

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

VSO Case Number 22-21538

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* JOSHUA SAMUEL CARACCIOLO, in my position as *{job title}* DEPUTY SHERIFF 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 NARRATIVE

4 Additional pages are attached.

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

ADDITIONAL WITNESS: _____

3 Additional pages are attached.

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BWC RECORDING
VICTIM'S INVOKED MARSY'S LAW

On 11/10/2022 at approximately 1313 hours, Deputy Jones and Deputy Gibbons responded to [REDACTED] in reference to a disturbance. Prior to arrival, Deputy Jones made contact with the reporting party, [REDACTED] (V1), via cell-phone who advised her son, [REDACTED] (D1), pointed her pistol at her and stole her Mercedes, Florida Tag [REDACTED]. Upon arrival Deputy Jones made contact with [REDACTED] who stated the following:

[REDACTED] woke up on 11/10/2022 and left the above listed residence to assess the storm damage. [REDACTED] checked on [REDACTED]'s location from her cell-phone and observed him to be at his grandmothers house, [REDACTED] Deltona. [REDACTED] spoke with [REDACTED] via face-time and observed him to be in his grandmothers, [REDACTED] (V3), garage. [REDACTED] told [REDACTED] he needed to leave [REDACTED]'s residence after which [REDACTED] arrived at [REDACTED]'s home driving [REDACTED]'s vehicle. [REDACTED] asked [REDACTED] for a ride back to [REDACTED]'s which she refused to do. Approximately an hour later, [REDACTED] arrived back at [REDACTED] residence acting erratic and punching walls. [REDACTED] instructed [REDACTED] to stop acting in such a manner due to it scaring [REDACTED]'s granddaughter and that she was going to call law enforcement. [REDACTED] entered her bedroom at which time [REDACTED] ran up the stairs and began beating on [REDACTED]'s door. [REDACTED] opened the bedroom door to keep [REDACTED] from breaking it where [REDACTED] then jumped on [REDACTED]'s bed while being verbally abusive. [REDACTED] proceeded to call 911 at which time [REDACTED] got off the bed, ran to [REDACTED]'s nightstand and grabbed her [REDACTED] pistol. [REDACTED] pointed the firearm at [REDACTED] then at his own head and stated he was going to kill himself. [REDACTED] stated she feared for her life and fled from the room. [REDACTED] proceeded to steal the spare key to [REDACTED]'s Mercedes where he then entered the Mercedes. [REDACTED] attempted to flee the scene however, [REDACTED]'s sister, [REDACTED] (V2), was standing behind the vehicle. [REDACTED] was eventually able to flee in the vehicle from the scene prior to law enforcement arrival. [REDACTED] completed a written sworn statement stating she wished to pursue charges and was provided a Victims Right's pamphlet.

Deputy Gibbons and Deputy Jones made contact with [REDACTED] who advised the following:

On 11/10/2022 [REDACTED] and [REDACTED] entered into a verbal argument downstairs where [REDACTED] and her daughter were. The argument escalated causing [REDACTED]'s daughter to be afraid at which time she told [REDACTED] to leave. [REDACTED] proceeded to the back porch while [REDACTED] went

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upstairs. Approximately two minutes later, _____ ran inside, up the stairs and into _____'s room. _____ stood at the base of the staircase to listen where she heard scuffling and then _____ scream "he has a gun". _____ ran up the stairs with her own pistol on her side at which time _____ pushed _____ and ran out the back door before returning inside and running out the front door. _____ went outside and noticed _____ in _____'s vehicle at which time she began recording the incident. _____ stood behind the vehicle in an attempt to keep _____ from leaving at which time he slowly backed the vehicle into her several times before fleeing the scene. _____ did not suffer any injuries during the incident.

Deputy Jones observed video footage from _____ in which _____ is standing behind the vehicle and the vehicle continues to back up despite her being behind it. The vehicle proceeds forward again but then reverses and continues in reverse constantly causing _____ to back-up. In the video footage it appears the vehicle bumps into _____ several times before fleeing the scene.

