

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

VSO Case Number
220013528

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST *{Name of Respondent}* _____

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* _____ Deputy Ethan Bartzer _____, in my position as *{job title}* _____ Deputy _____ 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 continuation page for more information regarding incident.

 1 Additional pages are attached.

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

Deputies then spoke with _____ who corroborated the statements provided by _____ and _____ (See affidavit continuation page from Section 1 for more information). _____ provided deputies with the firearm which was later identified as a North American .22 caliber revolver bearing serial# _____. _____ also advised _____ is indeed diagnosed with dementia, takes medication for dementia and has flareups of dementia.

 Additional pages are attached.

3. Affiant is 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 _____	Type _____	Location _____
Quantity _____	Type _____	Location _____
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: 07/12/2022 Signature of Affiant: _____

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 12th day of July, 2022, by Deputy Ethan Bartzter
Affiant's name

Sgt. A. Hairston III
Signature of Attesting LEO Witness

Sgt. A. HAIRSTON III
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)

EB 9104

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 1 OF 1

On July 12th, 2022 at approximately 1939 hours, deputies responded to the Kangaroo gas station located at Tomoka Farms Road and Taylor Road in Port Orange in reference to a shooting. Upon arrival, _____ who advised his father _____ had shot at him following an argument. _____ stated he had picked up his daughter earlier in the day from Saint Augustine and brought her to _____ house at _____ in Port Orange at her request. Upon arrival, _____ began to speak to _____ about how he treats his daughter which caused an argument to ensue. Eventually, the argument escalated and _____ felt it was necessary to leave the scene to prevent a physical altercation. While he was leaving the residence, _____ saw _____ with a small firearm and saw him fire it in his direction. _____ stated multiple times family members on scene would claim _____ is diagnosed with dementia but he does not believe he has been diagnosed by a doctor. _____ left the area and waited for law enforcement at the Kangaroo gas station. Deputies on scene observed a small bullet hole in the tailgate of _____'s vehicle which was consistent with a small caliber projectile striking his tailgate.

Deputies then responded to _____ and made contact with _____ and his wife _____ (W1). _____ advised he has been physically abused by _____ in the past and due to the argument today felt it was necessary to arm himself with his wife's handgun to protect himself. _____ corroborated many of the statements provided by _____ but also included he felt _____ had approached him in a threatening manner which justified the use of a firearm. _____ admitted to firing his handgun at _____'s tailgate. _____ also indicated he did not mean to harm _____ and if he had wanted to hurt him he would not have shot at his tailgate.

Deputies then spoke with _____ who corroborated the statements provided by _____ and _____ provided deputies with the firearm which was later identified as a North American .22 caliber revolver bearing serial# _____ _____ also advised _____ is indeed diagnosed with dementia, takes medication for dementia and has flareups of dementia. _____ stated _____ has been diagnosed with dementia for approximately four years.

Based upon the information provided by all parties, Deputy Bartzer determined _____ was not of sound state of mind and would be a threat to himself or others. Therefore, Deputy Bartzer placed _____ into protective custody under a Florida Baker Act. While on scene, _____ started to exhibit signs of heat exhaustion and as a result was transported to Halifax Hospital in Daytona Beach for further evaluation and any recommended treatment.

VOLUSIA SHERIFF'S OFFICE

Clerk of Court's Number

RISK PROTECTION ORDER / BAKER ACT FIREARMS AND AMMUNITION RECEIPT

Page 1 of 1 Pages

Report Date 07/12/2022	Report Time 2043	Orig. Reported Date 07/12/2022	Nature of Call (for Incident) Baker Act	Agency Report Number 220013528	1. Original 2. Supplement 1
Status Code: 1. Evidence 6. Recovered		7. Recovered (Outside Agency Recovered) 13. Disposal 17. Baker Act		22. RPO (Voluntary Surrender) 23. RPO (Seized)	
Category Code: J. Special Documents Y. All Other Items (Guns and Ammunition)					
Leave Blank:	Item # 1	Status 23	Category Y	Quantity 1	Description SILVER .22 CALIBER REVOLVER
If Gun	Make NOTH AMERICAN A	Model .22 HANDGUN	Caliber .22	Type / Cat	Action REVOLVER
					Finish SILVER
					Serial Number [REDACTED]
Leave Blank:	Item # 2	Status 23	Category Y	Quantity 1	Description .22 Long Rifle Rounds
If Gun	Make	Model	Caliber	Type / Cat	Action
					Finish
					Serial Number

INITIALS
 [Signature] Pursuant to 790.401(7)(c), Florida Statutes, the firearm(s) and/or ammunition and/or license to carry a concealed weapon were surrendered by Respondent or seized by a Deputy of the Volusia Sheriff's Office on 07/12/22

I am the owner of the firearm(s), ammunition, or license to carry a concealed weapon or firearm and I hereby knowingly and voluntarily consent to the surrender of the items listed in this report to the Volusia Sheriff's Office.

I am the owner of the firearm(s) and/or ammunition listed in this report. I hereby request the firearms and/or ammunition be turned over to:
 (Name) _____
 (Address) _____
 (Telephone Number) _____

I, Deputy or Evidence Employee of the Volusia Sheriff's Office, acknowledge receipt of the above listed items which were either surrendered or seized on 07/12/22, at Port Orange

SIGNATURES
 [Signature] 07-12-22 [Signature]
 Date Deputy

CUSTODY	Item #	Date:	Time:	Released by (Printed):	Released by (Signature):	Received by (Printed):	Received by (Signature):	
	Leave Blank			Reason for Change:				
CUSTODY	Item #	Date:	Time:	Released by (Printed):	Released by (Signature):	Received by (Printed):	Received by (Signature):	
	Leave Blank			Reason for Change:				
ADMIN.	Officer Reporting - Printed E. Bartzter			Officer Reporting - Signature [Signature]		ID Number 9104	Unit 1B51	Date 07/12/2022
	Officer Reviewing - Printed (if Applicable)			Officer Reviewing - Signature (if Applicable)		ID Number	Unit	Date

EB 9104