

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

VSO Case Number
230000751

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST *{Name of Respondent}* _____

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* _____ Jonathan Eveler _____, 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:

BWC ACTIVATED ***MARSY'S LAW INVOKED***

On 1/12/23 at approximately 1301 hours, Deputies responded to _____ Deltona, Florida, for the report of an assault/ battery. While responding to the scene, a lookout was given for a green Subaru that had pointed a handgun at the caller. The vehicle was last seen traveling on Howland Blvd toward SR 415.

_____ Additional pages are attached.

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

See Statement

_____ Additional pages are attached.

AFFIDAVIT CONTINUATION

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A tag was given of [REDACTED] which did not come back as a good tag. While responding to the area, Deputy Eveler observed a green Subaru displaying Florida registration of [REDACTED]. The vehicle was traveling south on Providence Blvd at E Chapel Drive. Deputy Eveler observed the vehicle until it pulled into the parking lot at 1229 Providence Blvd, Deltona. Deputy Eveler conducted a traffic stop on the vehicle.

Deputy Eveler ordered the driver to show his hands and the driver complied. Deputy Eveler then came in contact with [REDACTED] (D1) who was the sole occupant of the vehicle. [REDACTED] was asked if he had any firearms which he stated he had one between the driver's seat and center console. [REDACTED] was secured and escorted out of the vehicle for safety. Deputy Eveler advised [REDACTED] of his Miranda Warning which he acknowledged and waived electing to speak with Deputies. [REDACTED] advised he was traveling on Howland Blvd when an 18 wheeler almost ran him off the road. [REDACTED] further stated he did not display his firearm despite the fact the caller knew that [REDACTED] was armed and was able to describe it. [REDACTED] denied picking up or brandishing the firearm at all. Sergeant Patterson responded to the scene. Sergeant Patterson began speaking with [REDACTED] who stated he did in fact display his weapon inside the vehicle, pulling it from its holster and brandishing it while he was driving.

[REDACTED]'s firearm was secured. The firearm was a Phoenix arms .22 pistol with a serial number of #4547769. The weapon was loaded with 5 rounds in the magazine and 1 in the chamber.

Deputy Marty responded to the scene and made contact with [REDACTED] (VI). [REDACTED] advised he was traveling on Howland Blvd in the area of Graves Avenue, Deltona, Florida, when a green Subaru cut him off. The two vehicles continued to travel down the road the Subaru was in front of the 18 wheeler. [REDACTED] then observed the driver of the Subaru waving a silver handgun out the window and pointing it back at him. The driver then cocked the gun as he continued driving. [REDACTED] described the driver as a black male, gray hair, black shirt, gray shorts, with a silver handgun. [REDACTED] completed a sworn written statement in which he advised he wanted to press charges and that he was in fear. [REDACTED] invoked Marsy's Law electing to keep his information private.

AFFIDAVIT CONTINUATION

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██████████ (W1) was riding in the vehicle with ██████████ ██████████ advised that a green car drove past at a high rate of speed. ██████████ then yelled to the driver of the green car about his speeding. ██████████ then observed the driver of the vehicle waving a handgun back toward the truck. ██████████ completed a sworn written statement.

Deputy Estrada transported ██████████ to the scene for a show up. Upon arrival, ██████████ advised "that's him" positively identifying ██████████ as the one who pointed the firearm at him.

Based on Deputy Eveler's investigation, ██████████ did arm himself with his handgun during a road range incident. During the incident ██████████ displayed the handgun pointing it toward ██████████ causing him to fear for his life and safety. ██████████ was then stopped in a vehicle which matched the description ██████████ provided. A show up was then positively conducted. ██████████ was transported to VCBJ for booking.

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

0 Known protection orders are attached

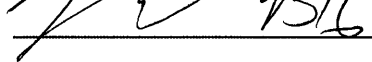
4. The quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody or control are as follows:

Quantity	<u>1</u>	Type	<u>Pistol</u>	Location	<u>VSO Evidence</u>
Quantity	<u>6</u>	Type	<u>.22lr ammunition</u>	Location	<u>VSO Evidence</u>
Quantity	_____	Type	_____	Location	_____
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: 01/01/2023

Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 12 day of January, 2023, by J. Eveler
Affiant's name


Signature of Attesting LEO Witness

J. Borbely
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)