

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

VSO Case Number
23-15839

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} ZACHARY MARTINEZ, in my position as {job title} DEPUTY with the {name of law enforcement officer/agency} VOLUSIA SHERIFFS 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:

BWC RECORDING
On August 17th, 2023 at approximately 2258 hours, Deputy Kagle and Deputy Martinez responded to _____ Deltona in regard to a suicidal person. Upon arrival deputies spoke with _____ (W1) who advised the following:

On August 17th, _____ and her husband, _____ (V1) engaged in a verbal argument

1 Additional pages are attached.

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

WITNESSED INCIDENT

2 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1
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at _____ Deltona over video footage that _____ had of _____ putting a hole in her tires of her car. When _____ became aware of the footage, he attempted to destroy the camera placed inside the residence. When _____ informed _____ she was going to call the police, he grabbed a nearby firearm (Taurus G3) a 9mm handgun bearing Serial Number: _____ and stated he would “blow his head off” _____ was seen pointing the firearm towards his head while making these statements. _____ was repeatedly told to put the firearm down by two of his children _____ (W2) and _____ (W3). After finally putting down the firearm down _____ left the residence in his _____ Hyundai _____ bearing Florida tag _____. While on scene, _____ voluntarily turned over the firearm to deputies on scene and was given a RPO Receipt containing the case number associated with this report. _____ provided a sworn written statement detailing the incident.

Deputies then spoke with _____ who advised the following: _____ stated _____ and _____ were in a verbal argument about a camera being broken inside the residence. The argument escalated into _____ grabbing a firearm and stating if _____ called the police, he would kill himself with the firearm. _____ then left the residence in his _____ Hyundai _____ provided a sworn written statement detailing his accounts of the incident.

It should be noted, while deputies were on scene with _____ another deputy observed _____’s _____ Hyundai bearing Florida tag _____ pass him on Howland Blvd and SR415. With the aforementioned information given that _____ was suicidal and at one point armed, deputies initiated an investigative stop on the vehicle. _____ complied with the deputies and pulled over on Doyle Rd.

Deputy Kagle determined that without treatment _____ would be a harm to himself or others. Deputies placed _____ into protective custody under the Baker Act. _____ was subsequently transported to SMA Healthcare in Daytona Beach for further evaluation without further incident.

Due to the incident involving a firearm, Deputy Martinez filed a Temporary Risk Protection Order.

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 9MM</u>	Location	<u>VSO EVIDENCE</u>
Quantity	<u>6</u>	Type	<u>9MM ROUNDS</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: 08/18/2023 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 18 day of August, 2023, by DEPUTY ZACHARY MARTINEZ
Affiant's name


Signature of Attesting LEO Witness

Deputy Tiffany Kagle
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)