

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

VSO Case Number
230003177

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* Phoenix Langdon, 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 ACTIVATED***
MARSY'S LAW INVOKED BY BOTH VICTIMS
***THIS INCIDENT WAS DOMESTIC IN NATURE DUE TO INDIVIDUALS
BEING MARRIED AND LIVING AS A FAMILY UNIT*****

3 Additional pages are attached.

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

_____ Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 1 OF 3

On February 17, 2023, at approximately 1335 hours, Deputies responded to a domestic disturbance at _____ Deltona, Florida _____. Prior to Deputies arrival, Central Dispatch advised the following information:

_____ (V1), had called 911 advising that her husband was drunk, armed with a gun, and was looking for bullets. The husband, _____ (D1), was in a verbal argument with _____ and their daughter _____ (V2). _____ was told by the 911 operator to get out of the house, but she advised she was afraid to move. _____ could be heard angrily yelling in the background.

Upon the arrival of Deputies, _____ was ordered to exit the residence unarmed with his hands up. _____ complied and was secured in handcuffs without incident. A pat-down for weapons revealed that _____ had a loaded 9mm handgun magazine in his pocket. Deputies located a black Taurus G2 9mm handgun bearing a serial number of _____ in _____'s truck. A FCIC/NCIC query revealed that the firearm was not stolen.

Deputies made contact with _____ and _____ inside the residence. _____ advised the following information:

She and _____ were in the process of a divorce. _____ had arrived at the residence intoxicated and began to argue with her. During the argument _____ went upstairs. When _____ came back downstairs she saw he had his handgun in his back pocket. The argument continued and _____ told _____ not to worry because he would solve their problems in two days. _____ was afraid upon seeing _____ now armed and making the statement about "solving their problem". _____ advised she was afraid that _____ may hurt himself with the gun, or harm her and her daughter with it. _____ left the residence for a moment and _____ called 911. _____ then came back inside the home and went upstairs, advising he was looking for the ammunition for his gun which he had put in his vehicle. As _____ started to come back downstairs, while on the phone with 911, _____ placed herself between him and the door in an effort to not let _____ get to his vehicle and access his gun. _____ sat down on the stairs, but then stood up and pushed _____ attempting to get past her in an effort to exit the residence. At one point _____ attempted to grab the phone from her but did not touch her hand or the phone. Upon the arrival of Deputies _____ exited the residence. _____ advised she was afraid for her and her daughter's safety during the incident. _____ completed a sworn written statement, and advised she wished to press charges against _____.

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 2 OF 3

_____s daughter, advised the following information:

_____ advised she needed to calm down so she would not have an emotional breakdown. Her father had returned to the residence intoxicated, and began to argue with her mother. During the argument _____ went upstairs. When _____ came back downstairs he continued to yell at her mother, but _____ now saw that _____ had armed himself and had a handgun in the back pocket of his pants. This caused _____ to be afraid due to the fact that _____ had threatened self harm and violence in the past. _____ was afraid he would use the gun to harm himself or her and her mother. _____ left the residence, then returned without the gun, and said he was looking for his ammunition. _____ went upstairs and as he came down her mother attempted to prevent him from leaving the residence. _____ advised she believed her mother did this because they were afraid of him gaining access to the gun again which he had left in his vehicle. _____ saw _____ attempt to take the phone from her mother while she was on the phone with 911. _____ separated herself from her parents and went to the living room to hide with her dog, and did not see any physical contact take place between her parents. _____ completed a sworn written statement and advised she wished to press charges against _____.

Deputy Langdon made contact with _____ who smelled strongly of alcohol, and was slurring his speech. Deputy Langdon advised _____ of his Constitutional Rights and read him his Miranda Rights from his issued VSO Miranda Warning Card. _____ said he understood his rights and advised the following information:

He would never hurt a woman and his wife was lying, but he was going to jail either way.

Due to _____s level of intoxication many of the things he said in his statements to Deputies were rambling and unintelligible.

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

VSO Case Number
230003177

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 3 OF 3

Based on the totality of the above circumstances, statements, and evidence Deputies determined [REDACTED] intentionally and unlawfully threatened, either by word or act, to do violence to [REDACTED] and [REDACTED]. At the time of the incident, [REDACTED] appeared to have the ability to carry out the threat. The act of [REDACTED] created in the mind of [REDACTED] and [REDACTED] a well-founded fear that the violence was about to take place.

Deputy Langdon established that there was probable cause to charge [REDACTED] with Aggravated Assault with a Deadly weapon of both [REDACTED] and [REDACTED] and simple battery of [REDACTED].

Deputies placed [REDACTED] under arrest, and into a marked VSO patrol cruiser. Inside the cruiser [REDACTED] spontaneously uttered "I'll be back. I'll see you soon.".

Deputies took photographs of the scene, and the victims. The photographs will be uploaded to the Digital Crime Scene Database.

[REDACTED] and [REDACTED] were provided with Domestic Violence Pamphlets, Victim's Legal Rights and Remedies packets, and Marsy's Law Forms. Both Victims elected to keep their information private and invoked Marsy's Law. Deputy Langdon provided them with his issued VSO business card with this report number for their reference.

[REDACTED] was transported to the 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>Taurus</u>	Location	<u>VSO Evidence</u>
Quantity	<u>12</u>	Type	<u>9mm ammo</u>	Location	<u>VSO Evidence</u>
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
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: 02/17/2023 Signature of Affiant: *La 9356*

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 17 day of February, 2023, by Phoenix Langdon
Affiant's name

Joseph Nely
Signature of Attesting LEO Witness

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)