

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  
190017146

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, {full legal name} Deputy Royce James, in my position as {job title} Deputy Sheriff with the {name of law enforcement officer/agency} Volusia County Sheriff 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:

See Attachment

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2 Additional pages are attached.

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

See Attachment

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2 Additional pages are attached.

**AFFIDAVIT CONTINUATION**

FROM SECTION \_\_\_\_\_

PAGE 1 OF 2

On August 10, 2019, at approximately 0816 hours, Deputy Maletto was dispatched to ██████████ Deltona to interview a witness in reference to an assault which happened earlier in the morning. Upon arrival, Deputy Maletto made contact with a white male, later identified as ██████████ (R1). ██████████ advised he spent the previous night sleeping at his friend's house. ██████████ was awoken by the sound of arguing between his friend ██████████ (S1), and ██████████ girlfriend, later identified as ██████████ (V1). ██████████ then held ██████████ and ██████████ at gunpoint with an "AR-15" and said "this is a hostage situation, someone is gonna die today." ██████████ then locked the doors, set the alarm for the house, and took ██████████ and ██████████ phones. ██████████ then fired once from his rifle. ██████████ and ██████████ began arguing again. ██████████ then ran from the house, and successfully escaped. ██████████ then left the residence out the back door, and ██████████ was able to leave. ██████████ drove to his father's house in Sanford. ██████████ then contacted law enforcement. ██████████ was questioned on why he took so long to call. He stated that he was scared. ██████████ was educated on the importance of contacting law enforcement at the time of the incident. Dalton filled out a written statement, and does not want to press charges.

After speaking to ██████████ Deputy Maletto drove to the location of the incident ██████████ and attempted to contact anyone inside the residence without success. Attempts were made to find phone numbers for ██████████ and ██████████. All of the numbers were disconnected. An attempt to contact was requested from Port Orange PD at ██████████ mother's house. She stated that she has not spoken with her son since yesterday, and ██████████ is not allowed at the house. The mother provided numbers for ██████████ and ██████████. An attempt was made to call the numbers and they came back disconnected. An attempt to ping the phones was also unsuccessful. A second walk around was conducted, and attempts were made to contact someone inside the residence without success.

At approximately 1630 hours, ██████████ exited the residence while Deputy Maletto was outside the residence awaiting a search warrant, and was identified by her DAVID photograph. She stated that she was asleep and did not hear the multiple attempts to contact someone inside the residence. ██████████ had scrapes on her knees and a visible abrasion on her nose. ██████████ advised Deputy Maletto that ██████████ and she were having fun in the woods near her house. Once back at the residence, an argument began where ██████████ punched ██████████ in the nose causing it to bleed profusely on the driveway. Later that morning inside of the residence, ██████████ and ██████████ continued to argue when ██████████ began to hit ██████████ again. Then ██████████ got a rifle and made ██████████ and ██████████ sit on the couch. ██████████ took ██████████ and ██████████ phones away from them to prevent them from calling assistance. ██████████ then put the barrel of the rifle in ██████████ mouth. He then removed the rifle and fired two shots not directed at anyone. ██████████ continued to yell in anger saying that he was "going to kill them." ██████████ fled the house and attempted to wake the neighbors at ██████████; however, there was no answer at the residence. Instead of attempting to seek assistance at another residence, ██████████ went back inside of her residence where ██████████ was still present. ██████████ then attempted to flee the residence in his truck. ██████████ pursued ██████████ out of the house and attempted to retrieve her phone.

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST *{Name of Respondent}* [REDACTED]

**AFFIDAVIT CONTINUATION**

FROM SECTION \_\_\_\_\_

PAGE 2 OF 2

When [REDACTED] noticed what [REDACTED] was doing, he pushed her on the ground causing abrasions to both of her knees. [REDACTED] then fled the residence in a lifted black Ford F250 bearing Florida tag [REDACTED]. Photos of [REDACTED] injuries were taken and later submitted into the digital crime scene database. Deputies then entered the residence to ensure [REDACTED] was not inside and there were no further injured parties. Inside of the residence, in plain view, there were signs a disturbance occurred. There was broken glass, blood on the countertops and items which had been thrown on the floor. Photos of the area where a disturbance occurred were taken and also later submitted into the digital crime scene database. In one of the bedrooms, what appeared to be an AR15 rifle and a bolt action rifle with scope was observed leaning against the wall. [REDACTED] filled out a sworn written statement in reference to what occurred. CID had [REDACTED] complete a consent to search form for the residence. CID along with crime scene responded and took additional photos and the firearm which was found inside of the residence as evidence. CID informed Deputy James they would be completing a charging affidavit on [REDACTED] to seek a search warrant for his arrest.

