

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]

VCSSO Case Number  
190013839

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF Volusia

I, *{full legal name}* Tyler Lawrence, in my position as *{job title}* Deputy Sheriff with the *{name of law enforcement officer/agency}* Volusia County S.O., 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:

[REDACTED] advised [REDACTED] (V1) that he has a gun, and he was going to shoot him and put him into a wooden box.

0 Additional pages are attached.

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

[REDACTED] advised approximately two days ago she was walking her dog, and [REDACTED] was actively shooting his gun, and she was afraid. [REDACTED] advised [REDACTED] came by their kitchen window and stated "I have a surprise for you", referring to [REDACTED]. [REDACTED] advised VCSO was out there prior two days ago regarding the incident involving [REDACTED] [REDACTED] iring his weapon into the ground over a dispute between him and [REDACTED]

0 Additional pages are attached.

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}* ██████████

VCSO Case Number 190013839
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AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF Volusia

I, *{full legal name}* Tyler Lawrence, in my position as *{job title}* Deputy Sheriff with the *{name of law enforcement officer/agency}* Volusia County S.O., swear and affirm that the following facts are true and correct.

1. *{Name of 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. The following specific statements, actions, or facts give rise to a reasonable fear of significant dangerous acts by the respondent:

██████████ advised ██████████ (V1) that he has a gun, and he was going to shoot him, and then put him into a wooden box.

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0 Additional pages are attached.

2. *{Name of Witness}* ██████████ provided the following information based on his/her personal knowledge:

██████████ advised ██████████ said he was going to shoot ██████████ (V1), and then put him into a wooden box. ██████████ advised approximately two days ago, ██████████ was firing his weapon in the yard over an argument between himself and ██████████. ██████████ advised VCSO responded and filed a report dating the incident. ██████████ advised he is in fear for his safety and ██████████'s safety due to the amount of alcohol ██████████ consumes daily.

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0 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>1</u>	Type	<u>PT 1911</u>	Location	<u>[REDACTED] Deltona</u>
Quantity	<u>    </u>	Type	<u>    </u>	Location	<u>    </u>
Quantity	<u>    </u>	Type	<u>    </u>	Location	<u>    </u>
Quantity	<u>    </u>	Type	<u>    </u>	Location	<u>    </u>
Quantity	<u>    </u>	Type	<u>    </u>	Location	<u>    </u>
Quantity	<u>    </u>	Type	<u>    </u>	Location	<u>    </u>

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: 06/26/2019 Signature of Affiant: *V. Jannice* 8553

Sworn to or affirmed and signed before me on 06/26/2019 by Deputy T. Lawrence  
Date Affiant's Name

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

*Arthur D* 9022

Attesting LEO Witness or Notary Public, State of Florida  
My commission expires:

**AFFIDAVIT CONTINUATION**

FROM SECTION Affidavit

PAGE 1 OF 2

\* BWC RECORDING \*

On 06/26/2019 at approximately 2017 hours, Deputy O'Connell was dispatched to ██████████ Deltona in reference to a disturbance.

Upon arrival, Deputy O'Connell made contact with the victim, ██████████ (VI). ██████████ stated the following: ██████████ and his landlord, ██████████ (D1), were outside. ██████████ and ██████████ got into a verbal argument about ██████████ moving off the property. During the verbal argument, ██████████ started to make verbal threats to ██████████. ██████████ stated to ██████████ that he would "put him in a wooden box" and "I have a gun and will shoot you." ██████████ became fearful that ██████████ would shoot him because ██████████ knows ██████████ owns a gun, and has shot the gun on property. ██████████ ran inside his apartment to get away from ██████████. ██████████ was also fearful because on 06/24/2019 ██████████ was outside the apartments on the property shooting his gun near ██████████ window into the woods to annoy him and other tenants. Deputies did respond to that incident (ref case #190013691). ██████████ had recordings on his phone of the verbal arguments and of ██████████ stating he would put him in a wooden box. ██████████ stated he was in fear for his life. Deputy O'Connell observed ██████████ hands to be shaking due to him being nervous and fearful. ██████████ provided a sworn written statement and stated he wished to pursue charges.

Deputy O'Connell spoke with ██████████. Deputy O'Connell told ██████████ what ██████████ had stated and showed her. ██████████ stated that he did tell ██████████ he was going to shoot him, but meant it in a sense it was only if he hurt him and his family and would not shoot to kill him. When deputies had arrived on scene, there was a gun near ██████████ truck on a chair, where ██████████ was standing when they arrived and also where he kept walking back and forth from in the videos ██████████ had shown.

While on scene, a witness, ██████████ (W1), contacted central dispatch to advise that he had audio recording of ██████████ threatening ██████████. ██████████ stated he heard ██████████ say to ██████████ that he was going to shoot him in the head and put him in a box. Deputies reviewed the audio recording. In the audio recording deputies hear ██████████ saying "I will put you at gun point and put you in a box." ██████████ provided a sworn written statement.

