

**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 230019234

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* DEVON BARRETT, in my position as *{job title}* DETECTIVE 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 10/04/2023 deputies were notified of a shooting in progress at the intersection of Howland Blvd. and Goldenhills St., Deltona. The details provided by the caller, _____ indicate a blue _____ sedan discharged a firearm at his vehicle striking it several times. _____ stated he maintained a visual on the blue _____ until it turned onto Fernanda Drive from Howland Blvd., which is the neighborhood subdivision Fernanda Place. It should be noted, the neighborhood in question does not have an exit

5 Additional pages are attached.

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

_____s wife, advised she was present within the vehicle at the time of the incident. According to _____ she believes her husband overreacted to the situation because he is under duress caused by family issues.

0 Additional pages are attached.

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as the only way in and out of the subdivision is through the aforementioned intersection. [REDACTED] remained across the street from the intersection until law enforcement arrived and verified the vehicle did not leave the subdivision at any time.

Deputies on scene observed [REDACTED]'s vehicle, a black [REDACTED] SUV bearing Florida registration number [REDACTED] and located two bullet-sized holes in the trunk. Deputies also located (9) 9mm shell casings and (1) live 9mm cartridge at the intersection of Howland Blvd. and Goldenhills Street.

Detective Mefford also arrived on scene which was previously marked by patrol deputies with road flares and/or crime scene tape. Detective Mefford documented the area with digital images with and without evidence markers. A total of (9) 9mm shell casings were collected along with (1) 9mm cartridge.

Detective Mefford observed a black [REDACTED] parked on the northside of Goldenhills St. The passenger doors were open along with the rear lift gate. Detective Mefford observed what appeared to be a strike from an object to the top of the vehicle's rear spoiler. There was also a hole on the interior of the lift gate that appeared to be consistent with a bullet hole.

Detective Mefford contacted [REDACTED] at approximately 1535 hours. [REDACTED] advised he was traveling north on Howland Blvd. and stopped for the red light at Fort Smith Blvd. [REDACTED] stated he observed the defendant behind him and heard him yelling, but he continued to drive when the light changed. [REDACTED] stated he passed the intersection for Pine Ridge High School and the defendant cut him off. [REDACTED] stated he moved his vehicle from the outside lane to the inside lane preparing to turn left onto Goldenhills St. [REDACTED] stated he looked to his right and observed the defendant in the driver's seat pointing a firearm at him. [REDACTED] advised the defendant was yelling at him calling him a "pussy".

[REDACTED] turned onto Goldenhills St and stopped his vehicle to call [REDACTED]. [REDACTED] looked in his rearview mirror and observed the defendant stop his vehicle in Fernanda Dr, which is directly across Howland Blvd. [REDACTED] stated the defendant got out of his vehicle and started yelling to something to the effect of "this is Florida, stand your ground." [REDACTED] advised he yelled to the defendant that he was calling [REDACTED]. [REDACTED] advised he started traveling west on Goldenhills St and observed the defendant running across Howland firing his gun at him. [REDACTED] advised as he was

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traveling west on Goldenhills he observed the defendant get back into his vehicle and travel across Howland Blvd. The victim stated he did a U-Turn and then turned left on Eastbrook Ave. _____ stated he stopped at Eastbrook and Howland and observed the defendant travel east onto Fernanda Dr.

_____ advised the defendant's actions made him in fear for his life and wished to pursue charges.

Based off these statements, deputies searched through the neighborhood streets and located a blue _____ bearing Florida tag _____ in the driveway of _____. Simultaneously, the Volusia County Crime Center analysts searched for similar make models to the vehicle the victim described and observed the same _____ traveling Northbound on SR 415 at Reed Ellis at approximately 1355 hours. Similarly, at 1401 hours the vehicle is seen traveling northbound at Fort Smith Boulevard. A search of the victim's vehicle (a black _____ SUV bearing Florida registration number _____) was also observed traveling northbound on SR 415 at Reed Ellis at 1355 hours.

Deputies obtained a photograph of the blue _____ from License Plate Readers in the area and presented the photograph to _____ who confirmed it was the same make, model, and color of the vehicle he was involved in the road rage incident with. Additionally, a search of the registered owner(s) of the vehicle revealed it to belong to both _____ and _____. _____ was searched in law enforcement databases which depicted him to match the general description provided by _____ a black male with short hair.

Upon observing the vehicle in the driveway of _____ deputies surrounded the residence and began making announcements for all subject(s) to exit the residence. Moments later, a black male (later identified as _____), exited the residence and was quickly taken into custody by deputies on scene. Deputies completed a show up with _____ at which time he positively identified _____ as the individual who discharged a firearm at him during a road rage incident. _____ was subsequently arrested by deputies for violations of F.S.S. 790.19: Shooting at an Occupied Vehicle, F.S.S. 784.021(1)(A): Aggravated Assault with a Firearm. During the arrest, _____ resisted lawful orders given by deputies and resisted arrest, causing an additional violation of F.S.S. 843.02: Resisting an Officer without Violence as well as damage to a police vehicle and a violation of F.S.S. 806.13(1)(b)3: Criminal Mischief.

