

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

VSO Case Number 22-21666
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IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST *{Name of Respondent}* \_\_\_\_\_

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, *{full legal name}* Michael Branstiter, 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 pages

3 Additional pages are attached.

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

\_\_\_\_\_ Additional pages are attached.

**AFFIDAVIT CONTINUATION**FROM SECTION   1  PAGE   1   OF   3  

On 11/12/22 at approximately 2345 hours, Deputies were dispatched to an assault on Interstate 4 (I-4) near mile marker 107, Deltona. While en route, Deputies were advised by Central Communications a subject pointed a firearm with a green laser, at the reporting person, [REDACTED] (V1) while driving along I-4. Deputies were advised the vehicle entered Deltona from the eastbound exit 114.

Deputies canvassed the area and located a gray Toyota Corolla bearing Florida tag: [REDACTED]. The vehicle traveled eastbound on Howland Boulevard until it turned northbound onto Catalina Boulevard. The vehicle then traveled southbound on Lake Helen Osteen Road until Deputies conducted a felony traffic stop.

Deputies contacted the driver, [REDACTED] (D1) and his fiancée, [REDACTED] (W1). [REDACTED] was read his Miranda warnings via an agency issued card which he indicated he understood. [REDACTED] stated the following:

Upon arrival, Deputy Branstiter spoke with [REDACTED] (D1) about the incident. [REDACTED] and [REDACTED] were traveling eastbound in the furthest left lane on I-4 in the Altamonte Springs area. [REDACTED] noticed a black lifted pickup approaching at high speed from the rear. The pickup began flashing its high beams at [REDACTED]'s vehicle while tailgating him. [REDACTED] attempted to switch lanes and was followed by the vehicle, driven by [REDACTED] (V1) who continued to tailgate [REDACTED]'s vehicle and flash his high beams. Around Sanford on I-4 is when [REDACTED] allowed [REDACTED] to pull up beside him on the left side of his vehicle. [REDACTED] waved his finger at [REDACTED] in a "No No No" type of manner as a way to defuse the situation. While waving his finger at [REDACTED], [REDACTED] admits to having in his right hand a black portable, handheld radio for communication with friends while driving. [REDACTED] states that the radio has a green light on the front that flashes green when not in use and red when in use. The finger waving continued for a couple of minutes until [REDACTED] pulled off at exit 111. [REDACTED] continued until exiting at 114 to head for his residence in Deltona.

**AFFIDAVIT CONTINUATION**FROM SECTION   1  PAGE   2   OF   3  

\_\_\_\_\_ was contacted and read her Miranda warnings via an agency issued card which she also indicated she understood. \_\_\_\_\_ initially declined to speak with law enforcement, but later disclosed there was a road rage incident along I-4. \_\_\_\_\_ denied \_\_\_\_\_ displayed his firearm during the incident. \_\_\_\_\_ also denied them being in possession of a green laser.

Deputies contacted \_\_\_\_\_ at the RaceTrac gas station located at 407 Deltona Blvd, Deltona who stated the following:

He was driving eastbound on I-4 and 2 cars were driving slow blocking traffic. \_\_\_\_\_ said he went around them and they caught back up with him. \_\_\_\_\_ said the two vehicles tried to block him in and it became a road rage incident. \_\_\_\_\_ said the silver Toyota went into the right lane and he observed the driver wave a gun out of the window. \_\_\_\_\_ had described the driver as a Hispanic male with tattoos.

\_\_\_\_\_ completed a sworn written statement wishing to pursue criminal charges.

Deputy Branstiter observed the following recording:

The silver Toyota is observed driving in the right lane. The driver waves his arm out of the window. The driver repeats the same action a second time. The driver extends his arm for a third time and extends his arm further out toward the sky.

Deputies obtained a video recording of the incident which was later submitted into evidence.

Deputies observed a black handgun (s/n: \_\_\_\_\_) tucked between the driver seat and center console. \_\_\_\_\_'s vehicle was searched in an attempt to locate the green laser. Deputies did not locate any laser emitting device. The handgun \_\_\_\_\_ owned which was holstered and tucked between the driver-side seat and center console was not equipped with any type of laser emitting device.

**AFFIDAVIT CONTINUATION**

FROM SECTION   1    
PAGE   3   OF   3  

Deputy Langdon explained that while [REDACTED] was in custody, post Miranda, he asked if he pulled out his firearm and pointed it at [REDACTED]'s vehicle during the incident. [REDACTED] did admit to pointing his firearm at [REDACTED] twice. Based on statements and evidence, Deputy Branstiter determined [REDACTED]'s actions created a well-founded fear for [REDACTED]. Deputy Branstiter determined probable cause existed to charge [REDACTED] with aggravated assault.

Deputy Branstiter submitted a RPO to the RPO Submissions Group for review.

[REDACTED] has elected to prevent the disclosure of confidential or privileged information as per Marsy's law.

Due to an error with Copperfire, Deputy Branstiter submitted a paper 707 to the Volusia County Branch Jail and Records.

3. Affiant  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>1</u>	Type	<u>Tisas Fatih pistol</u>	Location	<u>VSO Evidence</u>
Quantity	<u>13</u>	Type	<u>.380 cartridges</u>	Location	<u>VSO Evidence</u>
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____

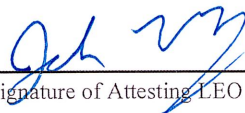
0 Additional pages are attached.

**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: 11/13/2022

Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 13 day of November, 2022, by Michael Branstiter  
Affiant's name

  
Signature of Attesting LEO Witness

Joseph Borbely  
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)