

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
190026517

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

On December 12, 2019 at approximately 0446 hours, Deputy Marty was dispatched and responded to ██████████, Ormond Beach in reference to a reported assault and battery. Upon arrival, Deputy Marty made contact with ██████████ (D1), who advised he was in a verbal argument with his roommate ██████████ (VI) and ██████████'s boyfriend ██████████ (V2). The argument was in reference to ██████████ being at the

1 Additional pages are attached.

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

Deputy Marsan made contact with ██████████ who advised ██████████ was upset about ██████████ being at the residence. ██████████ stated ██████████ retrieved his firearm and began to wave it around. At one point ██████████ put the barrel of the firearm inside her mouth and said, "How would you like it if I did this". ██████████ received a minor laceration on the roof of her mouth from the firearm. ██████████ stated she was in fear and left the residence.

N/A Additional pages are attached.

IN RE: PETITION FOR RISK PROTECTION ORDER
AGAINST {Name of Respondent} ██████████

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____

PAGE 2 _____ OF 2 _____

being at the residence. ██████ stated he was told by the property management, if ██████ was at his residence again, ██████ would be getting evicted. ██████ advised he became so upset and informed deputies, "he lost it". ██████ stated he retrieved his firearm (22 caliber revolver serial #6555890) and waved it around the residence in front of ██████ and ██████. ██████ stated while threatening ██████ and ██████ with the firearm, ██████ told him to "shoot me instead of him ██████]" and told ██████ to put the firearm in her mouth. ██████ advised he then placed the barrel into ██████'s mouth; however, ██████ did not attempt to shoot the firearm. ██████ stated shortly after, both ██████ and ██████ left the residence.

Deputy Marty made contact with ██████ who advised ██████ became upset about his presence inside the residence. ██████ stated ██████ retrieved his firearm and waved it around the residence and made him leave. ██████ advised he was in fear, left the residence, and called ██████ for assistance. ██████ stated he did not want to pursue charges and did not want to complete a written statement.

Deputy Marsan made contact with ██████ who advised ██████ was upset about ██████ being at the residence. ██████ stated ██████ retrieved his firearm and began to wave it around. At one point ██████ put the barrel of the firearm inside her mouth and said, "How would you like it if I did this". ██████ received a minor laceration on the roof of her mouth from the firearm. ██████ stated she was in fear and left the residence. ██████ advised she did not want to pursue charges and did not want to complete a written statement.

Deputy Marsan attempted to obtain photographs of the injury, and was unable to photograph the injury due to the location inside of her mouth.

Due to the totality of the circumstances, based on the seriousness of the offenses and the statements made by all persons involved, Deputy Marty arrested ██████ for aggravated battery against ██████ and aggravated assault against ██████ and improper exhibition of a firearm.

Deputy Bayne was given permission by ██████ to enter his residence and retrieve the firearm. The firearm was located in ██████ bedroom under the pillow on his bed. The firearm contained 6 rounds in the cylinder.

VOLUSIA COUNTY SHERIFF'S OFFICE

Clerk of Court's Number

RISK PROTECTION ORDER / BAKER ACT FIREARMS AND AMMUNITION RECEIPT

CODE	EVENT	Report Date	Report Time	Orig. Reported Date	Nature of Call (for Incident)	Agency Report Number	1. Original	2. Supplement
		12/12/2019	0530	12/12/2019	ASSAULT AND BATTERY	190026517		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)		
PROPERTY		Leave Blank:	Item #	Status	Category	Quantity	Description	
			1	22	Y	1	.22 RUGER REVOLVER	
		If Gun	Make	Model	Caliber	Type / Cat	Action	Finish
			RUGER	REVOLVER	.22			Serial Number
								6555890
PROPERTY		Leave Blank:	Item #	Status	Category	Quantity	Description	
			2	Y	22	6	.22 AMMUNITION	
		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: [Redacted]

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: [Redacted]

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) [Redacted]

(Address) [Redacted] ORMOND BEACH, FL, 32174

(Telephone Number) [Redacted]

Respondent: [Redacted]

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 12/12/2019, at [Redacted] ORMOND BEACH, FL, 32174

SIGNATURES: [Redacted] 12/12/19 [Signature] 9086

Respondent Date Deputy

CUSTODY	Item #	Date:	Time:	Released by (Printed):	Released by (Signature):	Received by (Printed):	Received by (Signature):
	1,2	12/12/19	0730	D/S MARTY	[Signature]	DISTRICT 3 EVIDENCE	
	Leave Blank			Reason for Change:	EVIDENCE		
	Item #	Date:	Time:	Released by (Printed):	Released by (Signature):	Received by (Printed):	Received by (Signature):
	Leave Blank			Reason for Change:			
ADMIN.	Officer Reporting - Printed			Officer Reporting - Signature		iD Number	Unit
	D/S MARTY			[Signature]		9086	1B34
	Officer Reviewing - Printed (if Applicable)			Officer Reviewing - Signature (if Applicable)		ID Number	Unit
							Date
							12/12/2019