

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

VSO Case Number  
20008345

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

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF Volusia

I, *{full legal name}* Joshua Peitz, 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:

See attached

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2 Additional pages are attached.

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

See Statements

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         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>Unk</u>	Type	<u>Unknown</u>	Location	<u>Unknown</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: 05/03/2020

Signature of Affiant: 

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

this 3 day of May, 2020, by Deputy Joshua Peitz 9095  
Affiant's name



Signature of Attesting LEO Witness

Sergeant Richard LeCates 2330  
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 RE: PETITION FOR RISK PROTECTION ORDER  
AGAINST {Name of Respondent} ██████████

VSO Case Number  
200008345

AFFIDAVIT CONTINUATION

FROM SECTION 1

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On 05/03/2020 at approximately 1006 hours, Deputy Peitz responded to ██████████ New Smyrna Beach, in reference to reported harassing calls. Upon arrival, Deputy Peitz made contact with ██████████ (V2), who advised the following:

On Friday 05/01/2020, at approximately 1015 hours, ██████████'s son ██████████ (D1) left the residence after he had gotten off of the phone with his girlfriend who had just broken up with him. ██████████ was yelling and screaming and ██████████'s father, ██████████ (V1), went outside to talk to him. ██████████ stepped inside of ██████████ and ██████████'s vehicle which they let him drive on a regular basis. ██████████ told ██████████ not to leave as he had something to tell him. ██████████ stepped out of the vehicle in an aggressive manner and ██████████ met face to face together. ██████████ started to push ██████████ multiple times in the chest and then struck him with a closed fist in ██████████'s face. ██████████ and ██████████ fought back and forth and which ended when ██████████ pinned ██████████ against the driveway. ██████████ left the residence in the vehicle after the altercation and then returned back later that afternoon threatening to shoot ██████████ in the head.

Deputy Peitz viewed surveillance footage from the front of the residence which corroborated with ██████████'s recount of the incident.

Deputies were investigating the incident when ██████████ pulled into the driveway of the residence with a Black Saturn SUV. Deputies ran back on scene where ██████████ was yelling that ██████████ had a firearm and was in the backyard. ██████████ and their youngest son, ██████████ (V3), ran into the front yard from the right backyard gate telling deputies ██████████ had jumped the backyard fence and fled. Deputies surrounded the scene and subsequently detained ██████████ in handcuffs when he entered the front yard through the left backyard gate.

Deputy Peitz made contact with ██████████ who advised the following regarding the incident:

██████████ was standing in front of the residence when ██████████ pulled into the driveway with in their Black Saturn SUV. ██████████ exited the vehicle, pulled out a handheld firearm, and stated "You wanna call the cops on me, I'm going to kill that mother fucker". ██████████ could not remember a further description of the gun. ██████████ then ran into the backyard of the residence through the left gate. ██████████ advised that ██████████ and ██████████ were in the backyard patio writing their statements from the prior incident. ██████████ yelled to them to run away and that ██████████ had a gun. Upon which time Deputies had shown up on scene and directed ██████████ to go across the street to the next residence.

Deputy Peitz made contact with ██████████ who advised the following regarding the incident:

██████████ was in the backyard patio of the house writing a statement and heard ██████████ yell out that ██████████ had a gun and was running towards them. ██████████ grabbed ██████████ and ran towards the shed at the left of the backyard. Upon reaching the shed, ██████████ met them in the backyard and pointed a handheld firearm that ██████████ was holding in his right hand at ██████████ while yelling. ██████████ begged ██████████ to stop and ██████████ went

**AFFIDAVIT CONTINUATION**

FROM SECTION 1 \_\_\_\_\_

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behind the shed, at which point [REDACTED] and [REDACTED] ran to the front yard through the right gate. [REDACTED] and [REDACTED] were met by Deputies who advised them to go across the street to the next residence.

Deputy Peitz made contact with [REDACTED] who advised the following regarding the incident:

[REDACTED] was helping to comfort [REDACTED] in the backyard patio. [REDACTED] heard [REDACTED] yell out that [REDACTED] had a gun, at which point [REDACTED] grabbed him and they ran together to the shed at the left of the backyard. Upon reaching the shed, [REDACTED] met with both of them and pointed a handheld firearm at both them stating "I should put two bullets in your head" to [REDACTED]. [REDACTED] begged [REDACTED] to stop, at which point [REDACTED] ran behind the shed and [REDACTED] and [REDACTED] ran towards the front yard through the right gate.

Deputy Peitz advised [REDACTED] of his Miranda Rights from an agency issued Miranda Warning card, to which [REDACTED] advised he understood his rights. [REDACTED] denied bringing a firearm with him to the residence, [REDACTED] further stated he does not own a firearm. [REDACTED] advised Deputy Peitz that he has friends who have guns, and he has shot his friends' guns at shooting ranges, but has not ever taken them with him.

Based on the totality of circumstances, supported with observations by Deputies and statements made by the victims, Deputy Peitz had probable cause to charge [REDACTED] with three counts of Aggravated Assault with a Firearm. [REDACTED] was then placed under arrest. [REDACTED] complained of an injury received prior to being arrested by Deputies. [REDACTED] was taken to Halifax, Daytona Beach and medically cleared. [REDACTED] was transported to the Volusia County Branch Jail with no bond.

Later in the investigation [REDACTED] provided surveillance footage recovered from the front of the house showing [REDACTED] exiting the vehicle and holding a silver handheld firearm. Deputy Peitz reviewed the footage, which corroborated with [REDACTED]'s recount of the incident.

Deputies provided [REDACTED], [REDACTED] and [REDACTED] with a victim's rights and remedies pamphlet, for which they signed for.

[REDACTED] and [REDACTED] all elected to prevent disclosure of confidential or privileged information per Marsy's Law and signed a Victim's Right to Confidentiality Form.