IN THE CIRCUIT COURT OF THE Seventh IN AND FOR Volusia

#### JUDICIAL CIRCUIT, COUNTY, FLORIDA

IN RE: PETITION FOR RISK PROTECTION ORDER AGAINST {Name of Respondent} VSO Case Number 21-19371

## **AFFIDAVIT**

### STATE OF FLORIDA COUNTY OF Volusia

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I, {full legal name} Silas Toomer	, in my position as {job
title J Deputy Sheriff wi	th the {name of law enforcement officer/agency}
Volusia Sheriff's Office , swear and a	ffirm that the following facts are true and correct.
•	or by purchasing, possessing or receiving a g specific statements, actions, or facts give rise
See additional game	
See additional page.	
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······	
1 Additional pages are attached.	
2. {Name of Witness}	provided the following
information based on his/her personal kn	owledge:
	mmate W1), who advised is
mentally ill and had witnessed him talkin	
believed he used narcotics as well.	completed a swom written statement.

0 Additional pages are attached.

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST {Name of Respondent}

VSO Case Number 21-19371

#### AFFIDAVIT CONTINUATION

FROM SECTION 1

PAGE 1 OF 1

On October 14th, 2021, at approximately 1109 hours, Deputy Toomer responded to the intersection of and was exhibiting erratic behavior. V1), in the backyard by himself, yelling, sweating profusely, using a wheel barrel 13th Street, and Old Kings Road, Daytona Beach, in reference to a suspicious incident. Upon arrival, stated a group of unknown subjects stole items from his shed using a wheel barrel. told Deputy Toomer he fired two rounds, one in the woodline at the subjects as they fled, and one into the ground "to show them he meant business". also told Deputy Toomer  $(\overline{W1})$ , who he wished to die from a heart attack.Deputies made contact with roommate advised is mentally ill and had witnessed him talking to himself in the past. also stated she believed he used narcotics as well. completed a sworn written statement. While was secure in the backseat of Deputy Toomer's Patrol vehicle, began hallucinating. advised a woman wearing a blue jacket was standing in the front yard. Once Deputy Toomer advised there was not a woman present, he stated "maybe I am high or hallucinating". also admitted to using Zanx the morning of the incident at approximately 0300 hours. Also, advised he was not prescribed Zanax but received it from a "friend". Deputy Toomer collected a black .40 caliber semiautomatic Beretta pistol serial number PY107052 and nine rounds of ammunition which was submitted into evidence at the District 3 North office.Deputy Toomer believed there was a substantial likelihood that without care or treatment the individual will cause serious bodily harm to others in the near future, as evidenced by recent behavior.Deputy Toomer placed into protective custody under the Baker Act and transported him to Halifax Medical Center. Deputy Toomer also completed a Risk Protection Order on

VSO Case Number 21-19371

- 3. Affiant \_\_\_\_\_ is  $\times$  is not aware of any existing protection order governing the respondent under any applicable statute.
  - 0 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 1	Type Beretta	Location Back yard
Quantity 1	Type Magazine	Location Back yard
Quantity 9	Type .40 Rounds	Location Back yard
Quantity	Туре	Location
Quantity	Туре	Location
Quantity	Туре	Location

0 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: 10/14/2021

Signature of Affiant:

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

this <u>14th</u> day of <u>October</u>, <u>2021</u>, by <u>Silas Toomer</u>

Affiant's name

Signature of Attesting LEO Witness

Zarren Rutledge 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

<sup>(</sup>Type of Identification Produced)