

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

VSO Case Number
20-11472

IN RE: PETITION FOR RISK PROTECTION ORDER
AGAINST {Name of Respondent} ██████████

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} MEGAN A POTOSKY, 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} ██████████ 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 Thursday, 06/25/2020, at approximately 1004 hours, Deputy Potosky responded to 2492 E International Speedway Blvd, DeLand (Citgo) in reference to the report of an armed robbery. Upon arrival, Deputy Potosky spoke with ██████████ (V1) who stated

3 Additional pages are attached.

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

Please see affidavit continuation page for details.

0 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____
PAGE 2 OF 4 _____

the following:

[REDACTED] advised yesterday evening she was at her residence in [REDACTED] with her husband, [REDACTED] (DI) and their [REDACTED] granddaughter [REDACTED] (OI) whom they have custody of. [REDACTED] explained she and [REDACTED] had been consuming alcoholic beverages when they got into a verbal altercation about [REDACTED] catching him cheating on her again. [REDACTED] stated she wanted to prevent getting into a physical altercation with [REDACTED] so she packed a bag for her and [REDACTED] and decided to leave for the night with the intentions on returning the next day. [REDACTED] advised because [REDACTED] had been drinking she took the [REDACTED] cash they had within the residence along with both her personal and their joint business debit cards, but she also took [REDACTED]'s joint business debit card. [REDACTED] stated she took [REDACTED] business debit card as well because they have a lot of money in the account and she did not want him to do something irresponsible with the money due to his intoxication. [REDACTED] explained she has been in school at Florida Tech in DeLand for medical billing/coding and had her final exam to take on the morning of 06/25/2020 so she wanted to be sure she slept before her exam. [REDACTED] advised she was not comfortable staying at her residence so she posted on her FaceBook requesting help finding a "safe haven" for her and [REDACTED] to stay for the night. [REDACTED] showed Deputy Potosky several messages on FaceBook messenger and text messages from numerous people offering her a place to stay. It should be noted [REDACTED] removed the post prior to speaking with Law Enforcement, however the responses via messenger and texts began around 1930 hours.

[REDACTED] went on to say she and [REDACTED] stayed with her son's girlfriend's mother [REDACTED] (O2) for the night at [REDACTED], [REDACTED]. [REDACTED] went to leave [REDACTED] around 0900 hours today to head to DeLand for her final exam. [REDACTED] drove the [REDACTED] she and [REDACTED] co-own down the drive way to go to school when she saw [REDACTED] walking in front of the vehicle. [REDACTED] advised she noticed [REDACTED]'s friend [REDACTED]'s (W1) [REDACTED] pick up truck [REDACTED] parked at the end of the driveway leaving her no way to exit. [REDACTED] stopped her vehicle and [REDACTED] approached her driver side door, so she rolled the window down to speak with him. [REDACTED] demanded his debit card and the [REDACTED] cash [REDACTED] had taken the night before. [REDACTED] advised she told [REDACTED] the items were in the house and she was going to be late for her exam. [REDACTED] then began rolling up the car window and [REDACTED] opened the driver side door, so [REDACTED] closed it and rolled the window down again. [REDACTED] then took a firearm from his waistband, a firearm ([REDACTED] believes a 9mm or a Colt Python), and pushed the the barrel of the firearm into the left side of her neck (behind her ear) as she was turning to give him her debit card. It should be noted [REDACTED] was still seated in the front driver seat of the vehicle and [REDACTED] was standing outside of the vehicle. [REDACTED] confirmed [REDACTED]'s arm holding the firearm crossed the threshold of the window when he pressed the firearm against her head. [REDACTED] explained she believes she could identify the firearm as either the 9mm or the Colt Python [REDACTED] owns, however she did not see the handle to be sure which it was. [REDACTED] stated he told her he did not want her personal debit card and threw it back into the car at her and demanded her business debit card also stating if she did not give the debit card to him he would "blow her head off". [REDACTED] then gave [REDACTED] her Wells Fargo business debit card which has her name along with

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____
PAGE 4 _____ OF 4 _____

██████ and ██████'s recollections of the incident were almost identical, with the exception of ██████ possessing a firearm, pressing it against ██████ or pointing it at her.

