

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

VSO Case Number
23-19065

IN RE: PETITION FOR RISK PROTECTION ORDER
AGAINST *{Name of Respondent}* _____

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* Deputy M. Bartzter, in my position as *{job title}* Deputy Sheriff with the *{name of law enforcement officer/agency}* Volusia Sheriffs 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 RECORDING

On 10/02/2023, at approximately 1217 hours, Deputy Bartzter responded to 6309 Ocean Shore Boulevard, Ormond Beach (North Peninsula State Park) in reference to an attempted suicide. Prior to Deputy Bartzter's arrival, she learned Ormond Police Department received a 9-1-1 call from a concerned neighbor in reference to possible

4 Additional pages are attached.

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

_____ completed a detailed statement which was turned into the Ormond Beach Police Department. Other than the details of what she observed today, Deputy Bartzter noted the statement said "_____ has recently been through some health issues and was forced into early retirement which has caused some depression and anxiety. He has not been sleeping well."

_____ Additional pages are attached.

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blood on the outside of her neighbor's residence located at _____ Ormond Beach and her neighbor, _____ (VI) not answering the front door. Additionally, the reporting party, _____ (WI), noticed _____'s vehicle had the window "blown out" and a firearm was within plain view inside the vehicle.

The following occurred by the original responding officers, prior to Deputy Bartzter's arrival:

I, Officer Lippack with the Ormond Beach Police Department, responded to _____ in reference to a suspicious incident. The neighbor (_____) residing at _____ was concerned for her neighbors well being (_____) as she saw what appeared to be blood on the wall of the front door by _____. She then saw a rifle inside _____ truck, blood inside the truck and the driver window was broken. Officers Labrie, Gagner and myself began to knock on the door and windows in an attempt to conduct a well being check on _____. He eventually answered the door and was clearly in medical distress. Once inside _____ collapsed but was still conscious. Ofc. Sesemann began to administer first aid with Ofc Gagner. An occlusive dressing was applied to the bullet entry/exit wounds on his torso and bandage was wrapped around his torso as well. _____ stated he shot himself at the park this morning, possibly twice, and then drove home. EVAC and Fire arrived on scene and took over medical care and transported _____ to the hospital.

The rest of the house was subsequently cleared, no one else was found inside. I did observe blood on the floors throughout the house, living room kitchen, bathroom and bedroom.

This concludes the narrative provided by Ormond Beach Police Department.

Due to _____'s admission of shooting himself in Volusia Sheriffs Office's jurisdiction, Deputy Greene responded to the location of incident and observed glass in the parking lot with a miniscule amount of possible blood, consistent with being glass from a shattered car window. Original responding deputies held the scene until Volusia Sheriffs Office Ocean Units arrived on scene to assume scene security.

The following narrative is by the original responding VSO Ocean Unit, Deputy McFall:

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Upon Deputy McFall's arrival, she established a crime scene at the above location due to shattered auto glass and blood on the pavement. Deputy McFall was advised by Deputy Greene that the vehicle associated in the call was at the above location around 0630 hours.

Deputy McFall made contact with Kevin Callahan (W1), a park worker who provided the following sworn written statement: Callahan stated that he was a park worker who maintained the State Parks in the area, and while on his morning rounds, at approximately 0720 hours, he came across a navy blue seat cushion on top of a pile of shattered auto glass on the pavement at the above location. He noted there were red stains, later assumed to be blood on the cushion, but thought it was just trash and disposed of it at the Gamble Rogers State Park dumpster. At 1000 hours, Callahan made contact with Deputy Greene, who requested Callahan attempt to locate the cushion in the dumpster. When Callahan went to retrieve the item, the trash had already been collected and was unable to be located.

Deputy McFall maintained the Crime Scene for documentation by Deputy M Bartzler, and went in service at 1313 hours.

Deputy McFall did not furthermore assist in the investigation.

This completes the narrative by Deputy McFall.

Deputy Bartzler arrived on scene and was briefed by Deputy McFall about the incident. Deputy Bartzler observed broken glass in the off-road parking lot approximately five feet from the pedestrian boardwalk. Deputy Bartzler observed a very faint amount of suspected blood on the small fragments of broken glass. Deputy Bartzler documented the scene with digital photography and did not collect anything from the scene for additional processing.

Deputy Bartzler responded to _____ Ormond Beach and was briefed by Detective D. McIntosh about the incident. Detective McIntosh advised an interview had already been conducted with _____ by Detective Gardner at Halifax Hospital in Daytona Beach. _____ briefly advised he arrived at the park sometime between 0400-0500 today and shot himself multiple times in the chest and arm at an unknown time. _____ did not provide further explanation or context and declined further comment. Due to the statements, a hospital doctor placed _____ under a Baker Act. Further, Detective McIntosh advised Deputy Bartzler he

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made contact with the neighbor/ reporting party, _____ who stated _____ was having a rough time coping with his recent retirement from truck driving due his medical ailments and was known to be alone often. (See Detective McIntosh's supplement for additional details.)

Prior to the collection of any items, Deputy Bartzter captured the residence and vehicle with digital photography.

Deputy Bartzter observed the vehicle in question, a silver Nissan pickup truck bearing Florida Tag # _____ located in the driveway with a shattered driver's side window. The small particles of broken glass located all over floorboard of the vehicle and in the driveway were consistent with the glass located at aforementioned park. The vehicle contained a copious amount of suspected blood and one spent .22 long rifle shell casing located on the passenger side floorboard. The vehicle also contained a white pill bottle with .22 long rifle ammunition. The spent shell casing and pill bottle were collected by Deputy Bartzter for additional processing.

Deputy Bartzter was advised the firearm in question, a Winchester .22 long rifle with unknown serial numbers, which was originally located within the vehicle by _____ was manipulated by Ormond Beach Police Department and placed on the hood of the truck where Deputy Bartzter later observed the item. The firearm had been made safe and contained one spent shell casing before being placed on the hood of the truck by Ormond Beach Police Officers. Deputy Bartzter later collected the firearm and two spent shell casings for additional processing.

Within the residence, Deputy Bartzter observed suspected blood in several rooms within the residence. Deputy Bartzter was informed _____ had "collapsed" in the kitchen as he walked away from Ormond Beach Police Officers who were trying to assist _____ with his injuries. Deputy Bartzter located the bloody shorts and shirt worn by _____ in the living room, approximately ten feet or less from the front door, and observed small holes in the chest and arm area of the shirt. Several photographs of _____'s clothing were captured. Deputy Bartzter did not observe anything suspicious within the residence and concluded scene findings were consistent with the statements provided. A key ring containing several keys were taken from the residence prior to securing the residence and placed in VSO Evidence for _____'s retrieval.

Based on the physical evidence, coupled with the statements provided, Deputy Bartzter later completed a Risk Protection Order.

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It should be noted, Ormond Beach Police Department also completed an incident report in reference to this incident (See OB 231000013 for additional details.)

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>.22 Long Rifle</u>	Location	<u>VSO EVIDENCE</u>
Quantity	<u> 1 </u>	Type	<u>.22 ammo in bottle</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: 10/02/2023 Signature of Affiant: Dep. M. Bartzler 9120

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization,

this 02 day of October , 2023 , by Dep. M. Bartzler
Affiant's name

 [Signature]
Signature of Attesting LEO Witness

 Det. E. McLeod # 7252
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)