

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

VSO Case Number
22-23910

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

_____ walked over to his neighbors residence entered their screened in porch area holding a 10MM black hand gun _____ knocked on the door looking for the resident, _____ but was answer by his wife who opened the door, saw the gun then closed the door. After waiting at the door for several minutes, _____ said "You'll get yours motherfucker" as he walked away. _____ advised he went to _____'s house with his firearm in hand and was prepared to shoot _____. The incident was captured on video.

3 Additional pages are attached.

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

 Additional pages are attached.

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MARCY'S LAW INVOKED BY VICTIM'S

BWC RECORDING

On 12-19-2022, at approximately 1022 hours, Deputies responded to _____
_____ Deltona in reference to an aggravated assault.

Upon arrival, deputies contacted _____ (V1) who provided the following statement:

_____ advised she heard a knock at her residence and went to see who it was. When she opened the door, she saw an older white male wearing a long sleeve blue shirt, white hair, and blue shorts at the door whom she believed was her neighbor _____ (D1). _____ stated she opened the door for _____ and saw him carrying a black pistol in his right hand. _____ advised she did not know what _____'s intentions were with the pistol and out of fear for her life she slammed the door closed and locked it. _____ stated she could hear _____ asking for her husband _____ (V2) to come outside and advised he had something for him. _____ stated she had _____ call 911 for Law Enforcement assistance. _____ completed and signed a sworn written statement, which was consistent with her account of the incident. _____ stated she wished to pursue criminal charges against _____.

Deputies then contacted _____ who provided the following statement:

He heard a knock at the front door and his wife _____ went to see who it was. Moments later he heard the door slam closed, and his wife began to shout, "He has a gun, call the police." _____ advised he immediately called 911 for Law Enforcement assistance. _____ and _____ retreated to the back of the home and utilized their security cameras. _____ advised _____ was seen on his ring doorbell camera still standing at the front door. A few minutes later _____ could be heard on their ring doorbell camera saying "You'll get yours motherfucker" as he walked away. _____ completed and signed a sworn written statement, which was consistent with his account of the incident. _____ stated he wished to pursue criminal charges against _____.

Deputy Feliciano contacted _____ at his residence located at _____
_____ provided the following statement:

AFFIDAVIT CONTINUATION

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He was fed up with his neighbor _____ who was consistently having issues with his grandson. Today, _____ stated he got dressed as usual and decided to grab his 10 mm Smith & Wesson semi-automatic pistol and confront _____. _____ advised he went to _____'s house with his firearm in hand and was prepared to shoot _____. _____ advised he knocked on _____'s door, but his wife _____ opened the door and quickly slammed the door closed. _____ advised a short time later no one answered the door, so he walked back home.

It should be noted while in contact with _____ Deputy Feliciano observed a big bruise on the left side of his face. _____ advised he was drinking the day before and hit his face on a wall. _____ was later evaluated by the Volusia Fire Department and was cleared on the scene.

_____ later emailed Deputy Feliciano the video surveillance. The video surveillance provided by _____ was burned to a flash drive and was later submitted to the District 4 Evidence Locker.

Deputies reviewed the video surveillance and observed the following:

_____ walks from his residence towards _____'s while carrying a black firearm in his right hand;
_____ is met by the front enclosed porch area of _____'s residence;
_____ removes the locking mechanism (bungee cord) that held the front patio door shut;
_____ enters the enclosed area and knocks on the front door of the residence with the firearm in his right hand;
-The front door is opened by _____ and _____ steps forward toward their door entry;
_____ immediately closes the door preventing _____ from entering the front door entry;
_____ stands at the door for a couple of minutes and utters the comments mentioned above.;
_____ returned home with the firearm.

Deputies attempted to obtain consent from _____'s wife, _____ for the firearm involved in this case but she was not cooperative.

District 4 CID was notified of the necessity of a search warrant and the scene was secured for the search warrant process. D4 CID assisted with the search warrant process and the firearm was obtained (see D4 CID supplement for details).

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Based on Deputy Feliciano's investigation including the statements obtained, video evidence provided by [REDACTED] and the recovered firearm, [REDACTED] was determined to be the primary aggressor.

[REDACTED] was secured with handcuffs and charged with aggravated assault with a deadly weapon and armed burglary.

Deputy Feliciano had Central Communications perform a criminal history check on [REDACTED] which yielded [REDACTED] to have a misdemeanor property crime in the past.

Deputy Feliciano completed an SA-707 charging affidavit against [REDACTED] for:

Aggravated assault with a deadly weapon without the intent to kill, F.S.S. 784.021(1)(A), and due to [REDACTED] passing the curtilage of the front screened-in porch with the intent to commit a crime, [REDACTED] was subsequently charged with F.S.S. 784.021(2)(B) armed burglary.

[REDACTED] was later transported to the Volusia County Branch Jail.

*** [REDACTED] and [REDACTED] completed and signed a VSO Marsy's Law form, in which they elected their information to remain confidential***

Case Status: Arrest / Adult.

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	<u>1</u>	Type	<u>AR-10 Rifle</u>	Location	<u>Inside residence</u>
Quantity	<u>1</u>	Type	<u>454 Handgun</u>	Location	<u>Inside residence</u>
Quantity	<u>unk</u>	Type	<u>Ammo</u>	Location	<u>Inside residence</u>
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: 12/19/2022 Signature of Affiant:  9311

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 19 day of December, 2022, by D/S Feliciano
Affiant's name


Signature of Attesting LEO Witness

D/S DeLuca 9438
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)