

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  
190018295

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF Volusia

I, *{full legal name}* Kevin Barry, 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:

[REDACTED] [REDACTED] sent text messages to his wife, [REDACTED] [REDACTED] stating "I will an do that if you keep ignoring what I'm texting there will be a mass shooting". [REDACTED] was subsequently arrested for written threats to kill and resisting without violence.

3 Additional pages are attached.

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

[REDACTED] is [REDACTED]'s wife, [REDACTED] and [REDACTED] are currently having marital issues. [REDACTED] mentioned while she was at work, [REDACTED] had sent numerous text messages making statements to cause harm to himself and others via a mass shooting.

0 Additional pages are attached.

3. Affiant \_\_\_ is X 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>Colt 9mm</u>	Location	<u>Unknown</u>
Quantity	<u>1</u>	Type	<u>Colt .45</u>	Location	<u>Unknown</u>
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: 08-25-2019

Signature of Affiant: \_\_\_\_\_

Sworn to or affirmed and signed before me on 08-25-2019 by Deputy Barry

Date

Affiant's Name

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

[Signature] / Ferrari 8425

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

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BWC RECORDING

On 08-24-2019, at approximately 1859 hours, Deland Police Department officers were dispatched to Winn Dixie (1050 West New York Ave, Deland), in reference to a threatening phone call. Upon arrival, Deland Police Department Officer Miller made contact with ██████████ (R1), the reporting party, who mentioned her husband, ██████████ (D1), had sent several text messages threatening to cause self harm to himself and others. Officer Miller observed the texts messages ██████████ had sent ██████████ and questioned ██████████'s location, which ██████████ informed ██████████ resides at ██████████ Deland. Due to ██████████'s residence being in the Volusia County Sheriff's Office jurisdiction, Officer Miller requested Deputies to respond to the location of the Winn Dixie. Upon Deputies arrival on scene, Deputies made contact with ██████████ who mentioned ██████████ had sent several texts messages stating he intends to cause self harm to himself and others and made mention there would be a mass shooting. Digital photographs were obtained of the statements made via text message by ██████████ which were later uploaded to the digital crime scene database. Deputy Barry observed the text messages to state the following: "What you wanted"  
"All i know court papers ooooooh going to show it all."  
"I have contacted everyone you know on you family side and told them all to get rid of you...."  
"If you show up it says alot"  
"I have the cops schedule to come here when you leave work to keep u out since you don't wNt to talk to me.... I'm done."  
"Our kid are home I'm ready to do a head on..... nice nowing you"  
"It won't be me killing my self it would be someone else....."  
"I tried si hard it does not matter what I do....."  
"I have given my life up.... and you don't care bur i know your ggoing to regret it.... bcause i am ending my life as of 08-25-2019."  
"Call the cops i will do the same...."  
"You can't talk to me now you can not talk to me ever"  
"I got it dobt need either..... i have someone who can care for me better thN you can"  
"I'll get my dick wet..... and who know"  
"I'm nothing to you"  
"So im going on wirh my life"  
"Can't call me"  
"Welll i can't either im going to get laid....."  
"Thats what you wanted"  
"Well. You got it....."  
"Sadly to say im at home but i know it could happen..... just waiting for you....."  
"But yet I'm try the peace of shit"  
"Ypu could not yalk to me..... u had yout mind set....."  
"Go ahead fuck your boyfriend"

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST {Name of Respondent} ██████████

AFFIDAVIT CONTINUATION

FROM SECTION Affidavit

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"What you wanted"  
"All i know court papers ooooooh going to show it all."  
"I have contacted everyone you know on you family side and told them all to get rid of you...."  
"If you show up it says alot"  
"You csn stay with your boyfriend i don't want you here"  
"Not now or ever"  
"Since you don't want us to work..... . . . . ."  
"Your clothes will ho to trash"  
"Im in wrong check yourself out...."  
"I hope yoy die before me"  
"Can't yalk to me why your with your boyfriend..... you know i can kill him ...."  
"Yes that is a threat"  
"Call the cops"  
"God fore bide im teyinf to protect my family"  
"I will an do that if you keep ignoring what I'm texting there will be a mass shooting"  
"Our kids are home"  
"Do you care about them"  
"Obviously no"  
"Im going to let them know you not coming home"  
██████████ replied "Excuse me of course I care about our kids what does that mean"  
██████████ continued to text:  
"Well u make us work or nothing for you i will do all i need to do..... so go fuck your boyfriend you cant talk to me"  
"I have told the girls your nonlonger comeing back"  
"You made your mind up"  
"Good luck wirth your life"

Based upon ██████████'s statements made via text messages to ██████████, Deputies went to ██████████'s residence (██████████ Deland), and made contact with ██████████ at his residence. As ██████████ opened the door, Deputies attempted to place ██████████ under arrest based upon his statements made. Sgt. Anderson, in full uniform instructed ██████████ to place his hands behind his back while in the front doorway. As Deputies were taking ██████████ into custody, ██████████ began to pull away from the Deputies, subsequently leading Deputies on scene to assisting ██████████ to the ground, due to the resisting. ██████████ obtained a minor abrasion to the forehead from some small bushes, but did not complain of any injuries. Sgt. Anderson attempted to read ██████████ his Miranda Warning, however ██████████ refused to cooperate. ██████████ responded to the residence and completed a sworn written statement detailing the incident and was provided with a business card and a case number. Sgt. Anderson later spoke with ██████████ after he calmed down and read ██████████ his Miranda Warnings from a VCSO issued Miranda warning card. ██████████ advised he understood his rights and was willing to speak with Deputies.

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AGAINST {Name of Respondent} [REDACTED] [REDACTED]

**AFFIDAVIT CONTINUATION**

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Deputy Barry questioned [REDACTED] if he had any firearms, which [REDACTED] informed he had a Colt .9mm handgun and a Colt .45 handgun along with 1 magazine for the .9mm and 1 magazine for the .45mm. Deputy Barry further questioned [REDACTED] the location of his handguns, which [REDACTED] refused to mention.

A risk protection order was completed and sent to the Volusia County legal advisor for review.

It should be noted on 08-24-2019, at approximately 1736 hours, Deland Police Department responded to Winn Dixie (1050 West New York Ave, Deland), in response to a civil complaint (see Deland Police Department case number 19-6280). Deland Police Department officer's responded and made contact with [REDACTED] who mentioned [REDACTED] had come to her place of work, the Winn Dixie, located at 1050 West New York Ave, Deland, and began confronting her about their relationship issues. [REDACTED] explained the verbal altercation as [REDACTED] coming to her place of work, and pointing at her co-workers stating "fuck you". [REDACTED] further explained [REDACTED] left the store and let the air out of the tires to her vehicle, prior to leaving.

Deputy Barry obtained [REDACTED]'s cell phone as evidence, which was later placed into the District 2 evidence locker. Deputy Barry obtained [REDACTED] cell phone to be further examined to observe if [REDACTED] had searched on the internet on how to conduct a mass shooting.

Deputy Barry requested a criminal history check of [REDACTED] via teletype, where Deputy Barry observed [REDACTED] to have been arrested for disorderly conduct and assault/battery, with no convictions.

Based on the totality of circumstances, [REDACTED] was placed under arrest and charged with written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism; punishment; exemption from liability (F.s.s 836.10). [REDACTED] was further charged with resisting without violence due to attempting to pull away from Deputies while being taken into custody.

[REDACTED] and [REDACTED] s two daughters, [REDACTED] and [REDACTED] were inside the residence when [REDACTED] was arrested. Both children were turned over to their mother, [REDACTED]

Case Status: Arrest/Adult.  
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