone eventually did stop.

45 I do remember being interrogated by Sergeant Spade. Back in the hills where I grew up, we did not  
46 trust the police so we never give a police officer our real name. Heck no, I did not deny shooting at the  
47 drone. I may have been a little unclear as to what weapon I used but.... Again, I was being questioned  
48 by a police officer.

49 I had heard that the deceased guy owned a drone and went to his house to complain and warn him  
50 that I would shoot his darn drone down if it got anywhere close to me. I never did talk to the  
51 deceased guy. Instead, I ended up talking to Orville's personal nurse when I knocked on the door. I  
52 have seen the nurse at the gun range. I do not trust that one. They once tried to cheat my employer by  
53 returning a full box of shotguns shells which they had reloaded by themselves. Home on the Range  
54 Sporting Goods Store would be in a lot of trouble if they had taken the shells back and tried to resell  
55 them. Orville's personal nurse is not to be trusted.

56 I love America and I hate the blasted drones. What else can I say.

1

#### WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,

Sandy Boone

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2023-24 Michigan State High School Mock Trial Competition.

Stephanie Egger Nelson

Stephanie Egger Nelson, Notary Public

My Commission Expires: December 31, 2025



## GNOME MORE

**Fine Gifts and Collectible of Historic Value  
3583 Avon St., Apple Blossom, MI**

**Insurance Appraisal Document #577LOTR  
Prepared for Taylor Tomte  
Of 1313 Countryclub Ln., Apple Blossom, MI  
On June 20<sup>th</sup>, 2022**

GNOME MORE is pleased to provide this Appraisal for the purpose of continuing insurance coverage of the items listed. The Retail Replacement Value has been established based on GNOME MORE's current suggested retail prices of the items, unless otherwise noted. Items that were not purchased at GNOME MORE have been valued by the cost approach method and compared with similar items in GNOME MORE's inventory to determine the Retail Replacement Value, unless otherwise noted. Retail replacement clause establishes a basis for which a specific item may be replaced with a similar item of like kind, quality, and utility without exact duplication.

There are 14 items in this report and it is valid only in its entirety, plus any attachment noted for individual items. The valued conclusions exclude all taxed and are subject to limiting conditions that are set forth in the body of this report. The listed items have an approximate total value of \$1,001,693 at the retail market level in Apple Blossom, MI.

We suggest that you provide copies for your insurance company and keep the original report and any attachment in a safe place, we recommend updating every 2-5 years to ensure appropriate values. Updates may be obtained by returning the original appraisals with the merchandise to GNOME MORE for value/condition review. Updates are provided in the name the original appraisal was prepared for. Update appraisal request without supporting documentation, i.e. original receipt and/or original appraisal, will incur an appraisal fee at the time of request. All information included in the report is considered confidential and will not be released to their parties without the written consent of Taylor Tomte.

Possession of this report does not provide title to the items appraised. Neither GNOME MORE nor the appraiser can be held responsible for unauthorized alterations.

It is recommended that collectible appraisals be updated every 2-5 years, depending on market fluctuations. Updates can be obtained by bringing the items with the original appraisals to GNOME MORE for review and re-evaluation. We certify that all care will be taken with your collectibles while in our possession as if they were our own.

Please call GNOME MORE's Appraisal Lab with any questions regarding this appraisal.

Sincerely,

*Ader Jadin*

Ader Jadin, Certified Collectible Connoisseur CCC and Expert, Senior Appraiser

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This appraisal represents GNOME MORE's estimated value of the merchandise listed for the purpose of obtaining insurance. As an accepted trade practice, collectibles may have been subject to enhancement processes. Images used on this document are not representative of actual size, may be enlarged to show design details or decreased for space limitations. GNOME MORE assumes no obligation to replace, buy, sell or trade any merchandise and is not liable with respect to any actions that may arise as a result of this appraisal. Grading information obtained from vendor.

