

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

VSO Case Number
230013175

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST *{Name of Respondent}* _____

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* _____ Royce James _____, in my position as *{job title}* _____ Sheriff Deputy _____ 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:

On 07-10-2023 at approximately 2100 hours, Deputy James responded to _____ Debarry in reference to a domestic disturbance. As Deputy James was arriving onscene, central dispatch relayed the reporting party, _____ (V1), said her husband, _____ (D1) beat her up and pointed a rifle at her. In speaking with _____ it was confirmed _____ was not currently pointing a rifle at her and this occurred earlier.

_____ 1 _____ Additional pages are attached.

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

_____ Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION _____
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Deputies then spoke with [REDACTED] [REDACTED] was read his Miranda warning which he said he understood. [REDACTED] said he was sitting in his chair in the garage while him and [REDACTED] were arguing over their relationship. According to [REDACTED] [REDACTED] came outside and poured a beer on him. After the beer being poured on him, [REDACTED] said [REDACTED] went inside of the house where she called the police. [REDACTED] said there was no physical altercation between him and [REDACTED] and he never pointed any firearm at her. In looking at [REDACTED], his clothing did appear to be moist and he also smelled like an alcoholic beverage.

Due to [REDACTED] having injuries on her consistent with her explanation of what occurred, and the rifle being inside of the garage, [REDACTED] was taken under arrest. [REDACTED] was searched and placed into the patrol vehicle. [REDACTED] did not complete a written statement due to her highly agitated and intoxicated state, but she was sworn to her statement on body worn camera. [REDACTED] was provided with domestic violence paperwork which she signed for.

AFFIDAVIT CONTINUATION

FROM SECTION _____
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_____ explained she was currently locked inside of her bedroom and she suspected _____ was sitting outside; however, she was not sure where he was. Several deputies arrived onscene, established a perimeter around the residence and Air 1 began to respond to the call.

Central dispatch hung up with _____ and the deputies who were currently onscene called _____ so there was direct contact with her. _____ explained she was currently safe and was still hiding in the bedroom. Air 1 arrived onscene, spotted _____ sitting just outside of his garage and nothing appeared to be in his hands. Several deputies moved up and staged just outside of the front yard and _____ was called on his phone. _____ picked up the phone and walked out to the street where he was detained in hand restraints.

Contact was made with _____ who was extremely intoxicated. _____ was asked what happened and she said her and _____ had an argument over their marriage while sitting in their garage. During the argument, _____ said _____ poured a beer on her then hit her in her face and neck area. After _____ hit _____ she began to walk towards the inside of the house. _____ said _____ then obtained a type of hunting rifle, pointed it at her and said he would shoot and kill her. _____ was asked when _____ pointed the rifle at her, what did she think he was going to do. _____ explained she felt as if she was about to be shot by _____ which caused her to call the police. Inside of the garage, in plain view, there appeared to be a hunting rifle resting along some items in the garage. When asked was that the weapon _____ pointed at her, she said she believes so. In looking at _____ she did have a scratch on her chin and some redness on the right side of her neck. _____ also smelled as if there could have been an alcoholic beverage on her clothing. Photos were taken of _____ and they were later submitted into the digital crime scene database. Deputy James retrieved the rifle and discovered it was actually a BB gun. The BB gun was later submitted into evidence.

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 _____	Type _____	Location _____
Quantity _____	Type _____	Location _____
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: 07/10/2023 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 10 day of July, 2023, by Royce James
Affiant's name


Signature of Attesting LEO Witness

LT. CAMERON TUCKER # 7957
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)