

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

VSO Case Number
20-22257

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF Volusia

I, {full legal name} Deputy Michael Morgan, in my position as {job title} Deputy Sheriff with the {name of law enforcement officer/agency} Volusia Sheriff's 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:

While on a walk, [Redacted] was in a verbal altercation with [Redacted] [Redacted] and [Redacted] During the altercation, [Redacted] armed himself with a dark green handgun and stated he was going to shoot the listed individuals. [Redacted] began waving the gun around in a reckless and threatening manner towards [Redacted] and [Redacted]. [Redacted] was arrested for aggravated assault with a weapon.

2 Additional pages are attached.

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

[Redacted] advised when she met [Redacted] who was in a verbal altercation with [Redacted] [Redacted] brandished a dark colored handgun and pointed it in [Redacted] direction in a reckless and threatening manner. [Redacted] was in fear for her life during this altercation. [Redacted] signed a sworn written statement.

0 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____
PAGE 2 _____ OF 3 _____

On December 5, 2020, at 1611 hours Deputies responded to ██████████, Deland, for an assault complaint. Upon arrival, Deputy Curtin contacted ██████████ (V1), ██████████ (V2), ██████████ (W1), and ██████████ (W2); each reported the following: ██████████ explained he was at home when he was told by ██████████ and ██████████ that a man and woman, later identified as ██████████ (D1) and ██████████ (O1), had yelled at them, and said they knew where the kids lived and were going to go to their house. ██████████ assumed his children had done wrong due to their young age, and wanted to speak with the male to figure out if his children needed discipline. ██████████ entered into his vehicle and drove down the street to speak with the couple. ██████████ found them still walking on the roadway in approximately the 300 block of Violetwood Rd. As ██████████ drove on the road, eventually slowing to a stop, the male observed ██████████. The male retrieved a handgun from his right hip and held it in front of him, pointing it at the ground. ██████████ then positioned his body such that ██████████ perceived it as a shooting stance. ██████████ feared he was about to be shot, so he immediately put his hands above his head to show he was not a threat to ██████████. ██████████ began to yell and shout cuss words at ██████████. ██████████ was able to ask ██████████ if he had said something to his children; ██████████ replied that ██████████'s children "were cussing at me". At some point during this exchange of words, ██████████ had placed the gun back on his right hip. ██████████'s wife, ██████████, was now on scene driving her own vehicle. ██████████ unaware of the presence of a gun, had brought the children with her in an effort to sort the issue between the children and ██████████ and ██████████. ██████████ arrival onscene prevented ██████████ from leaving the area as he intended to do now that ██████████ had holstered his firearm. ██████████ did not want to leave ██████████ alone with the obviously angry and armed ██████████ especially without her knowledge of ██████████' anger and willingness to display the gun. As ██████████ was arriving, ██████████ again retrieved the gun from his right side hip and displayed the gun. ██████████ began to yell and shout once more toward ██████████ as he walked towards her while she sat in the driver's seat of her vehicle. ██████████ told ██████████ to leave the area as ██████████ was yelling at her. As ██████████ left the area, ██████████ began to speak to ██████████. ██████████ explained ██████████ suffers from PTSD and apologized for his behavior. As ██████████ drove away, ██████████ entered his vehicle and did the same. ██████████ heard ██████████ shout something, but could not understand what was said. ██████████ then noticed ██████████ gesture towards ██████████ with his middle finger. ██████████ described ██████████ as white with tattoos on his arms, approximately 5 foot 5 inches tall. ██████████ described the gun as a small sized with some or all of it being green colored with a black sight on the barrel. ██████████ completed a sworn statement and does wish to prosecute. ██████████ reported the following: ██████████ had earlier in the day allowed her children to ride their bicycles around the neighborhood. ██████████ called her children on the phone and asked them to come home as she had planned on taking them to the mall. When the children arrived home, they shared how a man, identified as ██████████ down the street had confronted them by shouting at them, and saying something to the effect of ██████████ knowing where they live and would show up to their house. ██████████'s husband, ██████████, heard the conversation, and drove down the street to speak with ██████████. ██████████ loaded the children in her vehicle, and drove to meet ██████████ and ██████████ down the street so that they could learn if their children had done wrong. Once ██████████ arrived, she parked her vehicle behind ██████████'s vehicle. Before she could exit her vehicle, she observed ██████████ retrieve a gun from his right hip. ██████████ then began yelling at her and pointed the gun in her direction. ██████████ was angry and could not understand exactly what ██████████ was shouting. ██████████ then heard ██████████ telling her to leave the area, so she did by driving away and going home.

