

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
200013546

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} Anthony Ray, in my position as {job title} Deputy Sheriff II 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:

BWC Recording

On 07/31/2020, at approximately 1805 hours, Deputy Ray responded to [REDACTED] Deltona in reference to a domestic disturbance. Upon arrival Deputy Ray made contact with [REDACTED] (V1) who advised the following:

1 Additional pages are attached.

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

Please see affidavit continuation page for details

 Additional pages are attached.

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Her brother, ██████████ (D1) came to her residence after she told him not to come to her residence. Upon arrival, ██████████ argued with her about a prior family incident. During the argument ██████████ became angry and punched a hole in the wall of her residence. ██████████ stated she pushed ██████████ to prevent him from continuing to damage her property. ██████████ stated ██████████ then punched her with a closed fist with his right hand striking her on the right side of her face. ██████████ stated ██████████ grabbed her pushing her towards the living room couch. ██████████ stated she grabbed an exercise lifting weight off the table and struck ██████████ in the face with the weight. (See photographs for details of weight) ██████████ stated her striking ██████████ in the face caused him to bleed. ██████████ stated her sister, ██████████ (V2) got between them to break up the physical altercation. ██████████ stated ██████████ went outside and the front door was locked behind him.

██████████ was informed by ██████████ that ██████████ was standing at the front door with a firearm. ██████████ stated she could see ██████████ from the front door window holding a black pistol in his right hand waving it at the front door. ██████████ stated ██████████ was waving the pistol at the window she and ██████████ were looking out demanding for his vehicle's keys. ██████████ was able to locate ██████████'s keys were, where the physical altercation occurred inside the residence. ██████████ was able to talk ██████████ into disarming himself before opening the door to the residence. ██████████ stated she did not hear ██████████ make any threats to shoot anyone inside the residence with the pistol. ██████████ stated this is not normal behavior for ██████████ ██████████ stated she feared for her life. ██████████ stated she feared ██████████ was going to shoot her with the pistol if the door was unlocked and he re-entered the residence.

██████████ stated ██████████ left the residence in a black ██████████ she believes is registered to ██████████'s wife ██████████ (O1) before she dialed ██████████. ██████████ completed and signed a written sworn statement and advised she does not wish to pursue criminal charges. ██████████ declined medical assistance.

Deputy Ray observed dried blood on ██████████ shirt. Deputy Ray observed swelling on the left side of ██████████ face. Deputy Ray observed an abrasion next to ██████████ left ear. Both injuries consistent with being punched in the face by a fist. Deputy Ray observed 1 .22 caliber bullet outside on the ground at the front door of the residence. Deputy Ray observed a football size hole in the wall where ██████████ stated ██████████ he struck. Deputy Ray observed dried blood on the front door of the residence. Deputy Ray photographed ██████████ injuries, the .22 caliber round located by the front door, and hole in the wall and later uploaded them into the digital crime scene database.

Deputy Ray made contact with ██████████ who provided a similar statement as ██████████ ██████████ stated her brother, ██████████ arrived at the residence and appeared to be in a confrontational manner. ██████████ stated she attempted to hold ██████████ back from attacking ██████████ ██████████ stated ██████████ continued to attempt to push ██████████ out the way to continue to attack ██████████ ██████████ stated once she got ██████████ outside the residence. ██████████ went to his wife's ██████████ and got a black pistol out and proceeded to the front door of the residence. ██████████ stated ██████████ was holding the pistol in his right hand. ██████████ stated ██████████ waved the pistol at the window she was looking out of demanding for his keys.

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██████ stated she was in fear for her life.
██████ stated ████████ has never done this before and believed she was going to be shot by ████████
██████ completed and signed a written sworn statement and advised she does not wish to pursue criminal charges.

Deputy Ray observed ████████ to have dried blood on the shirt she was wearing. ████████ stated the blood was from ████████ as she attempted to break up the physical altercation. Deputy Ray took photographs of ████████ which were later uploaded to digital crime scene database.

Deputy Ray made contact with ████████ (W2) who advised the following:

She did not observe the beginning of the physical altercation. ████████ stated she could hear what sounded like a physical altercation happening downstairs. ████████ stated she assisted with attempting to break up the altercation. ████████ stated once ████████ was outside the residence, she looked out the window and observed ████████ holding a black pistol in his right hand. ████████ stated she observed ████████ pointing the pistol at the front door window. ████████ stated she heard a noise what sounded like ████████ racked the chamber to the pistol. ████████ completed a sworn written statement.

Deputy Ray canvassed the area for video footage which yielded negative results. Deputy Ray made contact with ████████ (W1) who stated he observed ████████ standing outside ████████'s residence holding a pistol in his right hand. ████████ stated he observed ████████ waving the pistol in his hand in a reckless manner. ████████ stated he feared the manner in which ████████ was waving the pistol around, if it would have fired it would have been unknown where the bullet would have went. ████████ completed a sworn written statement.

