

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,
IN AND FOR VOLUSIA COUNTY, FLORIDA

IN RE: PETITION FOR RISK PROTECTION ORDER
AGAINST {Name of Respondent} [REDACTED]

VCSO Case Number
19-12008

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} Dean Wallis, in my position as {job title} Deputy Sheriff with the {name of law enforcement officer/agency} Volusia County Sheriff's Office, swear and affirm that the following facts are true and correct.

1. {Name of Respondent} [REDACTED] poses a significant danger of causing personal injury to himself/herself or others by having a firearm or any ammunition in his/her custody or control or by purchasing, possessing or receiving a firearm or any ammunition. The following specific statements, actions, or facts give rise to a reasonable fear of significant dangerous acts by the respondent:

On 06-02-2019, at approximately 1040 hours, Deputies responded to [REDACTED] [REDACTED] Debary, in reference to a domestic disturbance. Deputies were informed by dispatch that [REDACTED]'s boyfriend, [REDACTED] had shot the garage wall three times and had battered her.

2 Additional pages are attached.

2. {Name of Witness} [REDACTED] provided the following information based on his/her personal knowledge:

Deputies made contact with [REDACTED] who was visibly distraught and having a slight panic attack. [REDACTED] advised she was sleeping in the guest bedroom when [REDACTED] grabbed her phone and started to strike her in the face. Shortly after, she fled to the neighbor's residence, at which time [REDACTED] walked outside holding a shotgun in his hands, yelling "do not call the cops because I will kill everyone and myself."

1 Additional pages are attached.

3. Affiant ___ is is not aware of any existing protection order governing the respondent under any applicable statute.

0 Known protection orders are attached

4. The quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody or control are as follows:

Quantity <u>2</u>	Type <u>Handguns</u>	Location <u>Vehicle</u>
Quantity _____	Type _____	Location _____
Quantity _____	Type _____	Location _____
Quantity _____	Type _____	Location _____
Quantity _____	Type _____	Location _____
Quantity _____	Type _____	Location _____

0 Additional pages are attached.

AFFIANT HEREBY CERTIFIES UNDER PENALTY OF PERJURY THAT THE STATEMENTS AND FACTS IN THIS AFFIDAVIT AND IN ANY ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Dated: 06/02/19 Signature of Affiant: DWallis

Sworn to or affirmed and signed before me on 06/02/19 by D/S Dean Wallis
Date Affiant's Name

who is personally known to me or _____ presented _____, as identification.

Sgt. O. Bello # 7928
Attesting LEO Witness or Notary Public, State of Florida
My commission expires: _____

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST {Name of Respondent} _____

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____

PAGE 2 _____ OF 3 _____

On 6/2/19, at approximately 1038 hours, Deputy Ruiz responded to _____ Debarry in reference to a domestic disturbance. Prior to arrival, the defendant, _____ left the scene in a black Ford F250 _____ traveling toward Dirksen Drive, Debarry. Volusia County deputies searched the area that yielded negative results.

Deputy Ruiz made contact the victim, _____ who advised the following: _____ advised last night she and _____ were in a verbal altercation and she left the residence at approximately 2000 hours. _____ advised she returned home this morning, at approximately 0100 hours, and slept in the guest bedroom. _____ advised she awoke by _____ yelling and hit her (unknown slap or punch) several times in the head area. _____ advised _____ was upset due her conversing with another male on the cell phone. _____ advised she walked into their bedroom where _____ hit her again and pulled the back of her hair. _____ advised at some point during the physical altercation _____ threw her to the floor causing an abrasion on her right knee. _____ stated she gathered their child and walked to a neighbors' house. _____ advised that while she was walking away from _____ she turned toward the house and observed David with a shotgun in his hands. _____ advised _____ was yelling if she called the cops, "It would be a show and he would kill everyone and himself". _____ advised _____ then left the area and she was able to return to her residence. _____ advised she observed the garage window having three (3) "bullet holes" and her vanity damaged in their bedroom. Deputy Ruiz observed an abrasion to _____'s right knee that is consistent with her statement. Deputy Ruiz did not observe any injury anywhere else on her person. Deputy Ruiz took digital photographs and later uploaded them into Digital Crime Scene Database.

It should be noted; the garage is located on the southeast portion of their residence. The garage window is located facing east and is approximately 44 yards from another residence located at _____ Debarry. Deputy Ruiz entered the garage and observed three (3) "bullet holes" causing damage to the garage window. The damage appeared to be caused by a small caliber firearm. Upon further inspection, additional six (6) "bullet holes" were located next to the garage window. The six "bullet holes" appeared to have been covered by wall putty (or another form of repair). Deputy Ruiz walked the outside perimeter of the garage and observed all nine (9) exit holes. Three (3) 9mm shell casing were also located within the garage. Deputy Ruiz took digital photographs of the damage and shell casing, which were later, uploaded into Digital Crime Scene Database. Deputy Ruiz made contact with _____ who advised _____ never pointed a firearm in her direction or heard any gunshots during their altercation. _____ advised she did not observe any damage to their garage yesterday and assumed the damage caused was while she was away from their residence the night prior. _____ advised while she left the residence last night _____ was watching their child. _____ advised she was fearful for further injury and notified law enforcement.

