

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

VSO Case Number
21-11945

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF Volusia

I, *{full legal name}* Tyler King, in my position as *{job title}* Deputy 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}* ██████████ 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 Sunday, June 27, 2021, at approximately 1829 hours, Deputy King was dispatched and responded to ██████████, Debarry in reference to a disturbance complaint. Upon arrival, Deputy King made contact with ██████████ (V1) at her neighbors residence ██████████ who advised she had been involved in a disturbance with her husband, ██████████ (D1), who she resides with as a family unit. ██████████ stated she

2 Additional pages are attached.

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

_____ Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____
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went to the neighbors house to call 9-1-1 because she was in fear to call in the house with him. ██████ advised that they had both been drinking tonight and she was cooking dinner when ██████ became distraught calling her a "bitch", slapping her on the face, and throwing the food she was cooking all over the kitchen. After ██████ was struck, she advised she retreated to the bedroom and grabbed ██████ firearm to defend herself from ██████ attacks in fear for her safety. At that point ██████ stated he snatched the gun from her hand and placed the barrel up to ██████ head threatening to shoot her. ██████ stated she was in fear that he would kill her. Afterwards ██████ allegedly left the house with the firearm and ██████ locked him out, at that point ██████ proceeded to beat on the door and break the glass window beside the front door. ██████ stated she would let him back in the house as long as he no longer had the firearm. ██████ allegedly threw the firearm inside the residence through the broken window and became physical again with ██████ hitting her on the forearms.

██████ provided a written and sworn statement to which she advised the following:
My husband is drunk and out of control. He hit me several times and threatened me with a gun. He is never like this, I don't know what caused him to go off. I don't want to press charges. He is just out of control, I can't do this anymore.

It should be noted that ██████ said every time he drinks he gets angry, but this is the first time it became physical. ██████ also stated that if LEO went into the house to try and get ██████ out he would shoot himself. As we assisted ██████ in attempts to locate the handgun, ██████ advised ██████ rifle was moved from its normal resting place, which was there earlier today. Neither firearms were found while looking through the house, ██████ advised she would call 9-1-1 if they were found.

While on scene ██████ stated that they had been drinking and ██████ was cooking dinner when she threw the dinner all over the kitchen and she attacked him. ██████ stated that there would be blood in the bedroom on his pillow, which was later discovered to be true. ██████ stated that ██████ had attacked him and he was just acting in self defense.

██████ was read his Miranda Rights via a department issued warning card by Deputy Demarco, his statements remained the same as well as stating he is not giving up the location of either of the firearms. ██████ stated when getting out of the patrol car in the district parking lot that he is going to need a 24 hour watch on him. Due to ██████ warning us of his suicidal statements and what he mentioned as he was moved into the cell, VCBJ will be notified he needs a suicide watch.

Deputy King provided the VSO Marsy's Law pamphlet and ██████ requested confidentiality. A Volusia Sheriff's Office victim notification card was completed and submitted for ██████ against ██████

While in contact with ██████ deputies observed a small amount of redness to the left side of her face along with bruising and redness to her arms. The injuries observed were consistent with ██████ accounts of the incident. ██████ was visibly nervous and in fear when observed at her neighbor's home. Deputy King obtained several digital photographs of the injuries which were later uploaded to the VSO Digital Crime Scene Database as evidence.

After an investigation coupled with the victim's statement, Deputy King determined ██████ to be the primary aggressor of the incident. He was ultimately charged with aggravated assault with a deadly weapon without intent to kill by placing a gun to ██████ head and threatening to kill her

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FROM SECTION 1

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and simple battery by slapping and striking [REDACTED] in the face causing complaint of pain and visible injury, with no bond [REDACTED] was found to have no criminal history. An RPO was later completed and submitted.

[Lined area for text continuation]

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>Long Gun</u>	Location	<u>[REDACTED], Debarry</u>
Quantity	<u>1</u>	Type	<u>Handgun</u>	Location	<u>[REDACTED], Debarry</u>
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: 6/28/2021

Signature of Affiant: 

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

this 28 day of June, 2021, by Deputy T. King
Affiant's name

 9153
Signature of Attesting LEO Witness

Deputy E. Pena
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)