

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

VOLUSIA COUNTY SHERIFF'S OFFICE,  
Petitioner

v.

Case No.: \_\_\_\_\_

Division: \_\_\_\_\_

VCSO Case Number  
190009819

\_\_\_\_\_,  
Respondent

PETITION FOR TEMPORARY EX PARTE RISK PROTECTION ORDER  
AND RISK PROTECTION ORDER

SECTION I. PETITIONER

1. Petitioner's full legal name or name of petitioning agency: Volusia County Sheriff's Office
2. Petitioner's law enforcement office/agency is located at *{street address, city, state, and zip code}*:  
123 W. Indiana Avenue, DeLand, FL 32724

SECTION II. RESPONDENT

1. Respondent's full legal name: \_\_\_\_\_
2. Respondent's current address: *{street address, city, state, and zip code}*:  
\_\_\_\_\_ Ormond Beach, FL 32174
3. Physical description of Respondent:  
Race: White Sex: Male  Female  Date of Birth: \_\_\_\_\_  
Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Hair Color: Brown
4. Distinguishing marks or scars: None observed
5. Vehicle *{make/model}*: None Color: N/A Tag Number: N/A
6. Other names Respondent goes by *{aliases or nicknames}*: \_\_\_\_\_
7. Respondent's email address *{if known}*: Unknown
8. Respondent's Driver's License number *{if known}*: \_\_\_\_\_
9. Respondent's attorney's name, address, and telephone number *{if known}*: None

### SECTION III. BASIS FOR PETITION

In support of this Petition the undersigned Law Enforcement Officer/Agency alleges:

1. 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.
2. A sworn affidavit alleging specific statements, actions, or facts based on personal knowledge that give rise to a reasonable fear of significant dangerous acts by the Respondent is attached to this petition and incorporated by reference.
3. The attached sworn affidavit includes a list of the quantities, types, and locations of all firearms and ammunition believed to be in the Respondent's ownership, possession, custody, or control.
4. Respondent poses a significant danger of injury to himself/herself or others by having in his/her control, or by purchasing, possessing, or receiving, a firearm or ammunition.

**[Required for Temporary Ex Parte Risk Protection Order]** Respondent poses this significant risk of injury in the near future.

5. Relevant evidence for the Court's consideration is detailed in the attached affidavit and shows that the Respondent:

was involved in a recent act or threat of violence against himself/herself or others;

engaged in an act or threat of violence; including but not limited to acts or threats of violence against himself/herself; within the past 12 months;

is seriously mentally ill or has recurring mental health issues;

has violated a risk protection order or no contact order issued under sections 741.30, 784.046, or 784.0485, Fla. Stat.;

is the subject of a previous or existing risk protection order;

has violated a previous or existing risk protection order;

has been convicted of, had adjudication withheld on, or pled *nolo contendere* in Florida or in any other state to a crime that constitutes domestic violence as defined in s. 741.28, Fla. Stat.;

has used, or threatened to use, against himself/herself or others, any weapons;

has unlawfully or recklessly used, displayed or brandished a firearm;

has used or threatened to use on a recurring basis physical force against another person or has stalked another person;

has been arrested for, convicted of, had adjudication withheld, or pled *nolo contendere* to a crime involving violence or a threat of violence in Florida or in any other state;

has abused or is abusing controlled substances or alcohol;

has recently acquired firearms or ammunition;

other (Additional relevant information may be attached).

**SECTION IV. NOTICE**

Petitioner has made a good faith effort to provide notice to a family or household member of the Respondent and to any known third party who may be at risk of violence in compliance with s. 790.401(2)(f), Fla.Stat.

Petitioner will take the following steps to provide notice as required by s. 790.401(2)(f), Fla.Stat.

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**SECTION V. RISK PROTECTION ORDERS**

For the foregoing reasons, petitioner requests the Court to enter:

A **TEMPORARY EX PARTE RISK PROTECTION ORDER** in this matter requiring Respondent to:

1. Immediately surrender all firearms and ammunition in his or her custody, control, or possession and any license to carry a concealed weapon or firearm to the *{name of law enforcement agency}*; Volusia County Sheriff's Office
2. Not have in his/her custody, control, or possession any firearm or ammunition while this order is in effect;
3. Not purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect; and
4. Abide by any other lawful relief the Court may order.

