

IN THE CIRCUIT COURT OF THE 7TH JUDICIAL CIRCUIT,
IN AND FOR VOLUSIA COUNTY, FLORIDA

VSO Case Number
20-0007603

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF Volusia

I, {full legal name} Tyler James St John, in my position as {job title} Deputy Sheriff with the {name of law enforcement officer/agency} Volusia County SO., swear and affirm that the following facts are true and correct.

- {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:

During a call for service where [REDACTED] was placed under protective custody under the Baker Act, [REDACTED] made suicidal statements referencing shooting himself. [REDACTED] stated he was going to take a .38 to his head and kill himself.

Additional pages are attached.

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

[REDACTED] received the phone call from [REDACTED], where he made a suicidal comment reference shooting himself. [REDACTED] stated [REDACTED] told her he was going to kill himself with a .38 pistol and stated he was going to put the gun to his head and take care of things. [REDACTED] recorded the statement and notified law enforcement.

Additional pages are attached.

3. Affiant ___ is X is not aware of any existing protection order governing the respondent under any applicable statute.

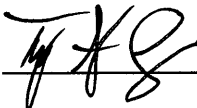
_____ Known protection orders are attached

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>Taurus 9mm</u>	Location	<u>[REDACTED]</u>
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
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: 04/16/2020 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 16 day of April, 2020, by Tyler St John
Affiant's name


Signature of Attesting LEO Witness

Martin Fletcher
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)

IN THE CIRCUIT COURT OF THE 7th JUDICIAL CIRCUIT,
IN AND FOR Volusia COUNTY, FLORIDA

VOLUSIA SHERIFF'S OFFICE,
Petitioner

Case No.: 20-0007603

v.

Division: _____

VSO Case Number 20-0007603

Respondent

**PETITION FOR TEMPORARY EX PARTE RISK PROTECTION ORDER
AND RISK PROTECTION ORDER**

SECTION I. PETITIONER

1. Petitioner's full legal name or name of petitioning agency: Volusia County Sheriff Office
2. Petitioner's law enforcement office/agency is located at *{street address, city, state, and zip code}*:
123 W. India Ave., Deland Fl. 32721

SECTION II. RESPONDENT

1. Respondent's full legal name: _____
2. Respondent's current address: *{street address, city, state, and zip code}*:
_____ Deltona
3. Physical description of Respondent:
Race: w Sex: Male Female Date of Birth: _____
Height: 6'00 Weight: 250 Eye Color: Brw Hair Color: Brown
4. Distinguishing marks or scars: N/A
5. Vehicle *{make/model}*: Jeep Utility Color: Red Tag Number: _____
6. Other names Respondent goes by *{aliases or nicknames}*: N/A
7. Respondent's email address *{if known}*: N/A
8. Respondent's Driver's License number *{if known}*: _____
9. Respondent's attorney's name, address, and telephone number *{if known}*: N/A

SECTION III. BASIS FOR PETITION

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In support of this Petition the undersigned Law Enforcement Officer/Agency alleges:

- 1. 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.
- 2. A sworn affidavit alleging specific statements, actions, or facts based on personal knowledge that give rise to a reasonable fear of significant dangerous acts by the Respondent is attached to this petition and incorporated by reference.
- 3. The attached sworn affidavit includes a list of the quantities, types, and locations of all firearms and ammunition believed to be in the Respondent's ownership, possession, custody, or control.
- 4. Respondent poses a significant danger of injury to himself/herself or others by having in his/her control, or by purchasing, possessing, or receiving, a firearm or ammunition.

[Required for Temporary Ex Parte Risk Protection Order] Respondent poses this significant risk of injury in the near future.

- 5. Relevant evidence for the Court's consideration is detailed in the attached affidavit and shows that the Respondent:

- was involved in a recent act or threat of violence against himself/herself or others;
- engaged in an act or threat of violence; including but not limited to acts or threats of violence against himself/herself; within the past 12 months;
- is seriously mentally ill or has recurring mental health issues;
- has violated a risk protection order or no contact order issued under sections 741.30, 784.046, or 784.0485, Fla. Stat.;
- is the subject of a previous or existing risk protection order;
- has violated a previous or existing risk protection order;
- has been convicted of, had adjudication withheld on, or pled *nolo contendere* in Florida or in any other state to a crime that constitutes domestic violence as defined in s. 741.28, Fla. Stat.;
- has used, or threatened to use, against himself/herself or others, any weapons;
- has unlawfully or recklessly used, displayed or brandished a firearm;
- has used or threatened to use on a recurring basis physical force against another person or has stalked another person;
- has been arrested for, convicted of, had adjudication withheld, or pled *nolo contendere* to a crime involving violence or a threat of violence in Florida or in any other state;
- has abused or is abusing controlled substances or alcohol;
- has recently acquired firearms or ammunition;
- other (Additional relevant information may be attached).

