

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

VSO Case Number
200008030

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} DANIEL HAMMOND, 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:

WAS CHARGED WITH AGGRAVATED ASSAULT WITH A DEADLY WEAPON
WHEN HE POINTED A LOADED FIREARM AT THE VICTIM DURING A VERBAL
ARGUMENT. HE WAS ALSO CHARGED WITH BEING IN POSSESSION OF A
WEAPON WHILE UNDER THE INFLUENCE OF ALCOHOL. THE VICTIM
FEARED FOR HIS AND HIS FAMILY'S SAFETY.

1 Additional pages are attached.

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

VICTIM TO AFOREMENTIONED INCIDENT.

_____ Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____
PAGE 2 _____ OF 3 _____

On 04/26/2020 at approximately 2050 hours, Deputy Hammond was at ██████████, New Smyrna Beach conducting an investigation reference VSO case #200008031. While inside of the residence speaking with ██████████ (D1), the owner of the property, Deputy Hammond was made aware by other residents of the home there was an active disturbance on the front lawn of the property. Deputy Hammond stopped his interview and responded outside. Upon approaching the disturbance Deputy Hammond observed ██████████ (V1) and ██████████ (D1) in a verbal altercation. ██████████ had his hands up in a non-threatening advising ██████████ to calm down. Deputy Hammond observed ██████████ appeared to be the aggressor as he was loud, cursing, and had his fist balled up. Due to ██████████ appearing to be the primary aggressor, Deputy Hammond escorted him away from ██████████ and other residents.

While separating ██████████ ██████████ informed Deputy Hammond saying, hey he's got a gun on him. ██████████ who appeared highly intoxicated, then said, yea its right here, while putting his hand behind his back. Deputy Hammond advised ██████████ not to reach for the firearm which ██████████ had tucked behind his back. Due to ██████████'s irrational behavior, Deputy Hammond secured him and secured the firearm for further investigation.

Deputy Hammond spoke with ██████████ who advised the following; ██████████ was standing by on the property for Deputy Hammond's initial investigation, listed above, which he is a victim in as well. ██████████ was standing by on the property with his wife, ██████████ (W1), and his step son, ██████████ (W2). While standing by, ██████████ was approached by ██████████ who immediately began questioning why ██████████ was on his grandmother's ██████████)property. ██████████ stated he observed ██████████ to be possibly intoxicated as he was slurring his words and yelling very loudly. ██████████ advised he attempted to inform ██████████ of the situation however, ██████████ would not listen to ██████████ and began yelling, Get off my property even though its not his.

When ██████████ did not move ██████████ approached him in an aggressive manner while reaching behind his shirt and drawing a firearm. ██████████ advised he immediately recognized ██████████ had pulled out a firearm from his possession at which point ██████████ grabbed ██████████ and conducted a leg sweep putting ██████████ on the ground. ██████████ stated he got up and backed away from ██████████ at which point Deputy Hammond had exited the residence and intervened. ██████████ completed a sworn written statement advising ██████████ had put him in fear for his and his family's life and he wished to pursue charges.

██████████ and ██████████ provided similar recollections of the incident and completed sworn written statements as well. ██████████ and ██████████ also completed Marsy's Law forms advising they wished to keep their information private.

██████████ who's behavior was erratic during the entire incident, continued to curse and spontaneously utter he did nothing wrong without fully explaining his actions. ██████████ did however, advise Deputy Hammond he had been drinking.

██████████'s firearm, a silver Taurus Armas G2S SN#TMD22561, was secured by Deputy Hammond. It should be known the firearm was located in the small of ██████████'s back, loaded, with a round in the chamber thus making it readily accessible. The firearm was later submitted into district 3 south evidence locker as evidence. Based on the totality of the circumstances, and all witness and evidence collected, Deputy Hammond placed ██████████ under arrest for aggravated assault with a deadly weapon as well as possession/use of a firearm while under the influence of alcohol.

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>HANDGUN</u>	Location	<u>VSO EVIDENCE</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: 4/27/2020

Signature of Affiant: _____



Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 27 day of APRIL, 2020, by DEP. D. HAMMOND
Affiant's name

Sgt. J. Hillyard 2383
Signature of Attesting LEO Witness

SGT. J. HILLYARD
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)