

**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 230016528

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} Timothy James McLeander, 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:

*** BWC RECORDING ***

On 08/27/2023, at approximately 0100 hours, Deputy De La Rosa responded to _____ New Smyrna Beach in reference to a well-being check.

Upon arrival, Deputy De La Rosa and Sergeant Wallis made contact with the reporting

2 Additional pages are attached.

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

_____ told his spouse, _____ he was going to end his life.

0 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1
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party ██████████ (R1) who advised the following:

██████████ and her husband ██████████ have been married for over 10 years and ██████████ has recently been put on a new anti-depressant medication for depression. ██████████ and ██████████ went out earlier in the day and ██████████ began consuming alcoholic beverages to the point where he became severely intoxicated, and this caused him to be argumentative and emotional. ██████████ was frustrated with ██████████'s behavior and confronted him on the way home. Once the two returned to the residence ██████████ began yelling and crying and, in that process, ██████████ threatened to harm himself. This caused ██████████ to panic, and she left the residence. Approximately 2 hours later ██████████ returned to the residence and called for law enforcement to conduct a well-being check on ██████████ prior to her entering the residence.

██████████ gave Deputy De La Rosa, and Sergeant Wallis permission to enter the residence and check on ██████████. Upon entering the residence Deputy De La Rosa and Sergeant Wallis made contact with ██████████ who was sleeping inside the downstairs bedroom. ██████████ advised the following:

██████████ had consumed a lot of alcohol and was severely intoxicated. Once ██████████ and ██████████ returned home ██████████ and himself had gotten into an argument where ██████████ called ██████████ a derogatory name. This caused ██████████ to get frustrated and he went into his downstairs bedroom and in that process, ██████████ retrieved a black-colored Glock G45 9-millimeter caliber handgun. ██████████ retrieved the aforementioned firearm from within a locked safe located in his bedroom. ██████████ then proceeded to put the firearm to his head and stated he wanted to die.

Due to the actions and statements ██████████ made Deputy De La Rosa determined without the proper care and treatment, there is a high likelihood that ██████████ will harm himself. Deputy De La Rosa placed ██████████ under protective custody for a Baker Act.


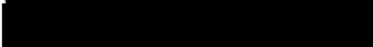
██████████ was later transported to the Halifax Hospital located at 303 North Clyde Morris Boulevard, Daytona Beach in reference to the Baker Act.

While on scene Sergeant Wallis explained to ██████████ the process of a Risk Protection Order. ██████████ advised that she contacted her daughter ██████████ (O1) in reference to a third-party option for turning over all the weapons and firearms. ██████████ advised that ██████████ will be retrieving the firearms on 08/27/2023.

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>Glock G45</u>	Location	
Quantity	<u>11 plus</u>	Type	<u>Various</u>	Location	
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: 08/27/2023 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 27 day of August, 2023, by Dep. Timothy Delacruz



D/S Justin DeLaRosa

Signature of Attesting LEO Witness

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)