

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

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

VSO Case Number
20-9584

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} Magalis Maldonado, in my position as {job title} Senior Deputy with the {name of law enforcement officer/agency} Volusia County 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:

[REDACTED] was taken into custody for making threats to kill himself due to his wife asking him for a divorce. On Friday, 5/22/2020, Respondent admitted to shooting 4 rounds into his bedroom wall because he was depressed at the time and wanted to kill himself. Respondent was found to be in possession of a gun safe which contained 3 long guns and 9 compact semi-automatic guns in a duffel bag under his bed. (see report)

Additional pages are attached.

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

On 05-13-2020 she asked her husband for a divorce because she could no longer take the emotional toll with his mental health issues. The request for divorce has taken a toll on her husband who is now making suicidal statements on a daily basis.

(see attached report)

Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____
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BWC RECORDINGOn Sunday, May 24, 2020 at approximately 1102 hours, Senior Deputy Maldonado was dispatched and responded to [REDACTED], Deltona in reference to a suicidal subject. Prior to arrival, Deputy Maldonado reviewed the call which stated that the suicidal person was in his bedroom and making threats to shoot himself. VSO Dispatch advised the subject was in possession of pistols and long guns in the bedroom and was barricaded. Upon arrival, Deputy Maldonado met with [REDACTED] (R1) who advised she is the wife of [REDACTED] (V1). [REDACTED] confirmed she lives at the above-listed residence with their [REDACTED] son, [REDACTED] (O1) and [REDACTED] daughter, [REDACTED] (O2) as a family unit. Deputy Maldonado observed [REDACTED] appeared to be nervous and in fear. [REDACTED] confirmed her children were scared, but they were safely secured at a neighbor's residence out of harms way. [REDACTED] advised she has been married to her husband for 13 years and on May 13, 2020 she asked her husband for a divorce. [REDACTED] stated her husband was in North Carolina at the time with her children to stay away from Florida due to Covid-19, and he drove back the same day he received her phone call. [REDACTED] stated her husband has been suffering from anxiety and depression saying he was going to kill himself for the past week on a daily basis. [REDACTED] stated she did not take him seriously until he locked himself in his bedroom and actually fired his weapon. [REDACTED] stated she told her husband that he needs to get some mental health treatment because he was scaring her as well as the children. [REDACTED] confirmed her husband is always saying he can't live his life without her, and he will never be happy. [REDACTED] stated he texts all day about his depression and killing himself. Deputy Maldonado obtained a digital photo of the text message sent today wherein [REDACTED] is saying that he needs to be committed. [REDACTED] stated on today's date, he barricaded himself in the bedroom and would not allow anyone access which is why she called. [REDACTED] stated she was tired of hearing him make death threats and was worried about him. [REDACTED] stated her husband needs mental health treatment and completed a VSO witness statement. Deputy Maldonado confirmed with [REDACTED] that [REDACTED] owns a number of small guns as well as long guns which he mainly keeps in a safe in his bedroom. Deputy Maldonado met with [REDACTED]'s neighbor, [REDACTED] (W1) who appeared on scene. [REDACTED] confirmed he is a pastor and friend of [REDACTED] stated [REDACTED] has been making suicidal statements all week, and they had been texting each other earlier today. [REDACTED] stated he has been counseling [REDACTED] at least twice a day for his depression. [REDACTED] was unable to complete a witness statement during the time of questioning but his interview was captured by BWC. While speaking with [REDACTED] he advised that [REDACTED] was currently texting him. [REDACTED] dialed [REDACTED] and Deputy Maldonado asked to speak to [REDACTED] on the cell phone. Deputy Maldonado opened a line of communication with [REDACTED] who advised he just walked out of the shower and did not know why the police were at his residence. Deputy Maldonado informed [REDACTED] he was not in any trouble but needed to come out of his residence to speak with the deputies. [REDACTED] confirmed he was fine and advised he would walk out of the residence as soon as he was dressed. Deputy Maldonado was informed [REDACTED] walked out to the receiving team and was secured. Deputy Maldonado met with [REDACTED] who confirmed he has been seeing a therapist for his depression, and he was prescribed medication. [REDACTED] confirmed on Friday, May 22 he was in his bedroom when he fired 4 shots at the wall during his state of depression. Deputy Maldonado confirmed with [REDACTED] that he was still clinically depressed despite his medications which were not working. Deputy Maldonado took [REDACTED] into custody under the Baker Act because he

