

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

VSO Case Number
21-8050

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF Volusia

I, *{full legal name}* Troy Akeley, 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:

██████████ (V1) and ██████████ (D1) dated for approximately seven months and lived together as a family unit during that time. As a result, this was a domestic violence incident. On 05-01-21, at approximately 1623 hours, Deputy Akeley responded to ██████████ ██████████ Deltona in reference to a suicidal person.

2 Additional pages are attached.

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

See attached report

 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____
PAGE 2 _____ OF 3 _____

As deputies arrived on scene, they were made aware ██████ had left the residence and went to Lombardy Park with her mother, ██████ (W1). Deputies made contact with ██████ at the park. ██████ told deputies that she was upset about relationship issues with ██████ at which time, she loaded a firearm which belonged to ██████ and placed it on her lap. ██████ stated she was never actually going to harm herself with the firearm. ██████ said ██████ showed up at the residence at this time and began a verbal argument with her over relationship issues. ██████ stated ██████ struck her with a closed fist in the face and threw her onto her bed while they were in her bedroom. ██████ advised ██████ got on top of her and wrapped both hands around her neck, restricting her airway, as she said could not breathe. ██████ stated the two then made their way outside, and as ██████ was arriving at the residence, ██████ struck ██████ with an open hand in the front yard. ██████ advised ██████ then took her to the park to remove herself from the altercation. ██████ had no further information to provide in reference to the incident. ██████ refused to complete a sworn written statement and advised she did not wish to pursue criminal charges. Deputies provided ██████ with a victim's rights pamphlet which contained a case number.

Deputies made contact with ██████ who advised she was pulling up to the residence towards the end of the incident. ██████ said she witnessed ██████ strike ██████ with an open hand in the front yard of the residence. ██████ stated she did not see anything else occur prior to that, at which time, she took ██████ to the park to remove her from the residence. ██████ had no further information to provide in reference to the incident and refused to complete a sworn written statement.

Deputy Estrada made contact with ██████ at her mother's residence. ██████ said she had gotten text messages from ██████ asking where her gun was located within the residence in order to harm herself. It should be noted, ██████ lived in the residence with ██████ until two days prior to the incident. ██████ said she went to the residence with her father, ██████ (W2), to retrieve the firearm from ██████. When they arrived, ██████ went inside the residence to ██████ room and found ██████ and her younger brother ██████ (O1). ██████ said ██████ was holding the firearm to keep it from ██████ and when she went to retrieve it from him, ██████ attempted to grab it from her. ██████ advised ██████ kept repeating "I'm ready to die" and "I want to kill myself" as she was reaching for the firearm. ██████ said a verbal argument began and she struck ██████ with an open hand when the two were in the bedroom. ██████ said she then exited the residence with the firearm and left with ██████. ██████ had no further information to provide and completed a sworn written statement in reference to the incident.

Contact was made with ██████ who advised he went with ██████ to the residence and went inside when he heard yelling from the bedroom. ██████ said he walked back outside to avoid the altercation, at which time, he observed ██████ walk out of the residence and go back inside. When ██████ exited the residence a second time, she was carrying the firearm and the two left together to go back to ██████ mothers residence. ██████ said at no time did he observe a physical altercation between ██████ and ██████. ██████ had no further information to provide in reference to the incident. Deputies obtained the firearm used in the incident from ██████ after they had returned to ██████ mothers residence. The firearm, a purple SCCY CPX-2 (Serial #562550), was ran in NCIC/FCIC and entered into the District 4 evidence locker.

IN RE: PETITION FOR RISK PROTECTION ORDER
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VSO Case Number
21-8050

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____
PAGE 3 _____ OF 3 _____

While on scene, deputies did not observe any injuries to ██████████ other than superficial cuts to her left wrist and scrapes on her knees. Photographs were taken of ██████████ and later uploaded to the digital crime scene database.

Based on statements by ██████████ Deputy Akeley determined that without proper care or treatment, there was a substantial likelihood she would cause harm to herself. ██████████ was taken into protective custody under the baker act and transported to Stewart Marchmen in Daytona Beach.

Due to a firearm being involved in the incident, Deputy Akeley completed a Risk Protection Order for ██████████

Furthermore, based on statements made by ██████████ and ██████████ Deputy Akeley determined probable cause existed to charge ██████████ with domestic violence battery and domestic battery by strangulation. ██████████ actually and intentionally touched/struck ██████████ by striking her with an open hand when the two were in ██████████ bedroom. ██████████ also knowingly and intentionally, against ██████████ will, impeded her normal breathing by wrapping her hands around ██████████ neck and restricted her airway.

Case status: Arrest / Adult.

3. Affiant ___ is X 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 | <u>1</u> | Type | <u>SCCY Pistol</u> | Location | <u>VSO Evidence</u> |
| Quantity | <u>1</u> | Type | <u>Magazine</u> | Location | <u>VSO Evidence</u> |
| Quantity | <u>10</u> | Type | <u>9mm cartridges</u> | Location | <u>VSO Evidence</u> |
| Quantity | _____ | Type | _____ | Location | _____ |
| Quantity | _____ | Type | _____ | Location | _____ |
| Quantity | _____ | Type | _____ | 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: 5/1/2021

Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 1 day of May, 2021, by D/S T. Akeley
Affiant's name


Signature of Attesting LEO Witness

D/S J. Borbely #9061
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)