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____
PAGE 3 OF 3 _____

[REDACTED] entered his own vehicle and returned home with her. [REDACTED] stated she was in fear that [REDACTED] was going to cause her harm with the gun. [REDACTED] completed a sworn written statement and does wish to prosecute. Contact was made with [REDACTED] who advised the following: [REDACTED] was riding her bike, along with her sister and a friend through their neighborhood. [REDACTED] stated her sister told her something, though she could not specifically recall the details of what was said when they rode by [REDACTED] and [REDACTED] a first time. The group of children turned around to return to the house, when [REDACTED] called out to the group telling them if they had something to say to him to say it. [REDACTED] informed [REDACTED] [REDACTED] was talking to her, when [REDACTED] advised he knew where they lived. [REDACTED] and [REDACTED] then got into a verbal argument, and [REDACTED] stated he would "blow their brains out." When they got home, [REDACTED] and [REDACTED] informed [REDACTED] of the incident, and he drove away from the residence. [REDACTED] and [REDACTED] entered [REDACTED] vehicle with [REDACTED] to meet [REDACTED] who left to confront [REDACTED] about the incident. Upon meeting with [REDACTED] observed [REDACTED] produce a gun and hold it in his hand. [REDACTED] completed a sworn written statement of events. Contact was then made with [REDACTED] who advised the following: [REDACTED] was riding her bike, along with her sister and a friend through their neighborhood, when her mother called her sister, telling them to come home. [REDACTED] stated she told her sister to hurry up, when [REDACTED] called out to her and asked if she had something to say to him. [REDACTED] told [REDACTED] he was talking to [REDACTED] when the man stated they were on their way home, and that he knew where they lived. When they got home, they told [REDACTED] about the incident, and he left to confront [REDACTED] and [REDACTED] entered [REDACTED] vehicle with [REDACTED] to meet [REDACTED] who left to confront [REDACTED]. When [REDACTED] arrived with [REDACTED] observed [REDACTED] produce a gun and hold it in his hand while stating that [REDACTED] and [REDACTED] had threatened him. [REDACTED] completed a sworn written statement of events. At approximately 1900 hours, contact was made with [REDACTED] and [REDACTED] at their residence of [REDACTED], Deland, and after being advised the reason for Deputies being at their residence, advised the following: [REDACTED] was out for a walk around the neighborhood with his wife, [REDACTED], when they observed a group of children ride by on bicycles. [REDACTED] advised a male began cussing at him, to which he informed the child he was his neighbor and knew where he lived, and that he was going to talk to the parents. [REDACTED] then stated a large black male, identified as [REDACTED] approached him in a vehicle, and exited the vehicle attempting to talk to [REDACTED]. [REDACTED] stated at that point he feared for his personal safety, as well as that of his wife, and drew his firearm from a concealed carry holster on his right hip, and held it at his side, pointed at the ground. Once [REDACTED] felt that [REDACTED] was not a threat, he placed the firearm back in his holster. Then while talking with [REDACTED] a second vehicle, driven by [REDACTED] pulled up. [REDACTED] stated the car was full of unknown occupants, and that he again feared for his safety, with a large amount of people on scene, and brandished the firearm. [REDACTED] was read his Miranda Rights from a VSO issued Miranda Warning Card, which [REDACTED] acknowledged he understood. Post Miranda, [REDACTED] stated he did not wish to speak with law enforcement. A check of [REDACTED]'s criminal history revealed no prior convictions. Based on the information [REDACTED] was placed under arrest for two counts of aggravated assault with a firearm, without intent to kill. [REDACTED] was later transported without incident to the Volusia County Branch Jail.

3. Affiant ___ is X 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>dark green pistol</u>	Location <u>[REDACTED] [REDACTED], Deland</u>
Quantity _____	Type _____	Location _____
Quantity _____	Type _____	Location _____
Quantity _____	Type _____	Location _____
Quantity _____	Type _____	Location _____
Quantity _____	Type _____	Location _____

0 Additional pages are attached.

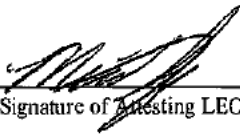
AFFIANT HEREBY CERTIFIES UNDER PENALTY OF PERJURY THAT THE STATEMENTS AND FACTS IN THIS AFFIDAVIT AND IN ANY ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Dated: 12/05/2020

Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 05 day of December, 2020, by D/S Morgan

Affiant's name


Signature of Attesting LEO Witness

D/S Stoltz 8232
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)