Deputy Gibbons made contact with a witness, _____ (W1), who advised the following:

_____ was walking down _____ when he observed a disturbance in the front yard of _____. _____ observed a female, _____ telling her son, _____ not to steal her car. _____ observed _____ enter the vehicle and began attempting to leave where another female, _____ stood behind the car attempting to prevent it from leaving. _____ observed the vehicle strike _____ and push her back however, it did not appear _____ suffered any injury. _____ also overheard _____ state to _____ that he wanted to kill himself and threatened to wreck her car in a ditch. David completed a written sworn statement.

While on-scene, Deputy Jones overheard _____ talking to _____ through her cell-phone and stating he left her car at the Pep-Boys, 2835 S Woodland Blvd, and that he was now in his own vehicle. _____ would not tell _____ his location but continued talking to her throughout the call. A BOLO was issued for _____'s vehicle, a silver _____, which at approximately 1323 hours was located by Orange City Police Department, however the vehicle still had the previously assigned Florida temp tag _____, see OCPD case number 22-3128. A felony stop was conducted on _____'s vehicle at which time he was taken into custody.

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Deputies responded to the Pep-Boys where _____'s vehicle was located behind the business. _____ responded and obtained her vehicle. Deputies observed video footage of _____ walking in the Pep-Boys business and then walking out wearing the same clothing he was wearing upon being arrested.

_____ provided deputies the firearm, a _____ 9mm, serial number _____, which was turned into evidence along with all video footage. Deputy Jones observed the firearm to have one round in the chamber along with five additional rounds in an inserted magazine and the safety off. _____ stated she did not manipulate the firearm prior to providing it to law enforcement.

An attempt to contact was issued to _____'s address where deputies made contact with her and informed her of the events that transpired. _____ was unsure of pressing charges initially however at approximately 1626 hours _____ called law enforcement stating she did wish to pursue charges. _____ stated _____ entered her home through a bedroom window where he broke the locks and stole her keys at sometime during the morning hours. _____ proceeded to steal _____'s vehicle and drive around before returning it back to _____'s address and parking it in the garage. _____ advised she had not driven the vehicle prior to the storm however, the vehicle had yard debris on it consistent with having been driven recently. _____ completed a written sworn statement and stated she wished to pursue charges. _____ was provided a Victim's Rights Pamphlet.

Deputy Jones made contact with _____ and read him his Constitutional Right's from a Department Issued Miranda card to which _____ advised he understood and was willing to speak with Deputy Jones. _____ advised earlier in the morning he went to _____'s house however, he found the residence to be locked. _____ advised he entered the residence through a open window and noticed his grandmother to be sleeping at which time he left. _____ stated he later arrived home and an argument ensued with his mother, _____. During the argument, _____ stated he did grab _____'s pistol and pointed it to his head however at no point did he point the gun at any other person. _____ stated after pointing the gun at his head, he threw the gun on the bed, ran outside and took _____'s vehicle. _____ stated _____ did stand behind the vehicle however, at no time did he hit her.

Based upon the evidence provided, and statements made, Deputy Gibbons determined there was probable cause to charge _____ with the following:

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Aggravated Assault with a firearm DV
Aggravated Battery with a deadly weapon DV
Simple Battery Dv
Grand theft of a motor vehicleX2
Burglary of an occupied residence
Violation of Curfew during Emergency Preparedness Management
Possession of a firearm <21

A records check of _____ revealed him to have criminal convictions.

Austin was transported to VCBJ after becoming aggressive and combative in the District Four holding cell.

A Risk Protection Order was completed for _____.

Case status: Arrested Adult.

3. Affiant is is not aware of any existing protection order governing the respondent under any applicable statute.

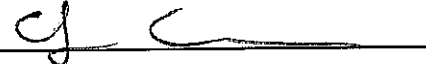
_____ Known protection orders are attached

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:

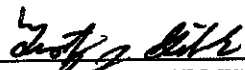
Quantity	<u>1</u>	Type	<u>HANDGUN</u>	Location	<u>1691 PROVIDENCE BLVD</u>
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____

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: 11/10/2022 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 10 day of November, 2022, by DEPUTY SHERIFF CARACCIOLO
Affiant's name


Signature of Attesting LEO Witness

Timothy Gibbas 9343
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)