Deputy Ruiz located three firearms in the bedroom closet. _____ advised she believes _____ has two additional firearms that she could not locate. Deputy Ruiz completed the Risk Protection Order Firearms and Ammunition Receipt, which was signed by _____. The three firearms were later entered into District Six Evidence for safekeeping (see Risk Protection Affidavit for complete details).

IN RE: PETITION FOR RISK PROTECTION ORDER
AGAINST {Name of Respondent} [REDACTED]

AFFIDAVIT CONTINUATION

FROM SECTION 2

PAGE 2 OF 2

[REDACTED] also advised in the garage there are bullets holes in the wall and window [REDACTED] explained the holes were not there yesterday when she left the residence. [REDACTED] stated [REDACTED] as two handguns with him, but is unsure of the type or the caliber of the handguns.

[Lined area for additional text]

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,
IN AND FOR VOLUSIA COUNTY, FLORIDA

VOLUSIA COUNTY SHERIFF'S OFFICE,
Petitioner

v.

Case No.: _____

Division: _____

VCSO Case Number
19-12008

Respondent

PETITION FOR TEMPORARY EX PARTE RISK PROTECTION ORDER
AND RISK PROTECTION ORDER

SECTION I. PETITIONER

1. Petitioner's full legal name or name of petitioning agency: Deputy Dean Wallis
2. Petitioner's law enforcement office/agency is located at {street address, city, state, and zip code}:
Volusia County Sheriff's Office, 123 W Indiana Avenue, Deland, Fl, 32720

SECTION II. RESPONDENT

1. Respondent's full legal name: _____
2. Respondent's current address: {street address, city, state, and zip code}:
_____ Debarry, Fl, 32720
3. Physical description of Respondent:
Race: White Sex: Male Female Date of Birth: _____
Height: 05'08" Weight: 160 Eye Color: Bro Hair Color: Bro
4. Distinguishing marks or scars: _____
5. Vehicle {make/model}: _____ Color: _____ Tag Number: _____
6. Other names Respondent goes by {aliases or nicknames}: N/A
7. Respondent's email address {if known}: Unkown
8. Respondent's Driver's License number {if known}: _____
9. Respondent's attorney's name, address, and telephone number {if known}: Unkown

SECTION III. BASIS FOR PETITION

In support of this Petition the undersigned Law Enforcement Officer/Agency alleges:

1. Respondent poses a significant danger of causing personal injury to himself/herself or others by having a firearm or any ammunition in his/her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition.
2. A sworn affidavit alleging specific statements, actions, or facts based on personal knowledge that give rise to a reasonable fear of significant dangerous acts by the Respondent is attached to this petition and incorporated by reference.
3. The attached sworn affidavit includes a list of the quantities, types, and locations of all firearms and ammunition believed to be in the Respondent's ownership, possession, custody, or control.
4. Respondent poses a significant danger of injury to himself/herself or others by having in his/her control, or by purchasing, possessing, or receiving, a firearm or ammunition.

[Required for Temporary Ex Parte Risk Protection Order] Respondent poses this significant risk of injury in the near future.

5. Relevant evidence for the Court's consideration is detailed in the attached affidavit and shows that the Respondent:

was involved in a recent act or threat of violence against himself/herself or others;

engaged in an act or threat of violence; including but not limited to acts or threats of violence against himself/herself; within the past 12 months;

is seriously mentally ill or has recurring mental health issues;

has violated a risk protection order or no contact order issued under sections 741.30, 784.046, or 784.0485, Fla. Stat.;

is the subject of a previous or existing risk protection order;

has violated a previous or existing risk protection order;

has been convicted of, had adjudication withheld on, or pled *nolo contendere* in Florida or in any other state to a crime that constitutes domestic violence as defined in s. 741.28, Fla. Stat.;

has used, or threatened to use, against himself/herself or others, any weapons;

has unlawfully or recklessly used, displayed or brandished a firearm;

has used or threatened to use on a recurring basis physical force against another person or has stalked another person;

has been arrested for, convicted of, had adjudication withheld, or pled *nolo contendere* to a crime involving violence or a threat of violence in Florida or in any other state;

has abused or is abusing controlled substances or alcohol;

has recently acquired firearms or ammunition;

other (Additional relevant information may be attached).

SECTION IV. NOTICE

Petitioner has made a good faith effort to provide notice to a family or household member of the Respondent and to any known third party who may be at risk of violence in compliance with s. 790.401(2)(f), Fla.Stat.

Petitioner will take the following steps to provide notice as required by s. 790.401(2)(f), Fla.Stat.

SECTION V. RISK PROTECTION ORDERS

For the foregoing reasons, petitioner requests the Court to enter:

A **TEMPORARY EX PARTE RISK PROTECTION ORDER** in this matter requiring Respondent to:

1. Immediately surrender all firearms and ammunition in his or her custody, control, or possession and any license to carry a concealed weapon or firearm to the *{name of law enforcement agency}*; Volusia County Sheriff's Office
2. Not have in his/her custody, control, or possession any firearm or ammunition while this order is in effect;
3. Not purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect; and
4. Abide by any other lawful relief the Court may order.

