

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} \_\_\_\_\_

VCSO Case Number 19-10187
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**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, {full legal name} Andrew Bayne, 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} \_\_\_\_\_ 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 05/11/2019 at approximately 0830 hours, Deputy Bayne and Sgt. Savercool responded to a 911-disconnect call at \_\_\_\_\_ Ormond Beach. The initial call into dispatch was a short call where an unknown male provided an address just before disconnecting the line. As Deputies were enroute, another call came in of the same address with a 911-disconnect and nothing was heard.

2 Additional pages are attached.

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

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\_\_\_\_\_ Additional pages are attached.

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>Bodyguard .38spl</u>	Location	<u>[REDACTED]</u>
Quantity	<u>3</u>	Type	<u>38spl hollowpoint</u>	Location	<u>[REDACTED]</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: 05-11-2019

Signature of Affiant: AB#8831

Sworn to or affirmed and signed before me on 05-11-2019 by Andrew Bayne

Date

Affiant's Name

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

Sgt. J. J. Lawcool #1365

Attesting LEO Witness or Notary Public, State of Florida

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

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST {Name of Respondent} [REDACTED]

**AFFIDAVIT CONTINUATION**

FROM SECTION 1 \_\_\_\_\_

PAGE 2 \_\_\_\_\_ OF 3 \_\_\_\_\_

Upon arrival, Deputy Bayne met with Sgt. Savercool who had already begun to investigate the incident after receiving no response from within the residence. Deputies discovered the residence appeared secure. They were able to see into the living room, dining area, and laundry room, which appeared undisturbed; however, they could not see into any of the other rooms. There was a [REDACTED] bearing South Carolina tag: [REDACTED] in the driveway (found to be a rental vehicle).

Contact was made with neighbors who advised the homeowners have a male subject, later identified as [REDACTED] (VI), who helps them with tasks around the house, and the neighbors had some reservations about him. [REDACTED] was reportedly supposed to transport the homeowners to an airport to travel to Maine this morning, but no one had seen them leave. The neighbors further indicated they did not believe [REDACTED] was allowed to be at the residence if the owners were away. None of the neighbors knew who the [REDACTED] in the driveway belonged to and a history check on the tag revealed the vehicle was involved in a shoplifting incident in Daytona Beach on 05/05/2019. It should also be noted the phone number the 911 calls originated from belonged to [REDACTED]

Deputies were unable to come into contact with the homeowners or [REDACTED] during this time after repeated attempts (via ringing the doorbell and knocking on the doors and windows). Deputies observed both vehicles registered to the homeowners still inside the garage of the residence. Fearing that the residents may be inside and injured or in danger, deputies decided to attempt to make entry into the residence.

Deputies requested the assistance of the Ormond Beach Fire Department who responded regarding entry into the home. Deputies and Firefighters were able to make entry to the home using the western most door that leads into the garage. As Deputies made entry Sgt. Savercool announced Deputies' presence and for anyone inside to make themselves known. After this announcement, a male announced his presence and was ordered from a bathroom inside the residence. Upon contact, the male (identified as [REDACTED] was detained and escorted to Deputy Bayne's patrol vehicle, pending the continued clearing of the residence.

During the course of clearing the residence, Deputies located a black revolver on the floor in the eastern bathroom area that [REDACTED] came from. A continued clearing of the residence yielded no additional persons.

Deputy Bayne then returned to his patrol vehicle and made contact with [REDACTED]. There, Deputy Bayne advised [REDACTED] of the Miranda Warning via his VCSO issued Miranda card. After explanation of his rights, [REDACTED] advised he was willing to answer questions without legal representation present. Deputy Bayne inquired about his presence at the residence, which [REDACTED] advised the following:

(See Continuation Pg3)

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST {Name of Respondent} [REDACTED]

AFFIDAVIT CONTINUATION

FROM SECTION 1 \_\_\_\_\_

PAGE 3 \_\_\_\_\_ OF 3 \_\_\_\_\_

[REDACTED] has known the home owners, [REDACTED] and [REDACTED] since approximately 2017. [REDACTED] advised he has been helping the [REDACTED] with errands and work around the house due to them being elderly. [REDACTED] stated he transported the [REDACTED] to the Sanford airport at approximately 0430 hours this morning where they were to depart for Maine. [REDACTED] stated he was told by the [REDACTED] that he can visit here while they are staying for six months in Maine, as long as he continues work on the house chores. [REDACTED] stated he did not initially answer the door, due to voices he has been hearing the past few days. [REDACTED] explained he has been having auditory hallucinations for the past few days involving them telling him law enforcement is looking for him regarding his involvement in an alleged credit card scheme. [REDACTED] stated after leaving work last night, he went to his uncle's house in Bunnell. [REDACTED] stated while there, he observed a recording from the uncle's surveillance footage, and advised he believes someone tampered with it. Then, while on the phone with his mom, he heard a static-like voice telling him that what he is experiencing was real and not a joke/hallucination. [REDACTED] stated he started to become further disturbed by the auditory hallucinations last night while the [REDACTED] and he were at the residence, prior to him taking them to the airport.

