

**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 VP230018018

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* Deputy Jacob Franklin, 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:

Incident Report - Case #2023-0923-001 Date and Time of Incident: September 17, 2023, at 0740 hours Location: _____ Debarry Responding Officer: Deputy Franklin Summary of Events: See continuation pages.

2 Additional pages are attached.

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

According to a sworn statement that _____ provided to the Seminole County Sheriff's Office, it was reported that _____ fired his rifle twice into the ceiling of the master bedroom. During this incident, _____ verbally expressed his intention to harm _____ and himself, with the aim of preventing her from leaving. It's important to note that _____ has a history of alcohol abuse, which is known to trigger violent behavior in him.
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0 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 1 OF 2

Deputy Franklin received a dispatch to _____ Debarry, in response to a report of an injured male. The Debarry Fire Department had alerted that there was a presence of blood throughout the residence, and the injured male, later identified as _____ had sustained severe lacerations to his face

Upon Deputy Franklin's arrival, emergency medical personnel were in the process of transporting _____ to Central Florida Regional Hospital in Sanford. Deputy Franklin engaged with the medical personnel who relayed that they discovered _____ in a room within the residence, bleeding from facial lacerations and covered in blood. Additionally, EMS personnel discovered a handgun on the nightstand in the master bedroom and observed what appeared to be gunshot holes in the ceiling.

Upon initial inspection through the open front door, Deputy Franklin observed a substantial amount of smeared blood on the carpet near the entrance, as well as blood on various items within the living room and on interior walls. EMS personnel confirmed that no other individuals were present within the residence at the time.

In the call-for-service records, it was noted that _____ had called dispatch, indicating that _____ sent her a photograph of his injured face at approximately 0730 hours. Deputy Franklin subsequently contacted _____ who explained that she received a call on the same date from _____ who expressed concern for _____ due to an altercation between _____ and _____'s husband, _____ on the night of September 16, 2023.

Deputy Franklin then reached out to _____ via phone to ascertain her well-being and the circumstances surrounding _____'s injuries. _____ recounted that _____ had been heavily intoxicated and had caused damage to the walls of his residence by punching holes in them. She further disclosed that, during this time, _____ threatened to shoot her and himself if she attempted to leave. _____ proceeded to discharge his firearm into the ceiling, prompting _____ to flee the room. Subsequently, _____ fired a second round into the ceiling.

While _____ was on the phone with _____ physically assaulted her, including pulling her hair, and concealed her keys. _____ overheard the altercation and rushed to _____'s residence. Upon his arrival, _____ initiated a physical confrontation with _____ leading to a fight between them. Following the altercation, _____ transported _____ back to their residence in Sanford.

Deputy Franklin interviewed _____ who recounted that _____ had called him out of fear for her safety. During the call, _____ informed _____ that _____ had discharged two rounds into the ceiling and had continued to threaten her. _____ requested _____ to pick her up from _____'s residence.

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 2 OF 2

During their conversation, [REDACTED] could be heard provoking [REDACTED] to engage in a physical altercation at [REDACTED]'s residence. [REDACTED] reported hearing [REDACTED] crying and expressing her fear of further harm by [REDACTED]. Upon arriving at the scene, [REDACTED] opened the door and continued to assault [REDACTED]. Subsequently, [REDACTED] attempted to attack [REDACTED] by throwing multiple punches. [REDACTED] defended himself in an act of self-defense to protect him and [REDACTED] from seriously bodily injury or death at the hands of [REDACTED].

Deputy Franklin requested the Seminole County Sheriff's Office to respond to the residence of [REDACTED] and [REDACTED] to obtain formal statements. Both [REDACTED] and [REDACTED] provided written sworn statements to the Seminole County Sheriff's Office, in which they expressed their desire not to pursue charges and confirmed that they had not sustained any injuries.

It is important to note that [REDACTED] and [REDACTED] have been in a dating relationship for approximately one year, with expectations of intimacy. They have not cohabited during the course of their relationship and do not share any children in common.

Based on the information provided through witness statements and the observations documented by EMS/Fire Personnel, there exists a belief that [REDACTED] may be in possession of firearms, including both handguns and rifles. The specific make, caliber, and quantity of these firearms, as well as any accompanying ammunition, remain undetermined at this time. The area was secured with crime scene tape, and Deputy Franklin established and maintained a crime scene log. Supervisor notifications were made by Sergeant Hillyard, and the Criminal Investigations Division (CID), Major Case Unit, and Crime Scene Unit promptly responded to the scene. Deputy Johnson responded to Central Florida Regional Hospital to obtain updates on [REDACTED]'s condition. Additionally, Deputy Franklin submitted photographs of [REDACTED]'s injuries, as well as photographs of [REDACTED] and [REDACTED] to the digital crime scene database for documentation.

The investigation was still active at the time of this RPO and the affidavit will be completed by detectives.

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>5.56 Rifle</u>	Location	<u>[REDACTED] Debary</u>
Quantity	<u>1</u>	Type	<u>12 gauge shotgun</u>	Location	<u>[REDACTED]</u>
Quantity	<u>1</u>	Type	<u>22 long rifle</u>	Location	<u>[REDACTED]</u>
Quantity	<u>Unknown</u>	Type	<u>5.56 ammo</u>	Location	<u>[REDACTED]</u>
Quantity	<u>Unknown</u>	Type	<u>12 gauge ammo</u>	Location	<u>[REDACTED]</u>
Quantity	<u>Unknown</u>	Type	<u>22 ammo</u>	Location	<u>[REDACTED]</u>

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: 09/17/2023 Signature of Affiant: Franklin, Jacob Digitally signed by Franklin, Jacob Date: 2023.09.17 18:16:27 -04'00'

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 17 day of September, 2023, by Deputy Jacob Franklin
Affiant's name

Lowery, John E Digitally signed by Lowery, John E Date: 2023.09.17 18:37:41 -04'00'
Signature of Attesting LEO Witness

Deputy John Lowery
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)