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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>  .223 AR15  </u>	Location	<u>  VCSO Evidence  </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:   08-10-2019   Signature of Affiant:   *Royce James* 8599  

Sworn to or affirmed and signed before me on   07-13-2019   by   Royce James   who  is personally known to me or            presented           , as identification.

  *[Signature]* 1031    
Notary Public, State of Florida  
My commission expires:

VOLUSIA COUNTY SHERIFF'S OFFICE

Clerk of Courts Number

RISK PROTECTION ORDER / BAKER ACT FIREARMS AND AMMUNITION RECEIPT

EVNT	Report Date 08-10-2019	Report Time 1800	Orig. Reported Date 08-10-2019	Nature of Call (for Incident) DV	Agency Report Number 190017146	1. Original 2. Supplement 1
CODE	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 1	Category Y	Quantity 1	Description GREEN/BLACK AR15 SEMI AUTO RIFLE
PROPERTY	If Gun	Make ANDERSON MAN	Model AR-15	Caliber .223	Type / Cat Y	Action SEMI AUTO Finish BLACK Serial Number 17051313
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description
PROPERTY	If Gun	Make	Model	Caliber	Type / Cat	Action Finish Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description
PROPERTY	If Gun	Make	Model	Caliber	Type / Cat	Action Finish Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description
PROPERTY	If Gun	Make	Model	Caliber	Type / Cat	Action Finish Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description
PROPERTY	If Gun	Make	Model	Caliber	Type / Cat	Action Finish Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description
PROPERTY	If Gun	Make	Model	Caliber	Type / Cat	Action Finish Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description
PROPERTY	If Gun	Make	Model	Caliber	Type / Cat	Action Finish Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description
PROPERTY	If Gun	Make	Model	Caliber	Type / Cat	Action Finish Serial Number

INITIALS  
R.J.  
 Respondent

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 08-10-2019.

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) \_\_\_\_\_

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 08-10-2019, at 2725 E ORANGE RD DELAND, FL 32724

SIGNATURES  
 \_\_\_\_\_ Respondent 8-10-19 Date  
 \_\_\_\_\_ Deputy 8599

CUSTODY	Item # 1	Date: 08-10-19	Time: 1900	Released by (Printed): ROYCE JAMES	Released by (Signature):	Received by (Printed): EVIDENCE	Received by (Signature):	
	Leave Blank			Reason for Change: RPO / EVIDENCE				
CUSTODY	Item #	Date:	Time:	Released by (Printed):	Released by (Signature):	Received by (Printed):	Received by (Signature):	
	Leave Blank			Reason for Change:				
ADMIN.	Officer Reporting - Printed JAMES, ROYCE			Officer Reporting - Signature <u>[Signature]</u>		ID Number 8599	Unit 1D23	Date 08-10-2019
	Officer Reviewing - Printed (if Applicable)			Officer Reviewing - Signature (if Applicable)		ID Number	Unit	Date

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

**When should this form be used?**

This form should be used to obtain an order that will require a person who is at high risk of harming himself/herself or others to immediately surrender all firearms and ammunition in his/her custody, control, or possession and any license to carry a concealed weapon or firearm.

**Who may file this form?**

A petition must be filed by a law enforcement officer or law enforcement agency.

**Where should this form be filed?**

A petition must be filed in the county where the petitioner's law enforcement office is located or the county where the respondent resides.

**What must be shown?**

The petition and accompanying affidavit must allege specific statements, actions, or facts based on personal knowledge that give rise to a reasonable fear of significant dangerous acts by the Respondent, and that 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.

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

VOLUSIA COUNTY SHERIFF'S OFFICE,  
Petitioner

Case No.: 190017146

v.

Division: \_\_\_\_\_

VCSO Case Number 190017146
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\_\_\_\_\_  
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}*:  
\_\_\_\_\_ Deland FL 32724
3. Physical description of Respondent:  
Race: W Sex: Male  Female  Date of Birth: \_\_\_\_\_  
Height: 600 Weight: 170 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}*: \_\_\_\_\_
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).



**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.

X Petitioner will take the following steps to provide notice as required by s. 790.401(2)(f), Fla.Stat.  
By person, telephone and/or certified mail

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**SECTION V. RISK PROTECTION ORDERS**

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

X 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 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.

X 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 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 10 day of August, 2019.



8599

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**Signature of Petitioner**

VOLUSIA COUNTY SHERIFF OFFICE

Law Enforcement Agency

123 W Indiana Ave Deland, FL 32720

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Service Address