[REDACTED] explained he was in the master bathroom while the [REDACTED] were in the master bedroom. [REDACTED] advised he was experiencing the auditory hallucinations again and thought he heard somebody enter the bathroom and saw some figure/reflection in the glass of the shower door. In fear, [REDACTED] stated he fired his revolver handgun twice, with one of the rounds shattering the glass window of the shower. [REDACTED] stated the [REDACTED] were aware of the shooting incident occurring, and upon explanation of what happened, they advised he just needed to make sure he fixes the damages for them prior to them coming back from Maine.

Deputy Bayne asked [REDACTED] if he suffers from any diagnosis of mental illness, to which he stated he has not been diagnosed with any mental illness. Deputy Bayne asked if [REDACTED] uses narcotics, to which [REDACTED] stated he has not used in approximately three to four days, but what he does use is Methamphetamine. Deputy Bayne asked if [REDACTED] feels his narcotics usage is contributing to his auditory hallucinations to which [REDACTED] stated it was a possibility.

Deputy Bayne further inquired about the 911-disconnect as being the reason Deputies responded to this residence. [REDACTED] stated he was the one who called [REDACTED] due to having further auditory hallucinations and fearing that someone was breaking into the residence. This was also confirmed as the caller's phone number in Computer-Aided-Dispatch as being [REDACTED]'s phone number.

Due to the totality of the circumstances with all information provided to Deputy Bayne, Deputy Bayne has a well-founded belief that [REDACTED] is unable to determine for himself whether mental examination is necessary, and there is a substantial likelihood that without care or treatment, [REDACTED] will cause serious bodily harm to himself or others in the near future as evidenced by recent behavior. [REDACTED] was placed into protective custody under the Baker Act and subsequently transported to Halifax Hospital in Daytona Beach.

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  
19-10187

\_\_\_\_\_  
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: Andrew Bayne
2. Petitioner's law enforcement office/agency is located at *{street address, city, state, and zip code}*:  
123 W. Indiana Avenue DeLand, FL 32720

**SECTION II. RESPONDENT**

1. Respondent's full legal name: \_\_\_\_\_
2. Respondent's current address: *{street address, city, state, and zip code}*:  
\_\_\_\_\_ Bunnell, FL 32110
3. Physical description of Respondent:  
Race: White Sex: Male  Female  Date of Birth: \_\_\_\_\_  
Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_
4. Distinguishing marks or scars: None
5. Vehicle *{make/model}*: \_\_\_\_\_ Color: \_\_\_\_\_ Tag Number: \_\_\_\_\_
6. Other names Respondent goes by *{aliases or nicknames}*: N/A
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}*: Unknown



### 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 11 day of May, 2019.



\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Volusia County Sheriff's Office  
Law Enforcement Agency

\_\_\_\_\_  
1355 Aspen St.  
\_\_\_\_\_  
Bunnell, FL 32110  
\_\_\_\_\_  
Service Address



RISK PROTECTION ORDER / BAKER ACT FIREARMS AND AMMUNITION RECEIPT

Report Date 05/11/2019	Report Time 0825	Orig. Reported Date 05/11/2019	Nature of Call (for Incident) BAKER	Agency Report Number 190010187	1. Original 2. Supplement 1		
Status Code: 1. Evidence 6. Recovered		7. Recovered (Outside Agency Recovered)	13. Disposal 17. Baker Act	22. RPO (Voluntary Surrender) 23. RPO (Seized)	Category Code: J. Special Documents Y. All Other Items (Guns and Ammunition)		
Leave Blank	Item # 1	Status 22	Category Y	Quantity 1	Description BLACK REVOLVER		
If Gun	Make SMITH & WESSON	Model BODYGUARD	Caliber .38SPL	Type / Cat REVOLVER	Action SINGLE ACTION	Finish BLACK	Serial Number CXX1443BG38
Leave Blank	Item # 2	Status 22	Category Y	Quantity 3	Description THREE HOLLOW POINT 38SPL CARTRIDGES		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
Leave Blank	Item #	Status	Category	Quantity	Description		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
Leave Blank	Item #	Status	Category	Quantity	Description		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
Leave Blank	Item #	Status	Category	Quantity	Description		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
Leave Blank	Item #	Status	Category	Quantity	Description		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
Leave Blank	Item #	Status	Category	Quantity	Description		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
Leave Blank	Item #	Status	Category	Quantity	Description		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number

**INITIALS**  
 Respondent: \_\_\_\_\_ Pursuant to 790.401(7)(c), Florida Statutes, the firearm(s) and/or ammunition and/or license to carry a concealed weapon were surrendered by Respondent or seized by a Deputy of the Volusia County Sheriff's Office on 05/11/2019.

Respondent: \_\_\_\_\_ I am the owner of the firearm(s), ammunition, or license to carry a concealed weapon or firearm and I hereby knowingly and voluntarily consent to the surrender of the items listed in this report to the Volusia County Sheriff's Office.

