

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

VSO Case Number
21-945

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} Brandon Goggin, in my position as {job title} Detective 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} [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 continuation form-

3 Additional pages are attached.

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

_____ Additional pages are attached.

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 _____	Type _____	Location _____
Quantity _____	Type _____	Location _____
Quantity _____	Type _____	Location _____
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: 01-15-2021 Signature of Affiant: BGoggin

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 15 day of January, 2021, by Brandon Goggin

Robert McCabe 8657
Signature of Attesting LEO Witness

Robert McCabe
Affiant's name
Print name of Attesting LEO Witness

OR

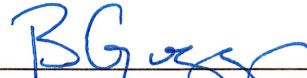
Signature of Notary Public

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known or Produced Identification

(Type of Identification Produced)

Respectfully submitted this 15 day of January, 2021.



Signature of Petitioner

Volusia Sheriff's Office

Law Enforcement Agency

123 West Indiana Avenue

Deland, Florida, 32720

Service Address

AFFIDAVIT CONTINUATION

FROM SECTION 2 _____

PAGE 1 _____ OF 3 _____

** The genesis of this report came about from a vehicle burglary reported at [REDACTED], Deltona (21-892). [REDACTED] (S1) also had the subjects attempt to burglarize his residence ([REDACTED] [REDACTED]) which he did not wish to pursue charges for and took the following actions. **

At approximately 1515 hours, Detective Goggin received a phone call in reference to the incident. Detective Goggin was informed that Deputy Johnson reviewed the video surveillance of the incident which was provided by [REDACTED] who resides at [REDACTED], Deltona. The footage was obtained during the initial response to the vehicle burglaries (at approximately 0600 hours) and Deputy Johnson observed [REDACTED] appeared to have discharged a firearm while confronting the suspects at the end of the residence's driveway as they ran Northbound on foot.

Prior to arriving on-scene, Detective Goggin was able to review the video surveillance and observed the following: It showed one subject on [REDACTED] property who was in between two vehicles attempting to commit a car break at 0204 hours. There are also at least two other subjects in the roadway, feet from [REDACTED] property. Seconds later, all of the subjects start to run Northbound on Mayhill St as [REDACTED] and [REDACTED] run out of their garage. As [REDACTED] and [REDACTED] ran down the drive way and it appeared he had an object in his right hand. [REDACTED] reached the end of his driveway and it appeared as though a single shot was discharged from a firearm (a flash is seen in the footage) as he faced North on Mayhill St. [REDACTED] is also observed running down the driveway adjacent to [REDACTED] (no evidence that he was ever armed during the incident). Due to the distance from the camera, Detective Goggin was unable to identify whether the shot was directed at the ground or towards the subject(s) who had attempted to burglarize his vehicle. The entire incident lasted approximately 4 seconds on the footage. No area residents reported hearing the gun-shot nor did any of the subjects who were committing the numerous car breaks in the area.

Central Dispatch contacted area hospitals for any patients who sustained gun-shot wounds since the incident with negative results. Deputies canvassed the area and no further evidence was located.

Detective Goggin and Detective McCabe were requested to respond to [REDACTED] residence to obtain additional information in reference to the incident. At approximately 1530 hours, detectives made contact with [REDACTED] and his adult son, [REDACTED] (W1), in the driveway of the residence. As Detective Goggin was speaking with [REDACTED] he observed [REDACTED] visually locate a shell casing lying in the grass near the driveway and motion as if he was going to pick it up. Detective Goggin ordered [REDACTED] to not pick up the casing but he ignored the order and continued to pick up the casing with his right hand. Detective Goggin then secured [REDACTED] in handcuffs and he dropped the casing back into the grass during that process. At that time, Detective Goggin informed [REDACTED] of his warning of constitutional rights via an agency issued Miranda card. [REDACTED] advised he understood his rights and agreed to speak without a lawyer present.

AFFIDAVIT CONTINUATION

FROM SECTION 2 _____

PAGE 2 _____ OF 3 _____

After an extended interview [REDACTED] provided the following information: He and [REDACTED] were watching television in the garage of the residence at approximately 0200 hours when he received a notification on his phone that there was movement observed in the front yard of the property. [REDACTED] advised he checked his phone and observed a subject standing between his vehicles with two additional subject's feet away from his property. [REDACTED] stated he keeps a .380 Springfield Armory handgun in the garage which he had immediate access to. [REDACTED] advised he armed himself with the firearm and opened the garage door as he and [REDACTED] ran outside. [REDACTED] stated he fired two shots into the ground which was immediately to his right (half-way down the driveway and not visible in the footage) then continued to the end of the driveway and fired a third round into the ground as he stood facing Northbound. He advised all subjects continued to run Northbound on foot and were picked up by a newer model, dark in color, 4-door passenger car. [REDACTED] said at no point did he point the firearm at one of the subjects or shoot near them. He said all subjects continued running and showed no sign of being struck by a projectile. [REDACTED] informed Detective Goggin that when he saw the subjects on his property he was in fear for he and his family's life as he did not know if they planned on entering his home. [REDACTED] [REDACTED] referenced a recent home-invasion in Deltona and did not want potentially armed subjects entered his home and harming his family. [REDACTED] decided to confront the subject outside instead of waiting for the subjects to attempt entering the home. When asked as to why [REDACTED] did not immediately report the incident to the Sheriff's Office he responded that because his firearm was discharged he was nervous to contact law enforcement.

[REDACTED]'s account of the incident matched what was described by [REDACTED]. Neither could provide a physical description of the subject(s) and stated they did not recognize the vehicle.

Detective McCabe read [REDACTED] the instructions form the VSO consent to search residence form in order to obtain the firearm/any additional surveillance. [REDACTED] advised he understood the instructions and agreed to turn over the items. Detective McCabe collected the firearm (.380 Springfield Armory SN: CC107632) / one magazine (containing three rounds) from a cabinet located in the garage. Detective McCabe observed [REDACTED] had no additional video surveillance to provide. [REDACTED] turned over all of the recorded footage to deputies during the original canvass.

Detective Goggin collected the spent .380 casing which was located approximately one foot into the grass halfway down the driveway (Southern side). Detective Goggin and McCabe questioned [REDACTED] in reference to the remaining two casings which were not located on the scene. [REDACTED] advised he had collected the two remaining casings and thrown them into the trash can beside the residence. Both spent casings (also .380) were collected from the trash can.

