

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

VSO Case Number  
200018601

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

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, {full legal name} ETHAN BARTZER, in my position as {job title} DEPUTY with the {name of law enforcement officer/agency} VOLUSIA SHERIFFS 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 10/13/2020 at approximately 1545 hours, Deputy Bartzer was dispatched to ██████████  
██████████ Astor, in reference to an active shooting.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1 Additional pages are attached.

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

██████████ advised the following - see continuation page.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1 \_\_\_\_\_  
PAGE 1 OF 1 \_\_\_\_\_

Prior to arrival, Central Dispatch advised the victim vehicle, a dark colored utility vehicle, was leaving the seen and was traveling southbound on ██████████. Deputy Bartzer was traveling northbound on ██████████ when he observed the victim vehicle and spoke with a rear seat passenger, ██████████ (V1) advised he lives on the property of ██████████ and pays rent to ██████████ (D1). ██████████ advised he is normally on time paying his rent to ██████████ however this month he fell behind. ██████████ further advised ██████████ was agitated that he was unable to pay the full amount of rent this month. ██████████ further advised, he, ██████████ (W1), ██████████ (W2) and ██████████ (W3) arrived on the property to take his boat off the property and sell it to obtain rent money. ██████████ further advised the action of taking a boat off the property upset ██████████ and he fired a .357 revolver at him and his friends. ██████████ later advised the act of ██████████ raising his firearm and directing it in his direction caused him to feel threatened. Upon ██████████ discharging the firearm, ██████████ advised he was in fear for his life. ██████████ completed a sworn written statement detailing the incident. ██████████ later advised he would like to pursue charges against ██████████ ██████████ provided a sworn written statement advising she had been inside the house on the property and heard two gunshots. She then heard yelling and got into the vehicle and left. Keeling provided a sworn written statement corroborating the statement provided by ██████████ and ██████████. Due to the nature of the incident, multiple deputies responded to the scene as well as Air One. Air One was able to identify the male based on descriptions provided by the victim and observed him to be walking around the property. Detective Sergeant Nick Shepherd made contact with ██████████ via telephone where he was able to de-escalate the incident and persuaded ██████████ to relinquish the firearm. ██████████ advised he would place the .357 revolver in the tractor bucket. After relinquishing the firearm, ██████████ came out unarmed and made contact with other deputies on scene. Deputy Bartzer then made contact with ██████████ and read him his Warning of Constitutional Rights from his agency issued Miranda Warning card. ██████████ then advised he wished to not speak with deputies without an attorney present. Deputies ran the boat which did not come back to either party. Deputy Bartzer ran the firearm serial number which came back as no record found. Deputies later found the firearm, which matched the description provided by the victim, in the tractor bucket as ██████████ had previously stated. The firearm later identified as a .357 caliber Colt Trooper MK III bearing serial# J84662 was inspected. Upon inspection (6) six brass bullets were located in the cylinder. No spent shell casing were observed in the cylinder, or anywhere on the property. Deputy Kretzer assisted Deputy Bartzer by inspecting the property, vehicles, and the boat, no of which displayed in projectile strikes or bullet holes. Based on the statements provided by ██████████ and ██████████ as well as the video provided by ██████████ Deputy Bartzer determined there to be probable cause to charge ██████████ with Aggravated Assault with a Deadly Weapon. A criminal history check was ran on ██████████ which revealed ██████████ has no felony or misdemeanor convictions. Due to a firearm being involved a Risk Protection Order was completed and forwarded to the Volusia Sheriff's Office Legal Advisor.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IN RE: PETITION FOR RISK PROTECTION ORDER  
AGAINST {Name of Respondent} [REDACTED]

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**AFFIDAVIT CONTINUATION**

FROM SECTION 2 \_\_\_\_\_

PAGE 1 \_\_\_\_\_ OF 1 \_\_\_\_\_

Deputy Bartzer then spoke with [REDACTED] who was the driver of the vehicle, and advised he had video of the incident. Deputy Bartzer observed the video which shows [REDACTED] walking around with a firearm in his right hand. Eventually, after some back and forth between the four individuals and [REDACTED] it shows [REDACTED] raise the firearm and fire two rounds towards the rear of the vehicle. [REDACTED] advised the boat was at the rear of the vehicle and [REDACTED] had shot near or around the boat. Deputies on scene did not observe any bullet holes on the boat nor the vehicle. [REDACTED] completed a sworn written statement detailing the incident and advised he would provide Deputy Bartzer a copy of the video via e-mail.

[Lined area for additional text]

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	<u>1</u>	Type	<u>COLT REV</u>	Location	<u>DISTRICT 2 EVIDENCE</u>
Quantity	<u>6</u>	Type	<u>.357 AMMO</u>	Location	<u>DISTRICT 2 EVIDENCE</u>
Quantity	<u>1</u>	Type	<u>BLACK HOLST</u>	Location	<u>DISTRICT 2 EVIDENCE</u>
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: 10/13/2020

Signature of Affiant: *ES 9104*

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization,

this 13TH day of OCTOBER, 2020, by ETHAN BARTZER  
Affiant's name

*A. W. B. #9022*  
Signature of Attesting LEO Witness

A. Graziano #9022  
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)