

IN THE CIRCUIT COURT OF THE 7th JUDICIAL CIRCUIT,
IN AND FOR VOLUSIA COUNTY, FLORIDA

VSO Case Number
21-6101

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF Volusia

I, {full legal name} Christopher Slover, 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:

During a child custody exchange [REDACTED] brandished a firearm and pointed it in the direction of [REDACTED] and [REDACTED]. The action caused a well founded fear in [REDACTED]. The act also placed [REDACTED] in harms way due to her being in the general direction of where the firearm was pointed. See continuation for full report.

2 Additional pages are attached.

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

[REDACTED] advised [REDACTED] pointed a black in color handgun at her and told her to leave his property. [REDACTED] obtained video of the incident that corroborated her account. [REDACTED] advised she witnessed [REDACTED] point the firearm at her mother [REDACTED] and tell her to leave his property. [REDACTED] Completed a Sworn Statement. See continuation for full report.

1 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____

PAGE 1 _____ OF 2 _____

On 04/02/2021 at approximately 1215 hours, Deputy Slover responded to Tiano's Restaurant located at 1000 Wayne Ave, New Smyrna Beach, in reference to an aggravated assault.

Prior to arrival Central Dispatch advised a female and her ex-husband were involved in a child custody exchange at ██████████ New Smyrna Beach, when the male brandished a firearm and pointed it at her. The female also advised she had a video of the incident.

Upon arrival, Deputy Slover met with ██████████ (V1), who advised the following information: ██████████ arrived at her ex-husband ██████████ (D1) residence to drop off their shared daughter ██████████ (W1) to him. While dropping ██████████ off, ██████████ observed ██████████ standing behind a vehicle under his carport and began recording. ██████████ began yelling at ██████████ to leave his residence, and as ██████████ approached, he stepped out from behind the vehicle and pointed a handgun at ██████████, and told her to get off his property. ██████████ stayed in her vehicle the whole time and, upon seeing the firearm, left the residence and immediately called 911.

██████████ described the firearm as being a black handgun and being round.

██████████ provided Deputy Slover with a handwritten sworn statement detailing the incident. In the statement, ██████████ advised she was in fear for her life and wished to press charges against ██████████

██████████ and ██████████ were husband and wife for approximately 7 years and had been in a romantic relationship for approximately 12 years. ██████████ and ██████████ lived together as a family unit and shared three children in common, ██████████ (O1), and ██████████ (O2). ██████████ was the only child present at the time of the incident.

During interactions with ██████████ Deputy Slover observed her to be calm. ██████████ was well-spoken and not shaky when describing the incident.

Deputy Slover observed the video ██████████ took via her cellular telephone, which corroborated her account. Deputy Slover observed ██████████ emerge from behind a vehicle and tell ██████████ to leave multiple times. ██████████ waited for ██████████ to get closer to the carport and then brandished a handgun he had concealed behind the vehicle. ██████████ appears to point the firearm in ██████████ direction and tells her to get off of his property.

Deputy Slover arrived at ██████████, New Smyrna Beach, and approached the residence utilizing a shield. Deputy Slover met with ██████████ Deputy Slover explained to ██████████ his constitutional rights (Miranda rights) and asked if he understood, which ██████████ advised he did and provided the following information:

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____
PAGE 2 _____ OF 2 _____

[REDACTED] wanted to come to his residence, and [REDACTED] informed her she could but wanted [REDACTED] to drop her off at the front of the driveway. When [REDACTED] observed [REDACTED] disregard his wishes and proceed onto his property, he went to see who was in the vehicle with them. [REDACTED] observed [REDACTED] exit the vehicle, and he emerged behind the vehicle and told [REDACTED] to leave. When he observed [REDACTED] recording him, [REDACTED] became upset and admitted to pointing his firearm at [REDACTED] and demanding her to leave his property.

[REDACTED] showed Deputy Slover to where his firearm was located. Deputy Slover observed a black and gray Ruger 9mm handgun (serial number 300-40-234) laying on a dresser with a green lock securing it.

Sargent Mitchell spoke with [REDACTED] who advised she observed [REDACTED] point a handgun in the direction of [REDACTED] while she was walking up to the carport area. [REDACTED] advised [REDACTED] stated she wanted to drop [REDACTED] all the way at the house to see what [REDACTED] would do.

Based on evidence on hand and statements provided, Deputy Slover determined probable cause existed to charge [REDACTED] for aggravated assault with and with a firearm without intent to kill (Domestic Violence). Deputy Slover placed [REDACTED] under arrest, and he was later transported to the Volusia County Branch Jail without incident.

[REDACTED] was provided with a copy of the Legal Rights and Remedies pamphlet, which was explained to her and signed for. (Deputy Slover also completed a Domestic Violence Worksheet and Victim Notification Card.

Deputy Slover provided [REDACTED] a VSO business card with a case number and advised her to contact the Volusia Sheriffs Office she needs any further assistance.

Due to the presence of a minor child at the residence, a copy of this report was forwarded to the Department of Children and Family (DCF) for their review. With permission from [REDACTED] [REDACTED] was left with his mother [REDACTED] (O3) at his residence.

Based on [REDACTED] actions, Deputy Slover completed a risk protection due to pointing a firearm in the direction of [REDACTED] and [REDACTED] creating a danger to both parties and giving [REDACTED] a well founded fear of immediate harm.

Deputy Slover collected [REDACTED] firearm and secured it. Located in the magazine were seven 9mm Luger rounds. Deputy Slover placed the Ruger P85 9mm (Serial number 30040234), seven 9mm Luger rounds, One Ruger magazine, and one green gun lock into the district three south evidence locker as evidence.

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 P85</u> | Location | <u>Bedroom</u> |
| Quantity | <u>7</u> | Type | <u>9MM ROUNDS</u> | Location | <u>Bedroom</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: 04/02/2021 Signature of Affiant:  9106

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 02 day of April, 2021, by Deputy Slover
Affiant's name

 8158
Signature of Attesting LEO Witness

Sgt. Mitchell
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)