

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

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

VSO Case Number 220016521

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} _____ Shane Rogers _____, in my position as {job title} _____ 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 attached pages

3 Additional pages are attached.

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

--

3 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION _____

PAGE 1 OF 3

BWC RECORDING

****MARSY'S LAW INVOKED****

On August 27, 2022 at approximately 0958 hours, Deputy Rogers responded to _____ in reference to a disturbance. Prior to arrival, VSO central dispatchers advised Deputies, the suspect of the disturbance left the scene in a black _____ southbound on _____. The reporting party _____ (VI) told dispatch the suspect later identified as _____ (D1) pointed a gray and black semi-automatic pistol at him. _____ was last seen wearing a black shirt and gray shorts.

Upon arrival, Deputy Rogers made contact with _____ who stated the following: _____ advised he came to the residence to speak with _____ about their financial responsibilities. After speaking with _____ a verbal argument ensued. The argument escalated when _____ brandished a gray and black semi-automatic pistol "racked the slide" and pointed it at _____. _____ claimed _____ threatened to kill him at that point. In response, _____ tried to duck out of the way of the firearm and ultimately escaped outside of the residence where he called _____. _____ stated _____ fled the scene prior to deputies arrival. _____ was in fear for his life and advised he wish to pursue criminal charges. _____ completed a sworn written statement. _____ was uninjured and did not require medical attention.

While Deputy Rogers interviewed _____ called _____ requesting to speak with deputies. Sgt. Hachenberger called _____ who advised the following:

_____ confirmed he had been in an altercation with his half brother, _____. He said _____ called _____ and falsely claimed _____ pointed a gun at him. Without Sgt. Hachenberger asking him, _____ spontaneously uttered his firearms were in his bedroom on the bed. He said he shook his keys and _____ thought it was a gun. _____ was reluctant to telling deputies where he was.

Deputies learned through dispatchers that _____ was in the area of 2900 block of Enterprise Road, Orange City.

AFFIDAVIT CONTINUATION

FROM SECTION _____
PAGE 2 OF 3

Deputy Terrero located _____ at 2955 Enterprise Road, Orange City (Goodfellas Pizza) parking lot. Deputy Terrero detained _____ for Deputy Rogers to continue his investigation.

Shortly after, Deputy Rogers responded to Deputy Terrero to take custody of _____. Deputy Rogers read _____ his Warning of Constitutional rights from his VSO issued Miranda Warning card. _____ acknowledged his rights and agreed to speak without an attorney present. _____ stated he and _____ got into an argument about cutting grass at the residence. _____ then advised _____ to leave the residence and he began to shake his keys. _____ told Deputy Rogers he was afraid of _____. _____ stated _____ is bigger than him and decided to leave the residence himself. _____ denied pointing a gun at _____ however, he did admit he had two (2) firearms on his bed. Deputy Rogers inquired _____ if he would consent to deputies entering the residence and the bedroom; to locate the firearms to which _____ replied "yes."

Deputy Rogers and Deputy Rodriguez accompanied _____ inside his residence and _____ showed Deputy Rogers where the guns were. _____ led Deputy Rogers to his bedroom, on his bed were the following two (2) firearms:

gray/black SCCY CPX-3 380 handgun
SCCY CPX-3 magazine

Deputy Rogers collected the gray/ black firearm which match the description of the firearm that _____ said was pointed at him. Deputy Rogers noted that the firearm had a round loaded in the chamber, this was consistent with _____'s account of the weapon being charged.

After collecting the gun, Deputy Rodriguez inquired _____ with the firearm. _____ a hundred percent (%100) identified the firearm that was pointed at him by _____

The firearm and the ammunition were collected and later submitted into the District 4 evidence locker.

It should be noted _____ and _____ are half brothers, however they have resided together in the past as a family unit.

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

VSO Case Number 220016521

AFFIDAVIT CONTINUATION

FROM SECTION _____
PAGE 3 OF 3

Deputy Rogers provided _____ with a booklet containing the Legal Rights and Remedies Notice to Victims containing the case number for this incident. Deputy Rogers also completed a Domestic Violence Worksheet, Victim Request for Confidentiality, Victim Notification Card with _____.

Based upon the investigation, Deputy Rogers determined _____ to be the primary aggressor. _____ was subsequently arrested for Aggravated Assault with a Deadly Weapon (DV). Deputy Rogers transported _____ to the Volusia County Branch Jail without further incident.

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>semi-auto pistol</u>	Location	<u>[REDACTED]</u>
Quantity	<u>1</u>	Type	<u>SCCY CPX-3</u>	Location	<u>VSO Evidence</u>
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____

_____ 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: 08/27/2022 Signature of Affiant: [Signature]

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 27 day of August, 2022, by Shane Rogers
Affiant's name

[Signature]
Signature of Attesting LEO Witness

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)