**Exhibit #1 Page 2**



# GNOME MORE

**Fine Gifts and Collectible of Historic Value  
3583 Avon St., Apple Blossom, MI**

**Insurance Appraisal Document #577LOTR  
Prepared for Taylor Tomte  
Of 1313 Countryclub Ln., Apple Blossom, MI  
On June 20<sup>th</sup>, 2022**

<b>Name, Description</b>	<b>Appraised Value</b>
Terra – Miner, axe, towel, matte finish, antique, circa 1847, no know replacement available	\$1,000,000
Noldor – Reading book, stack of book, matte finish	\$97
Phillipp – brushes, paint pallet, glossy finish	\$128
Faxon – Cornucopia, gloss coated shells, glossy finish	\$704
Tomte – Toothbrush, working cap on paste, matte finish	\$54
Alexander – Bench, glossy finish	\$62
Arthur – Acorns, log, glossy finish	\$40
Baldwin – Thinker leaning on a stump, matte finish	\$49
Erich – Gardener with roses, matte finish	\$55
Heinz – Pepper picker with garlic, glossy finish	\$37
Instus – wheelbarrow, matte finish	\$62
Konrad – Horn, bunny with horn, glossy finish	\$249
Ludwig & Leopold – jolly twins, glossy finish	\$89
Rolf – seated, bag of acorns, matte finish	\$67
	\$1,001,693



## GNOME MORE

Fine Gifts and Collectible of Historic Value  
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### Terra

Value:  
\$1,000,000



### Noldor

Value: \$97



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### Phillipp

Value: \$128



### Faxon

Value:  
\$704





## GNOME MORE

Fine Gifts and Collectible of Historic Value  
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### Tomte