SECTION IV. NOTICE

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___ Petitioner has made a good faith effort to provide notice to a family or household member of the Respondent and to any known third party who may be at risk of violence in compliance with s. 790.401(2)(f), Fla.Stat.

___ Petitioner will take the following steps to provide notice as required by s. 790.401(2)(f), Fla.Stat.

SECTION V. RISK PROTECTION ORDERS

For the foregoing reasons, petitioner requests the Court to enter:

X **A TEMPORARY EX PARTE RISK PROTECTION ORDER** in this matter requiring Respondent to:

1. Immediately surrender all firearms and ammunition in his or her custody, control, or possession and any license to carry a concealed weapon or firearm to the *{name of law enforcement agency}*; Volusia Sheriff Office
2. Not have in his/her custody, control, or possession any firearm or ammunition while this order is in effect;
3. Not purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect; and
4. Abide by any other lawful relief the Court may order.

Petitioner further requests this Court to schedule a Hearing for a Risk Protection Order to be held within 14 days.

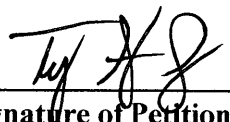
X **A RISK PROTECTION ORDER** in this matter requiring Respondent to:

1. Immediately surrender all firearms and ammunition in his or her custody, control, or possession and any license to carry a concealed weapon or firearm to the *{name of law enforcement agency}*; Volusia Sheriff Office
2. Not have in his/her custody, control, or possession any firearm or ammunition while this order is in effect;
3. Not purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect; and
4. Abide by any other lawful relief the Court may order.

Petitioner requests the Risk Protection Order to remain in effect for a period the Court deems appropriate, up to and including but not exceeding 12 months.

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Respectfully submitted this 16 day of April, 2020.



Signature of Petitioner

Volusia Sheriff Office

Law Enforcement Agency

123 W. India Ave. Deland Fl. 32721

Service Address

AFFIDAVIT CONTINUATION

FROM SECTION _____
PAGE _____ OF _____

BWC RECORDING

On 04/16/2020 at approximately 1350 hours, Deputy St John responded to ██████████ Deltona, in reference to a mentally ill person. Prior to arrival Deputy Maldonado was on scene investigating a ██████████ (V1), made to his cousin, ██████████ (R1). Upon arrival Deputy St John made contact with Deputy Maldonado who stated ██████████ had called ██████████ and advised he was on the way to the aforementioned address in order to get his belongings. ██████████ and ██████████ got into a verbal fight on the phone reference the custody of the family dog, prompting ██████████ to state he was going to shoot the dog and then use a .38 on himself to take care of things. This conversation was recorded and Deputy Maldonado stated she used the recording to confirm the comments made by ██████████ Deputy St John then made contact with ██████████ who stated he ██████████ stated he was coming to the residence to gather some items and leave due to a recent domestic incident. (reference VSO case number 200007573). Deputy St John asked if he made any phone calls to ██████████ where he could have possibly raised alarm to anyone. ██████████ stated he was aware of the phone call but did not wish to speak about it. Deputy St John persisted ██████████ speak about the phone call, so he could get professional medical help if needed. ██████████ stated he "did not think" he needed medical attention but then confirmed what was said to ██████████ on the phone call. ██████████ would not go into detail about what exactly was said but verbally confirmed stating "yes" the statements were made. ██████████ also stated he is diagnosed Bi-Polar and suffers from anxiety, which he is prescribed medications for. ██████████ stated due to recent events he has not been taking his medication consistently. ██████████ had no further information to provide at this time Deputy St John determined that without care and treatment there was a substantial likelihood ██████████ would cause serious bodily injury to himself or others in the near future, as evidence by the suicidal statements made to ██████████ over the phone, his admittance to the statement and not properly taking his prescribed medications. ██████████ was subsequently placed in protective custody under the Baker Act and transported to the Stuart Marchman Act facility in Daytona Beach for involuntary examination. Due to the suicidal comment made involving the use of a firearm, Deputy St John completed a Risk Protection Order Affidavit was completed in reference to ██████████. ██████████ stated he does not currently have possession of a firearm, but he does own a 9mm Taurus handgun, which is currently located at Taurus's facility in Ga., undergoing maintenance. ██████████ advised he does not own a .38 handgun and the Taurus 9mm is the only one he owns. No firearm was taken at this time due to the aforementioned statements. See Deputy Maldonado's supplement report for further details.