

**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}* [REDACTED]

VSO Case Number 230018696

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* CODY JOSEPH FORSTER, in my position as *{job title}* DEPUTY 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}* [REDACTED] 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 continuation page.

2 Additional pages are attached.

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

See continuation page.

2 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 2 OF 3

BWC RECORDING

On 09-26-2023, at approximately 2201 hours, Deputies were dispatched to _____ Pierson, in reference to a mentally ill person. Prior to Deputy Barry's arrival, Deputy Barry noticed the reporting party, _____ (R1) informed central dispatch his _____ (V1) has dementia and believes people are trying to kill him. _____ further informed _____ had armed himself with a rifle, then gave the rifle to his wife, _____ (O1), then obtained another firearm for himself. _____ resides out of county and contacted Law Enforcement because he was concerned for _____'s well-being.

As Law Enforcement were responding to the scene, Deputies established contact with _____ over the phone and requested she exit the home to provided further information about the incident. While speaking with _____ she informed _____ has dementia and believed people were coming through the walls of the home in an attempt to harm him, so _____ would arm himself with firearms and began walking around the residence. When asked, _____ did not threaten to harm himself or others with the firearms, but _____ was concerned for his wellbeing. Once additional resources responded to the scene, Deputies set up a perimeter on the residence and eventually contacted _____ via cell phone who agreed to exit the residence unarmed and speak with Law Enforcement. Shortly after _____ exited the residence, he was taken into protective custody without incident.

Upon making contact with _____ he informed he has seen people phasing through the roof and coming into the home, along with people walking through his property whom he believed were trying to kill him. _____ explained he obtained a firearm and began patrolling his residence in the event he needed to shoot them. Based upon the documented information, Deputy Barry determined without proper care or treatment there was significant likelihood _____ would suffer self-harm, neglect or harm another. _____ was taken into protective custody under the Baker Act and transported to Halifax Hospital without incident.

Deputy Barry later contacted the reporting party and spoke with _____ (O2), _____'s daughter and _____'s wife, who explained she is the power attorney for _____. Deputy Barry explained _____ was being taken into protective custody under the Baker Act and Deputies would need to complete a risk protection order due to the firearms being involved.

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 3 OF 3

_____ agreed and requested the firearms to be turned over to her for further safekeeping until the risk protection has been resolved in court. _____ mentioned she and _____ were enroute from Apollo Beach, Florida to the District Two office building to pick up the firearms from Deputy Forster, who will be completing the risk protection order (please review Deputy Forster's supplement for additional information). While speaking with _____ she expressed her concern for _____'s wellbeing and having access to firearms within the home due to his dementia and the incident tonight. _____ said _____ suffers from alcohol addiction and the last time he went through withdrawal he spent several days in the intensive care unit, due to the possibility of _____ going through withdrawal, Deputies transported _____ to Halifax Hospital for further medical treatment and mental health assessment.

_____ turned over the following firearms and ammunition from within the residence, which were later turned over to _____ and _____:

- Marlin .22 caliber long rifle, brown and black in color, serial number (_____)
- Ruger Model 10/22 Carbine, brown and black in color, serial number (_____)
- Winchester .270 black scoped rifle, serial number (_____)
- Marlin 12 Gauge Shotgun, brown and black in color, unknown serial number
- Taurus 357 Magnum Revolver, silver in color, serial number (_____)
- Stevens Model .311 double barrel shotgun, brown in color, serial number (_____)
- Walther P226 Pistol, black in color, serial number (_____)
- .22 caliber Ammunition (706 Rounds)
- 20 Gauge Shotgun Ammunition (164 Rounds)
- .32 Caliber Ammunition (48 Rounds)
- .270 Caliber Ammunition (80 Rounds)
- .357 Caliber Ammunition (14 Rounds)
- .45 Caliber Ammunition (6 Rounds)

Deputy Forster completed a criminal history check on _____ which yielded negative results for any felony convictions.

Deputy Forster completed an FCIC/NCIC check on the firearms which yielded negative results.
Case Status: Closed

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>Marlin Model 60</u>	Location	<u>In Custody by</u>	[Redacted]
Quantity	<u>1</u>	Type	<u>Ruger 10/22</u>	Location	<u>In Custody by</u>	[Redacted]
Quantity	<u>1</u>	Type	<u>Winchester .270</u>	Location	<u>In Custody by</u>	[Redacted]
Quantity	<u>1</u>	Type	<u>Marlin 12 Gauge</u>	Location	<u>In Custody by</u>	[Redacted]
Quantity	<u>1</u>	Type	<u>Taurus 357 Mag</u>	Location	<u>In Custody by</u>	[Redacted]
Quantity	<u>1</u>	Type	<u>Stevens Model .311</u>	Location	<u>In Custody by</u>	[Redacted]

2 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: 09/27/23 Signature of Affiant: [Signature]

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 27 day of September, 2023, by D/S Cody Forster
Affiant's name

[Signature] #8993
Signature of Attesting LEO Witness

DIS K. Barry #8993
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)

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>Walther P226</u>	Location	<u>In Custody by</u> [REDACTED]
Quantity	<u>706</u>	Type	<u>.22 Caliber Ammo</u>	Location	<u>In Custody by</u> [REDACTED]
Quantity	<u>164</u>	Type	<u>20 Gauge Ammo</u>	Location	<u>In Custody by</u> [REDACTED]
Quantity	<u>48</u>	Type	<u>.32 Caliber Ammo</u>	Location	<u>In Custody by</u> [REDACTED]
Quantity	<u>80</u>	Type	<u>.270 Caliber Ammo</u>	Location	<u>In Custody by</u> [REDACTED]
Quantity	<u>14</u>	Type	<u>.357 Caliber Ammo</u>	Location	<u>In Custody by</u> [REDACTED]

1 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: 09/27/23 Signature of Affiant: [Signature]

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 27 day of September, 2023, by D/S Cody Forster
Affiant's name

[Signature]
Signature of Attesting LEO Witness

DIS K. Baccy 8993
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)

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>6</u>	Type	<u>.45 Caliber Ammo</u>	Location	<u>In Custody by</u> [REDACTED]
Quantity	_____	Type	_____	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: 09-27-23 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 27 day of September, 2023, by D/S Cody Forster
Affiant's name

 #8993
Signature of Attesting LEO Witness

D/S K Barry 4993
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)