AFFIDAVIT CONTINUATION

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could not determine for himself if he needed mental health treatment and without treatment he could be a threat to himself. Deputy Maldonado had [REDACTED] transported to Stewart Marchman for a mental health evaluation. In the meantime, [REDACTED] completed a Voluntary Consent to Search Residence because she and her husband were owners of several weapons. Deputy Maldonado searched the bedroom where [REDACTED] stated he fired 4 rounds into the bedroom wall and found the four (4) bullet holes in the wall which appeared to be made by a 9mm gun. Deputy Maldonado took a digital photo. Deputy Maldonado observed there was a pistol in plain view under a night stand which pistol was parallel to the wall with the 9mm bullet holes. Deputy Maldonado took possession of the weapon and observed it was a black Ruger compact 9mm semi-automatic pistol which was loaded with 4 bullets. Deputy Maldonado determined at the time it appeared to be the same pistol was the one used to shoot the four (4) bullet holes on the wall. Deputy Maldonado also confirmed that [REDACTED] was in possession of a Florida Concealed Weapons Permit No. [REDACTED] which she also took possession of. Deputy Maldonado completed a Risk Protection Order/Baker Act Firearms and Ammunition Receipt which was signed by [REDACTED] giving the weapon to the deputy to prevent her husband from having possession of the weapon. Deputy Maldonado observed a duffel bag under the bed, near the found pistol, which was partially open. Deputy Maldonado pulled the duffel bag out and noticed there were a total of six (6) loaded firearms within. Deputy Maldonado removed the weapons, placed them on the bed and took a digital photo. Deputy Maldonado also observed there was a large gun safe in the closet which [REDACTED] opened by using the combination code for the lock. Within the safe were two long guns and a long BB rifle as well as a large assortment of ammunition. Deputy Maldonado took a digital photo of the contents of the safe. All digital photos were later entered into the Imaging Server. Deputy Maldonado confirmed with [REDACTED] that she wanted to stay in possession of the weapons found in the duffel bag as well as those contained in the safe. Deputy Maldonado advised she would attempt to obtain an injunction for protection against her husband who would not have access to those weapons. [REDACTED] advised Deputy Maldonado she could take the Ruger for evidence. [REDACTED] signed over the Ruger, bullets, cartridge and concealed weapons permit to Deputy Maldonado who later placed them into District 4's evidence locker. Deputy Maldonado confirmed with [REDACTED] that [REDACTED] recently quit his job at the Deltona Christian Academy which is the same school that his children were currently attending. [REDACTED] stated [REDACTED] worked at the school for approximately five (5) years as an IT Director and did not get along with his supervisor, [REDACTED] (O1) which is why he was no longer working and depressed as well. Deputy Maldonado ran criminal history checks on [REDACTED] and [REDACTED] which were both negative. Deputy Maldonado confirmed [REDACTED]'s Concealed Weapons Permit was valid until 10/28/2020. Deputy Maldonado completed a Petition for Risk Protection Order and emailed it to RPO submissions group. Deputy Maldonado provided [REDACTED] with a Victim's Brochure as well as a Marsy's Law form. [REDACTED] has elected to prevent disclosure of confidential or privileged information per Marsy's Law.

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>SHOTGUN</u>	Location <u>BEDROOM VAULT</u>
Quantity <u>1</u>	Type <u>RIFLE</u>	Location <u>BEDROOM VAULT</u>
Quantity <u>6</u>	Type <u>PISTOLS</u>	Location <u>UNDER BED IN MASTER</u>
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: 05-24-2020 Signature of Affiant: *Megalia Maldonado*

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 24 day of MAY, 2020, by SR. DEPUTY MALDONADO, M.
Affiant's name

T Brown 8783
Signature of Attesting LEO Witness

T. Brown
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)