

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

VSO Case Number 21-067

IN RE: PETITION FOR RISK PROTECTION ORDER
AGAINST *{Name of Respondent}* _____

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* Deputy Johnson, in my position as *{job title}* Law Enforcement Deputy with the *{name of law enforcement officer/agency}* Volusia County Sheriffs Office, swear and affirm that the following facts are true and correct.

1. *{Name of 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. The following specific statements, actions, or facts give rise to a reasonable fear of significant dangerous acts by the respondent:

On 01-02-2021 at approximately 0118 hours, Deputy Johnson and Deputy Eisen were at the Lowes conducting an extra patrol, which was located at 2170 Howland Blvd. During this time Deputies heard yelling coming from the woodline, which was west of their location. Upon further investigation Deputies heard what appeared to be two males in a verbal in the woodline off of Howland Blvd.

1 Additional pages are attached.

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

 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>Handgun</u>	Location	<u>Deltona Garden Apartments</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: 01/02/2021

Signature of Affiant: 

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

this 02 day of Jan, 2021, by D. Johnson
Affiant's name


Signature of Attesting LEO Witness

Sgt Foster 7826
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)

AFFIDAVIT CONTINUATION

FROM SECTION _____
PAGE 2 OF 2

Deputy Eisen advised Central Communication of our location and advised there was a disturbance. As Deputies slowly approached, Deputies overhead the victim yell and say "you've pointed that gun at me several times today", which at that point Deputy Eisen requested the channel. During this time Deputy Johnson heard a "click" as if the trigger was being pulled or cocked. As Deputies further approached inside the wooded area, Deputy Eisen brandished his agency issued firearm and announced "Sheriff's Office" and instructed the subject to put the gun down. Shortly thereafter, the subject fled the area on foot eastbound in the parking lot towards Lake Helen Osteen Rd. Deputy Johnson began running on foot after the suspect later identified as ██████████ (S1). Since ██████████ (S1) had approximately a 50 yard head start, Deputy Johnson returned to his VSO agency issued patrol vehicle and headed through the parking lot towards Lake Helen Osteen Rd. Deputy Johnson advised other Deputies coming on scene of ██████████'s last known location. Deputies communicated a description of ██████████, which he was a white male, no shirt black shorts, and no shoes. Deputy Eisen advised Deputies that ██████████ (S1) possibly had the firearm on him still. Deputies established a perimeter and Air-one later responded to the area in an attempt to locate ██████████. Air-one was unable to fly for an extended time, which is when Sergeant Foster requested Seminole County Alert One. Alert One arrived on scene which yielded negative results. Deputy Eisen deployed his K9, which during his track a black semiautomatic action pistol was recovered in the woods behind Deltona Garden Apartments. Deputies ran the firearm through Central Communications, which revealed the firearm was reported stolen out of Volusia County on 09/28/2018, but was entered on 10/01/2018 (Case number:PI180900068). The firearm was removed from FCIC/NCIC as stolen by operator #7129. Deputy Johnson took possession of the firearm and later submitted it into the District Four Evidence. While on scene, Deputies made contact with ██████████ (V1) who advised the following information: ██████████ (V1) stated his son ██████████ (S1) came to his camp to ask him for money for "bullets and cigarettes". ██████████ (V1) advised he has not seen his son in a month since he received a \$1200 stimulus check. ██████████ (V1) told him no at which point ██████████ (S1) began to "slap him around". ██████████ (D1) slapped ██████████ (V1) approximately 5 times in the face with both hands stating he was going to kill him. Deputies did not observe any markings. ██████████ (V1) advised at one point ██████████ (S1) tried to smother him with a pillow from the campsite. ██████████ (V1) stated while this was going on ██████████ (S1) would randomly put a Black handgun to his head and pull the trigger making the gun click over and over stating "I will kill you". The statement ██████████ (V1) provided was consistent with the clicking noise Deputy Johnson overheard within close proximity of the wooded area. ██████████ (V1) stated ██████████ (S1) would pull the magazine out and slap it back in and say "see I got one in here". ██████████ (V1) claimed ██████████ (S1) dropped the handgun at one point and began to scream at him to "find my gun". ██████████ (V1) found the hand gun and picked it up and told him he found it and he needed to leave. According to ██████████ (V1) a moment later he heard Deputies announce "Sheriff's Office", which is when ██████████ (S1) took off running on foot through the camp. ██████████ (V1) mentioned he was in fear for his life and believes he would really kill him. ██████████ (V1) advised he does not want to pursue charges. ██████████ (V1) stated he did not need rescue as he did not have any injuries. ██████████ (V1) did not wish to complete a written statement however was sworn into his verbal statement. ██████████ (V1) had no further information to provide in reference to this incident. Due to the aforementioned information Deputy Johnson found probable cause to arrest ██████████ (S1) with aggravated assault with a deadly weapon, DV strangulation, and possession of a stolen firearm.

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

When should this form be used?

This form should be used to obtain an order that will require a person who is at high risk of harming himself/herself or others to immediately surrender all firearms and ammunition in his/her custody, control, or possession and any license to carry a concealed weapon or firearm.

Who may file this form?

A petition must be filed by a law enforcement officer or law enforcement agency.

Where should this form be filed?

A petition must be filed in the county where the petitioner's law enforcement office is located or the county where the respondent resides.

What must be shown?

The petition and accompanying affidavit must allege specific statements, actions, or facts based on personal knowledge that give rise to a reasonable fear of significant dangerous acts by the Respondent, and that 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.

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

VOLUSIA SHERIFF'S OFFICE,
Petitioner

v.

Case No.: 21-067

Division: District 4

VSO Case Number 21-067




 _____,
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: Dejhan Johnson/ Volusia Sheriff's Office
2. Petitioner's law enforcement office/agency is located at {street address, city, state, and zip code}:
1691 Providence Blvd, Deltona FL, 32725

SECTION II. RESPONDENT

1. Respondent's full legal name:  _____
2. Respondent's current address: {street address, city, state, and zip code}:
 Deltona Fl, 32725
3. Physical description of Respondent:
Race: W Sex: Male Female Date of Birth:  _____
Height: 5'8 Weight: 140 Eye Color: Brown Hair Color: Brown
4. Distinguishing marks or scars: N/A
5. Vehicle {make/model}: _____ Color: _____ 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}: N/A
9. Respondent's attorney's name, address, and telephone number {if known}: N/A

SECTION III. BASIS FOR PETITION

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

 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.

 X Petitioner will take the following steps to provide notice as required by s. 790.401(2)(f), Fla.Stat.
 By person, telephone, and or by certified mail.

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's 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's 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.

Respectfully submitted this 02 day of January, 2021.



Signature of Petitioner

Volusia Sheriff's Office
Law Enforcement Agency

1691 Providence Blvd, Deltona Fl, 32725

Service Address