

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

VSO Case Number
230004013

IN RE: PETITION FOR RISK PROTECTION ORDER
AGAINST *{Name of Respondent}* [REDACTED]

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* Anthony Ray, in my position as *{job title}* Deputy Sheriff with the *{name of law enforcement officer/agency}* Volusia Sheriff 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:

[REDACTED] (V1) has elected to prevent disclosure of confidential or privileged information per Marsys Law.

BWC Recording
(See Additional pages)

3 Additional pages are attached.

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

0 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 2 OF 4

On 03/01/2023 at 1852 hours Deputy Ray responded to Neighborhood Walmart (1569 Saxon Blvd. Deltona) in reference to an aggravated assault call. Upon arrival, Deputy Ray made contact with ██████████ (V1) who advised an unknown older white male wearing a cowboy hat and black vest pointed a firearm at his face. ██████████ stated the unknown male was currently inside Walmart. ██████████ stated the firearm was silver and had two barrel which made him believe the firearm was a Derringer. Deputy Ray had ██████████ stand by his patrol vehicle while Deputy Ray waited for other deputies to arrive.

Upon the arrival of Deputies, an outside perimeter was set and Deputies waited for the unknown male later identified by his Florida driver's license as ██████████ (D1) to exit the store. Once ██████████ exited Deputies detained him. Deputies asked ██████████ if he had any firearms on his person to which he stated he had a firearm in his vest pocket. Deputies removed the firearm from ██████████ person and walked him to Deputy Ray's patrol vehicle. The firearm on ██████████ person was a 9mm Makarov pistol serial number ██████████

Deputy Ray read ██████████ his warning of Constitutional Rights via his agency issued Miranda card. ██████████ stated he understood and choose to speak with Deputy Ray without a lawyer present. Post-Miranda ██████████ advised the following:

He was waiting for an unknown person to back out of a handicap parking space. The unknown male ██████████ was speaking about was later identified as ██████████ (V1). ██████████ stated ██████████ backed out the parking spot and an unknown person later identified as ██████████ (W1), parked into the parking spot. ██████████ stated he drive behind ██████████ and called her a "whore" for stealing his parking spot. ██████████ stated ██████████ approached him about calling ██████████ a "whore". ██████████ stated ██████████ approached his vehicle saying something to him. ██████████ stated he opened his door to hear what ██████████ was saying to him, because his window was broken. ██████████ stated ██████████ was not minding his business and ██████████ was trying to give him a lesson in manners. ██████████ stated he told ██████████ to "get fucked" as ██████████ was walking away from his vehicle. ██████████ stated ██████████ turned around and walked back to his vehicle yelling at ██████████ telling him if he wants to fight lets go he would "beat his ass". ██████████ stated he pointed his chrome .38 caliber Derringer at ██████████ and stated, "you are going to have to get through this first".

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 3 OF 4

[REDACTED] stated he pointed his gun at [REDACTED] because [REDACTED] came to his driver side door, and he was standing his ground. [REDACTED] stated the Derringer is inside his vehicle. [REDACTED]'s vehicle is a 2 door [REDACTED] passenger bearing Florida tag [REDACTED] which was in the parking lot of Walmart. [REDACTED] stated the Derringer is under his driver side seat. [REDACTED] refused to allow Deputies to enter his vehicle to retrieve the firearm.

Deputies made contact with [REDACTED] who provided a similar statement. [REDACTED] stated he made contact with [REDACTED] due to him yelling at [REDACTED] calling her a "fucking whore" for parking in the parking spot. [REDACTED] stated he told [REDACTED] it was uncalled for him to speak to [REDACTED] that way. [REDACTED] stated [REDACTED] told him to "get fucked" to which he replied "you got the right guy". [REDACTED] stated he did not tell [REDACTED] he was going to "beat his ass" nor did he threaten [REDACTED] before [REDACTED] pointed a pistol firearm at his face. [REDACTED] stated he believes the firearm to be a Derringer. [REDACTED] stated [REDACTED] pointed the firearm at him through [REDACTED]'s front windshield. [REDACTED] stated he was in fear of his life and contact law enforcement for assistance. [REDACTED] completed and signed a written sworn statement and advised he wished to pursue criminal charges.

Deputies made contact with [REDACTED] who provided a similar statement. [REDACTED] stated she could hear [REDACTED] call her a "fucking whore" loudly and observed [REDACTED] approaching [REDACTED] telling him, he did not have to be so rude. [REDACTED] stated she did not hear [REDACTED] make any threatening statements towards [REDACTED]. [REDACTED] completed and signed a written sworn statement.

Deputies were able to view video footage of the incident which was consistent with the [REDACTED] and [REDACTED] statement. [REDACTED] appears to only stand at the front of [REDACTED] vehicle and does not approach his driver side door. The video is not clear enough to observe if [REDACTED] pointed the firearm at [REDACTED]. Walmart employees were not able to provide copy of the video and Deputies would have to come back at a later date to retrieve a copy.

Based on all parties statements, [REDACTED] admission of point the firearm at [REDACTED] he was placed under arrest for aggravated assault with a deadly weapon (firearm). [REDACTED] was also charged with carrying a concealed firearm without a permit.

IN RE: PETITION FOR RISK PROTECTION ORDER
AGAINST {Name of Respondent} [REDACTED]

VSO Case Number
230004013

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 4 OF 4

[REDACTED] had a Florida conceal firearm license [REDACTED] issued on 09/30/09 however the license expired on 09/30/2016 therefore making it no longer valid. The 9mm Makarov pistol, 1 magazine and 7 rounds of ammunition was later submitted into D4 evidence locker.

[REDACTED]'s vehicle was towed by Pratt's Towing to VSO Evidence Facility until a search warrant can be obtained for the .38 Derringer to be collect.. Deputy Woodin followed Pratt's Towing to the Facility.

A criminal history check was conducted for [REDACTED] which revealed 1 misdemeanor charge with no convictions.

Case Status: Arrest / Adult

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>PISTOL</u>	Location	<u>JACKET POCKET</u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>

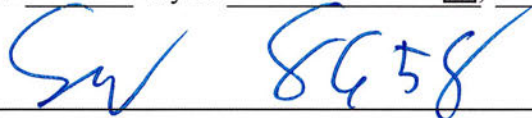
0 Additional pages are attached.

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: 03/16/2023 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization,

this 16 day of March, 2023, by Anthony Ray
Affiant's name


Signature of Attesting LEO Witness

Stephen Woodin
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)