

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

VSO Case Number
21-10516

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF Volusia

I, *{full legal name}* Deputy D. Johnson, 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:

On 06-07-2021 at approximately 0200 hours, Deputy Johnson responded to McDonald's, which is located at 410 Deltona Blvd., Deltona in reference to a suspicious incident. Before arrival, Central Communications advised that a male driving a red Cadillac was in McDonald's drive-thru and pointed a gun at another customer.

3 Additional pages are attached.

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

See Affidavit Continuation page 1.

3 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION _____
PAGE 1 _____ OF 2 _____

**** BWC RECORDING **** ** VICTIMS INVOKED MARSY'S LAW**** On 06-07-2021 at approximately 0200 hours, Deputy Johnson responded to McDonald's, which is located at 410 Deltona Blvd, Deltona in reference to a suspicious incident. Before arrival, Central Communications advised that a male driving a red Cadillac was in the McDonald's drive-thru and pointed a gun at another customer. As Deputy Johnson arrived on scene, Deputy Johnson noticed a red Cadillac bearing FL tag ██████████ which matched the description of the suspect's vehicle. Deputy Johnson along with other Deputies initiated a high-risk felony stop on the vehicle with guns drawn. The only occupant in the vehicle, later identified as ██████████ (D1) was secured during this time.

Deputy Johnson made contact with ██████████ (V1) who provided the following information: ██████████ claimed he was driving through the McDonald's parking lot when he observed a vehicle at the drive-thru window with a headlight out. ██████████ stated he pulled next to the vehicle and let the driver know that his headlight was out. According to ██████████ the driver later identified as ██████████ became aggressive and told him to mind his business. ██████████ responded saying he was just trying to help, which is when ██████████ exclaimed ██████████ spat at him. ██████████ mentioned he opened his car door because he was not going to be spat on. ██████████ stated he never exited his vehicle. Moments later, ██████████ advised he observed a red dot on his stomach, which placed him in a well-founded fear because he believed ██████████ was pointing a gun at him. ██████████ claimed he never saw the firearm, just saw the red dot on his shirt. ██████████ completed a sworn written statement and advised he wished to pursue charges. Deputy Johnson made contact with ██████████ (W1) who is a McDonald's employee. ██████████ claimed she was working the first drive thru window and was collecting money from ██████████ ██████████ provided a consistent statement as ██████████ in reference to the events that took place between ██████████ and ██████████ ██████████ claimed she saw ██████████ from the window, point what she described as a black gun at ██████████ ██████████ mentioned she saw a red dot on ██████████ shirt, which is when she became scared and ran from the window. ██████████ claimed ██████████ never exited his vehicle during this incident. ██████████ completed a sworn written statement and had no further information to provide. Deputy Johnson made contact with ██████████ (W2), who is also an employee of McDonald's. ██████████ claimed he heard ██████████ scream and walked over to the window to see what startled her. ██████████ mentioned he noticed a red dot on ██████████ shirt, but never saw the firearm because he walked away. ██████████ completed a sworn written statement and had no further information to provide in reference to this incident. Deputy Johnson made contact with ██████████ which he was made aware of his Constitutional Rights from a VSO agency issued Miranda Card. ██████████ advised he was aware of his rights and was willing to speak to Deputy Johnson. ██████████ provided a statement, which collaborated with ██████████ and ██████████ in reference to the events that took place. ██████████ advised he threw some coins at ██████████ and then saw ██████████ open his car door. ██████████ mentioned ██████████ never exited his vehicle during this incident. ██████████ denied all allegations against him but admitted to having a firearm inside his vehicle. ██████████ advised he showed ██████████ his firearm which was inside his case. ██████████ advised he never activated the red dot mechanism, nor pointed the firearm at ██████████ however, ██████████ claimed he pointed a red dot at the roof of his vehicle. ██████████ had no further information to provide. While on scene, Deputy Johnson observed ██████████ appeared to be scared and in fear of his life.

AFFIDAVIT CONTINUATION

FROM SECTION _____
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Deputy Johnson noticed [REDACTED] was calm and cooperative with Deputies. Deputy Johnson attempted to get video surveillance of this incident, but McDonald's database was down at the time. Deputy Johnson completed an inventory of the vehicle, in which he observed a black Glock 17 along with four magazines inside a black Glock case. When Deputy King cleared the firearm there was one round located inside the chamber. Furthermore there was a magazine inside the firearm, which had 7 rounds inside. It should be noted, during the inventory Deputy Johnson discovered a spent shell casing in the driver side interior panel. Deputy Johnson ran the firearm bearing serial number (AFKC236), which revealed negative results. C&S Towing later responded where they took possession of the vehicle. Deputy Johnson later submitted the firearm and all other evidence into District Four Evidence. It should be noted, Deputy Johnson also completed a Risk protection order since there was a firearm used in this incident. Deputy Johnson's investigation revealed the following results: Deputy Johnson found [REDACTED] committed the crime of aggravated assault with a deadly weapon. Deputy Johnson's findings were based on [REDACTED] and [REDACTED]'s statements, which were consistent with [REDACTED]'s statement. [REDACTED] and [REDACTED] were independent witnesses who are both employees of McDonald's and do not know [REDACTED] therefore they were not biased. Deputy Johnson's determination was also based on, [REDACTED] advising he had a firearm and showed [REDACTED] his firearm and admitted to activating the red dot mechanism. Due to the aforementioned information, Deputy Johnson found probable cause to arrest [REDACTED] for Aggravated Assault with a Deadly Weapon. [REDACTED] was transported to the VCBJ without further incident. Case Status: Arrest/Adult

3. Affiant ___ is X is not aware of any existing protection order governing the respondent under any applicable statute.

N/A 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>Glock 17</u>	Location <u>Black Glock Case</u>
Quantity <u>8</u>	Type <u>9mm ammo</u>	Location <u>Inside the Magazine</u>
Quantity <u>4</u>	Type <u>Glock magazines</u>	Location <u>(1) inside gun, (3) in case</u>
Quantity _____	Type _____	Location _____
Quantity _____	Type _____	Location _____
Quantity _____	Type _____	Location _____

_____ Additional pages are attached.

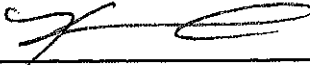
AFFIANT HEREBY CERTIFIES UNDER PENALTY OF PERJURY THAT THE STATEMENTS AND FACTS IN THIS AFFIDAVIT AND IN ANY ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Dated: 06-07-2021

Signature of Affiant: 

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

this 07 day of June, 2021, by D. JOHNSON
Affiant's name

 9004
Signature of Attesting LEO Witness

STUBBLEFIELD 9004
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)