

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
230016566

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA _____

I, {full legal name} _____ T. King _____, 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 Sunday, August 27, 2023, at approximately 2038 hours, Deputy King was dispatched and responded to the district four substation located at 1691 Providence Boulevard, Deltona in reference to an assault/battery complaint which occurred at _____ Deltona.

3 Additional pages are attached.

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

_____ Additional pages are attached.

AFFIDAVIT CONTINUATION

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Upon arrival, Deputy King made contact with _____ (V1) who advised the following. _____ advised she was involved in a physical altercation with her live-in boyfriend, _____ (D1). _____ stated _____ and her have been in a dating relationship for three years, romantically involved for approximately two and a half years, and have resided together for approximately two and a half years.

_____ explained she, _____ and a friend were out at a karaoke bar on 08/27/2023 until approximately 0130 hours. _____ explained all three went home to the aforementioned address. _____ stated _____ and his unnamed friend were in a verbal argument prior to her separating them. _____ explained the friend left the residence before anything got out of hand between him and _____. _____ stated _____ entered his bedroom and returned to the living room completely naked. _____ advised she told _____ to return to the bedroom as her daughter, _____ a minor, (O1), also resided within the residence. _____ stated _____ returned to the bedroom and _____ did not see him as she was within her bedroom. _____ explained she began cooking herself some dinner prior to heading to the same bedroom _____ was within. _____ explained she walked into the bedroom while holding her dinner and _____ was standing in the way preventing her from getting to the bed. _____ advised this is when the altercation became physical.

_____ stated she said excuse me to _____ and attempted to squeeze past him and he shoved _____ with an open hand to her back. _____ explained as a result of being shoved she dropped her bowl, slammed her right leg into a dresser/table, and fell to the ground. _____ stated she cleaned up the mess and then laid down in the bed attempting to go to sleep. _____ explained _____ laid in bed beside her and she rolled facing away from him due to what just occurred. _____ advised _____ swung his arm, which was on the side furthest from _____ and hit her on her left side of her face.

AFFIDAVIT CONTINUATION

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_____ explained _____ then got onto both knees, rested on a forearm, and began to impede her airway with an open hand. _____ explained _____ held her throat so hard she began to feel she was about to lose consciousness, had difficulty breathing, eyes began to bulge and build up pressure, and was seeing white in her eyesight. _____ stated she began hitting _____ and was able to get him off from her. _____ advised she and _____ both exited the bedroom prior to _____ returning to the bedroom. _____ stated she was going to call _____ when _____ exited the bedroom with his _____ 9mm pistol in a hard plastic holster in hand. _____ advised _____ walked by her stating, "Go ahead... I'm ready for them," prior to exiting the residence, and grabbing extra magazines from his truck. _____ stated she was in fear _____ was going to shoot her, _____ and any law enforcement officers who responded to the residence. _____ advised _____ entered the bedroom and did not exit the remainder of the night. _____ stated she obtained a photograph of her chest/ throat when she knew _____ could not see her. _____ advised she then went to bed for the evening. _____ stated she made contact with deputies at the district four substation hours later due to her fear of being harmed by _____. _____ advised she told _____ she was going to get dinner for _____ and used it as a reason to meet up with deputies. _____ completed and swore to a sworn written statement detailing the incident advising she wished to pursue criminal charges against _____. _____ signed a VSO Marsy's Law form indicating her request to have her information as confidential. _____ also completed all domestic violence paperwork. _____ had no further information to provide Deputy King with.

Deputies provided _____ with a VSO case card and informed her to contact the Volusia Sheriff's Office with any further information or questions. _____ received a VSO "Victim's / Witness Rights" pamphlet which she signed for.

Deputy King observed some redness and a scratch mark's consistent with strangulation and a scratch made by a fingernail on _____'s neck. Deputy King also observed a bruise to her right thigh consistent with being slammed into something, which was consistent with her account of events. _____ refused to be medically treated on scene or transportation to a medical facility by EVAC or fire rescue.

_____ provided a photograph of herself with red marking to her throat dated 08/27/23 at 0415 hours.

AFFIDAVIT CONTINUATION

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Deputy King obtained digital photographs of _____ which were later uploaded to Digital Crime Scene (DCS).

Deputy King made contact with _____ which he was read his Constitutional Rights from a VSO agency issued Miranda card. _____ advised he was aware of his rights and waived them. _____ advised he and _____ are boyfriend and girlfriend of approximately three years and currently reside together as a family unit for the past two years. _____ advised he remembered being out at Karaoke with _____ and a friend. _____ stated he, _____ and the friend returned home, and _____ separated _____ from the friend prior to things escalating. _____ denied remembering becoming naked, becoming physical with _____ or threatening violence against _____ or Law Enforcement Officers.

Based upon the statements made during the investigation and injuries consistent with _____'s account of events it was determined, _____ was the primary aggressor.

Deputy King contacted VSO Teletype and requested a criminal history check for _____ which revealed the following: As of 08/27/2023 Robert had no prior battery charges or convictions.

_____ was arrested for simple battery by intentionally touching/striking _____ against her wishes by pushing her to the ground causing injuries to her right thigh and slapping her on her right side of her face. _____ was also charged with domestic battery strangulation by knowingly and intentionally, against the will of _____ impedes her normal breathing or circulation of the blood of _____ a household member who he is in a dating relationship with, so as to create a risk of or cause great bodily harm by applying pressure on the throat or neck region. _____ was also charged with tampering with a victim by knowingly engaging in misleading conduct toward _____ with intent to cause or induce _____ to hinder, delay, or prevent the communication to a law enforcement officer.

Deputy Santiago collected the firearm for evidence and provided to Deputy King who submitted to the district four evidence locker.

Due to the presence of juvenile's during the incident Deputy King sent a copy of the report to Director Carla Quann and DCF for their review. _____ was later transported to VCBJ.

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

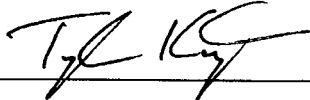
0 Known protection orders are attached

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:

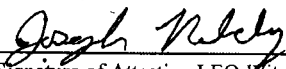
Quantity	<u>1</u>	Type	<u>Pistol</u>	Location	<u>VSO Evidence</u>
Quantity	<u>21</u>	Type	<u>9mm cartridges</u>	Location	<u>VSO Evidence</u>
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____

_____ 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: 08/28/2023 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 28 day of August, 2023, by T. King 9239
Affiant's name


Signature of Attesting LEO Witness

J. Burbely 9061
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)