

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
230008276

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} _____ Stephen Woodin _____, in my position as {job title} _____ Deputy _____ with the {name of law enforcement officer/agency} _____ Volusia Sheriffs 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:

See attached pages

4 Additional pages are attached.

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

_____ Additional pages are attached.

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BWC RECORDING

MARSY'S LAW INVOKED

On May 7th, 2023, at 1358 hours, Deputy Woodin responded to ██████████ Deltona in reference to a possible aggravated assault. ██████████ (VI), called ██████████ for law enforcement assistance after having a gun pointed at him during a road rage incident.

Upon arrival Deputy Woodin contacted ██████████ ██████████ stated that he exited I-4 onto Saxon Boulevard to head east into Deltona. Upon reaching the intersection of Saxon Boulevard and West Finland Drive, ██████████ merged from the right lane that ended into the outside lane of Saxon. ██████████ stated he merged in front of a ██████████ Chevrolet Cruze. After continuing east on Saxon Boulevard, ██████████ reached the intersection of Saxon Boulevard and North Normandy Drive. ██████████ stated that the ██████████ Chevrolet pulled up next to him in the turn lane, and the driver pointed a black handgun at ██████████ ██████████ stated this made him feel threatened. ██████████ then began to follow the vehicle due to the incident so that the driver did not hurt anyone else and called ██████████ ██████████ stated that he followed the vehicle a short distance to West Finland Drive and Fairhaven Street. Upon reaching the intersection, the driver of the ██████████ Chevrolet exited the vehicle and walked towards ██████████ pointing the firearm again at him. ██████████ described the male as a Hispanic male with a black goatee, approximately late 30's wearing a black hat with yellow lettering, black shirt, and blue jean shorts. ██████████ further stated that there was a Hispanic female in the front passenger seat of the vehicle. ██████████ then followed the vehicle for a short distance until told to stop and meet with law enforcement. ██████████ described the handgun as a black subcompact semi-automatic pistol. ██████████ completed a sworn written statement regarding the incident and stated he wished to pursue criminal charges. ██████████ was provided a victim's rights pamphlet and explained its contents. ██████████ elected to keep his information private under the Florida Marsy's Law.

During the incident ██████████ was able to capture a photograph of the vehicle, which showed a ██████████ Chevrolet Cruze bearing Florida tag ██████████. Upon querying the tag through ██████████, Deputy Woodin observed that it was registered to ██████████ (W1). Deputy Woodin utilized the law enforcement technology and observed that the vehicle was observed in Deltona at the time of the incident. Through investigative means, Deputy Woodin was alerted that ██████████ had a family member that lived at ██████████ Deltona. Deputies responded to the house and located the aforementioned vehicle backed into the front yard.

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Deputies attempted to make contact with the residents, however received no answer after multiple attempts. It should be noted that in plain view in the back seat of the vehicle was a black hat with gold lettering. Deputy Acosta collected digital images of the hat which were later uploaded to the digital crime scene database. Deputies then spoke with a neighbor who stated that the resident was in the hospital and that his brother and mother were in town to take care of him. The neighbor stated that the resident's brother drives a red Ford Expedition and was seen operating the ██████ Chevrolet Cruze parked in the front yard. The neighbor was able to speak with the resident's family member, who in turn contacted ██████ stated she and her son, ██████ (D1), were at the Publix, located at 901 Doyle Road, Deltona, shopping. Deputies were given ██████'s phone number and he stated he was willing to speak to deputies at the 7-11 gas station, located at 839 Debary Avenue, Deltona.

Deputies then responded to the 7-11 and contacted ██████ who was detained in handcuffs. Deputy Woodin arrived shortly after ██████ was detained. Deputy Woodin observed ██████ to be wearing a black shirt, blue Dickie shorts, and black slides. Deputy Woodin also observed that ██████ had a slight goatee facial hair. Deputy Woodin read ██████ his Miranda Warning & Rights from his agency issued card. ██████ stated he understood and that he wished to speak with Deputy Woodin and that he did not have anything to hide. ██████ stated that he was alerted to deputies' presence by his brother's ex-girlfriend and believed that it was due to his brother violating his probation. ██████ stated that his brother is currently in the hospital due to being sick. ██████ stated that he arrived in Deltona approximately two days ago by driving his red Ford Expedition bearing Florida tag ██████ to take care of his brother who was in the hospital. Deputy Woodin asked ██████ how he arrived at the 7-11. ██████ stated that he walked from his brother's residence on ██████ to Thornby Park, located at 110 Providence Boulevard, Deltona, directly south of the 7-11. ██████ stated he was doing cardio at the park due to having high blood pressure and attempting to lose weight. ██████ stated that he used to reside with his brother at ██████ Deltona prior to moving to Naples. When asked if he was driving the ██████ Chevrolet registered to his mother, ██████ stated that he did not have the key to the Chevrolet parked at his brother's house, nor did he drive it at all the prior two days. Deputy Woodin then asked where his mother was located at, to which he stated she was in Naples. Deputy Woodin asked ██████ if he was in Deltona by himself, to which he stated he was. Deputy Woodin asked ██████ if the ██████ Chevrolet was driven at all on May 7th, ██████ stated that it had not and that his brother had the key to the vehicle.

