

IN THE CIRCUIT COURT OF THE Seventh JUDICIAL CIRCUIT,
IN AND FOR Volusia COUNTY, FLORIDA

VSO Case Number
20-21425

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF Volusia

I, *{full legal name}* Joseph Borbely, in my position as *{job title}* Deputy Sheriff II with the *{name of law enforcement officer/agency}* Volusia County Sheriff, 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 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 11/22/2020, deputies responded to ██████████ in Deltona in reference to a suspicious incident. While en route, Central advised (and the comments in the call read) that the reporting party, ██████████ (R1), was in an altercation with his neighbor, ██████████ (O1), who was standing at the chain link fence that separated their two property lines. The call read, "RP's neighbor is standing at their fence yelling 'come get me' and

Additional pages are attached.

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

Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1.
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holding something." It continues, "RP STS [REDACTED] is schizophrenic," and, "RP STS [REDACTED] owns a firearm and thinks she may have it in her hand. Simultaneously, [REDACTED]'s husband, [REDACTED] (O2) was also on the phone with communications advising, "...the neighbors are in the backyard trying to get in." While on the phone with [REDACTED], the call taker noted she could hear [REDACTED], "yelling in the background."

It should be noted here that there is a premise hazard on [REDACTED] and [REDACTED]'s residence that was documented in the call for dispatch that states, "[REDACTED] and [REDACTED] are known MIP - They call in unfounded neighbor complaints - They do have weapons. 2 unit response." This information was permanently added as a hazard on September 06, 2020 by Sergeant Hillyard. In the last ninety days, Central Dispatch has received 36 calls for service at [REDACTED] and [REDACTED]'s residence. The most recent was dispatched as a theft on November 16th of this year in which it was alleged lights were taken off of their backyard fence. At the conclusion of the deputy's investigation that day, he noted, "Nothing criminal. Property never taken. Lights not working as RP would like. All residents and out of state family member still MIP."

Upon Deputy Borbely's arrival to [REDACTED] this day, he first made contact with [REDACTED] who advised the following: She stated [REDACTED] located next door at [REDACTED], send his children to her residence onto her roof. [REDACTED] was under the delusion of hearing [REDACTED]'s children on her roof. [REDACTED] alleged the children from [REDACTED]'s home tamper with her cameras so she is unable to document them on video surveillance entering her property. [REDACTED] stated in addition they have tried to enter her bedroom. [REDACTED] denied exiting the home with a firearm in her possession. [REDACTED] does not have [REDACTED]'s family documented on her home surveillance of entering her property. [REDACTED] has previously made multiple allegations of her neighbors on her property which are unfounded. She stated [REDACTED]'s son has been sent over to her home to "beat and rape her" which were determined to be untrue.

Deputies have previously determined her allegations are unfounded and are based on a paranoia of harm that is not true. Deputy Borbely contacted [REDACTED] at his residence of [REDACTED]. [REDACTED] stated he was uncertain of the object in [REDACTED]'s hands. [REDACTED] stated he has had multiple encounters with [REDACTED] yelling various accusations at him and his family. [REDACTED] advised they try to ignore [REDACTED] in order to prevent her from becoming agitated. [REDACTED] believes [REDACTED] to be schizophrenic due to her outlandish allegations and paranoid behavior. Deputies contacted [REDACTED] regarding the incident. [REDACTED] made statements similar to [REDACTED] which correlates to mental illness. [REDACTED] showed Deputies the firearms him and [REDACTED] possess. Deputies were showed a Taurus G2C 9mm bearing serial number THS94808 and a Heritage .22 revolver bearing serial number: R158176. [REDACTED] disclosed to Deputies he was waiting on ammo to arrive and said he would start "shooting at the shadows." Deputy Borbely spoke with [REDACTED] and [REDACTED] together regarding neighborhood concerns and firearm safety. While Deputy Borbely was explaining safety concerns, [REDACTED] stated "you better tell them to stay out of this yard because there will be bullets fired, starting tomorrow." [REDACTED] and [REDACTED] were agitated and were not receptive to Deputies suggestions.

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[REDACTED] and [REDACTED]'s actions and statements did not meet Baker Act criteria during this incident.

Based on [REDACTED] and [REDACTED]'s statements, Deputy Borbely's experience and training, signs of mental illness exhibited with paranoia, a disconnect from reality, Deputy Borbely believes they should not be in possession of firearms. Deputy Borbely completed a Risk Protection Order (RPO) paperwork which was forwarded to the VSO group for review.

A FCIC/NCIC check of [REDACTED] revealed he has been issued a concealed weapons permit License #W3027876 set to expire on 5/13/2027.

Case Status: Closed

3. Affiant is 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>Taurus G2C</u>	Location <u> </u> , Deltona
Quantity <u> 1 </u>	Type <u>Heritage Revolver</u>	Location <u> </u> , Deltona
Quantity <u> </u>	Type <u> </u>	Location <u> </u>
Quantity <u> </u>	Type <u> </u>	Location <u> </u>
Quantity <u> </u>	Type <u> </u>	Location <u> </u>
Quantity <u> </u>	Type <u> </u>	Location <u> </u>

 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: 11/23/2020 Signature of Affiant: Joseph Borbely

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 23 day of November, 2020 , by Joseph Borbely
Affiant's name

[Signature] 9004
Signature of Attesting LEO Witness

KLET'S STABLEFIELD
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)