

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

VSO Case Number 230019264
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IN RE: PETITION FOR RISK PROTECTION ORDER  
AGAINST *{Name of Respondent}* \_\_\_\_\_

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, *{full legal name}* \_\_\_\_\_ Ethan Thomas \_\_\_\_\_, in my position as *{job title}* \_\_\_\_\_ Deputy \_\_\_\_\_ 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:

***BWC RECORDING***  On October 4, 2023, at approximately 2213 hours, Deputy Thomas responded to the 600 Blk of _____ Deltona for the report of a weapons complaint, where multiple gunshots were heard.
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\_\_\_\_\_ 1 Additional pages are attached.

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

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\_\_\_\_\_ Additional pages are attached.

**AFFIDAVIT CONTINUATION**

FROM SECTION   1    
PAGE   1   OF   2  

Upon arrival, Deputy Thomas observed a neighbor pointing at \_\_\_\_\_ stating that is where they heard the gunshots come from. Deputies heard noises coming from the backyard of the above-mentioned residence. Deputy Thomas stood on top of an air-conditioning unit where he observed a male subject walking in the backyard behind a vehicle. Deputy Thomas announced himself, notifying the subject he is a law enforcement officer with the Volusia Sheriff's Office. Deputy Thomas observed the male who was later identified as \_\_\_\_\_ (S1), look at him and proceeded to walk behind a pickup truck in the backyard. After multiple commands were issued for \_\_\_\_\_ to come to the gate, he presented himself at the gate stating he was armed with a firearm. During a pat down, deputies discovered a firearm located on his right hip. Deputies observed the firearm to be a black 9mm Taurus \_\_\_\_\_ (S/N: \_\_\_\_\_). Also found on his person was a magazine containing 12 rounds of 9mm.

Deputies read \_\_\_\_\_ Miranda Warnings from a Volusia Sheriff's Office issued Miranda card advising him of his rights. When asked if he understood his rights and if he would like to speak to deputies, he stated he understood his rights and he wished to speak to deputies.

\_\_\_\_\_ stated he had been drinking alcoholic beverages in his backyard for some time and then decided he wanted to test out his new firearm. \_\_\_\_\_ stated he fired approximately six (6) rounds from his Taurus handgun into the ground standing by his truck at the driver side door. \_\_\_\_\_ confirmed that there was no one in the backyard other than himself at the time he was firing his firearm.

Deputies entered the backyard of \_\_\_\_\_ observing a green Ford pickup truck (bearing Florida tag: \_\_\_\_\_), approximately 2 feet from the back fence. Deputies walked through the backyard observing no bullet holes inside the property limits. Deputies located various caliber shell casings at the driver side door of the above-mentioned vehicle. Located within the shell casings were approximately 6 silver 9mm shell casings. Also located by the tailgate of the truck were numerous .556/.223 rifle casings. It should be noted that the location of where \_\_\_\_\_ stated he discharged his firearm is less than 1000 feet from his dwelling, other dwellings and is less than an acre of property. Furthermore, \_\_\_\_\_'s action of discharging the firearm caused a disturbance to the surrounding neighbors causing them to call 911. Throughout the course of the investigation, while speaking with \_\_\_\_\_, deputies observed him to show signs of impairment that were consistent with him consuming numerous alcoholic beverages. Deputies could smell the odor commonly associated with the consumption of alcoholic beverages emanating from his breath. \_\_\_\_\_ also had impaired motor coordination, slurred speech and was unable to communicate properly with deputies. Due to the signs of impairment, deputies determined \_\_\_\_\_ to be intoxicated and unable to safely possess a firearm.

AFFIDAVIT CONTINUATIONFROM SECTION 1  
PAGE 2 OF 2

\_\_\_\_\_(01), the wife to \_\_\_\_\_ returned to the residence to retrieve the abovementioned firearm. A criminal history check was conducted on \_\_\_\_\_ and \_\_\_\_\_ which yielded negative results for felony convictions. The firearm was safely turned over to \_\_\_\_\_ who removed it from the scene.

Based upon Deputies investigation, it was determined that \_\_\_\_\_ committed an act that disturbed the peace and quiet of others in a way that breached their peace by discharging his firearm in his backyard at approximately 2211 hours. Deputies also determined that \_\_\_\_\_ was in possession of a firearm while under the influence of alcoholic beverages as well as discharging it. Based on the location of \_\_\_\_\_'s property and the property of his neighbors he was clearly within 1000 feet from a dwelling. A non-arrest affidavit was completed, and the three mentioned charges were filed to the State Attorney's Office. Due to \_\_\_\_\_ unlawfully carrying a firearm while intoxicated as well as recklessly discharging the firearm, a risk protection order was completed and submitted.

Deputy Thomas made contact with \_\_\_\_\_ who completed a sworn written statement and advised the following:

\_\_\_\_\_ stated he heard approximately four (4) gun shots within a thirty (30) minute time lapse. He looked outside and did not see anything. \_\_\_\_\_ stated he heard what sounded to be rapid gun shots and still did not see anyone out front of his residence, which led him to contact \_\_\_\_\_

Case status: Suspended, Pending State Attorney's Office Review

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>HANDGUN</u>	Location	<u>[REDACTED]</u>	<u>Deltona</u>
Quantity	<u>1</u>	Type	<u>SHOTGUN</u>	Location	<u>[REDACTED]</u>	<u>Deltona</u>
Quantity	<u>1</u>	Type	<u>RIFLE</u>	Location	<u>UNKNOWN</u>	
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: 10/05/2023 Signature of Affiant: Dep Thomas #9639

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 5th day of October, 2023, by D/S E. THOMAS  
Affiant's name

Stewart Girdwood #9467  
Signature of Attesting LEO Witness

D/S S. GIRDWOOD  
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)