

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

VSO Case Number
VP230020954

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} JUSTON SCHRAMM, in my position as {job title} DEPUTY with the {name of law enforcement officer/agency} VOLUSIA SHERIFF 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:

This incident is domestic-related due to the victim and defendant being related by marriage as the victim is married to the defendant's daughter, all of whom reside together in the same residence and as a family unit.

4 Additional pages are attached.

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

_____ stated on 10/29/2023, at approximately 1715 hours, while at the residence his Mother-in-Law _____ started an argument demanding that he leave the residence. _____ advised during the argument _____ pushed him then stated "I'm going to get my gun." _____ advised he continued to grab items from the house when _____ returned with a firearm _____ advised he heard a single gunshot as he was leaving the residence.

0 Additional pages are attached.

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On October 29, 2023, at approximately 1717 hours, Deputies were dispatched and responded to _____ Edgewater, regarding a shooting. The caller, _____ (V1), contacted the Sheriff's Office, advising while he was at the residence gathering his belongings, his mother-in-law shot a gun at him. Prior to Deputies' arrival, _____ reported he fled the residence and would be standing by at the neighbor's residence, located at _____ Edgewater. Deputies arrived on scene, where contact was made with _____, who provided the following statement:

_____ stated on 10/29/2023, at approximately 1715 hours, he came over to _____ where he has resided for the past two years, to pick up the rest of his belongings that were left at the residence. _____ said when he pulled into the driveway and approached the back door, he noticed that his air conditioning window unit was lying on the ground damaged. _____ explained when he entered the residence, his mother-in-law, _____ (D1), and her sister, _____ (W1), were standing in the kitchen cleaning up water on the floor that had been flooded by their washing machine. _____ brought up that his air conditioning unit was damaged, which caused him and _____ to engage in a verbal altercation. _____ said he then went into his room to grab some items as he moved out. _____ said when he entered the room and began gathering some personal belongings, along with his sister-in-law _____ (W2), he was pushed from behind by _____ who was now standing in his bedroom. _____ stated he turned around to see _____ standing in his room and holding a broom. _____ explained he was then pushed by _____ several times in the chest, who was screaming for him to get out. _____ stated _____ then told him that she was going to get her gun, at which point she left his bedroom. A few short moments later, _____ said as he was walking out of his bedroom with clothes on his right shoulder when he heard a gunshot go off as he was in the living room/kitchen area of the residence. _____ stated he then took off running towards the back door, and as he was running, he saw _____'s lower legs standing in the area where he heard the gunshot come from, which was only approximately 5-6 feet from his location. Once outside, he and _____ entered his work van and fled the scene dail-

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ing 911. [REDACTED] advised after hearing the gunshot go off, it placed him in a well-founded fear that death or great bodily harm was imminent. Deputies checked [REDACTED] for apparent signs of injury and noticed a small mark above his right eye, which he advised was caused at some point in time when [REDACTED] shoved him. [REDACTED] advised [REDACTED] and his 4-year-old niece, [REDACTED] a minor (O1) were inside the residence still. [REDACTED] refused needing any medical attention. [REDACTED] completed a sworn written statement detailing his involvement and that he did not wish to press charges.

Deputies began to set up a perimeter around the residence and began making verbal announcements for [REDACTED] and any other occupants in the residence to exit. As announcements were being made, [REDACTED] and [REDACTED] exited the residence. [REDACTED] was then detained in handcuff restraints. Deputies conducted a search of the residence to confirm no other threats or injured persons were located inside. Once it was determined the residence was clear, Deputies began to investigate further.

Deputy Walker spoke to [REDACTED] who advised she and [REDACTED] came into the house to get some items from the residence. [REDACTED] said while they were in the residence getting some things, [REDACTED] started yelling at [REDACTED] to get out of the house. [REDACTED] said that [REDACTED] then came into the room where [REDACTED] was getting some items and holding onto a broom. [REDACTED] said [REDACTED] told [REDACTED] to get out several times while pushing him in the chest. [REDACTED] said [REDACTED] told [REDACTED] if he didn't get out, then she was going to get her gun. [REDACTED] said that as she and [REDACTED] grabbed some clothing and started to leave, she heard a gunshot. [REDACTED] explained after hearing the gunshot, she looked up and saw her mother, [REDACTED] standing just several feet away, holding onto a handgun-style firearm down by her side. [REDACTED] said she and [REDACTED] then took off running out of the house, getting into his work van, and then fleeing the scene. Deputies obtained a sworn written statement from [REDACTED] detailing her involvement.

Deputy Walker spoke to [REDACTED] who stated she was helping [REDACTED] clean up water on the floor. [REDACTED] said [REDACTED] and [REDACTED] came into the residence and that [REDACTED] started yelling and cussing at [REDACTED] about an air conditioning unit. [REDACTED] stated that [REDACTED] asked [REDACTED] repeatedly to leave and he would not. [REDACTED] said she was still cleaning the kitchen when she heard the gunshot. [REDACTED] said she never saw the gun, just heard the gunshot. [REDACTED] said that she then went outside to the back porch. [REDACTED] completed a sworn written statement detailing the above.