Respondent: \_\_\_\_\_ I am the owner of the firearm(s) and/or ammunition listed in this report. I hereby request the firearms and/or ammunition be turned over to:  
 (Name) \_\_\_\_\_  
 (Address) \_\_\_\_\_  
 (Telephone Number) \_\_\_\_\_

I, Deputy or Evidence Employee of the Volusia County Sheriff's Office, acknowledge receipt of the above listed items which were either surrendered or seized on 05/11/2019, at 447 LONG COVERD, ORMOND BEACH, FL, 32174

<b>SIGNATURES</b>	Respondent	Date 5-11-19	Deputy							
<b>CUSTODY</b>	Item # 1-2	Date: 05/11/19	Time: 1400	Released by (Printed): X _____	Released by (Signature): X _____	Received by (Printed): DIS BAYNE #8831	Received by (Signature): _____			
<b>CUSTODY</b>	Leave Blank	Date: 05/11/19	Time: 1800	Reason for Change: VOLUNTARY SURRENDER	Released by (Signature): DIS Bayne #8831	Received by (Printed): DIS North Evidence Locker	Received by (Signature): _____			
<b>ADMIN.</b>	Officer Reporting - Printed BAYNE, ANDREW	Officer Reporting - Signature _____	ID Number 8831	Unit 1B32	Date 05/11/2019	Officer Reviewing - Printed (if Applicable) Gus Silver	Officer Reviewing - Signature (if Applicable) _____	ID Number 6042	Unit 1A30	Date 05/11/2019

VOLUSIA COUNTY SHERIFF'S OFFICE

Clerk of Court's Number

RISK PROTECTION ORDER / BAKER ACT FIREARMS AND AMMUNITION RECEIPT

Page 1 of 1 Pages

Report Date	Report Time	Orig. Reported Date	Nature of Cal (for Incident)	Agency Report Number	1. Original	2. Supplement	1
05/11/2019	0825	05/11/2019	BAKER	190010187			
Status Code: 1. Evidence 6. Recovered 7. Recovered (Outside Agency Recovered) 13. Disposal 17. Baker Act 22. RPO (Voluntary Surrender) 23. RPO (Seized)				Category Code: J. Special Documents Y. All Other Items (Guns and Ammunition)			
Leave Blank:	Item #	Status	Category	Quantity	Description		
	1	22	Y	1	BLACK REVOLVER		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
	SMITH & WESSON	BODYGUARD	.38SPL	REVOLVER	SINGLE-ACTION	BLACK	CXX1443BG38
Leave Blank:	Item #	Status	Category	Quantity	Description		
	2	22	Y	3	THREE HOLLOW POINT 38SPL CARTRIDGES		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
Leave Blank:	Item #	Status	Category	Quantity	Description		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
Leave Blank:	Item #	Status	Category	Quantity	Description		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
Leave Blank:	Item #	Status	Category	Quantity	Description		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
Leave Blank:	Item #	Status	Category	Quantity	Description		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
Leave Blank:	Item #	Status	Category	Quantity	Description		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
Leave Blank:	Item #	Status	Category	Quantity	Description		
If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number

**INITIALS**  
 Pursuant to 790.401(7)(c), Florida Statutes, the firearm(s) and/or ammunition and/or license to carry a concealed weapon were surrendered by Respondent or seized by a Deputy of the Volusia County Sheriff's Office on 05/11/2019.

I am the owner of the firearm(s), ammunition, or license to carry a concealed weapon or firearm and I hereby knowingly and voluntarily consent to the surrender of the items listed in this report to the Volusia County Sheriff's Office.

I am the owner of the firearm(s) and/or ammunition listed in this report. I hereby request the firearms and/or ammunition be turned over to:  
 (Name) \_\_\_\_\_  
 (Address) \_\_\_\_\_  
 (Telephone Number) \_\_\_\_\_

I, Deputy or Evidence Employee of the Volusia County Sheriff's Office, acknowledge receipt of the above listed items which were either surrendered or seized on 05/11/2019, at DRMOND BEACH, FL, 32174

**SIGNATURES**  
 Respondent: \_\_\_\_\_ Date: 5-11-19 Deputy: \_\_\_\_\_

CUSTODY	Item #	Date	Time	Released by (Printed):	Released by (Signature):	Received by (Printed):	Received by (Signature):	
	1-2	05/11/19	1400			D/S BAYNE #8831		
	Leave Blank			Reason for Change: VOLUNTARY SURRENDER				
	1-2	05/11/19	1800	D/S Bayne #8831	ABayne #8831	D/S North Evidence Locker		
	Leave Blank			RISK PROTECTION ORDER				
ADMIN.	Officer Reporting - Printed BAYNE, ANDREW			Officer Reporting - Signature ABayne #8831		ID Number 8831	Unit 1B32	Date 05/11/2019
	Officer Reviewing - Printed (if Applicable)			Officer Reviewing - Signature (if Applicable)		ID Number	Unit	Date