Value: \$54



### Alexander

Value: \$62



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### Arthur

Value: \$40



### Baldwin

Value: \$49





## GNOME MORE

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### Erich

Value: \$55



### Instus

Value: \$62



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### Heinz

Value: \$37



### Konrad

Value: \$249





## GNOME MORE

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### Ludwig & Leopold

Value: \$89



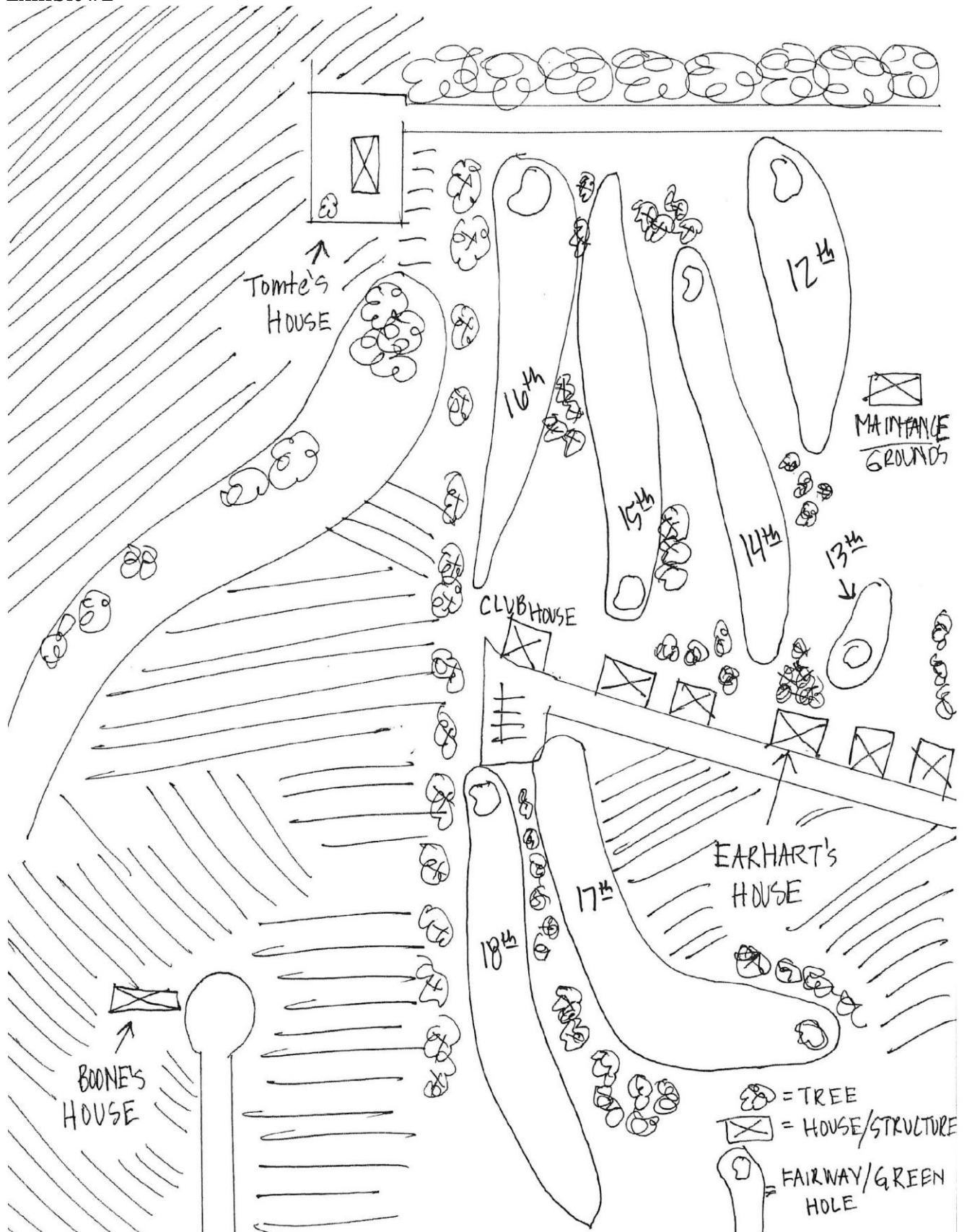
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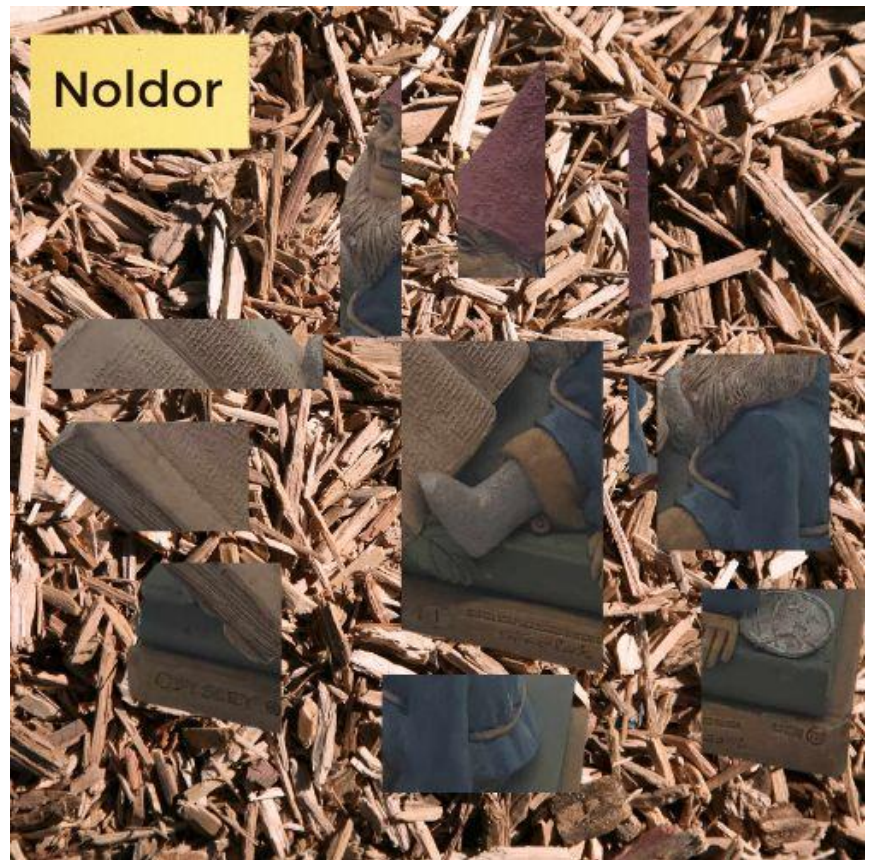
### Rolf

