



AFFIDAVIT CONTINUATION

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Violated F.S.S. 784.021(1)(A) by actually and intentionally committed an act of assault with a deadly weapon without the intent to kill when he pointed a loaded firearm at his girlfriend with whom he resides with as a family unit.

\*\*\*BWC\*\*\*

On 05/18/2020 at 0245 hours, Deputy Barrett was dispatched and responded to ██████████ Deltona in reference to a reported disturbance. Upon arrival, Deputy Barrett made contact with ██████████ (V1) who reported the following:

On 05/18/2020 at approximately 0200 hours ██████████ had returned to the aforementioned residence from a shopping trip with her roommates, ██████████ (W1), ██████████ (W2), and ██████████ (W3). ██████████ advised she also resides at this address with her boyfriend, ██████████ (D1), whom she lives with as a family unit and is in a romantic relationship with. Upon returning to the residence, ██████████ advised ██████████ immediately began engaging her and their roommates in a verbal argument over tenancy issues. ██████████ advised ██████████ and ██████████ retreated to a bedroom in the home to avoid conflict; however, she remained in the living room of the residence.

██████████ stated she and ██████████ continued to argue until ultimately ██████████ went into their shared bedroom closet and retrieved a firearm (.380 bearing serial number ██████████ which he placed in his rear pants pocket. After returning to the living room, ██████████ and ██████████ continued to argue for several more minutes until ██████████ retrieved the aforementioned firearm and pointed it directly at ██████████'s person stating, "I've got something for you". ██████████ described the firearm as a brown wooden pistol and advised she knows ██████████ to keep it in the closet. ██████████ also stated she felt in fear for her life with ██████████ pointing the firearm at her because she was unsure what he was capable of due to his erratic and unpredictable behavior. ██████████ began shouting until ██████████ came out of his room and witnessed ██████████ pointing the firearm at ██████████ told ██████████ to put the gun down at which time ██████████ went back to his closet and put the firearm back in its place. Moments later, ██████████ contacted law enforcement and went to the garage to await law enforcement arrival.

Deputy Barrett also spoke with ██████████ regarding the incident who confirmed ██████████'s recollection of the altercation upon himself, ██████████ and ██████████ returning from the store. ██████████ advised he retreated to a bedroom with ██████████ and ██████████ while ██████████ and ██████████ continued arguing in the living room of the residence. ██████████ advised he only left the bedroom when he heard ██████████ screaming as if she was in danger from her position in the living room. ██████████ advised he left the bedroom and witnessed ██████████ pointing a brown handgun directly at ██████████ "as if he was going to shoot her". ██████████ told ██████████ to put the gun away, which he did by putting it back into the closet where it originally came from.

**AFFIDAVIT CONTINUATION**

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██████████ and ██████████ were also interviewed and their recollection of the incident coincided seamlessly with that of ██████████ and ██████████; however, neither ██████████ nor ██████████ came out of their bedroom when they heard ██████████ screaming and ██████████ telling ██████████ to put the firearm away.

██████████ was also interviewed who confirmed he had gotten into a verbal altercation with the members of the household. ██████████ also confirmed he has retrieved a firearm from its position in the closet and placed it in his back pocket. ██████████ advised he got into a loud altercation with ██████████ in the living room of the residence; however, continuously denied having removed the firearm from his pocket at any time nor threatening anyone in the household. ██████████ confirmed he returned the firearm to its position in the closet of the residence prior to contacting law enforcement.

Deputy Barrett went into the master bedroom closet and observed the firearm in question. Inside the firearm, a live cartridge was observed in the chamber of the gun as well as a magazine loaded with (5) .380 cartridges in the magazine.

██████████ and ██████████ completed written and sworn statements indicating their recollection of the incident. In her statement, ██████████ indicated she wished to press charges against ██████████. ██████████ was also given a Domestic Rights and Remedies Pamphlet which she signed for.

Due to the identical witness testimonies by ██████████, ██████████, ██████████, and ██████████ combined with ██████████'s admittance to possessing the firearm during a critical stage in the altercation, Deputy Barrett determined probable cause existed to charge ██████████ with F.S.S. 784.021(1)(A): Aggravated Assault with a Deadly Weapon (DV). ██████████ was subsequently arrested and transported to the Volusia County Branch Jail without further incident.

Due to a firearm being used in the commission of the crime, Deputy Barrett completed a Risk Protection Order (RPO) for the aforementioned firearm as well as (3) additional firearms ██████████ advised he owned in the residence.

██████████ completed a Marsy's Law Form in which she advised she did not wish to make her information public.

Case Status: Closed/ Adult Arrest.  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Affiant \_\_\_ is  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>.380 Sterling</u>	Location	<u>[REDACTED]</u>	<u>Deltona</u>
Quantity	<u>1</u>	Type	<u>S&amp;W model 36</u>	Location	<u>[REDACTED]</u>	<u>Deltona</u>
Quantity	<u>1</u>	Type	<u>Darranger pistol</u>	Location	<u>[REDACTED]</u>	<u>Deltona</u>
Quantity	<u>1</u>	Type	<u>.22 rifle</u>	Location	<u>[REDACTED]</u>	<u>Deltona</u>
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: 05/18/2020 Signature of Affiant: *[Signature]* 9752

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 18 day of May, 2020, by Deputy Barrett  
Affiant's name

*[Signature]*  
Signature of Attesting LEO Witness

DEPUTY HACHENBERGER #8186  
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)