

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

VSO Case Number
210021585

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA _____

I, {full legal name} Deputy Reuben Marty _____, 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

VICTIM INVOKED MARSY'S LAW

On November 14, 2021 at approximately 1349 hours, Deputy Marty was dispatched and responded to _____, Mims in reference to a reported assault/battery.

1 _____ Additional pages are attached.

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

Upon arrival Deputy Marty made contact with _____ (V1) who advised he was recently in a verbal altercation that involved a firearm with his neighbor _____ (D1) while working on his front yard. _____ stated his neighbor lives on the property across the road from him and had expressed his discontent about the rocks _____ place in his driveway in the past few days. _____ advised _____ walked towards the front

1 _____ Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____
PAGE 2 _____ OF 2 _____

of his own property and then told ██████████ "I'll kill you, you son of a bitch". ██████████ explained ██████████ then pulled out his firearm while he continued walking on his property and fired 3 rounds into an unknown direction. ██████████ advised ██████████'s verbal threat and immediate action of firing three rounds placed him in fear for his life. ██████████ advised both parties were on their respective property when the incident took place. ██████████ then observed ██████████ get into his vehicle and then stop again in front of him to tell him "When I hit those rocks I'm going to be sending you the bill". ██████████ advised he retreated back into his property and dialed 911 for law enforcement. ██████████ completed and provided Deputy Marty with a sworn written statement of the incident and advised he wished to pursue charges.

Deputy Marty then made contact with ██████████'s and ██████████'s neighbor who advised she heard the altercation but did not want to be named. ██████████'s neighbor explained she was clearing the plants on her property when she heard her neighbor's ██████████ and ██████████ in an argument. ██████████'s neighbor advised she did not hear what the two were talking about but then heard 3 rounds being fired from ██████████'s direction. ██████████'s neighbor then observed ██████████ leave his property in his vehicle shortly thereafter.

A sworn written statement was completed on the incident.
Deputy Marty later made contact with ██████████ who advised he had lived in the community for approximately 23 years and did not agree with the modifications his neighbor ██████████ was doing on his property. ██████████ told deputies he did not express his discontent to ██████████ but advised he did talk to him about the rocks on the road. ██████████ then explained he did not remember making any threats towards ██████████. When asked about the firearm, ██████████ advised he fired it three times out of frustration shortly after talking to ██████████. ██████████ stated he did not fire his weapon to place ██████████ in fear but instead fired at a metal can near the palm tree on his property. It should be noted Deputy Marty walked ██████████'s property and did not observe a can near the location ██████████ described.

Deputies collected ██████████'s firearm a black in color Glock 27 serial # (BXE365), along with one magazine, four 40mm rounds and three 9mm rounds which were all located in ██████████'s vehicle. Due to the nature of the call Deputy Marty completed an RPO and turned in the firearm into the District 4 locker for evidence.

After a thorough investigation, coupled with statement's from all parties involved and the evidence collected on scene, Deputy Marty determined ██████████ would be charged with aggravated assault against his neighbor ██████████. A check of ██████████ criminal history revealed no prior charges. ██████████ was arrested and transported to the Volusia County Branch Jail.

Deputies provided ██████████ with a Marcy's Law form to which he advised, he did not want his information made public.

3. Affiant ___ is X is not aware of any existing protection order governing the respondent under any applicable statute.

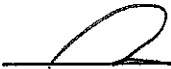
0 Known protection orders are attached

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:

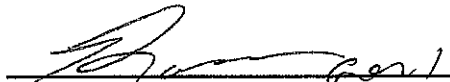
Quantity <u>1</u>	Type <u>Glock 27</u>	Location <u>VSO Evidence</u>
Quantity <u>1</u>	Type <u>Magazine</u>	Location <u>VSO Evidence</u>
Quantity <u>4</u>	Type <u>9mm Ammo</u>	Location <u>VSO Evidence</u>
Quantity <u>1</u>	Type <u>Leather Holster</u>	Location <u>VSO Evidence</u>
Quantity <u>3</u>	Type <u>9mm ammo</u>	Location <u>VSO Evidence</u>
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: 11/14/2021 Signature of Affiant:  9086

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 14 day of November, 2021, by Deputy Reuben Marty
Affiant's name


Signature of Attesting LEO Witness

SGT ROMAN 8071
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)