

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
VP230024751

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} Lindsey Campbell, 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} [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:

****BWC****

****Marsys Law Invoked****

On 12/25/2023, at approximately 00:31 hours, Deputy Campbell responded to [REDACTED] Deltona in reference to a domestic disturbance. Initial call notes indicated [REDACTED] (V1) was in a disturbance with her boyfriend and children's father, [REDACTED] (D1).

3 Additional pages are attached.

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

[REDACTED]

 Additional pages are attached.

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Upon arrival, deputies contacted ██████████ her four children in common with ██████████ ██████████ (V2), ██████████ (V3), ██████████ (V4), and ██████████ (V5) in the neighboring driveway of ██████████. Accompanying them was ██████████ cousin, ██████████ (W1). ██████████ explained she, ██████████ and their four children reside at ██████████ as a single family unit. It should be noted that ██████████ also resides at the residence as a roommate. As deputies began to interview ██████████ exited the residence and walked out into the driveway. Deputies subsequently secured him in handcuffs and escorted him to a patrol vehicle for further investigation. ██████████ provided the following statement:

Prior to contacting law enforcement, she was woken up by one of her children that they could not locate ██████████. ██████████ checked the residence with negative results, and then proceeded outside to check the vehicles in the driveway. Once outside, she observed ██████████ within a vehicle on the telephone. She then questioned ██████████ about being in the driveway on the phone, causing an argument between the two. As they argued, ██████████ stated ██████████ mumbled something about a gun. ██████████ was unable to articulate what ██████████ said exactly, but believed it to be something along the lines of "I'm going to go get a gun". ██████████ then exited the residence, but kept a distance away from her and ██████████. She then separated herself and went into the residence to gather the children as she believed ██████████ behavior was becoming increasingly aggressive and him mentioning guns was making her nervous. ██████████ followed her into the residence, and ██████████ followed behind him. Once inside the residence, ██████████ continued to yell and be aggressive. ██████████ then gathered the children into the living room to leave. At that point, ██████████ entered their shared bedroom, slammed the door, and locked it behind him. ██████████ then called ██████████ for emergency assistance. Shortly after that, ██████████ opened the bedroom door, and paced between the bedroom doorway and the living room television area, while holding an AR 15 style rifle. ██████████ held the rifle, pointing it towards the ground, swaying it from side to side. While doing so, ██████████ made the comment " Y' all want a war" and " Y'all want to start a war" . ██████████ explained ██████████ actions and statements put her in a well-founded fear that she and the children were going to be harmed or shot by ██████████. ██████████ then realized ██████████ had contacted law enforcement, and grabbed her by the wrists aggressively, against her will. He then body checked her and nudged her with his shoulder. ██████████ then intervened by getting in between ██████████ and ██████████ to create distance. ██████████ then exited the residence with the children and ██████████ and waited in the driveway of ██████████ for deputies to contact them. Deputy Campbell observed ██████████ left wrist to have a minor scratch to it, consistent with her statement. ██████████ provided deputies a sworn statement regarding these facts.

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██████████ indicated ██████████ keeps his AR 15 in their closet, in its original box. She also believes he owns two handguns, but is unaware of their color, make, or model. She only knows they are possibly a 9MM and a .22 caliber.

Deputy Campbell then spoke with ██████████ provided a mirroring statement to that of ██████████ stated he was not in fear for his physical safety during the incident, but was in fear for ██████████ AND in the children' s ██████████ provided a sworn statement regarding these facts and indicated he did not wish to pursue criminal charges. Deputies did not observe signs of injury to ██████████ person nor did he complain of any.

Deputy Campbell then read ██████████ his Miranda Rights from a department issued card. ██████████ indicated he understood his rights and wished to speak with law enforcement ██████████ stated he and ██████████ were arguing. ██████████ involved himself, and that they were " lying on him" . When deputies asked ██████████ for details on what exactly occurred, he repetitively asked if he was under arrest, interrupted deputies, accused ██████████ and ██████████ of lying, and spontaneously stated he never placed his hands on ██████████ When asked about the AR 15, ██████████ claimed to not know what deputies were speaking of. ██████████ indicated he was battered by ██████████ during the incident and it caused a cut on a finger on his right hand. Deputy Campbell observed a small amount of dried blood on ██████████ right hand. ██████████ injury did not require medical attention.

Deputy Campbell questioned ██████████ and ██████████ in regards to ██████████ injury. They advised he probably injured it while obtaining the firearm. Both stated neither party battered ██████████ and that ██████████ only intervened with his body to create distance.

Additional deputies on scene located a Smith and Wesson MP Sport AR 15 (serial number ██████████ in ██████████ and ██████████ shared bedroom, unsecured, laying on a pile of clothing. The AR 15' s box that it is usually kept in was observed on the top shelf of the same closet. A small amount of dried blood was observed on the AR 15, consistent with ██████████ likely mishandling it, causing his skin to tear and bleed upon it. The firearm was collected and submitted to the District 4 Evidence locker as evidence. The serial number was queried in NCIC/FCIC to ensure it wasn' t stolen.

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Based on Deputy Campbell' s investigation, coupled with statements, physical evidence, and injuries probable cause existed to charge ██████████ with five counts of aggravated assault with a firearm (DV) as well as domestic battery.

Photographs of ██████████ her injury, ██████████ and the firearm were obtained. Twenty six photographs were uploaded to Evidence.com. ██████████ refused to allow the children to be photographed. She was explained Marsy' s law and invoked her right to privacy. Prior to vacating the residence, ██████████ was provided a Volusia Sheriff' s Office Victim' s Rights and Remedies Brochure for which she signed.

A criminal history check of ██████████ revealed no prior battery convictions. ██████████' s Florida Concealed Weapons Permit was collected and submitted to the District Four evidence locker for safekeeping pending a Risk Protection Order.

A Risk Protection Order Petition and Affidavit were drafted and submitted via e-mail.

A copy of this report was forwarded to DCF for their review.

Director Quann was notified of the incident via e-mail.

██████████ was transported to the Volusia County Branch Jail.

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>S&W AR-15</u>	Location	<u>VSO Evidence</u>
Quantity	<u>30</u>	Type	<u>.223 rounds</u>	Location	<u>VSO Evidence</u>
Quantity	<u>1</u>	Type	<u>9MM handgun</u>	Location	<u>[REDACTED]</u>
Quantity	<u>1</u>	Type	<u>.22 handgun</u>	Location	<u>[REDACTED]</u>
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: 12/25/2023 Signature of Affiant: PS Campbell 7379

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 25 day of December, 2023, by D/S Campbell 7379
Affiant's name

[Signature] #9467
Signature of Attesting LEO Witness

D/S Girdwood 9467
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)