

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR VOLUSIA COUNTY, FLORIDA

VSO Case Number  
21- 9021

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

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, {full legal name} AUSTIN ROSA, in my position as {job title} DEPUTY with the {name of law enforcement officer/agency} VOLUSIA SHERIFF 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:

SEE ATTACHED PAGES

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1 - 2 Additional pages are attached.

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

SEE ATTACHED PAGES

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1 - 2 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1 & 2

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On 05/16/2021, at approximately 2035 hours, deputies responded to ██████████, Deland in reference to an active shooter. Prior to law enforcement arrival, central dispatch informed units that an unknown resident of ██████████ was shooting an unknown firearm at the residents of ██████████. The residents of ██████████ later identified as ██████████ (W1) and ██████████ (D1), shot an unknown firearm at the residents of ██████████ (V1), ██████████ (V2), and ██████████ (V3). Upon arrival, deputies made contact with ██████████ who advised the following:

██████████ and his wife, ██████████ (V2), were outside with their children in their backyard, ██████████ (O1), ██████████ (O2), ██████████ (O3), ██████████ (O4), and ██████████ (O5). ██████████ then heard a woman's voice, screaming at the children, calling them "retards". ██████████ told ██████████ that they are just children and said "I've got something for your ass" and then fired a gun seven times. ██████████ advised he was able to see the muzzle flash and that he was scared for his kids and his own life. It should be known that ██████████ has lived next door to ██████████ for approximately two years, and knows her by the sound of her voice, and could tell through the slats of the fence that it was a female, and then without pause heard the gunshots.

Deputies then made contact with ██████████ (V3) who stated, that he was in the backyard of the house and heard yelling so he went to go look and see what was going on. ██████████ then saw his uncle ██████████ talking to a female neighbor and heard him ask her while she was calling his kids retarded. After his uncle got done talking to the neighbor, he started to hear her scream, but could not determine what she said and then heard seven to eight gunshots, as ██████████ heard the gunshot he also observed the muzzle flash through the fence of the yard.. After ██████████ heard the gunshots, everyone that was present ran to the home to take cover. Deputies then talked to ██████████ (V2) who was also present and she confirmed the story of ██████████ and ██████████ both advised Deputies that they were in fear for their lives and thought they were being shot at.

██████████ and ██████████ all completed sworn written statements and advised they would like to pursue charges. It should be noted that they all advised they were not sure if they were the ones the shots were intended for, but were in fear that they would be shot, as they did see the muzzle flash through the fence. Deputies did not observe any bullet holes in the fence or the home, nor were shell casings located.

Deputies completed a plethora of P.A. announcements ordering the residents of ██████████ out of the residence but were met with negative results. A phone number for another resident the home (██████████ and ██████████'s son), ██████████ (O6), was obtained and contact was subsequently made. With the assistance of ██████████ and ██████████ were able to be reached who both exited their home without incident. ██████████ also mentioned that his parents and ██████████ have had ongoing issues for some time which has led to multiple "petty" arguments. However ██████████ was not there, present at the residence to him being at work.

██████████ was read her Constitutional Right's, and she wished to still speak to Deputies. ██████████ still wished to speak to Deputies and advised at approximately 2000 hours she was on her back patio winding down

**AFFIDAVIT CONTINUATION**

FROM SECTION 1 & 2

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A few moments later, a child's voice shouted "shut up" over the fence. ██████ playfully replied "shut up" back which is when an adult male voice replied with "shut the fuck up". ██████ then came outside and asked for ██████ to come inside. Both ██████ and ██████ both denied to the discharging of a firearm, or hearing one being discharged, and stated that they never had a gun outside. It should be noted that ██████ and ██████ appeared to be under the influence of alcohol, due to slurred speech, blood shot eyes, and the odor of alcoholic beverages. ██████ did advise Deputies that they both own around fifteen firearms, and both posses CCW's.

A neighborhood canvass was completed which revealed the following:

██████ (W2) with the Deland Police Department, who lives ██████, advised he was inside his home when at approximately 2030 hours he heard six to seven gunshots. ██████ observed two unknown males exit a residence on Cliff St who when asked if they were okay and stated someone was shooting. When ██████ saw deputies on scene he returned to his home.

The resident of ██████ (which is the home directly to the east of the location of incident), ██████ (W3), advised he was sleeping on his couch when he heard what he thought to be gun shots. ██████ got up and walked outside were he approached ██████ who confirmed it was in fact gunshots. ██████ stated he did not see anything and only heard his neighbor talking about kids and shots near them.

██████ and ██████ completed sworn written statements.

After completing his investigation, Deputy Rosa determined that ██████ made an intentional, unlawful threat by word and act to do violence to the person of another (██████ and ██████) coupled with an apparent ability to do so, and doing such act used a firearm and created a well-founded fear in such other person that such violence is imminent. ██████ was subsequently charged with aggravated assault with a deadly weapon without the intent to kill.

A criminal history check for ██████ was completed via FCIC/NCIC was requested; however, due to system maintenance one was unable to be obtained.

██████ was transported to VCBJ.

██████ completed a Marsy's Law form advising to keep his information public. ██████ completed a Marsy's Law form advising to keep her information private. ██████ left the scene prior to completing a Marsy's Law form.

Deputies also completed a GSR kit, on ██████ and submitted it into District Two Evidence as evidence.

3. Affiant X is      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>15</u>	Type <u>UNKNOWN</u>	Location <u>INSIDE THE RESIDENCE</u>
Quantity <u>          </u>	Type <u>          </u>	Location <u>          </u>
Quantity <u>          </u>	Type <u>          </u>	Location <u>          </u>
Quantity <u>          </u>	Type <u>          </u>	Location <u>          </u>
Quantity <u>          </u>	Type <u>          </u>	Location <u>          </u>
Quantity <u>          </u>	Type <u>          </u>	Location <u>          </u>

           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: 05/17/2021

Signature of Affiant: D/S A. R 9223

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

this 17 day of MAY, 2021, by D/S A. ROSA

Affiant's name

K-D 9062  
Signature of Attesting LEO Witness

D/S K. DARCY  
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)