

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

VSO Case Number
22-19883

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} Deputy Michael Branstiter, in my position as {job title} Deputy Sheriff with the {name of law enforcement officer/agency} Volusia Sheriffs 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:

BWC Recording Marsy's Law Refused
On October 16, 2022 Deputies were dispatched to _____ in reference to shots being fired in the area. Dispatch advised prior to arrival a female caller later identified as _____ (D1) had been awoken by banging on her door by a person who refused to identify themselves. _____ advised dispatch prior to Deputies being on scene she fired warning shots. _____ advised dispatch the

3 Additional pages are attached.

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

Deputy Nelson contacted _____ (O1) who provided the following statement: _____ heard a woman scream and it woke him up. _____ stated he came over to _____'s trailer and found her with a gun in her hand. _____ stated he took the gun from _____ to prevent _____ from hurting herself or someone else. _____ wrapped the gun in his T-shirt and hid it in the freezer outside of his girlfriend's trailer. _____ advised he was also in contact with _____ and _____ believed he had been shot but _____ stated he

1 Additional pages are attached.

AFFIDAVIT CONTINUATION

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gun used in the shooting was given to her neighbor and she no longer had any weapons.

Deputy Nelson arrived on scene and continued to contact _____ via dispatch call takers. Deputy Nelson contacted a truck slowly leaving the trailer park. The truck was driven by a white male driver who was later identified as being _____ (V1). At the time of this contact _____ did not show any signs of being injured or having been in a recent altercation and _____ left the scene before his involvement in the incident was known to Deputies. Deputy Nelson later reviewed his BWC video to confirm this.

_____ eventually came out to the road and met deputies there. _____ stated to Deputy Nelson she heard a banging on her door, and the person refused to identify themselves. _____ then yelled to the person at her door to leave unless it was the cops, or she would shoot at them. _____ then stated she fired two shots at a downward angle into the entry door of her camper. Deputies observed 2 holes consistent with small caliber ammunition in the side entry door to _____'s camper. _____ stated her neighbor came over the bridge and took the gun and she did not know where it was after that. Deputies also recovered 1 spent shell casing from within _____'s trailer consistent with the ammunition recovered in the magazine and chamber of the firearm later recovered from the neighbors freezer.

Deputy Nelson contacted _____ (O1) who provided the following statement: _____ heard a woman scream and it woke him up. _____ stated he came over to _____'s trailer and found her with a gun in her hand. _____ stated he took the gun from _____ to prevent _____ from hurting herself or someone else. _____ wrapped the gun in his T-shirt and hid it in the freezer outside of his girlfriend's trailer. _____ advised when he was also in contact with _____ and _____ believed he had been shot but _____ stated he was not. _____ stated he and _____ then went to look for _____'s dog. _____ believed he heard screaming earlier at approximately 0330 hours.

Deputy Blackwell made contact with _____ and advised her of her Constitutional Rights (Miranda Warning) to which she agreed to speak to deputies without an attorney present. _____ advised the following;

_____ advised she had not seen her husband, _____ since approximately 10/12/2022. _____ advised _____ returned to the residence on 10/15/2022 at approximately 1300 hours. _____ advised she went on a road trip with _____ and returned home at an unknown time.

AFFIDAVIT CONTINUATION

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_____ stated _____ then left the residence without her knowledge. _____ said she went to bed and was in a "dead sleep" when she was woken up at approximately 0400 hours on 10/16/2022 by loud banging on the door. _____ challenged the unknown person at the door but she advised no one answered. _____ advised she subsequently opened the door and discovered it to be _____ entered the residence irate and was demanding his prescriptions. _____ advised she could not assist _____ locate his prescriptions which angered _____. _____ stated _____ yelled "Do I have to get a gun to get my prescriptions!?" _____ then exited the residence and shut the door to which _____ locked the door. _____ said she feared for her safety and retrieved her firearm (_____) to "protect herself." _____ advised _____ then returned to the door and began banging on it again. _____ stated she fired two shots at the closed door while _____ was on the other side. _____ advised she knew _____ was behind the door. _____ stated she then exited the house and met with _____ who was standing with _____. _____ got into his _____ (Florida Tag # _____). _____ gave the aforementioned .380 to _____ in order to "keep herself safe." _____ advised she only had approximately one shot of vodka at approximately 0000 hours. _____ was unable to advise that _____ did not attempt to brandish a firearm or retrieve a firearm.

_____ advised she wished deputies to retrieve the other firearms in her residence for her safety. Deputy Blackwell retrieved a Taurus .38 Special (Serial # _____) with five .38 rounds in the cylinder from the top cabinet of the kitchen. From the same cabinet, Deputy Blackwell retrieved a Taurus .357 Magnum (Serial # _____) with six .357 rounds in the cylinder.

A criminal history check was conducted on _____ via TTY which yielded negative results for felony convictions.

A county wide BOLO was issued for _____ via teletype as well as notifications to area hospitals to be on notice if Allen _____ with gun shot wounds. An attempt to contact was issued for _____ at his listed address in Melbourne.