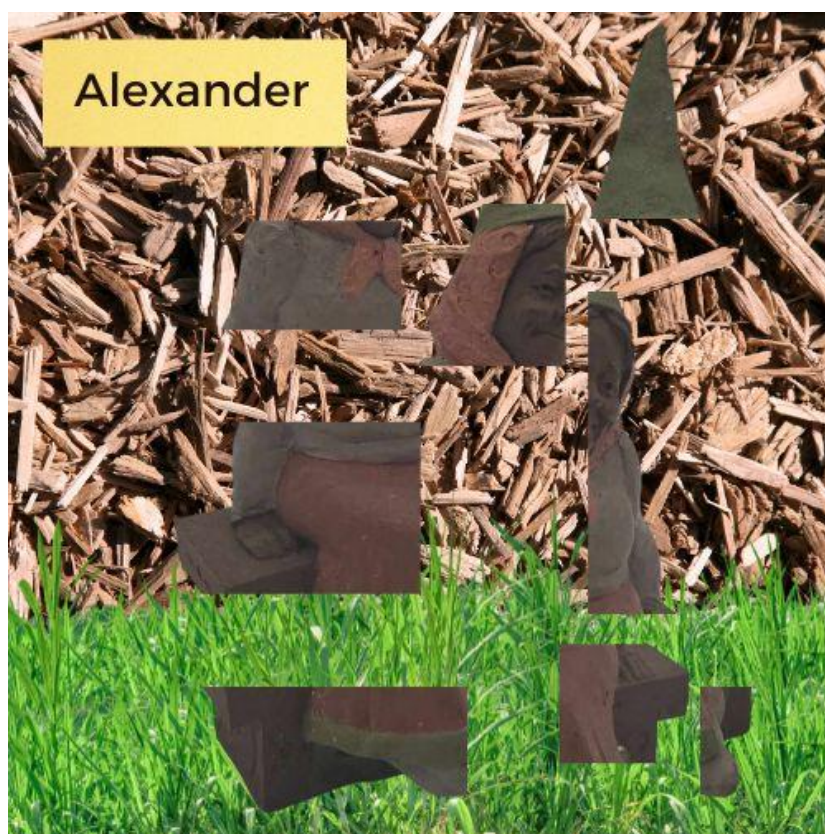
Value: \$67



Exhibit #2







## Exhibit #4

November 14, 2022

Ms. Roberta Robb  
Robb, Steel and Ponder Law Office  
411 S. Pickandpocket Way  
Apple Blossom, MI 48001

Dear Ms. Robb,

Taylor Tomte has employed me as their attorney in a matter involving property damage and psychological injuries resulting from Orville Earhart's negligence on October 11, 2022. Your client, Morgan Elby, is the Personal Representative for Mr. Erhart's estate is, therefore, responsible for the injuries suffered by my client.

Sam Spade, Sergeant with the Mason County Sheriff's Department, took timely photographs of the damaged valuables. Copies of these photographs and other pertinent documents will be provided to you upon request. In addition, prior to the incident, on June 20, 2022, Taylor Tomte received an Insurance Appraisal Document from GNOME MORE, setting out the fair, accurate and unquestionable value of the items damaged by the drone in question. Said Appraisal Document will be provided to you upon request.

Cambridge Leone, drone expert has been contacted by my office to examine the drone, which I believe your client, Morgan Elby, still has in their possession. Per Cambridge Leone, however, this cannot be done unless and until your client turns the drone over in its entirety to be subject to a full and fair examination. I trust that your client will not hinder this investigation. Kindly instruct your client to mail the complete drone to Cambridge Leone 1903 Kill Declin Hills, Apple Blossom, MI, immediately.

