

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

VSO Case Number
200010369

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST {Name of Respondent} [REDACTED]

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} ALEECE NYCHOLE DUFFY, in my position as {job title} SHERIFF DEPUTY 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} [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] MADE THREATS TO SHOOT AND KILL HER STEP SON, [REDACTED], AND AIMED A RUGER .357 REVOLVER TOWARDS HIM. [REDACTED] ALSO ENTERED [REDACTED]'S RESIDENCE WITHOUT PERMISSION TO MAKE THE ASSAULT. [REDACTED] AND [REDACTED] ADVISED [REDACTED] OWNS NUMEROUS FIREARMS, INCLUDING LONG BARRELS. BOTH UNABLE TO PROVIDE INFO.

_____ Additional pages are attached.

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

See affidavit continuation.

_____ Additional pages are attached.

AFFIDAVIT CONTINUATION

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*** BWC RECORDING ***

[REDACTED] (V1) advised deputies that [REDACTED] (D1) is his stepmother, and they are related by marriage.

On 06/06/2020 at approximately 1923 hours, Deputy Duffy responded to [REDACTED] Lake Helen, in reference to an aggravated assault.

Upon arriving on scene, Deputy Duffy made contact with [REDACTED] (V1). Deputy Duffy observed the residence to be a duplex. [REDACTED] advised his stepmother, [REDACTED] (D1), resides on one side of the residence, and he resides on the opposite side. The residence is a single residence, but has a separate living quarters as a duplex with separate locks and keys.

[REDACTED] advised he was sitting inside the carport which is a common area of the residence. [REDACTED] advised [REDACTED] approached him as he was sitting down, and was holding a .357 chrome in color handgun by her side. [REDACTED] advised [REDACTED] began to scream at him that she wanted him to move out of the residence, and off the property. [REDACTED] advised he went into his residence to get away from [REDACTED]. [REDACTED] stated [REDACTED] followed him into his residence without permission and continued to scream at him. [REDACTED] further stated that [REDACTED] still had the firearm in her hand when she entered his residence without permission. [REDACTED] advised [REDACTED] then went into his refrigerator, and began to throw a bottle of Bloody Mary mixer towards him with her free hand, but never striking him. [REDACTED] stated once [REDACTED] finished throwing the mixer, she raised the .357 handgun at him, and threatened to shoot him. [REDACTED] stated, "I am going to shoot you", then "I am going to kill you." [REDACTED] advised he was in fear for his life, and left the scene to the nearby neighbor's residence to call [REDACTED]. [REDACTED] stated [REDACTED] owned a number of additional firearms and long barrel firearms but were not displayed during this incident, nor was he able to provide any information or descriptions. [REDACTED] completed a written statement, advising he did not wish to pursue charges. [REDACTED] was provided a Victim's Right's and Remedies pamphlet for which he signed for. Deputies completed a domestic violence information form, and a victim's notification card. [REDACTED] completed a sworn written statement, and advised he does not wish to pursue criminal charges against [REDACTED].

Deputies established a perimeter of the residence. [REDACTED] stepped out of the residence, and was secured for officer safety. Deputy Duffy made contact with [REDACTED] who was read her Miranda rights. [REDACTED] advised she understood her rights, and agreed to speak to deputies. [REDACTED] stated she came out to the carport to confront [REDACTED] about leaving the residence. [REDACTED] confirmed she did have a .357 handgun on her hand by her side, but denied pointing the gun at [REDACTED]. [REDACTED] allowed deputies inside her residence to show where the handgun was located. Deputy Ingram took a photograph of the handgun which was later collected and placed into evidence. [REDACTED] advised she does own more firearms including long barrel

AFFIDAVIT CONTINUATION

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firearms, but never displayed them to [REDACTED]. [REDACTED] was unable to provide any description or information on the other firearms. Deputy Duffy observed the handgun to be a chrome colored, .357 revolver, matching the description of the firearm [REDACTED] provided. Deputies obtained digital photographs of the handgun, and later uploaded them to the digital crime scene database.

After a thorough investigation, coupled with statements from both parties, Deputy Duffy determined probable cause existed to charge [REDACTED] with armed burglary and aggravated assault with a deadly weapon. [REDACTED] allegedly walked into the [REDACTED]'s residence without permission with the intent to commit a crime therein. [REDACTED] was taken into custody and was later transported to the Volusia County Branch Jail without incident. Deputy Duffy completed a risk protection order.

[REDACTED] was provided a Victim's Right's and Remedies pamphlet for which he signed for. Deputies completed a domestic violence information form, and a victim's notification card.

*** [REDACTED] elected to keep his information private by signing a Victim's Rights to Confidentiality per Marsy's Law***

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

_____ 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 _____	Type _____	Location _____
Quantity _____	Type _____	Location _____
Quantity _____	Type _____	Location _____
Quantity _____	Type _____	Location _____
Quantity _____	Type _____	Location _____
Quantity _____	Type _____	Location _____

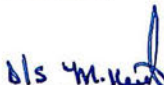
_____ Additional pages are attached.

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: 06/07/2020

Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 7TH day of JUNE, 2020, by DEPUTY DUFFY
Affiant's name


Signature of Attesting LEO Witness

ALEECE DUFFY
Print name of Attesting LEO Witness

OR

Signature of Notary Public

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known or Produced Identification

(Type of Identification Produced)