

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

VSO Case Number 22-14683

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* Deputy Antonio Fernandez, in my position as *{job title}* Deputy 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:

On 07/30/2022 at approximately 0522 hours, Deputy Fernandez responded to _____ Deland for a report of a disturbance. Upon arriving, Deputy Fernandez made contact with _____ (D1) who advised _____ (V1) and _____ (V2) had been staying in his home and he wanted them removed due to narcotics usage. (Continued)
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2 Additional pages are attached.

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

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_____ Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 1 OF 2

_____ stated he was informed he needed to take his firearms with him any time he left the residence due to his roommates and was bringing the guns inside from his vehicle at the time of the incident. Deputy Fernandez also made contact with _____ and _____ who advised _____ came home while they had a friend over. _____ had an AR-15 style rifle and pointed the rifle at the friend and demanded he leave. After the friend left, _____ pointed the rifle at _____ and _____ and ordered them to close the door. Both parties contacted law enforcement and initially _____ and _____ stated they did not wish to pursue charges. During the initial investigation, _____ stated _____ had propositioned her to have sex with him and when she refused he became agitated and irate. She stated this was the turning point in his behavior and he began treating her and _____ differently.

Later in the day _____ and _____ contacted law enforcement again and stated they wished to pursue charges against _____. Deputy Fernandez responded back to the residence to complete the report. _____ and _____ completed sworn written statements regarding the incident. Both individuals indicated they wished to pursue charges. _____ and _____ wished to invoke Marsy's Law. During the investigation, _____ returned to the residence and was taken into custody. During a search incident to arrest, Deputy Fernandez located a firearm in _____'s rear pocket. It should be noted _____ does have a valid concealed weapons permit. Deputy Fernandez asked if there were any other firearms in the vehicle and _____ stated there was a rifle in a case in the rear and another pistol in the glove box. _____ then stated he wanted to talk to his lawyer prior to any questioning or rights advisements. Deputy Fernandez could see the rifle case in plain-view and located the rifle inside the vehicle. The rifle was a SOTA Arms AR style pistol bearing serial number _____. Deputy Fernandez seized the rifle and submitted it to the District 2 Evidence Locker as evidence.

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AFFIDAVIT CONTINUATION

FROM SECTION 1
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Deputy Fernandez also located a plastic bag containing 3.1 grams of marijuana (Total Bag Weight), a glass pipe consistent with the use of methamphetamine, and a plastic bag containing 2.1 grams of suspected methamphetamine (Total Bag Weight). Due to the circumstances of the search, Deputy Fernandez submitted the narcotics for disposal.

_____ told Deputy Fernandez he had an additional shotgun in his room in the residence. _____ requested his other firearms be turned over to his father, _____ (O1) and gave Deputy Fernandez consent to enter the residence and retrieve the shotgun to turn over. Deputy Fernandez conducted a query of _____'s criminal history and determined he has not been convicted of any felonies. Deputy Fernandez turned over a Smith and Wesson BodyGuard 380 _____, a Glock 23 .40 _____ and a Mossberg 500 12 gauge _____ to _____.

Deputy Fernandez transported _____ to the Volusia County Branch Jail without incident. Due to the circumstances of the incident, Deputy Fernandez completed a Risk Protection Order on _____.

3. Affiant is 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>Glock 23</u>	Location	<u>[REDACTED]</u>
Quantity	<u>1</u>	Type	<u>S&W Bodyguard</u>	Location	<u>[REDACTED]</u>
Quantity	<u>1</u>	Type	<u>Mossberg 500</u>	Location	<u>[REDACTED]</u>
Quantity	<u>1</u>	Type	<u>AR Pistol</u>	Location	<u>Evidence</u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>

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: 08/03/2022 / 07/31/2022 Signature of Affiant: [Signature]

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 03 day of AUGUST / January, 2022, by Deputy Antonio Fernandez

[Signature] 7871
Signature of Attesting LEO Witness

Affiant's name
Sgt. Gerald Johnson
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)

VOLUSIA SHERIFF'S OFFICE

Clark of Court's Number

RISK PROTECTION ORDER / BAKER ACT FIREARMS AND AMMUNITION RECEIPT

Report Date 07/31/2022	Report Time 0539	Orig. Reported Date 07/30/2022	Nature of Call (for Incident) Disturbance	Agency Report Number 220014683	1. Original 2. Supplement 1		
Status Code: 1. Evidence 6. Recovered 7. Recovered (Outside Agency Recovered) 13. Disposal 17. Baker Act 22. RFO (Voluntary Surrender) 23. RFO (Seized)				Category Code: J. Special Documents Y. All Other Items (Guns and Ammunition)			
Leave Blank:	Item # 1	Status Y	Category	Quantity 1	Description SOTA Arms AR Pistol		
If Gun	Make SOTA	Model DFW15	Caliber Multi	Type / Cat Pistol	Action Semi	Finish	Serial Number DFW806
Leave Blank:	Item #	Status	Category	Quantity	Description		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
Leave Blank:	Item #	Status	Category	Quantity	Description		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
Leave Blank:	Item #	Status	Category	Quantity	Description		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
Leave Blank:	Item #	Status	Category	Quantity	Description		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
Leave Blank:	Item #	Status	Category	Quantity	Description		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
Leave Blank:	Item #	Status	Category	Quantity	Description		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
Leave Blank:	Item #	Status	Category	Quantity	Description		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number

INITIALS

Pursuant to 790.401(7)(c), Florida Statutes, the firearm(s) and/or ammunition and/or license to carry a concealed weapon were surrendered by Respondent or seized by a Deputy of the Volusia Sheriff's Office on _____

Respondent

I am the owner of the firearm(s), ammunition, or license to carry a concealed weapon or firearm and I hereby knowingly and voluntarily consent to the surrender of the items listed in this report to the Volusia Sheriff's Office.

Respondent

I am the owner of the firearm(s) and/or ammunition listed in this report. I hereby request the firearms and/or ammunition be turned over to:

(Name) _____

(Address) _____

Respondent

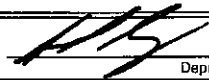
(Telephone Number) _____

I, Deputy or Evidence Employee of the Volusia Sheriff's Office, acknowledge receipt of the above listed items which were either surrendered or seized on 07/30/2022, at 507 S Montgomery Ave, Deland, FL 32720

SIGNATURES

UNABLE TO SIGN

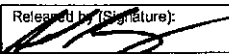
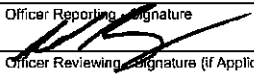
07/31/2022



Respondent

Date

Deputy

CUSTODY	Item # 1	Date: 07/30/22	Time: 2345	Released by (Printed): D/S Fernandez	Released by (Signature): 	Received by (Printed): D2 Evidence Locker	Received by (Signature):	
	Leave Blank			Reason for Change: Evidence				
CUSTODY	Item #	Date:	Time:	Released by (Printed):	Released by (Signature):	Received by (Printed):	Received by (Signature):	
	Leave Blank			Reason for Change:				
ADMIN.	Officer Reporting - Printed D/S Fernandez			Officer Reporting - Signature 		ID Number 9303	Unit 1B24	Date 07/31/2022
	Officer Reviewing - Printed (if Applicable)			Officer Reviewing - Signature (if Applicable)		ID Number	Unit	Date