Taylor Tomte indicated to me that Orville Earhart frequently flew his drone over his property, so the fact that the drone was improperly flying over my client's home was certainly no mistake. Taylor Tomte personally witnessed the drone damage and destroyed property which was of profound monetary and sentimental value to Tomte. As a result, Tomte has suffered mental and emotional damages that will take some time to heal. My client offers to settle this matter for \$10,600 for the pain and suffering they have endured. They have missed 80 hours volunteer work with Mason County Gardeners Club, at approximately \$20 per hour value, and has had 100 hours, counseling services at \$90 per hour so my client can continued to try to cope with the negative effects on their life as a result of Orville Earhart's thoughtless and negligent actions. My client offers to settle this matter for \$1,000,100 owed to them for the damage and destruction of their property. Please forward a check and any waivers and releases you wish to have signed to my officer within the next thirty (30) days or any counteroffers you wish to propose. If I do not hear back from you, I will assume you do not wish to settle this matter, and we will proceed to trial.

You and your client(s) are hereby given notice not to destroy, conceal or alter any paper or electronically stored information as defined by the federal Rules of Civil Procedure. This includes but is not limited to email messages, files and other data generated by and/or stored on your client's computers or storage media (such as hard disks, floppy disks, back up tapes etc..) or any other electronic data, such as voicemail, that contains any information relating to this matter. Please immediately suspend any policies of protocol's that might lead to any destruction of relevant discoverable information and further, please take steps to identify and appropriately retain and preserve all pertinent information. The drone, pieces of drone, controller, associated equipment, records of purchase and operation and its residue are included in this damage for preservation.

Thank you for your time and attention to this matter. If you have any questions or comments please feel free to contact ME  
Sincerely

*R.A. Bid*

R.A. Bid  
Attorney at Law  
110 Hungryway Boulevard  
Apple Blossom MI 48000

**Exhibit #5**

Apple Blossom, MI  
Aviation Administration

Date: April 1, 1988

# Advisory Circular

Subject: MODEL AIRCRAFT OPERATING STANDARDS

1. PURPOSE - This advisory circular outlines and encourages voluntary compliance with, safety standards for mode aircraft operators.
2. BACKGROUND - Modelers, generally, are concerned about safety and do exercise good judgement when flying mode aircraft. However, model aircraft can at times pose a hazard to full scale aircraft in flight and to persons and property on the surface. Compliance with the following standards will help reduce the potential for that hazard and create a good neighbor environment with affected communities and airspace users.
3. OPERATING STADANDS -
  - a. Select an operating site that is of sufficient distance from populated areas. The selected sit should be aways from noise sensitive areas such as parks, schools, hospitals, churches, ect.
  - b. Do not operate model aircraft in the presence of spectators until the aircraft is successfully flight tested and proven airworthy.
  - c. Do not fly mode aircraft higher than 400 feet above the surface. When flying aircraft within 3 miles of an airport, notify the airport operator, or when an air traffic facility is located at the airport, notify the control tower or flight service station.
  - d. Give right of way to, and avoid flying in the proximity of, full-scale aircraft. Use observer to help if possible.
  - e. Do not hesitate to ask for assistance from any airport traffic control tower or flight service station concerning compliance with these standards.

