

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

VSO Case Number
VP230020168

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* Beau Westfall, 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:

See attached pages

3 Additional pages are attached.

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

See VSO Report

_____ Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1
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On Wednesday, October 18, 2023, at approximately 1213 hours, Deputy Westfall (9306) responded to _____ Deltona in reference to a suicidal person. As Deputies were responding, they were informed by _____ (R1), she was with _____ (O1) after _____ and _____ had gotten into a verbal argument. _____ and _____ were together when they had received a phone call from _____ (D1) advising "it's over at 1230 and this is the coward way out". _____ also informed Deputies who were responding that _____ owned multiple weapons to include pistols, rifles, and shotguns. _____ informed law enforcement that _____ had consumed prescription pain medications and alcoholic beverages.

Upon arrival, Deputy Westfall approached the residence with other units and got _____ to leave her trailer located in the backyard of the residence. Deputies took _____ away from the residence and began to gather information about _____ and his situation. _____ informed Deputies _____ possesses multiple firearms in the residence and was previously in the military.

Deputies began to set a perimeter around _____'s residence and made numerous attempts to make contact by a cellphone which resulted with no response. _____ (O2) was outside with deputies and contacted _____ on his phone. While speaking with _____ made several comments about not coming out, and "they" will have to come and get him before disconnecting. Deputies then began attempting to contact _____ by utilizing the PA system of a marked Volusia Sheriff patrol vehicle, when a single shot was heard coming from the garage of the residence. The shot traveled through the thin aluminum garage door, in the direction of the deputies outside. Deputy Westfall and Deputy Santiago were behind an extended portion of the residence at _____ Deltona which provided them with cover when the shot occurred. Deputies immediately began to check themselves for any injuries. All deputies on the perimeter retreated to gather better cover due to _____ shooting from within the residence's garage.

Sergeant Woell requested a reverse 911 be sent to the surrounding area to advise residents to stay inside.

AFFIDAVIT CONTINUATION

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Deputies continued to make announcements utilizing the public address (PA) system of a marked Volusia Sheriff's Office patrol vehicle, identifying themselves, requesting _____ to exit the residence for his safety, while attempting to contact _____ by his cell phone, which had negative results. After a period of time, _____ answered his phone and began to make statements advising if law enforcement were to approach the house and get near him, he would "blow his brains out".

Shortly after, _____ opened the garage door, and while standing inside began to make threats of killing himself, and threatened law enforcement that if they approached he would kill them. _____ continued making threats and vulgar statements, stating "fuck you" and "lets see what you got". _____ also made several statements of "Come get me! I want suicide by cop!" before closing the garage door. Deputies continued the PA announcements due to not having any visual on _____ at this point.

At approximately 1308 hours, another shot from within the garage portion of the residence was heard. Deputies across the street from the residence confirmed there to be two bullet holes in the upper portion of the thin aluminum garage door, confirming the second shot also came in the direction of deputies and neighbors. The shots exited from the front of the garage and traveled over the road towards the direction of an occupied residence and in the direction of law enforcement who were posted across the street. Deputies continued to make attempts to contact _____ by telephone and make PA announcements to have _____ exit the residence.

After the second shot _____ opened the garage door and continued to shout at Deputies that he wanted suicide by law enforcement. _____ continued to stay inside of the garage, refusing to exit and make contact with law enforcement. As Deputies were outside of the residence, _____ closed the garage door and was on the phone with _____ (O3) and _____ informed _____ and _____ that if law enforcement approached the residence, it would be "hell" for anyone who approaches the residence.

Deputies continued PA announcements and communications on the cell phone with _____.

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Sheriff Chitwood responded to the residence and continued communications with _____ via the telephone. _____ informed Sheriff Chitwood that he would exit the residence and contact him, _____ and _____. _____ then exited the residence and approached Sheriff Chitwood, _____ and _____ with nothing in his hands. _____ was escorted to a patrol vehicle and was placed in hand cuffs.

Deputies entered the residence to confirm there was no one injured inside and _____ was the only occupant. Deputy Westfall observed two bullet holes in the top of the garage door and multiple firearms throughout the residence. Deputy Westfall observed a shotgun and revolver in the garage next to where _____ was observed sitting. Deputies maintained containment of the residence until a warrant was filed and conducted.

The Chain of Command, CID, Crime Scene, and SWAT were notified of the active incident and responded. CID and Crime Scene responded to the residence for further investigation.

At the conclusion of the incident observed by Deputy Westfall, _____ was placed under arrest for two counts of aggravated assault on law enforcement and two counts of discharging a firearm in a residence.

Deputies canvassed the surround residences and were not able to locate any damage caused by the discharge of the firearms.

Deputy Westfall requested a Criminal History for _____ which returned with no prior felony convictions.

_____ was transported to the Volusia County Branch Jail with a notification of suicide watch.

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

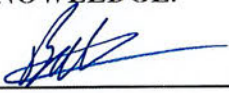
0 Known protection orders are attached

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>4</u>	Type	<u>Handguns</u>	Location	<u>VSO Evidence</u>
Quantity	<u>10</u>	Type	<u>Long guns</u>	Location	<u>VSO Evidence</u>
Quantity	<u>Unknown</u>	Type	<u>Ammunition</u>	Location	<u>VSO Evidence</u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>

 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: 10/18/2023 Signature of Affiant:  #9306

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 18 day of October, 2023, by B. Westfall #9306
Affiant's name


Signature of Attesting LEO Witness

J. Borbely #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)