

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

VSO Case Number
20-5847

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF Volusia

I, *{full legal name}* [REDACTED], in my position as *{job title}* Deputy Sheriff II 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:

BWC RECORDING

On 3/13/2020 at approximately 2151 hours, Deputies were dispatched to [REDACTED] [REDACTED] Deltona in reference to a suicidal person.

2 Additional pages are attached.

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

See affidavit continuation for further details.

0 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____

PAGE 2 _____ OF 3 _____

Upon arrival, Deputies contacted ██████████ (W2), outside the residence ██████████, who stated her mother in law, ██████████ (R1) told her that her boyfriend of 24 years, ██████████ (V1) was threatening to commit suicide via a firearm.

Prior to arriving at the residence, Deputies instructed ██████████ to place the firearm away from where she was standing. When Deputies arrived on scene at ██████████ Deputies secured a silver derringer firearm (SN: ██████████) located on the ground in front of the garage door of the residence. Deputies observed the firearm to be loaded with 2 live cartridges chambered in 45 Colt.

Deputies made contact with ██████████ and her son, ██████████ (W1). ██████████ stated she was in an argument with ██████████ at their residence because he was intoxicated. ██████████ stated ██████████ left the residence because he wanted to go out drinking.

██████████ exchanged text messages with ██████████ when he was away from the residence. ██████████ stated via text message, "Please leave me alone I just want to go away forever and I'll be bother with anybody you don't have to worry about me no more disappointing you and letting you down" and "I really think I'll be dead by midnight".

██████████ contacted ██████████ and ██████████ and asked them to locate ██████████ and bring ██████████ back from the bar.

██████████ stated when ██████████ returned to the residence, he was still intoxicated and went inside the residence. ██████████ said when she and ██████████ were smoking outside, ██████████ noticed a bulge in ██████████'s back left pocket. ██████████ checked ██████████'s back left pocket and discovered ██████████'s silver derringer in his pocket. ██████████ and ██████████ were engaged in a struggle to remove the firearm from ██████████ control. ██████████ stated ██████████ was able to assist her and remove the firearm from ██████████'s control. ██████████ stated when the firearm was removed from ██████████'s control, she contacted law enforcement. ██████████ stated the firearm was initially stored in the safe which is located in the closet of her bedroom. ██████████ stated ██████████ was able to access the safe and remove the silver derringer.

Deputy Borbely spoke with ██████████ who provided a statement which corroborates the events as detailed by ██████████ la..

When Deputy Borbely contacted ██████████ Deputy Borbely noticed a strong odor of alcoholic beverages. ██████████ stated he recently lost his job approximately a week ago. ██████████ stated he is upset because he can no longer provide for his family. ██████████ stated he was upset because he believes ██████████ is mad at him.

██████████ and ██████████ completed signed and sworn written statements detailing the incident. Deputy Borbely was able to obtain a photograph of the text message exchange between ██████████ and ██████████

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AFFIDAVIT CONTINUATION

FROM SECTION 1 _____
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Deputy Borbely uploaded the photo to the VSO Crime Scene Database.

Based upon ██████'s text messages, witness statements, the firearm ██████ was in possession of, Deputy Borbely determined without care and treatment, there is a significant likelihood ██████ is a danger to himself and others. ██████ was taken into protective custody under the Baker Act and transported to Halifax Hospital.

It should be noted, when ██████ was transported to Halifax Hospital, the key to the safe where his firearm was stored was located in his front left pocket. ██████'s property was turned over to Halifax Hospital for safekeeping. ██████'s firearm was placed into District 4's Evidence locker for safekeeping.

Case Status: Closed

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>Derringer</u>	Location	<u>Respondent's possession</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: 3/15/2020

Signature of Affiant: Joseph Borbely

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

this 15 day of March, 2020, by D/S J. Borbely 9061
Affiant's name

S.O'Connell 9023
Signature of Attesting LEO Witness

S. O'Connell 9023
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)