*Jacob Smith*

Jacob Smith  
Director, Air Traffic Services

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Initiate by: NSBF-635

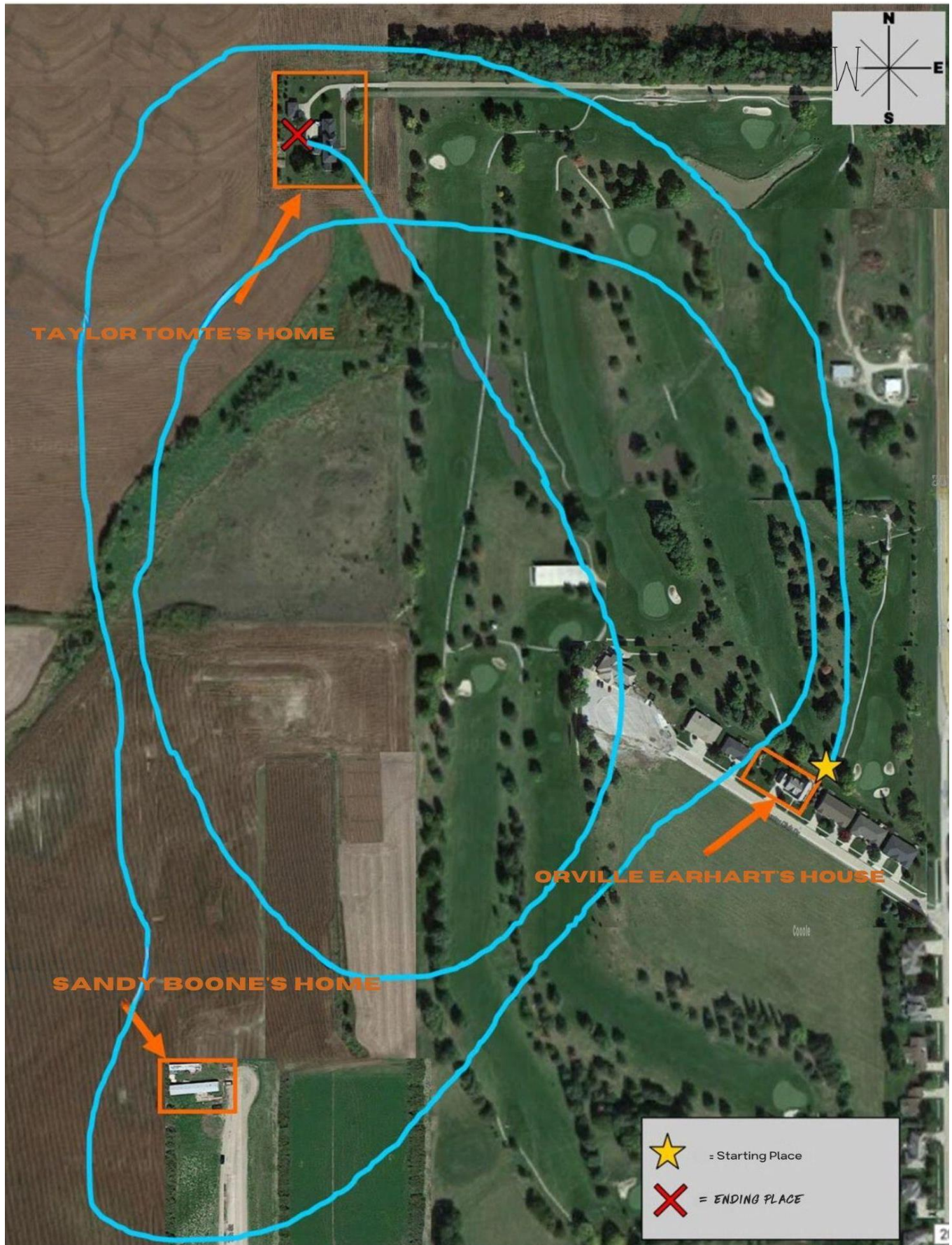
**Exhibit #6**



Exhibit #7



Exhibit #8



**Exhibit #9**

Image ID MKRB2008LV

**JOURNAL ENTRY AND ORDER**

## IN THE COUNTY COURT OF MASON COUNTY MICHIGAN

STATE OF MI VS. SANDY BOONE  
 DOB: 1949  
 CASE ID: MT 15 27299  
 CITATION: 11061963

Printed October 20, 2022  
 Room 120  
 Page 1  
 Date of Haring November 10, 2022

Charges (Amendments/Pleas/Findings/Fines/Presentence/Jail/Dismissals)

Charge	Statue	Description	Class
Count 1	Section 750.479	False Reporting	1

**Plea: No Contest Found: Guilty Fine: \$100.00**

Appearances and Advisement

Judge: Honorable Rae Pile  
 Defendant: Sandy Boone  
 Prosecutor: Cindy Kileen  
 Other

Defendant previously advised of the nature of the above charges, all possible penalties, and rights. Defendant was advised of their right to an attorney and knowingly, voluntarily, and intelligently waive counsel.

