# 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 22-2900

### **AFFIDAVIT**

STATE OF FLORIDA COUNTY OF **VOLUSIA** 

	I, {full legal name}	Deputy She	riff	Zakariah Bacon	1	, in my posi	tion as {job
title}	Deputy Sh	eriff	wit	h the <i>{name of la</i>	aw enfor	rcement offic	cer/agency}
	Volusia Sheriff's Offic	e, swear ai	nd af	firm that the foll	lowing f	acts 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 na	arrative				
	<u></u>			 	
	Addition	al nagad are at	hand		

\_ Additional pages are attached.

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

Additional pages are attached.

IN RE: PETITION FOR RISK PROTECTION ORDER AGAINST {Name of Respondent} VSO Case Number 22-2900

#### AFFIDAVIT CONTINUATION

 FROM SECTION
 I

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 4

\*\*\*bwc recording\*\*\*
\*\*\*Victim invoked Marsy's law\*\*\*

It should be noted prior to reading this report, **and and are in a** romantic relationship and have one child in common. **The set of the set of** 

On Friday, February 11th, 2022, at approximately 2150 hours, Deputy Bacon responded to **Section**, Deltona, in reference to a reported disturbance. Prior to arrival, Volusia Central Communications advised the male involved was holding the baby in one hand and a gun in the other. Upon arrival, Deputy Bacon made contact with **Section** (D1) and **Section** (V1), in front of the residence. After removing a black Glock handgun from **Section**'s right pocket, Deputy Bacon made contact with **Section** who advised the following:

stated he and **were in the bathroom together having an argument reference taxes.** advised **was cleaning baby bottles in the sink while he was sitting on the toilet.** advised the argument escalated when **were in the bathroom and grabbed their child,** provoked. **Were in the exited the bathroom and grabbed their child,** (O1) from the crib and eventually made their way out of the residence. **Were advised he then** placed **were in the front seat of his vehicle before taking diapers and other child care products** from the back seat and placing them on the ground. **Were then went around to the driver side of** his vehicle in an attempt to leave but **were opened the passenger door where was sitting** and sat down. **Were advised for continued stating he wasn't taking <b>were in the** statement detailing what occurred.

## IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST {Name of Respondent}

#### AFFIDAVIT CONTINUATION

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Deputy Bacon then made contact with who stated her and were in the bathroom arguing about taxes. **Set of** stated the argument escalated when she opened the bathroom door to slammed it shut, preventing her from leaving. then attempted to move leave and from the door, but was violently shoved back as a result. then in self defense stuck with an open right hand while attempting to leave the bathroom. advised she and then pushed each other back and forth until her mother, (W1), opened the bathroom door and pulled back, allowing her to escape the bathroom. then exclaimed "If you really want a problem, I'll go out to the car and grab my gun." advised she was fearful would actually shoot her as he's known to carry a firearm. then entered room and picked her up due to her crying. walked to the other end of the house carrying while attempting to create distance from while they continued to argue. advised she then entered the laundry room where she was retrieving work could leave. While was grabbing the work clothes, clothes, so took and exited the residence while and and followed attempting to get back. then placed in the front passenger seat of his vehicle, still arguing with then removed diapers and other child care products from the back passenger side of his vehicle before sat down in the passenger seat with preventing from leaving. then went around his vehicle and reached through his front driver door, appearing to grab his firearm. advised he then began approaching her while holding the firearm with two hands, one on the handle of the firearm and the other on the holster. **A set of the set of** draw the firearm from it's holster, putting her in fear would shoot her based on his previous statement made in the bathroom. It should be noted, advised advised never pointed the firearm at her or completed drawing it from the holster. It was at this time Deputy Bacon arrived and ordered and to show their hands, to which quickly slid the firearm into his pocket before showing his hands. completed a sworn written statement detailing what occurred. In her statement, advised she did not wish to pursue criminal charges.

## AFFIDAVIT CONTINUATION

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Deputy Bacon then made contact with **Sector** who advised she heard a loud bang from the bathroom and upon getting closer she heard **Sector** and **Sector** arguing. **Sector** then opened the bathroom door to find **Sector** and **Sector** arguing while **Sector** prevented **Sector** from leaving the bathroom by using himself as a physical barrier. **Sector** then pulled on **Sector** shirt, allowing **Sector** to escape the bathroom. **Sector** then went on to confirm the rest of **Sector** account of what occurred. **Sector** advised she called 911 to report the incident once everyone moved outside. **Sector** completed a sworn written statement detailing what occurred.

Deputy Bacon then made contact with **Sector (W2)**, **Sector** cousin, who approached the bathroom with **Sector** after hearing the commotion. **Sector** confirmed **Sector** account of what occurred and completed a sworn written statement detailing what occurred.

Deputy Bacon then made contact with **again** again and questioned him about the firearms involvement. **The second s** 

Deputy Bacon observed a mild laceration on the inside of **Second** bicep, consistent with being scratched. Deputy Bacon then observed **Second** to have a broken nail which cause a small amount of bleeding. Deputy Bacon collected digital photographs of **Second** and **S** 

### IN RE: PETITION FOR RISK PROTECTION ORDER AGAINST {Name of Respondent} Luis Sebastian Olivieri

#### AFFIDAVIT CONTINUATION

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During the course of the incident, Deputy Bacon determined did strike in self defense to escape from the bathroom. However, was found to be the primary aggressor which caused the incident to become physical by forcing **sector** to remain in the bathroom using himself as a physical barrier and physical force by shoving her. Deputy Bacon determined probable cause exists and placed under arrest for aggravated assault, false imprisonment, and unlicensed carrying of a concealed firearm. While placing under arrest, tensed his arms to refused to place his hands behind his back. was again ordered to place his hands behind his back, to which he demanded to know why he was being arrested. was then forcibly placed in handcuffs and placed in a patrol car. Based on the above stated information, Deputy Bacon determined probable cause exists to also charge with resisting without violence. Deputy Bacon subsequently transported **East** to the Volusia County Branch jail.

During this incident and investigation, Deputy Bacon determined was never in any immediate danger as a result of **actions** or **actions**. Deputy Bacon observed no injury to who appeared to be in good health.

Due to the incident involving a firearm, Deputy Bacon completed risk protection order on and submitted his Glock handgun into the Volusia Sheriff's Office District 4 evidence locker for evidence.

Due to the involvement of a juvenile, Deputy Bacon forwarded a copy of this report to the Department of Children and Families and the Director of the Volusia Sheriff's Office Juvenile Services, Carla Quann, for review.

Case Status: Arrest/Adult

- 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	l Type	Glock 19	Location	VSO Evidence
Quantity	б Туре	9mm ammo	Location	VSO Evidence
Quantity	_ Туре	······································	Location	
Quantity	Туре		Location	
Quantity	_ Туре	·····	Location	
Quantity	Туре		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:		02/12/20:	22Sign	nature of	Affiant:	Ase	2	
Sworn t	to (or	affirmed)	and subscribed be	efore me b	y means	of 🛛 physical pres	ence or 🔲 online notari	zation,
this	12	_ day of _	February	, 20	22_, by	Deputy Sheriff	Zakariah Bacon	
						Affiant's	name	

whe of Attesting LEO Witness

Deputy J. 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)