

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  
19-11628

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, {full legal name} Robert McCabe, 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.

- {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 05-29-2019, Deputies responded to ██████████ Deltona, in reference to a suicidal female. Once on scene, contact was made with ██████████ (R1), who advised his mother, ██████████ (VI), made suicidal statements. ██████████ and ██████████ engaged in a verbal altercation, resulting in ██████████ storming out of the residence. Upon ██████████ leaving,

1 Additional pages are attached.

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

Please see affidavit continuation page for details.

1 Additional pages are attached.



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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 _____	Type _____	Location _____
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: 05/29/2019 Signature of Affiant: 

Sworn to or affirmed and signed before me on 05/29/2019 by Robert McCabe  
Date Affiant's Name

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

SGT. J. McDonald 1636  
Attesting LEO Witness or Notary Public, State of Florida  
My commission expires: LEO

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

**When should this form be used?**

This form should be used to obtain an order that will require a person who is at high risk of harming himself/herself or others to immediately surrender all firearms and ammunition in his/her custody, control, or possession and any license to carry a concealed weapon or firearm.

**Who may file this form?**

A petition must be filed by a law enforcement officer or law enforcement agency.

**Where should this form be filed?**

A petition must be filed in the county where the petitioner's law enforcement office is located or the county where the respondent resides.

**What must be shown?**

The petition and accompanying affidavit must allege specific statements, actions, or facts based on personal knowledge that give rise to a reasonable fear of significant dangerous acts by the Respondent, and that 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.

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

VOLUSIA COUNTY SHERIFF'S OFFICE,  
Petitioner

v.

[REDACTED],  
Respondent

Case No.: 19-11628

Division: LAW ENFORCEMENT

VCSSO Case Number  
19-11628

**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 Ave, Deland FL, 32724

**SECTION II. RESPONDENT**

1. Respondent's full legal name: [REDACTED]
2. Respondent's current address: {street address, city, state, and zip code}:  
1798 Gatewood Drive, Deltona FL, 32738
3. Physical description of Respondent:  
Race: Asian Sex: Male  Female  Date of Birth: [REDACTED]  
Height: [REDACTED] Weight: [REDACTED] Eye Color: [REDACTED] Hair Color: Brown
4. Distinguishing marks or scars: N/A
5. Vehicle {make/model}: [REDACTED] Color: [REDACTED] Tag Number: [REDACTED]
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}: [REDACTED]
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.

  X   Petitioner will take the following steps to provide notice as required by s. 790.401(2)(f), Fla.Stat.  
Person, telephone, or by certified mail.

**SECTION V. RISK PROTECTION ORDERS**

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

  X   **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.

  X   **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.

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Respectfully submitted this 29 day of May, 2019.



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**Signature of Petitioner**

Volusia County Sheriff's Office  
Law Enforcement Agency

123 W. Indiana Ave, Deland FL, 32724

Service Address