Arraignment

Defendant advised of and waived rights.  
 Defendant waives jury trial.  
 Defendant enters above pleas.  
 Please entered knowingly, intelligently, voluntarily and a factual basis for plea(s) found,  
 Court finds as shown above.

Sentencing

Defendant was granted allocution and sentence was pronounced by the Court.  
 Defendant ordered to pay fines as shown above; for a total of \$100.00, and all costs of prosecution.

Execution of \$149.00 is suspended until February 10, 2023

Defendant to pay Court Costs \$48.00  
 Other \$1.00

Hon. Honorable Rae Pile 11/10/2022 Ted McConnel  
 Hon. Rae Pile Bailiff

Tape No. Court #13 CD

Case File Copy

Filed By:  
 Clerk of Mason County Court  
 November 14, 2022

Journal Entry Order

**MASON COUNTY MEDICAL EXAMINER**

548 Maple Lane Suite 600  
Apple Blossom, MI 48000  
Phone: 313-223-1234

**AUTOPSY#:** ME-14-789

**NAME:** Erhart, Orville

**DATE OF BIRTH:** 1-20-49

**GENDER:** Male

**AUTOPSY PERFORMED AT:**

Mason County Morgue

**CAUSE OF DEATH:**

MYOCARDIAL **INFARCTION** (cardiac  
arrest)

**AUTOPSO AUTHORIZED BY:**

Mason County Attorney

**CONTRIBUTING FACTORS:**

HISTORY OF DIABETES; HYPOGLYCEMIA

**DATE:** 10-12-2022

**TIME:** 01:30 PM

**MANNER:**

NATURAL

**PATHOLOGIST**

**Marcus Welby, M.D.**

***Marcus Welby***

Marcus Welby  
Forensic Pathologist  
Mason County Medical Examiner

**GREAT LAKES  
TOXICOLOGY LABORATORIES  
FORENSIC TOXICOLOGY REPORT**

**AUTOPSY#:** ME-14-789

**NAME:** Erhart, Orville

**DATE RECEIVED:** 10-14-2022

**SPECIMEN RECEIVED:** blood, vitreous humor

**DOCTOR:** Welby,

**COUNTY:** Mason

**BLOOD GLUCOSE LEVEL:** 28 mL/dL

**NOTE:** The glucose testing of deceased blood and analysis of the same occurred at Great Lakes Toxicology Laboratories

**BLOOD ALCOHOL LEVEL:** 0.00 g/100 mL

**DUR TESTING RESULT:** the Blood immunoassay screen was negative for the following drugs/drug classes:

Amphetamines	Cannabinoids	Cocaine metabolite
Phencyclidine	Propoxyphene	Benzodiazepines
Methadone	Barbiturates	Opiates

**DATE:** 11-10-2022

**Great Lakes Laboratory**  
548 Maple Lane Suite 650  
Apple Blossom, MI 4800  
Phone: 313-333-2323  
Website: [www.greatlakeslab.com](http://www.greatlakeslab.com)

*Lars Ulrich*  

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**Lars Ulrich, Ph.D., DABCC**  
**Director of Toxicology**

ME-14-789

## Medical Examination Report

**EXTERNAL EXAMINATION:** The body is received in a black body bag with the zipper sealed with a red plastic zip tie lock with the number "000852" and "Apple Blossom Police Department" imprinted on it. There is a yellow Mason County Morgue identification tag with the name "Orville Earhart" and other identifying information printed on it. The body is that of an adult male with little necrosis. Deceased is in a full state of rigor mortis. The body is clothed in a Parrothead t-shirt with orange stains all over it that appear to be from Cheetos, as well as a pair of blue shorts. The body was discovered relatively soon after the estimated time of death, thus lividity is minimal at this point. However, what lividity is present as such to indicate that the deceased was on his right side immediately after death. The body measures approximately 68 inches in length and weighs an estimated 163 pounds.

