

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

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

VSO Case Number 22-19088

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* ANDRE JOHNSON, 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:

_____ stopped two juveniles on a back road and prevented them from leaving. _____ brandished a firearm and had the driver of the vehicle exit the vehicle and explain to him what he was doing on the road. _____ further shot three warning shots in to the air which mad the juveniles be in fear. There were no visible signs advising the road was private.

3 Additional pages are attached.

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

_____ was leaving his residence and observed a green truck surrounded by residents of the area. _____ asked was was only on and was informed that they were self arresting the individuals in the truck. _____ observed a the driver of the vehicle with his hands up and shirt pulled up showing he was not armed. _____ was able to get parties to let the juveniles go and escorted them to the entrance.
--

0 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 1 OF 3

BWC RECORDING

On 10/5/2022, at approximately 1738 hours, Deputy Johnson responded to _____ Osteen in reference to a disturbance complaint.

Prior to arrival, Central advised the following: A subject was not letting the juveniles leave the area and advised he had a firearm.

Upon arrival, Deputy Johnson met with _____ (V1), who advised the following information: He and _____ (V2) were driving on _____ preparing to leave when he noticed a male later identified as _____ (D1) parked at the side of the road. As he approached to pass, _____ pulled his vehicle across the road and blocked the roadway. It should be noted a large mud hole blocked _____'s exit, and he had no way of retreating from the incident.

During the incident, _____ asked _____ what he was doing in the area and advised they were on a private road. During the conversation, _____ then fired off three rounds in the air and told _____ to exit the vehicle. _____ advised _____ never directly pointed the gun at him or _____ exited the vehicle and showed _____ he was not armed. A neighbor, later identified as _____ (W5), arrived and escorted _____ and _____ to the entrance of _____

_____ (O1) later arrived and advised he wished to press charges on behalf of his son _____.

_____ advised she and her boyfriend _____ were driving when they noticed the road was getting soft, so they decided to turn around when _____ parked on the side of the road and, when they approached, pulled parallel on the road, blocking them in. _____ then got out of the vehicle and proceeded to display a firearm and fire it in the air. He was yelling at _____ and _____ saying, "call your mommy, daddy, congressmen, or whoever." He then pointed the firearm at the back of _____'s vehicle, telling _____ and _____ to get out. She stated seven vehicles arrived, and _____ then got out to try and talk to _____, but _____ continued to yell. Then a white Ford, which belonged to _____ arrived and advised _____ to follow _____ out. As _____ and _____ were leaving, _____ stated, "My name is _____, and do not come back."

_____ (O2) later arrived and advised she wished to press charges on behalf of her daughter _____.

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 2 OF 3

_____ and _____ believed _____ had the ability to carry out the threat, and _____'s actions created within _____ and _____ the well-founded fear that violence was imminent.

During interactions with _____ Deputy Johnson observed him to be calm despite the leading events. Deputy Johnson observed no injuries on _____'s body. _____ did not require any medical treatment prior to my arrival.

During interactions with _____, Deputy Johnson observed her to be scared because of the prior events. Deputy Johnson observed no injuries on _____ body. _____ did not require any medical treatment prior to my arrival.

_____ and _____ provided Deputy Johnson with a handwritten statement.

Deputy Johnson met with _____, who advised he arrived at the incident and observed _____ outside of the vehicle with his hands up. _____ lifted his shirt up to show he was unarmed and was speaking with _____. _____ advised _____ to let them go, and _____ complied. _____ then requested _____ and _____ follow him to the entrance at _____.

Deputy Johnson explained to _____ his constitutional rights (Miranda rights), which _____ advised he understood and provided the following information:
_____ received a text saying that a truck was tearing up the road. _____ observed _____ and stopped behind them, and approached the vehicle. _____ advised _____ that he was tearing up his road and attempted to ask _____ who he was, why he was there, and how many people were in the car. _____ refused to provide information and just stated that he did not live in the area. Due to residents being unable to find _____ brandished his Ruger 9mm handgun and fired three shots into the air to signal where he was. _____ later arrived and advised _____ to let _____ and _____ go, which he did without further incident.