Deputy Blackwell took digital photographs of the scene and subsequently submitted them as evidence via Digital Crime Scene Database. Deputy Blackwell submitted the aforementioned firearms and ammunition.

Sergeant McDonald made contact with _____ via telephone who advised the following;

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_____ was uncooperative with deputies. _____ advised he was uninjured and was not fully aware of the situation. _____ stated he entered the trailer and a verbal argument ensued. _____ stated he left the trailer and heard the shots causing him to retreat to his truck and leave the area. _____ would not provide anymore pertinent information.

Melbourne Police Department made contact with _____ and advised he was uninjured.

Due to the usage of firearms a Risk Protection Order was completed.

Based on Deputy Blackwell's investigation and statements made post Miranda by _____ it was determined _____ intentionally and knowingly committed aggravated assault by using a deadly weapon to shoot at her husband _____ without the intent to kill him.

_____ was placed under arrest and transported to District 3S for paperwork and then to VCBJ without incident.

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:

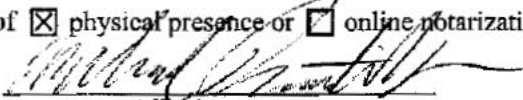
Quantity	<u>1</u>	Type	<u>M&P Shield .380</u>	Location	<u>Evidence</u>
Quantity	<u>1</u>	Type	<u>Taurus .357 mag</u>	Location	<u>Evidence</u>
Quantity	<u>1</u>	Type	<u>Taurus .38 special</u>	Location	<u>Evidence</u>
Quantity	<u>5</u>	Type	<u>.380 ammo</u>	Location	<u>Evidence</u>
Quantity	<u>6</u>	Type	<u>.357 mag ammo</u>	Location	<u>Evidence</u>
Quantity	<u>5</u>	Type	<u>.38 special ammo</u>	Location	<u>Evidence</u>

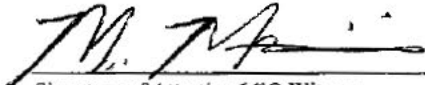
0 Additional pages are attached.

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: 10/16/2022

Signature of Affiant: Michael Branstiter 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 16 day of October, 2022, by 
Affiant's name


Signature of Attesting LEO Witness

D/S McGinnis
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)

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and Allen then went to look for [REDACTED]'s dog. [REDACTED] believed he heard screaming earlier at approximately 0330 hours. A statement was obtained from [REDACTED]

VOLUSIA SHERIFF'S OFFICE

Clerk of Court's Number

RISK PROTECTION ORDER / BAKER ACT FIREARMS AND AMMUNITION RECEIPT

Page _____ of _____ Pages

CODE	Report Date	Report Time	Orig. Reported Date	Nature of Call (for Incident)	Agency Report Number	1. Original	2. Supplement	1	
EVENT	10/16/22	0455	10/16/22	Assault/Battery	22-19883				
PROPERTY	Leave Blank:		Item #	Status	Category	Quantity	Description		
			1	1	y	1	M&P Shield .380		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number	
		Smith & Wesson	Shield	.380	Semi	Semi	black	RDH1609	
PROPERTY	Leave Blank:		Item #	Status	Category	Quantity	Description		
			2	1	y	5	5 rounds of .380 ammunition		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number	
PROPERTY	Leave Blank:		Item #	Status	Category	Quantity	Description		
			3	22	y	1	black Taurus 6 shot revolver in .357 magnum		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number	
		Taurus		.357 Magnum	Semi	Rev	black	HK102918	
PROPERTY	Leave Blank:		Item #	Status	Category	Quantity	Description		
			4	22	y	6	6 rounds of .357 magnum ammunition		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number	
PROPERTY	Leave Blank:		Item #	Status	Category	Quantity	Description		
			5	22	y	1	Black Taurus 5 shot revolver in .38 special		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number	
		Taurus		.38 special	Semi	Rev	black	XF11740	
PROPERTY	Leave Blank:		Item #	Status	Category	Quantity	Description		
			6	22	y	5	5 round of .38 special ammunition		
	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	

INITIALS

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 _____

Respondent

[Signature]
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.

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) _____
 Respondent (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 10/16/22 at [Redacted] Oak Hill, FL

SIGNATURES

[Redacted Signature] Respondent 10/16/22 Date *[Signature]* Deputy

CUSTODY	Item #	Date	Time	Released by (Printed):	Released by (Signature):	Received by (Printed):	Received by (Signature):	
	1-5	10/15/22	0510	Lindsay Bennett	<i>[Signature]</i>	Deputy Blackwell	<i>[Signature]</i>	
	Leave Blank			Reason for Change: Safe Keeping				
	1-6	10/16/22	0510	Deputy Blackwell	<i>[Signature]</i>	D3S	<i>[Signature]</i>	
	Leave Blank			Reason for Change: Safe Keeping				
ADMIN.	Officer Reporting - Printed Deputy Branstler			Officer Reporting - Signature		ID Number 9342	Unit 1D52	Date 10/16/22
	Officer Reviewing - Printed (if Applicable)			Officer Reviewing - Signature (if Applicable)		ID Number	Unit	Date