

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

VSO Case Number  
21-19694

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

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF Volusia

I, *{full legal name}* Deputy Orlando Nunez, in my position as *{job title}* Deputy Sheriff II 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:

See full narrative attached

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YES Additional pages are attached.

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

See full narrative attached

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YES Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1&2 \_\_\_\_\_  
PAGE 3 \_\_\_\_\_ OF 4 \_\_\_\_\_

\*\*\*\*BWC RECORDING\*\*\*\* \*\*\*\*Marcy's Law Advocated \*\*\*\*

It should be noted that [REDACTED] (VI) is the Grandfather of [REDACTED] (D1) and they live together as a family unit.

On 10/18/2021, at approximately 1219 hours, Deputy Nunez responded to [REDACTED] Deltona, in reference to Aggravated Assault with a firearm.

Upon arrival, Deputy Nunez made contact with [REDACTED] (VI). [REDACTED] advised he went home located a [REDACTED] from a dental appointment. [REDACTED] said he went to the bathroom and his grandson [REDACTED] (D1) was also attempting to go to the bathroom. [REDACTED] told [REDACTED] that he was going to the bathroom first since he has been sitting in a dental chair for hours. [REDACTED] stated that [REDACTED] became angry, at which time he punched and broke his computer monitor using his fist. [REDACTED] said [REDACTED] then pushed a glass lamp onto the floor causing it to break.

[REDACTED] said to [REDACTED] that he was going to call the police and [REDACTED] pointed a black handgun to his face and told him to go ahead and call. [REDACTED] stated that he was in fear for his life. [REDACTED] said that he left the residence and went to [REDACTED] to call 911. [REDACTED] stated that his grandson's girlfriend and [REDACTED]'s girlfriend were also at the residence, but left prior to law enforcement arrival.

[REDACTED] completed a VSO written statement. [REDACTED] advised he did wish to pursue criminal charges. [REDACTED] completed a Domestic Violence package and Marcy's Law form were he stated that he wants his information not made public.

Deputies made contact with [REDACTED] (O1) and [REDACTED] (D1) briefly to explain the reason for the investigation. At that time, [REDACTED] (Post Miranda) stated he does own and have a firearm but has never used it. Both [REDACTED] and [REDACTED] were separated for further interview and investigation. Deputy Nunez continued the interview with [REDACTED]. [REDACTED] advised that herself and [REDACTED] were moving her stuff around when the lamp fell and broke the monitor. [REDACTED] said that [REDACTED] came out of the bathroom and got very upset. [REDACTED] said that [REDACTED] screamed at [REDACTED] and left the residence.

Per Deputy Johnson, [REDACTED] was informed of his constitutional rights, at which time, he refused to answer any questions and requested to speak with a lawyer. [REDACTED] stated he does own a firearm, which was currently located inside a backpack in the bathroom closet, which Deputies later seized, with [REDACTED]'s consent. The information for the firearm collected: Make:GLOCK; Model: 30S; Serial #: BRGZ552.

Deputy Nunez also completed a temporary Risk Protection Order and provided [REDACTED] with a receipt.

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AFFIDAVIT CONTINUATION

FROM SECTION 1&2  
PAGE 4 OF 4

Deputies inspected the computer monitor and determined the damage was consistent with [REDACTED] statement regarding [REDACTED] physically punching the monitor.

Deputies took pictures of the computer monitor and glass lamp which were later uploaded to digital crime scene.

After the statement collected from [REDACTED] and totality of circumstances, Deputy Nunez determined [REDACTED] was the primary aggressor. [REDACTED] was place under arrest for Aggravated Assault with a firearm (without the intent to kill) and was transported to VCBJ.

[Lined area for additional text]

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>firearm</u>	Location	<u>[REDACTED] Delto</u>
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____

NO 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: 10/18/2021 Signature of Affiant: \_\_\_\_\_

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

this 18 day of October, 2021, by Deputy Orlando Nunez

Affiant's name

[Signature]  
Signature of Attesting LEO Witness

Orlando Nunez  
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)