

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

VSO Case Number  
220017281

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

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, *{full legal name}* DEPUTY SHERIFF 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:

SEE NARRATIVE

\_\_\_\_\_ Additional pages are attached.

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

SEE NARRATIVE

\_\_\_\_\_ Additional pages are attached.

**AFFIDAVIT CONTINUATION**

FROM SECTION 1  
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\*\*\*BWC Active During Investigation/ Marsy's Law Invoked\*\*\*

On September 7, 2022, at approximately 2155 hours, Deputy Speller was dispatched to 600 W. Granada Blvd., Ormond Beach (Wawa) in reference to a domestic disturbance that occurred at \_\_\_\_\_ Ormond Beach. Upon arrival, Deputy Speller made contact with the reporting party, \_\_\_\_\_ (V1), who advised the following:

\_\_\_\_\_ lives with \_\_\_\_\_ (S1), her boyfriend of 7 months as a family unit, at \_\_\_\_\_ Ormond Beach. \_\_\_\_\_ and \_\_\_\_\_ were engaged in a verbal argument about \_\_\_\_\_ ex-girlfriend. \_\_\_\_\_ and \_\_\_\_\_ separated into different rooms. \_\_\_\_\_ was in their shared bedroom with the door closed and locked; \_\_\_\_\_ was somewhere else in the residence. \_\_\_\_\_ took a shower and once she was done she slammed the bathroom door. \_\_\_\_\_ kicked open the bedroom door and screamed at \_\_\_\_\_ to stop slamming doors in his million-dollar mansion. \_\_\_\_\_ was laying on their shared bed. The argument became physical when \_\_\_\_\_ pulled \_\_\_\_\_ out of bed by her hair. \_\_\_\_\_ struck \_\_\_\_\_ multiple times with an open hand. \_\_\_\_\_ squeezed \_\_\_\_\_'s neck with both of his hands which restricted her airflow making it difficult for \_\_\_\_\_ to breathe. \_\_\_\_\_ felt she was about to become unconscious and \_\_\_\_\_ stopped squeezing her neck. \_\_\_\_\_ pulled \_\_\_\_\_ up from the floor by her hair for a second time and tossed her on top of the bed. \_\_\_\_\_ picked up \_\_\_\_\_'s purse and threw it across the room causing the contents inside to scatter across the floor. \_\_\_\_\_ went to the closet and grabbed a small black firearm. \_\_\_\_\_ walked to the bed where \_\_\_\_\_ was laying and forcefully shove the firearm into \_\_\_\_\_'s mouth. \_\_\_\_\_ told \_\_\_\_\_ to "stop fucking with him and pushing his buttons". \_\_\_\_\_ took the gun out of \_\_\_\_\_'s mouth and showed her there was no magazine inside and explained to her the firearm was not loaded. \_\_\_\_\_ feared for her life and fled the residence and traveled to a location (Wawa) where she felt safe. She then alerted law enforcement.

\_\_\_\_\_ completed a sworn written statement detailing the incident.

Deputy Speller attempted to make contact with \_\_\_\_\_ at the location of the incident (LOI) however, he was met with a negative result as \_\_\_\_\_ was not home. Deputy Speller attempted to call \_\_\_\_\_ several times however he was also met with a negative result as \_\_\_\_\_'s phone went straight to voicemail.

**AFFIDAVIT CONTINUATION**

FROM SECTION   1    
PAGE   2   OF   2  

\_\_\_\_\_ had superficial injuries to her neck, right ear, and upper lip which corroborated her statement. Deputy Speller collected photos and later uploaded them to the digital crime scene database.

Due to the totality of the circumstance, Deputy Speller determined there was probable cause to charge \_\_\_\_\_ with DV battery by strangulation and aggravated assault with a firearm. Deputy Speller provided \_\_\_\_\_ with a Domestic Violence/ Rights and Remedies pamphlet. Deputy Speller advised \_\_\_\_\_ of Marsy's Law and she completed the form electing to have her personal information remain private.

Law enforcement's attempts to locate and apprehend \_\_\_\_\_ were unsuccessful. A 707 charging affidavit was generated for future later attempts.

A review of \_\_\_\_\_'s criminal history revealed no prior convictions for battery.

A Risk Protection Order was completed due to the nature of this incident.

Later in the shift, on September 8, 2022, at approximately 0137 hours, Deputy Speller observed \_\_\_\_\_ pull into the driveway off the residence next to his. Deputy Speller made contact with \_\_\_\_\_ and advised him why he was present. \_\_\_\_\_ denied the claims made by \_\_\_\_\_ advised \_\_\_\_\_ was trying to extort him for \$20,000. \_\_\_\_\_ advised he gave her \$5,000. \_\_\_\_\_ advised he and \_\_\_\_\_ did have a verbal disagreement but at no time did it become physical. \_\_\_\_\_ asked was he being detained and when Deputy Speller advised him he was he asked to call his lawyer.

Deputy Speller asked \_\_\_\_\_ if he owned any guns to which \_\_\_\_\_ advised he owns three and keeps them in a safe in his house. When Deputy Speller asked where \_\_\_\_\_ told Deputy Speller it doesn't matter where he keeps them. \_\_\_\_\_ does not have a CCW. Deputy Speller placed \_\_\_\_\_ under arrest and advised him of his charges.

Upon the completion of the arrest paper work, \_\_\_\_\_ was transported to the VCBJ.

3. Affiant  is  is not aware of any existing protection order governing the respondent under any applicable statute.

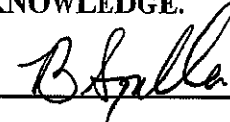
\_\_\_\_\_ Known protection orders are attached

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: 09/08/2022 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 08 day of September, 2022, by DEPUTY SHERIFF DEPUTY SHERIFF SPELLER

  
Signature of Attesting LEO Witness

DEPUTY BACON (9251)  
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)