

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
19-11131

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF Volusia

I, *{full legal name}* Jacob Nealis, in my position as *{job title}* Deputy Sheriff II 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:

BWC RECORDING

On 05/23/2019, at approximately 0204 hours, Deputy Nealis responded to Critter's Pub, located at 2946 Howland Blvd., in reference to an Assault and Battery involving an firearm. Upon arrival, Deputy Nealis made contact with ██████████ (V1) who provided

2 Additional pages are attached.

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

██████████ stated he observed a verbal argument between a female and a male in a black SUV. ██████████ advised when he went to check on the well being of the occupants of the vehicle, the driver ██████████ (D1) pointed a gun on him. ██████████ stated he was in fear for his life and immediately vacated the area of the vehicle.

0 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 _____	Type _____	Location _____
Quantity _____	Type _____	Location _____
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: 05/23/2019 Signature of Affiant:  8427

Sworn to or affirmed and signed before me on 05/23/2019 by Jacob Nealis

Date Affiant's Name

who is personally known to me or ___ presented _____, as identification.


Attesting LEO Witness or Notary Public, State of Florida
My commission expires: _____
Deputy Gadenzi 8548

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____
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the following statement.

[REDACTED] stated he and several patrons were outside the bar when he heard a glass break, [REDACTED] advised he looked up and observed his wife was talking loudly to someone in black SUV. [REDACTED] stated he approached the driver of the vehicle, later identified as [REDACTED] (D1), and asked if he was okay. [REDACTED] advised [REDACTED] asked him if it was okay and then pulled a pistol up at him. [REDACTED] stated he jumped back and [REDACTED] fled the scene. [REDACTED] advised when [REDACTED] raised the pistol up it made him fear for his life. [REDACTED] completed a sworn written statement and advised he wished to pursue charges.

Deputy Nealis then made contact with [REDACTED] (V2). [REDACTED] stated he observed [REDACTED] punch a female, later identified as [REDACTED] (V3), in the face in the parking lot. [REDACTED] advised when he confronted [REDACTED] he pulled a pistol out and pointed it at him and [REDACTED] stated [REDACTED] then left the bar. [REDACTED] advised when the pistol was pointed at him, he was in fear for his life. [REDACTED] completed a sworn written statement and advised he wished to pursue charges.

Deputy Nealis then made contact with [REDACTED] (W1), who is a bartender at Citter's Pub. [REDACTED] stated she observed [REDACTED] strike [REDACTED] in the face with a closed while they were in the parking lot. [REDACTED] advised she also observed [REDACTED] holding her face as they left the parking lot. [REDACTED] completed a sworn written statement.

Deputy Nealis also spoke with another Citter's employee, [REDACTED] (W2). [REDACTED] stated he looked up from the bar and observed [REDACTED] break a beer bottle. [REDACTED] advised [REDACTED] and [REDACTED] then began arguing and then got into a black Chevrolet SUV bearing Florida tag JMAJ81. [REDACTED] stated he then observed [REDACTED] punch [REDACTED] in the face several times before he was approached by [REDACTED] and [REDACTED] advised [REDACTED] then began yelling and left the parking lot. [REDACTED] completed a sworn written statement.

Deputy Nealis then made contact with a patron of the bar, [REDACTED] (W3). [REDACTED] stated he observed [REDACTED] strike [REDACTED] in the face and then drive away in black Chevrolet SUV. [REDACTED] completed a sworn written statement.

Upon further investigation, it was determined the vehicle was registered to [REDACTED] at [REDACTED], in Deltona. Deputies responded to the residence and observed the vehicle to be parked in the driveway. Deputies established a perimeter and were able to make contact with [REDACTED] and [REDACTED] (W4) outside the residence. It was then determined that [REDACTED] was inside the residence. [REDACTED] allowed deputies into the residence to make contact with [REDACTED] where he was secured in handcuffs.

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____
PAGE 3 _____ OF 3 _____

[REDACTED] only provided a statement advising she did not wish to pursue charges against [REDACTED].
Deputies observed [REDACTED] to have no visible injuries. Deputies obtained digital photographs of [REDACTED].

Deputies then made contact with [REDACTED] who is [REDACTED]'s ex husband. [REDACTED] stated he was asleep on the sofa when [REDACTED] and [REDACTED] returned home causing a scene. [REDACTED] advised he observed [REDACTED] push [REDACTED] and he confronted him. [REDACTED] stated [REDACTED] then charged at him and they became engaged in a physical altercation. [REDACTED] advised when it was over, [REDACTED] got up and went to his bedroom. [REDACTED] completed a sworn written statement and advised he did not wish to pursue charges.

[REDACTED] was observed to be highly intoxicated and to have severe swelling on his right eye. [REDACTED] was transported to Halifax hospital in Deltona for evaluation.

After a thorough investigation, coupled with statements from all parties involved, Deputy Nealis determined [REDACTED] to be the primary aggressor of the incident. At this point [REDACTED] was taken into custody. [REDACTED] would ultimately be charged with simple battery with domestic violence on his girlfriend he resides with, [REDACTED] and two counts to aggravated assault with a deadly weapon with out the intent too kill by placing [REDACTED] and [REDACTED] in fear for their lives. He was later transported to the Volusia County Branch Jail, having No Bond allowed for the battery and a total bond of \$5,000 for the aggravated assault charges.

Deputies provided [REDACTED] with a Victim's Rights and Remedies pamphlet, for which she signed for.

Deputies were unable to locate the firearm from the above listed statements

Deputy Nealis completed a Risk Protection Order for [REDACTED] due to his actions.

A check of [REDACTED] criminal history revealed no felony or misdemeanor convictions.