_____ provided Deputies with his 9mm Ruger EC9 (Serial # _____), a black holster, two 9mm mags, and 13 rounds of 9mm ammunition.

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

VSO Case Number
22-19088

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 3 OF 3

Due to statements from parties on scene, Deputy Johnson determined [REDACTED] did intentionally and unlawfully threaten by word or act to do violence to [REDACTED] and [REDACTED] coupled with an apparent ability to do so and prevent them from leaving by blocking the road and brandishing a firearm (a deadly weapon), which created a well-founded fear in [REDACTED] and [REDACTED] that violence was imminent.

[REDACTED] was placed under arrest for Aggravated Assault, False Imprisonment, and Child Abuse. [REDACTED] was later transported to the Volusia County Branch Jail.

Deputy Johnson later completed a risk protection order regarding the incident.

Deputy Johnson provided [REDACTED] and [REDACTED] with a VSO business card with a case number and advised [REDACTED] and [REDACTED] to contact the Volusia Sheriff's Office if they needed any further assistance.

Deputy Johnson notified Director Quann regarding the incident.

Due to the presence of a minor child at the residence, a copy of this report was forwarded to the Department of Children and Family (DCF) for their review.

Case status: Arrest/ Adult.

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>Pistol</u>	Location	<u>Evidence</u>
Quantity	<u>13</u>	Type	<u>GUMM ROUNDS</u>	Location	<u>Evidence</u>
Quantity	<u>1</u>	Type	<u>GUN HOLSTER</u>	Location	<u>Evidence</u>
Quantity	<u>2</u>	Type	<u>GUMM MAGS</u>	Location	<u>Evidence</u>
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: 10/05/2022 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 10/05/2022 day of October, 2022, by Deputy Johnson
Affiant's name


Signature of Attesting LEO Witness

Sgt. Patterson
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)

VOLUSIA SHERIFF'S OFFICE

Clerk of Court's Number

RISK PROTECTION ORDER / BAKER ACT FIREARMS AND AMMUNITION RECEIPT

EVENT	Report Date	Report Time	Orig. Reported Date	Nature of Call (for Incident)	Agency Report Number	1. Original	2. Supplement		
	10/05/2022	1733	10/05/2022	DISTURBANCE	22-19088		1		
CODE	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)
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description			
		1	Y	Y	O	9MM BLACK/GRAY RUGER EC9			
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number	
		RUGER	EC9	9MM	PI	SEM	BLACK/ GRAY		
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description			
		2	Y	Y	O	BLACK HANDGUN HOLSTER			
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number	
		NA	NA	NA	NA	NA	NA	NA	
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description			
		3	Y	Y	O	TWO 9MM MAGAZINES			
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number	
		RUGER	EC9	9MM	NA	NA	BLACK	NA	
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description			
		4	Y	Y	O	THIRTEEN 9MM ROUNDS			
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number	
		NA	NA	9MM	NA	NA	NA	NA	
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description			
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number	
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description			
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number	
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description			
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number	

[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 10/05/2022

Respondent

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.

Respondent

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) _____

Respondent

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 10/05/2022, at [Redacted] OSTEEN 32764

SIGNATURES

Respondent: _____ Date: 10-5-22
 Deputy: *[Signature]*

CUSTODY	Item #	Date	Time	Released by (Printed):	Released by (Signature):	Received by (Printed):	Received by (Signature):	
	2-4	10/05/22	0500	DS JOHNSON	<i>[Signature]</i>	DISTRICT 4 EVIDENCE		
	Leave Blank:			Reason for Change:				
				ROP/EVIDENCE				
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			Officer Reporting - Signature		ID Number	Unit	Date
				<i>[Signature]</i>		9341	1C41	10/05/2022
	Officer Reviewing - Printed (If Applicable)			Officer Reviewing - Signature (If Applicable)		ID Number	Unit	Date