Petitioner further requests this Court to schedule a Hearing for a Risk Protection Order to be held within 14 days.

A **RISK PROTECTION ORDER** in this matter requiring Respondent to:

1. Immediately surrender all firearms and ammunition in his or her custody, control, or possession and any license to carry a concealed weapon or firearm to the *{name of law enforcement agency}*; Volusia County Sheriff's Office
2. Not have in his/her custody, control, or possession any firearm or ammunition while this order is in effect;
3. Not purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect; and
4. Abide by any other lawful relief the Court may order.

Petitioner requests the Risk Protection Order to remain in effect for a period the Court deems appropriate, up to and including but not exceeding 12 months.

Respectfully submitted this 7th day of May, 2019.

  
Signature of Petitioner

Volusia County Sheriff's Office  
Law Enforcement Agency

123 W. Indiana Avenue  
DeLand, FL 32724  
Service Address

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]

VCSO Case Number  
19009819

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF VOLUSIA

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

On May 06, 2019, at approximately 2159 hours, Deputy Corbin responded to the Stewart-Marchman Act Chet Bell Crisis Center located at 1150 Red John Drive, Daytona Beach, in reference to a reported disturbance.

Upon arrival, Deputy Corbin made contact with [REDACTED] in the parking lot of the

1 Additional pages are attached.

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

facility. [REDACTED] stated he drove his ex-wife, [REDACTED] to the Stewart-Marchman Act Chet Bell Crisis Center to afford her the opportunity to seek voluntary assistance for an attempted suicide attempt. During an on scene interview with [REDACTED] Deputy Corbin obtained the following information:

1 Additional pages are attached.

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>N/A</u>	Type	<u>N/A</u>	Location	<u>N/A</u>
Quantity	_____	Type	_____	Location	_____
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: 05/07/2019

Signature of Affiant:

 8422

Sworn to or affirmed and signed before me on 05/07/2019 by Deputy Stephen Corbin

Date

Affiant's Name

who  is personally known to me or \_\_\_ presented \_\_\_\_\_, as identification.

 6842

Attesting LEO Witness or Notary Public, State of Florida

My commission expires: \_\_\_\_\_

**AFFIDAVIT CONTINUATION**

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facility. ██████████ stated he drove his ex-wife, ██████████ to the Stewart-Marchman Act Chet Bell Crisis Center to afford her the opportunity to seek voluntary assistance for an attempted suicide attempt.

After making contact with ██████████ Deputy Corbin made contact with ██████████ regarding this investigation. During contact with ██████████ Deputy Corbin obtained the following information:

██████████ said she consumed approximately four alcoholic beverages earlier in the evening. ██████████ stated she has been suffering with Depression resulting from her son's prior suicide death from approximately nine months ago. ██████████ advised she has attempted to seek counseling and assistance on her own accord. ██████████ refuted any accusations of attempting to harm herself earlier in the evening. ██████████ began very verbally aggressive, agitated, and irate when questioned about her actions and statements earlier in the evening. ██████████ smelled heavily of an odor commonly associated with the consumption of alcoholic beverages. ██████████ declined to seek assistance after being provided a conscientious explanation as to the reasoning for the requested services. There was a substantial likelihood without care or treatment, ██████████ would likely cause serious bodily harm to herself in the near future as evidence by her recent behaviors.

Given the above circumstances, Deputy Corbin placed ██████████ into protective custody under the Baker Act Statute. ██████████ was turned over to the Stewart-Marchman Act Chet Bell Crisis Center for an evaluation.

After ██████████ was placed in the care of the crisis center, Deputy Corbin again contacted ██████████ regarding this investigation. ██████████ indicated his ex-wife does not own any firearms. ██████████ stated he owns several firearms, all of which are secured with trigger locks. ██████████ stated ██████████ does not sleep in his bedroom, and does not have regular access to his firearms.