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After apprehension, Detective Sergeant Elmazi and Detective Teske assisted in the investigation by conducting an interview with _____ in a recorded interview. Prior to questioning, _____ was informed of his Miranda Warnings and then proceeded to speak with detectives. Upon speaking with _____ he advised he was traveling on SR 415 with his wife, when he became engaged in a road rage incident with a _____ SUV. At some point during the road rage incident, the driver of the SUV, who _____ described as "a white guy", began throwing rocks at his vehicle and calling _____ racial slurs. The vehicles came to a stop in the area of Howland Blvd and Goldenhills Street, where both the victim and _____ got out of their respective vehicles. According to _____ the victim yelled at him, saying "I've got something for you", prompting _____ to retrieve his firearm and fire what he believed was two shots towards the victim. _____ then left the scene and drove back to his residence.

_____ stated he retrieved the firearm from the center console of his blue _____ where he normally keeps it. After he shot at the victim and got back into his vehicle, he told detectives he placed the firearm back into the center console where he stated it should still be located. No further questions were asked of _____ and the interview was completed.

Detective Barrett quickly got to the residence and made contact with _____ who had also exited the residence upon lawful commands by deputies on scene. In a sworn and recorded interview, _____ advised she was in the front passenger's seat of the vehicle with _____ when the incident occurred. According to _____ while traveling on Howland Boulevard from SR 415, _____ noticed a vehicle was driving very closely to his rear bumper. _____ was unable to recall what the vehicle looked like. This behavior caused _____ to become angry so he slowed his vehicle down to almost a stop to irritate the driver behind him. The vehicle then sped up and drove quickly around the passenger's side of _____'s vehicle to get in front of him. While doing so, _____ recalled the driver of the vehicle shouting racial slurs at both her and her husband. Simultaneously, _____ advised the driver of the vehicle threw an object which she believed to be a rock at their vehicle and she stated she heard it strike the car; however, was unable to advise where it may have hit the vehicle. After witnessing this, _____ stated she observed _____ retrieve his handgun, point it out of the open driver's side window, and discharge it at the vehicle in question "at least two times".

Both drivers pulled over in a vacant parking lot and verbally argued from their respective vehicle for several seconds before _____ drove away and out of sight. _____ stated she remained inside

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the vehicle and was unable to get a good view of the driver but recalled him being a white male. Additionally, _____ stated _____ did not have his firearm on him during this encounter. _____ was unable to recall exactly where this parking lot was; however, stated it was an open parking lot on the west side of Howland Blvd. near their residence. After this altercation, _____ stated she and _____ returned home and discussed the event briefly before carrying out their usual tasks until law enforcement arrived and beckoned them out of the residence. _____ was unable to advise where _____ may have placed his firearm but stated she knows he has several and ordinarily keeps a handgun on his person as he has a Concealed Carry license.

While speaking with _____ detectives observed a surveillance camera affixed to the exterior of the residence which captured the driveway space. _____ advised she was unsure if any footage of her or her husband returning home was present on the camera. Detectives also searched the blue _____ for damage caused by the object _____ alleged _____ threw but were unable to locate possible damage.

Based on the statements made by _____ combined with _____'s cooperation, Detective Barrett presented _____ with an opportunity to complete a Consent to Search Form for the blue _____ to retrieve the handgun. _____ stated he used _____. _____ quickly agreed and signed the consent form. A search of the vehicle revealed no firearm; however, a black gun holster was located and collected. _____ stated _____ may have moved the firearm to the center console of her vehicle (a Volkswagen bearing Florida registration number _____) so she completed a second Consent to Search Form for that vehicle wherein no items of evidentiary value were recovered. Based off this circumstance, the determination to obtain a search warrant was deemed necessary for the residence.

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Subsequently, a search warrant was acquired and signed by the Honorable Judge Anthony. With the assistance of VSO's Crime Scene Unit, the search warrant was executed and the following items were recovered:

From the master bedroom:

- A 9mm Ruger handgun bearing serial number _____
- A 9mm Taurus PT809 bearing serial number _____
- A 9mm magazine with ammunition
- A Zigana 9mm bearing serial number _____ packaged with (2) magazines and 9mm ammunition
- A 9mm Conik Century Arms TP95A bearing serial number _____ packaged with (2) magazines and 9mm ammunition
- A Glock 34 Generation 4 9mm handgun bearing serial number _____ packaged with (3) magazines and 9mm ammunition
- Miscellaneous 9mm magazines and ammunition

From the _____ office:

- A 9mm Hi Point handgun bearing serial number _____

The search warrant process was photographically documented by Crime Scene Investigators and the items collected were transported to VSO's Operations facility for forensic processing.

Detectives and Crime Scene Investigators observed several additional firearms in the residence; however, because the parameters of the search warrant only allotted for the collection of 9mm handguns, magazines, and ammunition, the additional firearms were not collected.

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	UNKWN	Type	UNKWN	Location	1034 Wanderer, Deltona
Quantity	1	Type	Ruger	Location	VSO EVIDENCE
Quantity	1	Type	Taurus PT809	Location	VSO EVIDENCE
Quantity	1	Type	Zigana	Location	VSO EVIDENCE
Quantity	1	Type	Conik Century	Location	VSO EVIDENCE
Quantity	1	Type	Glock 34	Location	VSO EVIDENCE
Quantity	1	Type	Hi Point	Location	VSO EVIDENCE

Quantity
1 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: 11/01/2023 Signature of Affiant:  8152

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 1st day of November, 2023, by 

 8555
Signature of Attesting LEO Witness

Austen McIntosh
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)

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- (9) 9mm magazines
- miscellaneous brands of 9mm ammunition