

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

VSO Case Number
21-8775

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF Volusia

I, {full legal name} Benjamin Speller, 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:

On May 12, 2021, at approximately 2033 hours, Deputy Speller was dispatched to ██████████ ██████████ Daytona Beach in reference to a disturbance. Upon arrival, Deputies made contact with ██████████ (D1) and ██████████ (V1) who's six months pregnant.

██████████ answered the door and Deputy Speller made contact with him, allowing Deputy

1 Additional pages are attached.

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

██████████ advised ██████████ brandished a handgun at her and threatened to "spray up" the van which contained two of her children. ██████████ is pregnant with ██████████ unborn child.

0 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION _____
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O'Connell to enter the home and make contact with ██████████ keeping both parties separated.

██████████ explained he was only engaged in a verbal argument with ██████████ ██████████ said he, ██████████ along with ██████████ two children, eight-year-old ██████████ and six-year-old ██████████ went to the laundry mat located at 715 S. Nova Road, Ormond Beach (Wash Up Laundromat). ██████████ said the kids started to misbehave causing him to grow frustrated. ██████████ explained the kids were taking a while to enter the laundromat by horse-playing around. Also, there was a disturbance between an unknown male and female outside of the bar next to the laundry mat where ██████████ said he heard the male threaten to stab the female. ██████████ said this caused him to worry about the children's safety and he wanted to get them inside the laundry mat fast. ██████████ spoke to the children in a way ██████████ didn't like and ██████████ and ██████████ engaged in a verbal argument about the matter which ██████████ claims never turned physical. ██████████ said they left the laundry mat and returned home (██████████) where the argument continued. ██████████ said he believed ██████████ was calling her parents or friends and tried to take her phone, but at no point did anything become physical between the two.

Contact was made with ██████████ who stated the following:

She, her two children, and ██████████ were at the laundry mat. ██████████ explained her boys were misbehaving all day. ██████████ said while walking toward the laundry mat to enter, the boys were carrying laundry which was too heavy for them. At this time, ██████████ yells and curses at the boys. ██████████ said she did not like the way ██████████ talked to her boys. ██████████ said an argument between her and ██████████ ensued and ██████████ embarrassed her to the point she just wanted to leave. ██████████ said ██████████ also yelled and cursed at her in front of everyone. ██████████ said while getting ready to leave, ██████████ lifted his shirt brandishing his firearm, and said "I'll spray the whole van up". ██████████ said ██████████ has threatened her before but she was scared for her safety and the safety of her kids being that her kids were inside the car at the time ██████████ made the threat. ██████████ said once they got home the argument continued about the boy's behavior. During the argument, ██████████ said ██████████ threw her down on the couch asking her for her phone. ██████████ said ██████████ held her down on the couch and threatened her again that he would shoot her if she walked outside the house.

██████████ knew of ██████████ being pregnant and she is pregnant with his child. EVAC was called to the scene to check the vitals of ██████████ ██████████ was issued the victims advocacy rights pamphlet and was explained Marsy's Law. ██████████ completed the form and elected to have her information remain private. Furthermore, ██████████ asked for information in regards to a domestic violence shelter. The information was provided.

Due to the totality of circumstance and statements provided, Deputy Speller determined ██████████ to be the primary aggressor. ██████████ was arrested for DV battery on a pregnant person and aggravated assault. ██████████ was transported to VCBJ without incident. One firearm, a 9mm CPX handgun (S/N C101310) was confiscated at this time and turned into the VSO/D3N office. ██████████ stated he has another firearm described as a 22 long rifle firefly. Deputies were unable to obtain it at this time.

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>9mm CPX2</u>	Location <u>The defendant's dresser</u>
Quantity <u>10</u>	Type <u>Ammunition</u>	Location <u>The defendant's dresser</u>
Quantity <u>1</u>	Type <u>Magazine</u>	Location <u>The defendant's dresser</u>
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: 05/13/2021 Signature of Affiant: *B Speller*

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 13 day of May, 2021, by D/S Speller 9174
Affiant's name

[Signature]
Signature of Attesting LEO Witness

Sgt Turner 8104
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)