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Deputy Woodin then told [REDACTED] that he knew he was lying because of the law enforcement technology which proves the vehicle was being driven in Deltona. Deputy Woodin again asked [REDACTED] if he drove the [REDACTED] Chevrolet, to which he stated he did not and that his mother, who was in Naples, had the key to the car. Deputy Woodin then asked [REDACTED] where his vehicle was, to which he stated it was with his mother in Naples. Deputy Woodin asked [REDACTED] how he got to Deltona, to which he stated that his mother dropped him off in his Expedition and drove back to Naples. Deputy Woodin then confronted [REDACTED] about his inconsistent statement, asking [REDACTED] how the [REDACTED] Chevrolet was in Deltona if his mother was in Naples, and he drove his expedition to Deltona by himself. Deputy Woodin again asked [REDACTED] if he was driving on today's date, to which he again stated he was not. Deputy Woodin asked [REDACTED] what he was doing prior to exercising at the park, to which he stated he was at home and went to see his brother in the hospital. Deputy Woodin asked [REDACTED] how he got to the hospital, to which he stated he took an uber in a red Honda approximately 3 hours ago. Deputy Woodin then confronted [REDACTED] again and told him that he knew he was lying about the vehicle not being driven. Deputy Davis then showed Marlon the picture from the law enforcement technology which shows the [REDACTED] Chevrolet in Deltona with a timestamp. Deputy Woodin then confronted [REDACTED] that he was lying and told him the reason he was being detained and the allegations made against him. Deputy Davis then informed [REDACTED] that Deputies were attempting to give [REDACTED] an opportunity to give his side of the story. Deputy Woodin again asked [REDACTED] if he was driving the [REDACTED] Chevrolet. [REDACTED] acquiesced and stated he was. Deputy Woodin then asked [REDACTED] what happened in the incident with [REDACTED]. [REDACTED] stated that he was cut off by [REDACTED] and that [REDACTED] started to follow him. [REDACTED] stated that he was afraid for his and his mother's safety. Deputy Woodin asked [REDACTED] if he had a firearm, to which he stated he did but it was with his mother in his [REDACTED] Ford Expedition at the Publix. [REDACTED] stated that [REDACTED] cut him off after the lanes merge on Saxon Boulevard at West Finland Drive. Deputy Woodin asked [REDACTED] if any words were exchanged between himself and [REDACTED] to which he stated that [REDACTED] was yelling at him. Deputy Woodin asked how his firearm was involved and where it was kept in the Chevrolet Cruze. [REDACTED] stated he carries his firearm on his person and that he has an armed security license and concealed carry license. [REDACTED] stated that when [REDACTED] was following him, he unholstered his firearm and put it in the cupholder. Deputy Woodin asked if he only moved the firearm from his holster on his hip to the cup holder, how did it become visible to [REDACTED]. [REDACTED] then stated that he may have held the firearm up in view of [REDACTED] but never pointed the firearm at him. [REDACTED] further stated he never exited the vehicle at any point and walked towards [REDACTED] vehicle.

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Deputy Duffy responded to ██████████ residence to conduct a show up with ██████████. Upon her arrival ██████████ confirmed that ██████████ was the male involved in the incident. (See Deputy Duffy's supplement for further information).

Based on his investigation and the totality of the circumstances, Deputy Woodin determined probable cause exists to place ██████████ under arrest for aggravated assault for a deadly weapon.

Deputy Arias contacted ██████████ at the Publix. ██████████ stated that she and ██████████ went to the Walmart on Saxon Boulevard in Deltona at approximately 1330 hours in her ██████████ Chevrolet. ██████████ then stated that she and ██████████ went to visit her son in the hospital. Deputy Arias asked ██████████ what happened after they left the hospital. ██████████ stated she and ██████████ went back to her son's residence on ██████████. Deputy Arias asked ██████████ if they got into a road rage incident, to which she stated they did not. Deputy Arias then asked ██████████ if someone came at them and they got into an argument, to which she again stated no.

██████████ was in possession of ██████████'s Expedition at the Publix. After placing ██████████ under arrest, Deputy Woodin transported ██████████ to the location of his Expedition and asked for consent to search his vehicle for his firearm. It should be noted Deputy Woodin stayed with ██████████ and told him that if he wished to revoke consent at any time to tell Deputy Woodin. Deputies searched the vehicle and located ██████████'s black Glock 19 handgun underneath the rear driver's seat, along with his holster, one magazine, and 14 rounds of 9MM ammunition. Deputy Woodin submitted the aforementioned items into evidence and placed them in a District 4 evidence locker for collection.

Deputy Woodin will be completing a risk protection order on ██████████ due to this incident. Deputy Woodin located ██████████'s concealed carry permit, firearms license, and security guard license in his wallet. Deputy Woodin seized the aforementioned items and placed them into evidence pending the risk protection order submission.

██████████ was transported to the Volusia County Branch Jail after completion of paperwork.

Case Status: Arrest/Adult.

3. Affiant is is not aware of any existing protection order governing the respondent under any applicable statute.

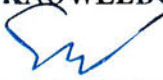
_____ Known protection orders are attached

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 19</u>	Location	<u>VSO EVIDENCE</u>
Quantity	<u>14</u>	Type	<u>9MM ammo</u>	Location	<u>VSO EVIDENCE</u>
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: 05/07/2023 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 07 day of May, 2023, by Deputy Stephen Woodin
Affiant's name


Signature of Attesting LEO Witness

Deputy 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)