Deputy Potosky reviewed a criminal history for ██████ which showed prior charges for battery and domestic violence previously between ██████ and ██████ however ██████ was never convicted on any charges.

Deputy Potosky requested the VSO victim advocate reach out to ██████ regarding her feeling unsafe about returning to her residence and to provide any additional resources needed.

Deputy Potosky determined based on the statements and the information obtained, ██████ is being charged with aggravated battery, aggravated assault and robbery with a firearm. ██████ is being charged with aggravated battery for committing battery with a firearm when ██████ intentionally touched ██████ with the firearm in the left side of the neck against ██████'s will. ██████ is being charged with aggravated assault for committing an assault with a deadly weapon without intent to kill when ██████ pointed a firearm at ██████ and told her he would "blow her head off". ██████ is being charged with robbery with a firearm because ██████ took ██████'s business debit card while carrying and pointing firearm at ██████ with the intent to permanently or temporarily deprive ██████ of her debit card by assaulting and putting ██████ in fear.

Deputies took ██████ into custody, who was later transported to VCBJ without incident.

It should be noted when ██████ was taken into custody he had the jointly owned business debit card in ██████ name in his possession as well as his conceal carry license, both of which were taken as evidence.

An RPO for ██████ was completed. ██████ and ██████ stated all of the firearms he owns have been kept at a neighbors due to on ongoing case ██████ has at this time unrelated to this incident. ██████ confirmed he owns 1 shotgun, 2 rifles and 3 pistols.

██████ completed the Victim's Right to Confidentiality Form and has elected to prevent disclosure of confidential or privileged information per Marsy's Law.

Case Status: Arrest/Male.

3. Affiant ___ is X 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>SHOTGUN</u>	Location <u>[REDACTED], Port Orange</u>
Quantity <u>2</u>	Type <u>RIFLE</u>	Location <u>[REDACTED], Port Orange</u>
Quantity <u>3</u>	Type <u>PISTOLS</u>	Location <u>[REDACTED], Port Orange</u>
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: 06/25/2020

Signature of Affiant: [Signature] #8920

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization,

this 25 day of JUNE, 2020, by Deputy Potosky, Megan
Affiant's name

[Signature]
Signature of Attesting LEO Witness

Stoltz, Micah
Print name of Attesting LEO Witness

OR

Signature of Notary Public

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known or Produced Identification

(Type of Identification Produced)

VOLUSIA SHERIFF'S OFFICE

Clerk of Court's Number

RISK PROTECTION ORDER / BAKER ACT FIREARMS AND AMMUNITION RECEIPT

Page 1 of 1 Pages

Report Date 06/25/2020	Report Time 1415	Orig. Reported Date 06/25/2020	Nature of Call (for Incident) DV	Agency Report Number 20-11472	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 1	Category J	Quantity 1	Description CONCEALED CARRY PERMIT			
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	
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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	

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 Sheriff's Office on 06/25/2020

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 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 Sheriff's Office, acknowledge receipt of the above listed items which were either surrendered or seized on 06/25/2020, at 1300 RED JOHN RD, DAYTONA BEACH FLORIDA

SIGNATURES In custody 06/25/2020 Carelli

Item # 1	Date: 06/25/20	Time: 1700	Released by (Printed): DEP. CARELLI	Released by (Signature): 	Received by (Printed): DSS EVID	Received by (Signature):
Leave Blank			Reason for Change: SEIZED REFERENCE RPO			
Item #	Date:	Time:	Released by (Printed):	Released by (Signature):	Received by (Printed):	Received by (Signature):
Leave Blank			Reason for Change:			
Officer Reporting - Printed DEP. CARELLI	Officer Reporting - Signature 		ID Number 8550	Unit 1A52	Date 06/25/2020	
Officer Reviewing - Printed (if Applicable) SGT. HILLYARD	Officer Reviewing - Signature (if Applicable) 		ID Number 2383	Unit 1A50	Date 06/25/2020	