

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
19-22364

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF Volusia

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

See affidavit continuation for narrative.

3 Additional pages are attached.

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

See affidavit continuation for narrative.

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>2</u>	Type <u>Handguns</u>	Location <u>Residence</u>
Quantity <u>1</u>	Type <u>Shotgun</u>	Location <u>Residence</u>
Quantity _____	Type _____	Location _____
Quantity _____	Type _____	Location _____
Quantity _____	Type _____	Location _____
Quantity _____	Type _____	Location _____

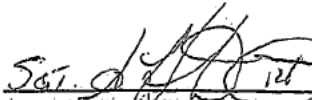
_____ Additional pages are attached.

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: 10/25/19 Signature of Affiant: 

Sworn to or affirmed and signed before me on 10/25/19 by Brady Bergeron
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: _____

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST {Name of Respondent} [REDACTED]

AFFIDAVIT CONTINUATION

FROM SECTION 2

PAGE 1 OF 2

On 10/17/2019 at 1513 hours, deputies responded to [REDACTED] NSB in reference to a suicidal person. [REDACTED] (O-1) told his mother, [REDACTED] (R-1) he was going to shoot himself.

Deputies arrived on scene, set up a perimeter around the residence, and attempted to make contact with [REDACTED] via phone and PA system.. Deputies attempted for several hours to contact [REDACTED] or his wife, [REDACTED] (O-2) via phone and PA, but were met with negative results. At approximately 1840 hours, [REDACTED] exited the residence through the back door where she was contacted by deputies.

[REDACTED] stated she was asleep in the residence for the first few hours of the incident. When she woke up at around 1830 hours, she observed [REDACTED] sitting on a bed in another bedroom with a shotgun beside him on the bed. [REDACTED] asked [REDACTED] about it and he stated he wanted to be gone and began laughing. [REDACTED] stated she and [REDACTED] have a "dark" sense of humor, so she did not seem too concerned about it. [REDACTED] stated at the same time, she heard [REDACTED]'s cell phone constantly ringing and heard the Volusia Sheriff's Office giving commands over the PA system for her to exit the residence. [REDACTED] stated [REDACTED] would not tell her what was going on so she checked her cell phone. When she checked her phone, she saw messages from her mother giving brief details about what was going on and telling her to go outside to contact deputies. At this time, [REDACTED] grabbed the shotgun that was beside [REDACTED] and hid it under the cushions in the love seat sofa. [REDACTED] also located 2 of [REDACTED]'s handguns and hid them under piles of clothing in the home. After hiding the guns, [REDACTED] stepped outside to deputies. [REDACTED] stated [REDACTED] has been upset because he was supposed to inherit a home from his parents but they sold the home so he would no longer receive it. [REDACTED] believed [REDACTED] was just saying suicidal remarks for attention or trying to be funny and would not actually carry out an act.

At this time, it was determined by Lieutenant Barnard to break down the perimeter since [REDACTED] would now only be a danger to himself and did not have anybody else with him.

Edgewater PD officers went to [REDACTED]'s residence to get information from her about the incident. [REDACTED] showed officers the text messages [REDACTED] sent her. [REDACTED] sent [REDACTED] the following messages:

1250 hours - "I'm so mental wtf is suicide in the family all I think about fuck I'm not ok but fuck me"
"Just freak n out k gonna nap then work sorry for text I'm have n a min hours"

1447 hours - "Omg mom ugotta baker act me I'm a fuck n mess [REDACTED] wtf door open I'm fuct"

"I gotta hear music

"I got a gun on me go m crazy drink n ect fuck"

"Truth out"

[REDACTED] could not be contacted by Deputy Bergeron.

IN RE: PETITION FOR RISK PROTECTION ORDER
AGAINST {Name of Respondent} [REDACTED] [REDACTED]

AFFIDAVIT CONTINUATION

FROM SECTION 2

PAGE 2 OF 2

Contact was never made with [REDACTED] [REDACTED] by deputies during the incident. No firearms were recovered.

[Lined area for text entry]

IN RE: PETITION FOR RISK PROTECTION ORDER
AGAINST *(Name of Respondent)* [REDACTED] [REDACTED]

AFFIDAVIT CONTINUATION

FROM SECTION 2
PAGE 3 OF 3

On 10/18/2019 at approximately 1428 hours, Deputy D Knight contacted [REDACTED] [REDACTED] at [REDACTED] [REDACTED] NSB and placed him into custody under the Baker Act. [REDACTED] [REDACTED] was then transported to ACT. No firearms were recovered.

[Lined area for additional text]

**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.

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
19-22364

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 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 32720

SECTION II. RESPONDENT

1. Respondent's full legal name: _____
2. Respondent's current address: {street address, city, state, and zip code}:
_____ New Smyrna Beach, FL 32168
3. Physical description of Respondent:
Race: W Sex: Male Female Date of Birth: _____
Height: 6'2 Weight: 180 Eye Color: Haz Hair Color: Blk
4. Distinguishing marks or scars: N/A
5. Vehicle {make/model}: _____ Color: Red Tag Number: _____
6. Other names Respondent goes by {aliases or nicknames}: _____
7. Respondent's email address {if known}: _____
8. Respondent's Driver's License number {if known}: _____
9. Respondent's attorney's name, address, and telephone number {if known}: _____

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.

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 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.

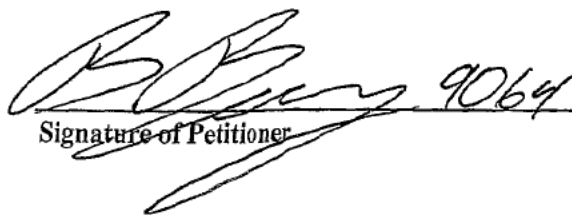
Petitioner further requests this Court to schedule a Hearing for a Risk Protection Order to be held within 14 days.

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 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 25 day of October, 2019.

 9064
Signature of Petitioner

Volusia Sheriff's Office
Law Enforcement Agency

123 W Indiana Ave
DeLand, FL 32720

Service Address