

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 19-17597

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF Volusia

I, *{full legal name}* Brian Howard, in my position as *{job title}* Detective with the *{name of law enforcement officer/agency}* Volusia County Sheriffs 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:

The attached narrative is in reference to Volusia County Sheriffs Office Case Number 19-17597

3 Additional pages are attached.

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

Please see attached narrative

0 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>1</u>	Type	<u>.22 Long Rifle</u>	Location	<u>VCSO Evidence</u>
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: 8/16/2019

Signature of Affiant: _____



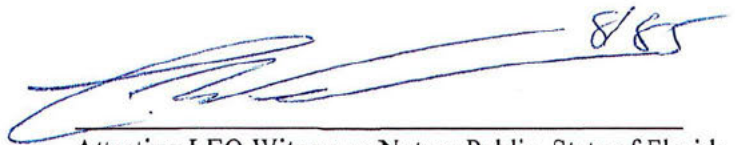
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Sworn to or affirmed and signed before me on 8/16/2019 by Det. Brian Howard

Date

Affiant's Name

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



8/85

Attesting LEO Witness or Notary Public, State of Florida
My commission expires: C. Weaver #8185

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On August 16th, 2019 at approximately 1100 hours, TFO Howard with FBI Joint Terrorism Task Force (JTTF) was contacted via phone by Detective Smith and made aware of this incident involving a possible plan for a mass shooting attack. Detective Smith advised the South Daytona Police Department patrol Sergeant Melady contacted the Volusia County Crime Center and made them aware of some concerning text messages sent to █████ █████ was reporting to South Daytona Police Department about several concerning text messages she was receiving from her recent ex-boyfriend █████ █████ (DI). █████ provided the text messages to Sergeant Melady, who later provided the information to Detective Smith. The messages were sent to TFO Howard via email, which read the following;

Sunday August 11th, 2019 at 1145 hours

█████ to █████ – A school is a weak target.. id be more likely to open fire on a large crowd of people from over 3 miles away.. I'd wanna break a world record for longest confirmed kill ever.

█████ to █████ – I wanna open fire on a large crowd of people from over 3 miles away before I die and I need a spotter (laughing cry face emoji)

█████ to █████ – What you wanna do after the fact, is your own business, if you want to plan to escape we can work on that. But I don't intend on walking away alive, unless I see it fit.

█████ to █████ – But a good 100 kills would be nice. I already have a location (laughing cry face emoji) is that bad?

█████ to █████ – Ah well even if you told someone, me saying I wanna do it and think about it is not the same as actually doing it lol. Was kinda hoping someone would come into my life worth not doing it for, for the sake of all those people (laughing cry face emoji). I'm not crazy I just wanna die and I wanna have fun doing it, but I'm the most patient person in the world.

TFO Howard was made aware by Detective Smith █████ █████ Cadillac █████ was entered into the hotlist and New Smyrna Police Department Detective Diffin is Pinging his cell phone. TFO Howard was sent a screen shot of a geo location for █████ cell phone █████ in the Daytona Beach Shores Winn Dixie parking lot. TFO Howard immediately responded to the last known area as Detective Diffin was notifying DBSPD Sergeant Medders. As TFO Howard was en-route to the Winn Dixie parking lot, TFO Howard heard on the radio, DBSPD has eyes on the aforementioned █████ Cadillac bearing █████ As TFO Howard was arriving on-scene DBSPD observed █████ exiting the Winn Dixie with groceries in his hand. █████ was contacted and taken into custody by DBSPD officers as he was attempting to enter the driver door of the aforementioned █████ Cadillac. Upon contact █████ asked DBSPD Detective Wilmot if this was related to some unpaid fines or tickets. █████ was secured and placed in the back of a DBSPD patrol vehicle.

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Due to the jurisdictional issues of the case, it was discussed with command staff and agreed upon VCSO would handle the case, as it was originally reported to South Daytona Police Department on August 15th, 2019, transferred to New Smyrna Police Department for further investigation, Volusia County Crime Center was made aware of the information, █████ being located in Daytona Beach Shores and living in the jurisdiction of Daytona Beach at █████ Daytona Beach.