Petitioner further requests this Court to schedule a Hearing for a Risk Protection Order to be held within 14 days.

A **RISK PROTECTION ORDER** in this matter requiring Respondent to:

1. Immediately surrender all firearms and ammunition in his or her custody, control, or possession and any license to carry a concealed weapon or firearm to the *{name of law enforcement agency}*; Volusia County Sheriff's Office
2. Not have in his/her custody, control, or possession any firearm or ammunition while this order is in effect;
3. Not purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect; and
4. Abide by any other lawful relief the Court may order.

Petitioner requests the Risk Protection Order to remain in effect for a period the Court deems appropriate, up to and including but not exceeding 12 months.

Respectfully submitted this 2 day of June, 2019.

D. Walden
Signature of Petitioner

Volusia County Sheriff's Office
Law Enforcement Agency

123 W Indiana Avenue,
Deland, FL, 32720
Service Address

VOLUSIA COUNTY SHERIFF'S OFFICE

Clerk of Court's Number

RISK PROTECTION ORDER / BAKER ACT FIREARMS AND AMMUNITION RECEIPT

Report Date 06-02-19	Report Time 1040	Orig. Reported Date 06-02-19	Nature of Call (for Incident) DV	Agency Report Number 190012008	1. Original 2. Supplement 1
Status Code: 1. Evidence 6. Recovered			7. Recovered (Outside Agency Recovered)		13. Disposal 17. Baker Act
22. RPO (Voluntary Surrender) 23. RPO (Seized)			Category Code: J. Special Documents Y. All Other Items (Guns and Ammunition)		
Leave Blank:	Item # 1	Status 22	Category Y	Quantity 1	Description CHARLES DALE CAMO SHOTGUN
If Gun	Make CHARLES DALE	Model MM12G	Caliber 12G	Type / Cat	Action PUMP
Finish CAMO	Serial Number KB15HGB				
Leave Blank:	Item # 2	Status 22	Category Y	Quantity 1	Description THOMAS CENTER
If Gun	Make THOMAS CENTER	Model 50.	Caliber	Type / Cat	Action BLACK POWDER
Finish BLACK	Serial Number Z111307				
Leave Blank:	Item # 3	Status 22	Category Y	Quantity 1	Description BLACK REMMINGTON
If Gun	Make REMMINGTON	Model 700	Caliber 7MM	Type / Cat	Action BOLT
Finish BLACK	Serial Number E6759716				
Leave Blank:	Item # 4	Status 22	Category Y	Quantity 2	Description 7MM AMMUNITION
If Gun	Make	Model	Caliber	Type / Cat	Action
Finish	Serial Number				
Leave Blank:	Item # 5	Status 22	Category Y	Quantity 2	Description 12G SHELLS
If Gun	Make	Model	Caliber	Type / Cat	Action
Finish	Serial Number				
Leave Blank:	Item #	Status	Category	Quantity	Description
If Gun	Make	Model	Caliber	Type / Cat	Action
Finish	Serial Number				
Leave Blank:	Item #	Status	Category	Quantity	Description
If Gun	Make	Model	Caliber	Type / Cat	Action
Finish	Serial Number				
Leave Blank:	Item #	Status	Category	Quantity	Description
If Gun	Make	Model	Caliber	Type / Cat	Action
Finish	Serial Number				

INITIALS

Pursuant to 790.401(7)(c), Florida Statutes, the firearm(s) and/or ammunition and/or license to carry a concealed weapon were surrendered by Respondent or seized by a Deputy of the Volusia County Sheriff's Office on _____.

Respondent: _____

I am the owner of the firearm(s), ammunition, or license to carry a concealed weapon or firearm and I hereby knowingly and voluntarily consent to the surrender of the items listed in this report to the Volusia County Sheriff's Office.

I am the owner of the firearm(s) and/or ammunition listed in this report. I hereby request the firearms and/or ammunition be turned over to:
 (Name) _____
 (Address) _____
 (Telephone Number) _____

Respondent: _____

I, Deputy or Evidence Employee of the Volusia County Sheriff's Office, acknowledge receipt of the above listed items which were either surrendered or seized on _____, at _____.

SIGNATURES

Respondent: _____ Date: _____ Deputy: _____

CUSTODY	Item # 1-4	Date: 6/2/19	Time: 1230	Released by (Printed): [Redacted]	Received by (Printed): D/S B RUIZ	Received by (Signature): [Signature]
	Leave Blank			Reason for Change: SAFEKEEPING		
CUSTODY	Item #	Date:	Time:	Released by (Printed):	Released by (Signature):	Received by (Printed):
	Leave Blank			Reason for Change:		
ADMIN.	Officer Reporting - Printed RUIZ, BENJAMIN			Officer Reporting - Signature [Signature]		ID Number 8072
	Officer Reviewing - Printed (if Applicable)			Officer Reviewing - Signature (if Applicable)		Unit 1D62
						Date 06-02-19
						Date