

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

VSO Case Number
200015990

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} NICHOLAS WILLIAMS, 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 ADDITIONAL PAGES

2 Additional pages are attached.

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

SEE ADDITIONAL PAGES

2 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION #1 _____

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On 09/04/2020 at approximately 2038 hours, Deputy Williams was dispatched and responded to [REDACTED], Orange City, in reference to a domestic disturbance. Upon arrival, Deputy Williams made contact with the victim, [REDACTED] (V1), who advised the following:

[REDACTED] advised she and her boyfriend of seven years were in a verbal altercation about him possibly cheating. [REDACTED] stated her boyfriend, [REDACTED] (D1), demanded [REDACTED] phone as he was upset about her blocking another female's phone number in his phone. [REDACTED] advised [REDACTED] began chasing her around the house in an attempt to take her phone away from her. [REDACTED] stated she ran into her daughter's room and locked the door behind her. [REDACTED] stated her daughter, [REDACTED] (V2), was in the room with her and hid under her bed as she was afraid. [REDACTED] advised [REDACTED] used a "hanger" and began beating on the door and breaking it. [REDACTED] advised at some point, [REDACTED] stated "if you don't open this door, I'm going to start shooting through it". [REDACTED] stated she believed [REDACTED]'s statement, opened the door, and ran past him to leave the residence. [REDACTED] advised she heard what she believed to be [REDACTED] "cocking" a gun behind her as she was running out the front door, but did not observe any kind of firearm in [REDACTED]'s hands as she was running away from him. [REDACTED] stated she feared [REDACTED] was going to try to kill her when she heard the gun being "cocked". [REDACTED] advised she ran to her neighbor's residence across the street and advised them of the incident, who then called law enforcement. [REDACTED] stated either while in her daughter's room or while running out of her residence, [REDACTED] struck her above her right eye; however, [REDACTED] advised she could not remember when she was struck. [REDACTED] also stated her youngest daughter, [REDACTED] (V3), was sleeping on the couch during the altercation and woke up during the incident. [REDACTED] mentioned [REDACTED] stated he no longer wanted to live, but did not give a reason as to why, or a means of harming himself. [REDACTED] was extremely upset over the incident and at times had a difficult time formulating complete sentences. [REDACTED] completed a sworn written statement, and indicated she wished to press charges.

Contact was made with [REDACTED] (O1), [REDACTED] neighbor. [REDACTED] advised he and his wife, [REDACTED] (O2), were hanging out on the back porch, when the screen door flew open. [REDACTED] stated [REDACTED] ran up to him and [REDACTED] asking them to help her. [REDACTED] advised he immediately observed [REDACTED] was bleeding from her face. [REDACTED] stated [REDACTED] advised him [REDACTED] had hit her and her children were still at the residence with him. [REDACTED] completed a sworn written statement detailing the incident.

Contact was made with [REDACTED] who corroborated [REDACTED] account of the incident and completed a sworn written statement as well.

Sergeant Barnes was notified of the incident and responded. Sergeant Barnes was able to call [REDACTED] and talk him into exiting the residence. Deputies made contact with [REDACTED] in his driveway and secured him for officer safety.

Deputy Williams read [REDACTED] his Constitutional Rights via a department issued Miranda Warning Card. Post Miranda, [REDACTED] advised he and [REDACTED] got into verbal altercation because [REDACTED] believed he was cheating

AFFIDAVIT CONTINUATION

FROM SECTION #1 _____

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on her with another woman. [REDACTED] stated he requested [REDACTED] hand over her phone, and when she did not comply, he attempted to take it from her. [REDACTED] advised [REDACTED] ran to their daughter's room, and locked the door. [REDACTED] stated he did not know [REDACTED] was in the room, and thought she was in their room sleeping. [REDACTED] advised he used a kitchen cutting board to break the door so that he could retrieve [REDACTED] phone. [REDACTED] stated he did not know [REDACTED] had been injured and did not intentionally strike her. [REDACTED] denied stating "if you don't open this door, I'm going to start shooting through it". [REDACTED] also denied having a firearm in his possession, stating "they're locked in a safe, I'm a safe gun owner".

Deputies observed the following inside the residence: walking through the front door there was a bedroom door with a hole in it consistent with [REDACTED] account of [REDACTED] hitting it. Deputies observed blood inside the bedroom and on the floor of the hallway. Deputies also located [REDACTED] under a bed. [REDACTED] stated "daddy was hitting the door with a hammer". Deputies located a red cutting board in the kitchen, and observed white scratch marks on it, which is consistent with [REDACTED] s account of the incident. Deputies observed both children were visibly shaken and upset over the altercation between [REDACTED] and [REDACTED].

Deputy Duffy took several digital photographs [REDACTED] injury and the inside of the residence, which she later uploaded to the Digital Crime Scene Database.

Deputy Williams determined [REDACTED] s actions could reasonably be expected to result in physical or mental injury to a child.

It should also be noted that Deputy Williams completed a Risk Protection Order with [REDACTED] as the respondent. Deputies asked [REDACTED] if she would be willing to voluntarily surrender the firearms in the residence, however, she declined to do so as she wished to keep them for her protection.

Deputy Williams also faxed a copy of this report to DCF for further review.

Based on [REDACTED] statement, [REDACTED] s statements, and the evidence observed, Deputy Williams determined [REDACTED] to be the primary aggressor. Deputy Williams charged [REDACTED] with battery, aggravated assault and two counts of child abuse.

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>2</u>	Type <u>RIFLES</u>	Location <u>LOCKED SAFE</u>
Quantity <u>2</u>	Type <u>HANDGUNS</u>	Location <u>LOCKED SAFE</u>
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: 09/05/2020

Signature of Affiant: 

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

this 05 day of SEPTEMBER, 2020, by NICHOLAS WILLIAMS
Affiant's name


Signature of Attesting LEO Witness

JAMES DEMARCO
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)