

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

VSO Case Number
220010432

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* _____ Joseph Borbely _____, 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:

See attached pages

3 Additional pages are attached.

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

_____ Additional pages are attached.

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AFFIDAVIT CONTINUATION

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On 05/28/2022 at approximately 1330 hours, Deputies responded to [REDACTED] Deltona in reference to a person shot. Prior to arrival, Deputies were made aware [REDACTED], had shot his brother [REDACTED] during a dispute about [REDACTED] motorcycle. Upon arrival, Deputies secured [REDACTED] and medical personnel transported [REDACTED] to CFR due to his gunshot wound on the upper right leg. [REDACTED] was later transported to the District 4 Office.

Detectives St John and Medina responded to the District 4 Office (1691 Providence Blvd., Deltona) and contacted [REDACTED]. Detective Medina advised [REDACTED] of his constitutional Miranda Rights, which he stated he understood and wished to speak with Detectives. [REDACTED] stated the following:

On 05/28/2022 at approximately 1100 hours, [REDACTED] who was not at his residence, received an alert on his phone, notifying him his garage door had been opened. After review of [REDACTED] camera footage, [REDACTED] observed his brother [REDACTED] entering his residence without permission via his garage door. [REDACTED] had just been released from jail for unrelated offenses, which led [REDACTED] to believe he was there looking for somewhere to sleep.

At approximately 1230 hours, [REDACTED] received a second alert from his camera system, which led him to believe [REDACTED] was leaving the residence. [REDACTED] later returned home at approximately 1300 hours, and observed [REDACTED] car was still parked in his driveway. [REDACTED] then opened his garage door and noticed his Suzuki Motorcycle bearing FL tag: [REDACTED] was missing. [REDACTED] then called his sister [REDACTED] who informed him [REDACTED] was in Deland at her apartment ([REDACTED] Deland) and after looking outside, [REDACTED] confirmed [REDACTED] bike was there as well. [REDACTED] attempted to keep [REDACTED] at the apartment, informing him [REDACTED] was on the way to collect the Motorcycle, but [REDACTED] left the apartment building on the motorcycle shortly thereafter.

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During [REDACTED]'s travels towards [REDACTED]'s apartment, he observed [REDACTED] on the Motorcycle near N Woodland Blvd. and SR 472 in Deland. [REDACTED] followed [REDACTED] back to his residence at [REDACTED] where [REDACTED] pulled into the garage and began to park the motorcycle. [REDACTED] proceeded to park his car in the driveway and pushed [REDACTED] off of the motorcycle, causing [REDACTED] and the Motorcycle to fall on the floor. [REDACTED] then engaged in a brief physical altercation with [REDACTED] until he was able to push [REDACTED] out of the garage. [REDACTED] verbally instructed [REDACTED] to leave his residence multiple times, which [REDACTED] did not comply with. [REDACTED] then walked towards [REDACTED] again and slapped his face with an open hand. [REDACTED] then chased [REDACTED] out of the garage and told him to go. [REDACTED] was cussing at [REDACTED] and approaching [REDACTED]. At this time, [REDACTED] pulled his CZ 9mm handgun out of his jacket pocket and fired at [REDACTED] striking him on the upper right leg. [REDACTED] then retrieved inside the residence and stored his handgun in his bedroom.

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_____ later allowed Detectives access to his home security system, which confirmed the following: _____ was shown starting a physical fight with _____ and both brothers got into a mutual physical altercation. At some point, _____ slams _____ against the wall several times and pushed him out of his garage. Both brothers continue to exchange words and _____ slapped _____ in the face with an open hand. _____ then ran out of the garage with _____ running behind him. Both brothers were out of camera view but continue to talk to each other. _____ was heard on the video footage to telling _____ "get the fuck out of here". _____ replied by saying "what you gonna do, you ain't gonna do shit", while walking back into the garage. _____ then pulled the handgun out of his jacket and shot _____ in the leg. At no time during the physical fight did _____ display or use any weapons other than his hands. _____ did not have any weapons on his person either. This video was recorded and a copy of the contents were later submitted into the District 4 evidence locker as evidence.

Due to the aforementioned information, _____ confession coupled with the video footage of the incident, Detective St John determined there was probable cause to believe _____ committed the offense of aggravated battery with a deadly weapon.

3. Affiant is 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>CZ P-10C</u>	Location	<u>[REDACTED], Deltona</u>
Quantity	<u>Unknown</u>	Type	<u>Ammunition</u>	Location	<u>[REDACTED], Deltona</u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>

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: 05/28/2022 Signature of Affiant: Joseph Borbely

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 28 day of May, 2022, by Joseph Borbely
Affiant's name

[Signature]
Signature of Attesting LEO Witness

8601

Joel Medina
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)