The following information was obtained from the other agencies;

New Smyrna Beach Police Department

NSBPD was made aware of the incident on August 15th, 2019 during the evening hours.

NSBPD attempted to locate █████ at his employer at █████ in New Smyrna Beach, which yielded negative results.

NSBPD Detective Olsen made contact with █████ on August 16th, 2019, who provided her with a sworn statement describing all the known information about how she recently met █████ and his attitude changed from nice to clingy as she began to distance herself from him in the past week. Detective Olsen captured her contact with █████ on her agency body worn camera and further obtained the photos of the messages █████ phone

NSBPD began initiating a PING on █████ phone on August 16th, 2019, which showed him in the area of the Shores.

NSBPD notified Sergeant Medders in Shores as they began a BOLO

See NSBPD agency report (190800079) for additional details

Daytona Beach Shores Police Department

DBSPD officers, detectives and command staff were notified of the incident at approximately 1130 hours on August 16th, 2019. All DBSPD units traveled to the area of the Winn Dixie parking lot as it was the last known location of █████ cell phone based on the PINGs.

DBSPD Detective Wilmot observed the vehicle unoccupied at 1155 hours as units set up in the area and waited for █████ to possibly exit the shopping plaza. Several minutes later Detective Wilmot advised she observed █████ exit the Winn Dixie and walk towards the █████ Cadillac, which is registered to █████ attempted to enter the driver side door of the █████ Cadillac as he was contacted and taken into custody by DBSPD. Detective Wilmot advised █████ inquired if this was about some unpaid fines as he was secured and placed in the back of a DBSPD patrol vehicle. When being asked his name and address, █████ advised he lives with his family at █████ Daytona Beach.

DBSPD secured the vehicle with evidence as it was followed and transported to VCSO evidence facility pending a search warrant.

Please see DBSPD report 190800115 for complete details

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Daytona Beach Police Department

DBPD responded to the Winn Dixie and made contact with TFO Howard and DBSPD. TFO Howard requested they and DBSPD CID respond to ██████████, Daytona Beach, and make contact with ██████████ family in attempt to gain consent to search the residence for firearms, cell phones, computers.

TFO Howard was made aware upon contact with ██████████ step father ██████████, he was unsure about giving consent and denied law enforcement the consent to search the residence. DBPD and DBSPD secured the residence and had ██████████ wait outside while TFO Howard drafted a search warrant.

██████████ was transported to VCSO Operations as he was seated in the recorded interview room and interviewed post Miranda by Detective Huffman and Detective Corbin of the Eastside Detectives Unit. During the interview ██████████ made multiple comments about being fascinated about mass shootings and further advised he was at his residence at ██████████ Daytona Beach, when he made the above mentioned mass shooting comments to ██████████ advised he does not own any firearms. Let it be known ██████████ told DBSPD there is a 22 rifle in the residence. Further ██████████ advised his Samsung note 8 is currently in the bedroom at the ██████████, Daytona Beach.

Based on totality of the investigation, TFO Howard determined probable cause did exist to charge ██████████ with FSS 836.10 Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism; punishment; exemption from liability.—

(1) Any person who writes or composes and also sends or procures the sending of any letter, inscribed communication, or electronic communication, whether such letter or communication be signed or anonymous, to any person, containing a threat to kill or to do bodily injury to the person to whom such letter or communication is sent, or a threat to kill or do bodily injury to any member of the family of the person to whom such letter or communication is sent, or any person who makes, posts, or transmits a threat in a writing or other record, including an electronic record, to conduct a mass shooting or an act of terrorism, in any manner that would allow another person to view the threat, commits a felony of the second degree, punishable as provided.

Further TFO Howard served a search warrant at ██████████ known residence located at ██████████, Daytona Beach, as he stated during his interview the cell phone he used to make the written threats is located inside his bedroom in the residence. A .22 Caliber rifle was also located inside of the house along with over 400 rounds of ammunition. Additionally TFO Howard is drafting a search warrant for ██████████ Cadillac SUV, as it is registered to him and he was attempting to enter it as he was taken into custody by DBSPD on August 16th, 2019.