Deputies then spoke with [REDACTED] (O2), who was also on scene. [REDACTED] stated he was outside

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on the back porch when he heard a bunch of yelling. [REDACTED] said he was in and out of the house several times. He said that he then came to the front of the house because he heard a bunch of people talking, and when he came around the house, he saw a bunch of law enforcement officers. [REDACTED] stated that he still was not sure of what was going on and had no additional information to provide. [REDACTED] completed a sworn written statement detailing his involvement.

Deputies met with [REDACTED] who was advised of her Constitutional Rights from a department-issued Advisement of Rights Card, to which she understood, waived, and agreed to speak with law enforcement. [REDACTED] stated that [REDACTED] and [REDACTED] came over to the house to grab some of their belongings because she told him last week they needed to get out. [REDACTED] confirmed the fact [REDACTED] had been living in the residence for several years but that they had agreed for him to move out. [REDACTED] said while she and [REDACTED] were inside cleaning up water on the floor, [REDACTED] entered the residence and began talking about how they didn't think all the items would fit in a storage unit. [REDACTED] asked [REDACTED] if they could leave some items behind and get their clothing. [REDACTED] said she told [REDACTED] that it was fine to just move the items to another room. [REDACTED] said that after she and [REDACTED] talked, she went back to cleaning up the water in the kitchen. [REDACTED] said while she was cleaning the water up, [REDACTED] entered the residence, at which time he confronted her about the damaged air conditioning unit. [REDACTED] stated that she did push the air conditioning out the window because she told him to get it out of the window so that she could lock the window. [REDACTED] said she went into the room where [REDACTED] was to tell her to get [REDACTED] out of the house. [REDACTED] was still arguing with [REDACTED] and that is when [REDACTED] pushed [REDACTED] to get him out of her house. [REDACTED] told [REDACTED] if he did not get out that, she was going to get her gun. [REDACTED] said when she went and got her gun and walked back to the other side of the house, she could hear [REDACTED] arguing with [REDACTED]. [REDACTED] said she then fired one round into the floor. [REDACTED] advised the round she fired into the floor was a blank round. [REDACTED] said after she fired the gun, she put the gun in her closet and started back to cleaning until officers arrived. [REDACTED] advised the firearm that she used was a silver Smith and Wesson 9mm handgun, which was currently inside the closet of her bedroom. [REDACTED] allowed access to her bedroom and gave Deputies permission to retrieve the firearm, which was captured on the Deputies activated BWC.

[REDACTED] escorted Deputies inside the residence, where he showed them where the shooting took place. Deputies noticed an area of the floor to have fresh damage from an apparent gunshot. Deputies canvassed the scene but were not able to locate a shell casing. Deputies photographed the damaged floor, handgun, and the kitchen/living room area where the shooting took place.

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Digital photographs of [REDACTED] and [REDACTED] were also obtained. All digital photographs were later uploaded to the Digital Crime Scene Database. Deputy Peas and Schramm recovered the Smith and Wesson handgun (serial# [REDACTED] and later placed into a D3S Evidence Locker. An FCIC/NCIC check of the firearm revealed it not to be stolen. See Deputy Schramm's supplement report for further details).

Due to the evidence on scene, coupled with the statements provided by all involved, Deputy Walker determined probable cause existed to place [REDACTED] under arrest and charge her with aggravated assault with a deadly weapon (domestic violence), simple battery (domestic violence), and discharging a firearm on residential property. A criminal history check revealed [REDACTED] to have no prior battery-related convictions.

[REDACTED] was provided with a DV Rights and Remedies brochure, which he signed on scene. [REDACTED] also completed Marsy's Law Form, electing to keep his information private. Director Quann was notified of this incident and forwarded a copy of this report. DCF was also forwarded a copy of this report. Due to the circumstances and the involvement of a firearm, an RPO was completed by Deputy Schramm.

At the request of [REDACTED] [REDACTED] was turned over to [REDACTED]. A criminal history check for [REDACTED] revealed her to have never been arrested.

The Watch Commander was notified of this incident.

[REDACTED] was transported to the VCBJ without incident.

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:

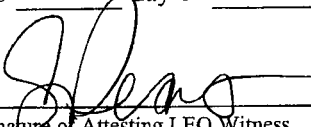
Quantity	<u>1</u>	Type	<u>S&W Pistol</u>	Location	<u>VSO Evidence</u>
Quantity	<u>1</u>	Type	<u>S&W Rifle</u>	Location	<u>VSO Evidence</u>
Quantity	<u>13</u>	Type	<u>9mm Ammo</u>	Location	<u>VSO Evidence</u>
Quantity	<u>31</u>	Type	<u>.223 Ammo</u>	Location	<u>VSO Evidence</u>
Quantity	<u>1</u>	Type	<u>Magazine for AR</u>	Location	<u>VSO Evidence</u>
Quantity	<u>1</u>	Type	<u>RG-14 .22 Revol</u>	Location	<u>VSO Evidence</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: 10/29/2023 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 29 day of October, 2023, by Deputy Juston Schramm


Signature of Attesting LEO Witness

Deputy Sara Peas
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)