

**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 22-2990

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* _____ Deputy Sheriff Eban Prado, 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:

On 02/14/2022 at approximately 2337 hours, Deputy Arthur responded to _____, Deltona in reference to a disturbance. Upon arrival, Deputy Arthur made contact with _____ (VI) who advised the following:
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4 Additional pages are attached.

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

_____ stated _____ and her are no longer dating, and were arguing with one another over infidelity. _____ stated _____ was going to her residence to shoot her with his gun. _____ advised she was in fear for her life and left her residence for the night. See victim statements for additional information.
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2 Additional pages are attached.

AFFIDAVIT CONTINUATION

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████████ stated she and ██████████ (S1) have been dating for approximately seven months and were arguing because she found him communicating with his ex girlfriend. ██████████ continued with advising she and ██████████ have never resided together nor do they have any children in common. ██████████ advised during the argument, ██████████ told her, via text message that he was on his way to her house to shoot her. ██████████ in fear for her safety, took her kids and fled her residence. ██████████ returned approximately an hour later to find ██████████ at her house in the carport after where he then kicked her car. ██████████ further stated she has been threatened multiple times in the past by ██████████ once with a weapon but this being the first time she has believed him. ██████████ advised while ██████████ was kicking her car, ██████████ never observed a firearm but insisted that it was in his waistband because he was reaching for something while she pulled out of the driveway. ██████████ completed a sworn written statement indicating she wished to pursue criminal charges.

Furthermore, Deputy Arthur observed the text messages between ██████████ and ██████████ ██████████ was speaking to ██████████ ex-girlfriend when ██████████ overheard ██████████ voice on speaker phone. ██████████ became upset and sent a text message to ██████████ stating he was coming to her residence. The ex-girlfriend, unknown information, told ██████████ ██████████ had left her residence with his firearm.

████████ asked ██████████ via text, if he was coming to her residence to shoot her and he said "Yup". ██████████ later mentioned he was going to show her death as well. The depiction of the incident was not exact as ██████████ cellular device's battery died and the messages were unable to be photographed nor viewed for exact verbiage.

Deputies on scene staged a perimeter around ██████████ house in attempt to make contact with ██████████ however, ██████████ agreed to leave for the night in order to prevent law enforcement from having a potential deadly encounter with ██████████

Due to ██████████ knowingly and intentionally sending ██████████ text messages indicating threats to kill or harm her, Deputy Arthur determined probable cause to charge ██████████ for written threats to kill or injure and completed a 707 pass on affidavit for him. Deputy Arthur later placed the affidavit for ██████████ in the D4 pass on binder.

████████ was provided with a Marsy's Law Form and a victim's rights pamphlet.

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_____ was provided with a Marsy's Law Form and a victim's rights pamphlet.

Deputy Arthur later faxed this report to DCF and sent to Carla Quann.

Day shift units were made aware of the incident and advised to attempt to contact _____ so photographs could be taken of the text messages for evidence purposes.

VSO Case #22-2999 - On Monday, 02/14/2022, at approximately 0640 hours, Deputy Prado made contact with _____ who provided Deputy Prado with the screenshot photographs of the text messages which stated the following:

_____ Bet ...I'm on my way.

_____ For?... To shoot me ?

_____ Yup

_____ Okay ... Police will be here

_____ That's fine

_____ Lmao ... Shoot people cuz ur mad ... Don't come to my house or near me

_____ Naw u want to died ... I can show u death bro

_____ Cool ... Have a great night ... I called the police ... Leave my house ... Cops coming

_____ Lock and load for the shoot out... (devil emoji) ... U started it so am finish it ... A day to remember bam death b4 vday ... (laughing and skull emoji)

The digital photographs were later uploaded into the Digital Crime Scene Database.

Deputies eventually made contact with _____ at the victim's residence with a loaded pistol at,

_____, Deltona, who was later charged with armed burglary and resisting a law enforcement officer without violence (see VSO case #22-2999) for additional information)

During a search of _____ it was revealed _____ possessed a valid concealed weapons permit.

It should be noted _____ advised she did not want to pursue criminal charges on _____ for criminal mischief, after he kicked the door to her vehicle and left a dent in the driver door.

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_____ was transported to the Volusia County Branch Jail.

A criminal history check revealed no felony convictions.

On Monday, 02/14/2022, at approximately 0640 hours, deputies responded to _____, Deltona, in reference to provide an escort for _____ (V1). On 02/13/2022, at approximately 2340 hours, deputies responded to the aforementioned address and attempted to make contact with _____ (D1), who made written threats to kill _____ with a firearm (see VSO case 22-2990 for additional information).

Prior to arriving on scene, Deputy Prado made contact with _____ at the Walgreens located at 1700 N. Normandy Blvd, who stated the following:

_____ advised she needed to collect her belongings to go to work, but was unsure if _____ was as the residence, or if he had gained entry to inside of the residence. _____ stated she did not feel safe going inside of her residence alone, as she knew _____ possessed a black handgun. According to _____ _____ has never resided at her residence during their eight month relationship, and she never gave permission for _____ to enter her residence. _____ provided deputies with a key to her residence, and requested deputies clear the house, prior to her arriving on scene.