**THORACIC CAVITY:** The chest plate is removed to assess the cavity. There is no significant soft tissue or bone trauma. The musculature of the chest wall is bright pink. The heart and lungs are in the normal anatomic locations. There is a substantial amount of fluid in the thoracic cavity and the pericardial sac. It is apparent that the deceased was suffering from congestive heart failure, presumably as a result of years of mismanagement of Type 1 diabetes. The lungs are reddish-pink and have well aerated cut surfaces. The coronary arteries have some atherosclerosis and arrowing. The myocardium is firm and red-brown, without focal lesions. The cardiac valves are unremarkable.

**SPECIMENS SAVE/ADDITIONAL STUDIES:** 49 mL of heart blood, 3 mL of vitreous humor are obtained. A blood glucose, blood alcohol and drug screen will be performed.

**ADDITIONAL AUTOPSY NOTES:** Officers from the Mason County Police Department were present for the autopsy. Officers took photographs, X-rays were taken and unremarkable. Officers informed this doctor that scattered around the body there were multiple bags of Cheetos, empty 2 liter bottles of Mountain Dew, and a half eaten, 1 lb. bag of Skittles candy. Results indicate that a spike in blood sugar caused a cardiac event resulting in the death of Mr. Earhart.

**CLINICAL HISTORY:** Patient history indicates that the deceased suffered from Type 1 diabetes for most of his life. Clinical follow up indicates that the deceased managed blood glucose levels for most of his life. Medical records indicate a change in behavior in more recent years. This change also included the employment of a nurse to assist with testing and medications. The nurse normally on duty for the care of the deceased was not present the day of the cardiac incident.

Marcus Welby

***Marcus Welby***

Forensic Pathologist

Mason County Medical Examiner

INSTRUCTIONS:		INDICATE SITE WITH APPROPRIATE NUMBER	
NURSES SHOULD INITIAL THE HOUR/DATE SQUARE GIVEN, EXPLAIN IN NURSES MEDIATION NOTES		1. Buttocks (Gluteus) 2. Buttocks (Gluteus) 3. Arm (Deltoid) Left 4. Arm (Deltoid) Right 5. Thigh 6. Thigh 7. Abdomen Left 8. Abdomen Right 9. Upper Back Left 10. Upper Back Right 11. Upper Chest Left 12. Upper Chest Right	

DATE	TIME	INITIAL	DRUG - STRENGTH - DOSE	SITE (IF OTHER THAN ORAL)	REASON	RESULT
9/26/22	09:15	CRN	Toujeo - 2 units	1	low blood sugar	Yellowing
9/27/22	09:20	CRN	Toujeo - 2 units	4	" "	felt better
9/28/22	09:12	CRN	Toujeo - 2 units	4	" "	felt better
9/29/22	09:30	CRN	Toujeo - 1 unit	2	" "	kind of better
9/30/22		CRN		1	" "	
10/1/22	14:00	CRN	Yes PLEASE!	1	FOR THE SECOND TIME SICK	
10/2/22	15:00	CRN	Toujeo - 2 units	1	low blood sugar	felt better
10/3/22	09:00	CRN	Toujeo - 2 units	1	low blood sugar	felt better
10/4/22	09:00	CRN	Toujeo - 2 units	4	chestnut Soda	better
10/5/22	09:15	CRN	Toujeo 2 units	1	chocolate	2 more of those
10/6/22	09:30	CRN	Toujeo - 1 unit	2	chocolate	better
10/7/22	09:12	CRN			2 liter of Coke	why, oh why? better
10/8/22	09:30	CRN				
10/9/22	14:22	CRN	Toujeo - 2	1	1 pound starchiest	seriously??
10/10/22			2	2	blood sugar	
10/11/22						

INITIAL	SIGNATURE/TITLE	INITIAL	SIGNATURE/TITLE	INITIAL	SIGNATURE/TITLE
					Bananas
					Kale
					blueberries
					Protein bars

I have to ask myself why? why do I keep doing this job??

I really "drones" on! 10/1

Cherry Garcia