

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
21-3018

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} Troy Akeley, in my position as {job title} Deputy Sheriff II 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:

On 02-16-21, at approximately 0855 hours, Deputy Akeley responded to [REDACTED], Deltona in reference to an assault/battery.

Upon arrival, deputies contacted [REDACTED] (V1), who advised a neighbor, later identified as [REDACTED] (D1), exited his residence across the street and began a verbal

1 Additional pages are attached.

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

Statements:

[REDACTED] - Upon arrival, deputies contacted [REDACTED] (V1), who advised a neighbor, later identified as [REDACTED] (D1), exited his residence across the street and began a verbal altercation with him. The argument ended and [REDACTED] continued down the street to walk his dog, at which time [REDACTED] got into his vehicle and to go to the gas

1 Additional pages are attached.

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

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____
PAGE 1 _____ OF 1 _____

altercation with him. The argument ended and [REDACTED] continued down the street to walk his dog, at which time [REDACTED] got into his vehicle to go to the gas station. [REDACTED] stated when he got to the intersection of Glenridge Ter and Cottondale Dr, Fillon stood in the middle of the street and began yelling profanities at him and spitting in the direction of his vehicle. On the way back from the gas station, Pena Torres advised he encountered Fillon again at the same intersection, and another verbal altercation began. [REDACTED] stated at this time, Fillon pulled out a firearm from behind his back and held it at his side while stating "I am going to kill you". Pena described the firearm as a small black handgun which would be located in the area of [REDACTED] back pocket. At this point, [REDACTED] called for law enforcement to respond in reference to the incident. [REDACTED] completed a sworn written statement and advised he wished to pursue criminal charges. Deputies provided [REDACTED] with a victim's rights pamphlet which contained a case number.

Contact was made with [REDACTED] at the intersection of Glenridge Ter and Cottondale Dr, at which time he was secured in handcuffs. Deputies located a black, Ruger LC9 handgun tucked in [REDACTED] pants on the small of his back. Post Miranda, [REDACTED] stated a verbal altercation did occur, however he never brandished his firearm during the incident. [REDACTED] said the altercation occurred at the intersection because he believed [REDACTED] attempted to run him over while driving down the road. [REDACTED] stated he did not own any other firearms and there were none inside the residence. [REDACTED] had no further information to provide in reference to the incident.

Deputies made contact with [REDACTED] (W1), who advised she witnessed the verbal altercation occur in front of the residence. [REDACTED] stated she saw Fillon and [REDACTED] get into another verbal argument at the intersection, consistent with the statements made by [REDACTED]. [REDACTED] said she did not see a firearm during either altercation, however, she did state [REDACTED] was known to wave a firearm around in the neighborhood and that she and other neighbors were in fear of [REDACTED]. [REDACTED] advised she and others in the area believed [REDACTED] mental status could be diminishing. [REDACTED] completed a sworn written statement in reference to the incident.

While on scene, deputies observed no injuries to any parties involved. Photographs were taken of [REDACTED] and later uploaded to the digital crime scene database. The firearm, holster, and ammunition were entered into the District 4 Evidence Locker.

Based on witness statements and physical evidence, Deputy Akeley determined probable cause existed to charge [REDACTED] with aggravated assault deadly weapon. [REDACTED] intentionally and unlawfully threatened by word or act to do violence to [REDACTED] coupled with the apparent ability to do so, and doing some act created a well-founded fear in such person that violence was imminent.

[REDACTED] was transported to the Volusia County Branch Jail in Daytona Beach.

It should be noted, an RPO was completed in reference to this incident.

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

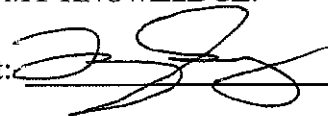
_____ Known protection orders are attached

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:

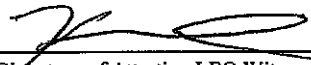
Quantity	<u>1</u>	Type	<u>Ruger LC9</u>	Location	<u>Brown leather holster on back</u>
Quantity	<u>7</u>	Type	<u>9mm rounds</u>	Location	<u>Inside mag of handgun</u>
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	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: 02/16/2021 Signature of Affiant:  8714

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 16 day of February, 2021, by D/S AKELEY
Affiant's name

 9004
Signature of Attesting LEO Witness

K. STUBBLEFIELD
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)