The video and audio recordings provided by the witness and victim were placed into evidence.

When deputies went to retrieve the gun and ██████████'s cell phone per his request, a small amount of a green leafy substance, and a metal smoking pipe with a green leafy substance inside was observed underneath is cell phone in a clear tray on top of the truck bed tool box. Both green leafy substances were tested with a nark #8 test kit, which yielded a presumptive positive result for marijuana. The green leafy substance was weighed using a department issued scale, which yielded an approximate weight of 1.1 grams. The pipe and suspected marijuana were submitted into evidence as evidence. The firearm was loaded with 8 bullets in the magazine, but did not have any in the chamber.

**AFFIDAVIT CONTINUATION**

FROM SECTION Affidavit

PAGE 2 OF 2

Deputy O'Connell read [REDACTED] his Miranda Warning from a department issued card. [REDACTED] stated he understood his rights, and was willing to speak with Deputy O'Connell. Post Miranda, [REDACTED] was confronted with the video and audio evidence provided by the witness and victim. [REDACTED] acknowledged he did make those statements, but only meant it in the sense that he would only shoot [REDACTED] if he would steal, hurt him or his family, or destroy his property. [REDACTED] also stated the marijuana and metal pipe were his and that it is for personal use.

Based on Deputy O'Connell's investigation she determined probable cause exist that [REDACTED] committed the offense of aggravated assault with a deadly weapon, possession of marijuana under 20 grams, and possession of paraphernalia. Deputy O'Connell placed [REDACTED] under arrest and was transported to the Volusia County Branch Jail without incident.

It is to be noted that [REDACTED] does not and has never possessed a CCW in the state of Florida. In addition, a Risk Protection Order Affidavit was filed against [REDACTED] and his firearm was seized pending the Risk Protection Order hearing.

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  
19-13839

\_\_\_\_\_,  
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: Volusia County Sheriff's Office
2. Petitioner's law enforcement office/agency is located at {street address, city, state, and zip code}:  
123 W Indiana Ave, Deland, Fl 32720

**SECTION II. RESPONDENT**

1. Respondent's full legal name: \_\_\_\_\_
2. Respondent's current address: {street address, city, state, and zip code}:  
\_\_\_\_\_ Deltona, Fl 32725
3. Physical description of Respondent:  
Race: White Sex: Male  Female  Date of Birth: \_\_\_\_\_  
Height: 5'11 Weight: 150 Eye Color: bro Hair Color: bald
4. Distinguishing marks or scars: N/A
5. Vehicle {make/model}: Toyota Pickup Truck Color: Black Tag Number: \_\_\_\_\_
6. Other names Respondent goes by {aliases or nicknames}: \_\_\_\_\_
7. Respondent's email address {if known}: \_\_\_\_\_
8. Respondent's Driver's License number {if known}: \_\_\_\_\_
9. Respondent's attorney's name, address, and telephone number {if known}: \_\_\_\_\_

### 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).

Respectfully submitted this 26 day of June, 2019.

*M. Lawrence 8553*

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Volusia County Sheriff's Office

Law Enforcement Agency

\_\_\_\_\_  
123 W Indiana Ave, 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 06/26/2019	Report Time 2130	Orig. Reported Date 06/26/2019	Nature of Call (for Incident) Agg Assault w/Deadly weapon	Agency Report Number 190013839	1. Original 2. Supplement   1			
CODE EVENT	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)
PROPERTY	Leave Blank:	Item # 1	Status Y	Category G	Quantity 1	Description PT 1911 (Silver handgun)		
	If Gun	Make Taurus PT	Model 1911	Caliber .45	Type / Cat Sem/Auto	Action	Finish Silver	Serial Number NFX39621
PROPERTY	Leave Blank:	Item # 2	Status Y	Category O	Quantity 8	Description .45 caliber rounds		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
PROPERTY	Leave Blank:	Item # 3	Status Y	Category O	Quantity 1	Description Magazine		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
PROPERTY	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.

Respondent

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) \_\_\_\_\_

Respondent

(Telephone Number) \_\_\_\_\_

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 # 1-3	Date: 06/27/20	Time: 0400	Released by (Printed): T. Lawrence (8553)	Released by (Signature): <i>T. Lawrence 8553</i>	Received by (Printed):	Received by (Signature):	
	Leave Blank			Reason for Change: District II Evidence Locker				
CUSTODY	Item #	Date:	Time:	Released by (Printed):	Released by (Signature): <i>T. Lawrence 8553</i>	Received by (Printed):	Received by (Signature):	
	Leave Blank			Reason for Change:				
ADMIN.	Officer Reporting - Printed T. Lawrence			Officer Reporting - Signature <i>T. Lawrence 8553</i>		ID Number 8553	Unit 1A24	Date 06/27-2019
	Officer Reviewing - Printed (if Applicable)			Officer Reviewing - Signature (if Applicable)		ID Number	Unit	Date