

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

VSO Case Number
22-18002

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* Deputy Jared Gourley, 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:

_____ stated he owns the residence and has allowed his brother, _____ to live with him. _____ has resided at the residence for approximately the last 3 years and stays in a separate bedroom. The last couple months however has created some tension between brothers and _____ advised he's in the process of evicting his brother. _____ mentioned he was in the dining room using the telephone when his brother overheard the conversation. _____ walked in the dining room from the TV room and advised

1 Additional pages are attached.

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

See above statement

 Additional pages are attached.

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AFFIDAVIT CONTINUATION

FROM SECTION 1
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_____ mentioned he was in the dining room using the telephone when his brother overheard the conversation. _____ walked in the dining room from the TV room and advised his brother he was sitting on his property and to move. _____ then slapped the headset off _____'s head. Deputy Gourley observed the headset on the floor next to the dining room table. _____ stated he then retreated to the bedroom where _____ followed him and tackled him into his bed. The two continued to struggle when _____ stated he would retrieve a firearm and "put 9 bullets in his head." _____ stated _____ never displayed a firearm or retrieved one, however he has a gun next to his bed located in his bedroom. After the threat of the firearm, _____ walked into his bedroom and retrieved a wood stick. _____ walked into the bedroom and shook the stick at _____ stating he would hit him across the head. _____ said he didn't take this threat to heart and he was not scared. While Deputies were outside discussing the call for service, _____ arrived at the residence with his girlfriend, _____ (O1).

_____ was asked about the events that took place and he advised the following: _____ said he was sitting in the TV room when he overheard his brother talking about him on the phone. After hearing what his brother was saying, he walked into the dining room and told his brother to get off his chair. After _____ stood up, _____ said he was struck in the head and pushed by _____. _____ said while they were struggling in the dining room, the fight went into _____'s bedroom where they fell on top of the bed. _____ mentioned _____ fell on top of him and was punching him in the back and chest. _____ began showing Deputies his neck, chest, hands and body but Deputies did not observe any injuries to _____ that were consistent with his story. Deputies asked _____ if he retrieved the wood stick from the bedroom and he replied by asking how we knew about the stick and if we went into his bedroom. _____ then replied he didn't think that was right how Deputies entered his room.

_____ was taken into custody for DV Battery against his half brother who he resides at the residence with together. An RPO was completed and _____ was transported to VCBJ.

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AFFIDAVIT CONTINUATION

FROM SECTION 2

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While speaking with the victim, [REDACTED], he stated the gun was in [REDACTED]'s bedroom. [REDACTED] stated the gun was located in the bedroom next to the bed. When Deputies entered the bedroom, they observed a long shotgun leaning on the bed. The firearm is a single shot, collapsible 12G shotgun, only capable of chambering one round at a time. The shotgun shells were located on the headrest drawer near the shotgun, totaling 7 shells.

After [REDACTED] and his girlfriend, [REDACTED] arrived on scene, both parties stated the firearm belong to [REDACTED]. [REDACTED] said the shotgun was hers and it was never used during the altercation that night. Deputies asked if there were any other firearms to which they replied no.

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

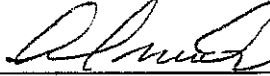
0 Known protection orders are attached

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>VSO custody</u>
Quantity	<u>7</u>	Type	<u>shotgun rounds</u>	Location	<u>VSO custody</u>
Quantity	_____	Type	_____	Location	_____
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: 09/18/2022 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 18 day of January, 2022, by Deputy Jared Gourley
Affiant's name

Signature of Attesting LEO Witness

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)