Based on injuries observed, all parties statements, and pistol ammunition located outside ████████'s front door, Deputy Ray had probable cause to charge ████████ with the following:

2 counts of aggravated assault (Domestic Violence)

Battery (Domestic Violence)

Improper exhibition of a firearm

While Deputy Ray was speaking with ████████ deputies located a disabled vehicle at the 2700 block of Enterprise Rd. Orange City bearing Florida tag ████████. FCIC/NCIC showed the vehicle belonged to ████████. Deputies made contact with ████████ in the driver seat of the vehicle. Deputies placed ████████ under arrest. Deputies did not locate a pistol on ████████'s person. Deputies also made contact with front seat passenger ████████ ████████ (O2) and rear seat passenger ████████ ████████ (O3). It should be noted, ████████ had a Seminole County Warrant and was placed under arrest. (See VSO case number 20-13652 for further details). ████████ did not have a valid license. Deputies requested for C&S towing for the above mentioned vehicle to be towed. Deputies conducted a inventory search of the vehicle and did not locate a pistol. Deputies located a box of .22 caliber ammunition in the glove box of the vehicle. Deputies collected the ammunition and turned it over to Deputy Ray, which was later submitted into D4 evidence

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locker.

██████████ was transported to D4 office where Deputy Ray made contact with ██████████ Deputy Ray read ██████████ his Miranda Rights from his agency issued card. ██████████ stated he understood his rights and wished to speak with Deputy Ray without a lawyer present. Post-Miranda, ██████████ stated he came to the residence and ██████████ had two lifting weights in her hands when she answered the door. ██████████ stated he and ██████████ were arguing. During the argument ██████████ poked at him twice on his shoulder with her hand ██████████ stated he got angry and struck the wall twice. ██████████ stated before he struck the wall a second time ██████████ pushed him with her hand and struck him in the face with an exercise weight. ██████████ stated he then struck ██████████ with his fist and a physical altercation began.

██████████ stated he went outside and grabbed his SIG .22 caliber pistol from his vehicle and proceeded to the front door demanding his vehicle keys. ██████████ stated he did not point it at anyone. ██████████ stated he UN-chambered a round at the front door to show ██████████ the pistol had nothing in the chamber so someone would open the door to give him his vehicle keys. ██████████ stated before contact was made with deputies he went to his residence and placed the pistol in his safe. ██████████ stated the .22 caliber ammunition in the glove box of the vehicle belonged to him. Deputy Ray observed ██████████'s upper lip to be swollen consistent with his statement of being struck in the face. ██████████ declined medical assistance.

██████████ and ██████████ were provided a Domestic Violence Rights and Remedies pamphlet which they signed for. Deputy Ray explained to ██████████ and ██████████ the process of filing for an injunction for protection against domestic violence.

Deputy Ray conducted a criminal history check on ██████████ which revealed the 2 misdemeanor charges with no convictions. ██████████ has no prior battery convictions.

██████████ was transported to the Volusia County Branch Jail without incident.

██████████, ██████████, ██████████ and ██████████ have elected to prevent disclosure of confidential or privileged information per Marsys Law.

A RPO (Risk Protection Order) was completed and submitted to the RPO submission group.

Case Status: Arrest / Adult

VOLUSIA COUNTY SHERIFF'S OFFICE

Clerk of Court's Number

RISK PROTECTION ORDER / BAKER ACT FIREARMS AND AMMUNITION RECEIPT

E/VNT	Report Date 07/31/2020	Report Time 1751	Orig. Reported Date 07/31/2020	Nature of Call (for Incident) DV	Agency Report Number 200013646	1. Original 2. Supplement	1
CODE	Status Code: 1. Evidence Recovered 7. Recovered (Outside Agency Recovered) 13. Disposal 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	1	Y	1	BOX CONTAINING .22 CALIBER AMMO	
	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
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 07/31/2020.

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) _____

(Telephone Number) _____

Respondent _____

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 07/31/2020, at _____ DELTONA FL. 32738

SIGNATURES

Respondent _____ Date _____ Deputy _____

CUSTODY	Item #	Date:	Time:	Released by (Printed):	Released by (Signature):	Received by (Printed):	Received by (Signature):		
	1	07/31/20	1800	D/S RAY		D4 EVIDENCE LOCKER			
	Leave Blank	Reason for Change:							
		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			Officer Reporting - Signature			ID Number	Unit	Date
	D/S RAY						8769	1A45	07/31/2020
	Officer Reviewing - Printed (if Applicable)			Officer Reviewing - Signature (if Applicable)			ID Number	Unit	Date