Upon arrival to _____, deputies approached the residence, and utilized the key provided by _____ to enter the residence. After the door was opened, Deputy Prado made several announcements, identifying himself and other deputies as the Sheriff's Office. VSO Drone Operator, Deputy Hachenberger advised after the announcements were made, he observed _____ exit the residence through the back bedroom window, and run into the backyard. _____ was observed wearing a red shirt, black pants, and wearing a black backpack.

After _____ jumped over a fence and entered the backyard of a neighbor's residence, he was challenged by several deputies to place his hands in the air, and get on the ground. _____ refused to comply with the verbal commands of deputies, and continued to run North, through the backyards of several residences. As _____ approached Belvedere Dr, he was challenged by Deputy Cunningham, and complied with the verbal commands issued from Deputy Cunningham. _____ was subsequently arrested for Written Threats to Kill/Do Bodily Harm

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(VSO Case #22-2990)

A search incident to arrest led deputies to discover a holstered black Taurus pistol (S#ACB579953) inside of the black backpack being carried by [REDACTED]. It should be noted there was round inside the chamber of the firearm, with ten rounds in the magazine.

[REDACTED] charged with resisting an officer without violence, after he willfully refused to comply with the verbal commands given by deputies, as he fled from law enforcement. [REDACTED] advised she had never given consent for [REDACTED] to enter her home while she was away, and completed a sworn written statement advising she wants to pursue criminal charges on [REDACTED] for burglary.

[REDACTED] was advised of his Miranda Rights by Deputy Cunningham, to which he advised he understood his rights and agreed to speak to deputies. While speaking with Deputy Prado, [REDACTED] stated after seeing several deputies outside of the residence, he got scared so he ran from deputies. [REDACTED] stated he gained entry to the residence by using a key he had to the residence. Upon being questioned about the written threats to kill [REDACTED] (VSO case #22-2990), [REDACTED] advised he makes statements like that when he gets mad at [REDACTED]. It should be noted [REDACTED] told Deputy Prado [REDACTED] stole a key from her residence near the beginning of their relationship. Based upon deputies observing [REDACTED] exiting the residence, as he wore the backpack in which the pistol was stored, coupled with [REDACTED] sworn statements advising she never gave permission for [REDACTED] to enter the residence, Deputy Prado determined there was probable cause to charge [REDACTED] with armed burglary.

The firearm, along with the holster, and eleven rounds, were later submitted into the District 4 Evidence Locker as evidence.

Digital Photographs were later uploaded into the Digital Crime Scene Database. [REDACTED] was transported to the Volusia County Branch Jail under VSO case #22-2990

A Risk Protection Order was completed. Deputy Prado seized [REDACTED] concealed weapons permit, pending the results of the Risk Protection Order. Case Status: Arrest/Adult

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

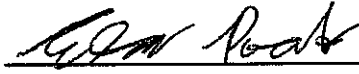
0 Known protection orders are attached

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:

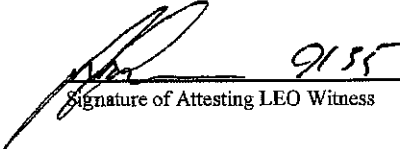
Quantity	<u>1</u>	Type	<u>Taurus G3C</u>	Location	<u>VSO Evidence</u>
Quantity	<u>11</u>	Type	<u>9mm rounds</u>	Location	<u>VSO Evidence</u>
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____

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: 02/14/2022 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 14 day of February, 2022, by Deputy Sheriff Eban Prado
Affiant's name:


Signature of Attesting LEO Witness

DRS Freeborn, Jonathan #9135
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

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Report Date 02/14/2022	Report Time 0719	Orig. Reported Date 02/14/2022	Nature of Call (for Incident) BURGR	Agency Report Number 22-2990	1. Original 2. Supplement 1
Status Code: 1. Evidence Recovered 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)					
Leave Blank:	Item # 1	Status 23	Category Y	Quantity 1	Description CCW #WX3154338
If Gun	Make	Model	Caliber	Type / Cat	Action
Finish	Serial Number				

INITIALS
ARRESTED
Respondent

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 02/14/2022

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) [Redacted]
 (Address) [Redacted], Orlando FL 32810
 (Telephone Number) [Redacted]

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 02/14/2022, at [Redacted], Deltona FL 32725

SIGNATURES
 Respondent: **ARRESTED**
 Date: 02/14/2022
 Deputy: [Signature]

CUSTODY	Item # 1	Date: 02/14/22	Time: 0719	Released by (Printed): [Redacted]	Released by (Signature): [Redacted]	Received by (Printed): D/S Prado, Eban	Received by (Signature): [Signature]	
	Leave Blank			Reason for Change: RPO				
CUSTODY	Item # 1	Date: 02/14/22	Time: 1800	Released by (Printed): D/S Prado, Eban	Released by (Signature): [Signature]	Received by (Printed): D4 Evidence Locker	Received by (Signature):	
	Leave Blank			Reason for Change: RPO				
ADMIN.	Officer Reporting - Printed D/S Prado, Eban			Officer Reporting - Signature [Signature]		ID Number 9133	Unit 1D44	Date 02/14/22
	Officer Reviewing - Printed (if Applicable)			Officer Reviewing - Signature (if Applicable)		ID Number	Unit	Date