

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

VSO Case Number
220012247

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST {Name of Respondent} _____

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} Deputy Sheriff N. Kapten #9355, 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 06/23/2022 at 2200 hours, Deputy Kapten responded to _____ New Smyrna, in reference to a suicidal person. Upon arrival, Deputy Kapten made contact with _____ (R1), who stated the following: _____ and _____ (V1), got into a verbal argument over her wanting to break up. _____ got upset and left the residence around 1700 hours. _____ (O1) saw _____ leaving the residence in _____'s _____ truck bearing _____

1 Additional pages are attached.

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

_____ and _____ live together as a family unit. On 06/23/2022 around 1700 hours to 1900 hours, _____ received multiple suicidal text messages from _____ which included a picture of a firearm on his lap and comments including blowing his brains out.

0 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1
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Between 1700 hours to 1930 hours, [REDACTED] sent multiple suicidal text messages to [REDACTED], which included a message that he wanted to "blow his brains out". [REDACTED] also messaged [REDACTED] he did not want to live anymore and sent a picture of a handgun on his lap. [REDACTED] was concerned for [REDACTED]'s safety, and stated he had been depressed for the past few months. [REDACTED] filled out a sworn written statement about the incident. [REDACTED] took screen shots of the conversation to which she later emailed to Deputy Kapten's agency email. Deputy Kapten later uploaded the images to Digital Crime Scene Database.

With the facts and circumstances provided, deputies requested dispatch to ping the location of [REDACTED]'s phone [REDACTED]. [REDACTED] pickup truck was later observed by deputies traveling on [REDACTED] towards his residence. Deputies performed a high-risk traffic stop of the vehicle. [REDACTED] was the driver and sole occupant of the vehicle. [REDACTED] was taken into protective custody under the Florida Baker Act. At the time of contact, [REDACTED] was conceal carrying a Mossberg & Sons MC2 subcompact handgun bearing the serial number [REDACTED]. The pistol was holstered in a waistband type carrier, with a spare magazine. Upon checking and clearing the weapon for safety, it was observed the firearm had a round loaded in the chamber. The pistol was checked through FCIC/NCIC which yielded negative results. The pistol, two magazines and 25 rounds of 9mm caliber ammunition were collected, packaged and submitted into the D3S Evidence Locker.

Deputies checked and confirmed that [REDACTED] has a valid Florida conceal weapon permit [REDACTED] stated that he owned the following firearms in a safe in his bedroom: Faith B380 pistol, Mossberg 500 12-gauge, 250 rounds of 12 gauge, 9mm, .380, 7.62, and .22 caliber ammunition. [REDACTED] advised he was the only person who had access to the safe which contained the firearms. [REDACTED] signed a VSO Affidavit and Waiver Release of Liability form for [REDACTED] to drive his vehicle home. Once [REDACTED] arrived on scene, deputies advised her that [REDACTED] was taken into protective custody under the Florida Baker Act. Due to the information provided by [REDACTED]'s text messages indicating he wished to harm himself which included a picture of a firearm, and [REDACTED] being located with a firearm on his person, Deputy Kapten completed all required Temporary Risk Protection Order paperwork. [REDACTED] signed for receipt of the surrendered pistol, two magazines, 25 rounds of ammunition and his concealed weapons permit. [REDACTED] was later transported to Halifax Health Hospital. This report was forwarded to VSO Legal advisor for review.

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:

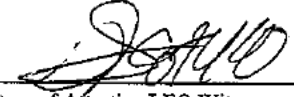
Quantity	<u>1</u>	Type	<u>Shotgun</u>	Location	<u>[REDACTED] NSB</u>
Quantity	<u>1</u>	Type	<u>Pistol</u>	Location	<u>[REDACTED] NSB</u>
Quantity	<u>250</u>	Type	<u>Ammunition</u>	Location	<u>[REDACTED] NSB</u>
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____

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: 06/24/2022 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 24 day of June, 2022, by Deputy Sheriff N. Kapten #9355
Affiant's name


Signature of Attesting LEO Witness

D. Santos
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)