

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

VSO Case Number
230022081

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST *{Name of Respondent}* _____

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* Curt Johnson, 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 additional pages

_____ Additional pages are attached.

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

_____ Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 1 OF 3

Marsy's Law Invoked
BWC

On 11/15/2023 at approximately 0233 hours, Deputies responded to _____ Debarry, in reference to a disturbance. Upon arrival, deputies were notified by Central Dispatch that _____ (V1) had barricaded herself in a bathroom inside of her home, due to her husband _____ (D1) erratic behavior. Deputies surrounded the house in efforts to obtain a visual of where _____ was located within the home. Central Dispatch kept communication with _____ but made deputies aware that there was a language barrier, but advised _____ had a gun in his hand.

Utilizing Orange City PD as mutual aid, Deputies were able to locate a Spanish speaking officer. Officer Soto responded and was able to communicate with _____ effectively to determine her location inside the residence which deputies determined to be the Northwest corner of the home. Due to the exigent circumstances, Deputies were able to extract _____ from the bathroom window and move her to a safe location to be interviewed. While Speaking with Officer Soto and Deputy Bernard, _____ stated the following;

_____ had been having multiple health issues since the beginning of COVID that he never followed up on. _____ believed _____'s condition was beginning to get worse because he began to speak about getting divorced. _____ advised she and _____ had been married for approximately 32 years and have been living together as a family. _____ stated she and _____ were at home and he began to pace back and forth throughout the room. _____ seemed to be acting out of character according to _____ grabbed a handgun which she advised he kept down at his side and stated he wanted a divorce. _____ told _____ that they had been together for many years and asked why he wanted a divorce. _____ became angry with her and stated he was going to kill her if she did not agree to divorce him. _____ stated _____ did not point the gun at her at any time while making the statement. _____ described the gun to be a small silver revolver. _____ advised she was scared and went into the bathroom to lock herself inside to get away from _____. _____ made deputies aware that _____ had been a Florida Highway Patrol (FHP) Auxiliary Trooper for many years and was also a retired police officer from up North. _____ was not injured and did not need medical attention.

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 2 OF 3

Sergeant Gondenzi made multiple notifications to include the Watch Commander who responded to the scene, Florida Highway Patrol command staff, and the VSO on call CID Sergeant. With the notifications made, Deputy Bernard was advised to begin P.A announcements from the front of the home. Multiple announcements were made to have [REDACTED] exit the home with his hands up. Shortly after, Central Dispatch notified Sergeant Godenzi that [REDACTED] had called 911. Information was provided that [REDACTED] was very reluctant to speak with deputies and supervisors on scene due to a prior incident with law enforcement. After multiple attempts to get [REDACTED] to exit his home, he became upset and hung up with telecommunicators on multiple occasions. After making more announcements, [REDACTED] contacted Central Dispatch again. While speaking with dispatch [REDACTED] became calm and advised he was going to get dressed and step outside to speak with the Watch Commander.

Deputies on scene assembled a team to make contact with [REDACTED] as he exited the home near the garage. As [REDACTED] exited, deputies made contact with him near the end of his driveway, where he was quickly secured.

After [REDACTED] was secured, [REDACTED] gave deputies verbal consent to enter the home. Deputies cleared the residence to ensure no one else was inside. Upon clearing the residence, Deputies observed a black rifle case underneath [REDACTED]'s bed, along with two revolvers in their respective holsters in plain view one of which [REDACTED] identified as being the firearm [REDACTED] held during the incident.

Deputy Diedesch made contact with [REDACTED] and advised him of his constitutional rights after which [REDACTED] wished to speak with her. While speaking with Deputy Diedesch [REDACTED] stated he was going through a divorce with [REDACTED]. While they were at home a verbal argument ensued over the divorce relating to finances. [REDACTED] decided to leave and get food for himself and [REDACTED]. While he was out [REDACTED] called him and accused him of going out and cheating on her. [REDACTED] advised he was upset and drove home. When he returned home, another argument ensued over [REDACTED] accusations of him cheating on her. [REDACTED] stated [REDACTED] went into the bathroom and locked herself inside and he went to bed. [REDACTED] stated he never had a firearm in his hand during the argument with [REDACTED].

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

VSO Case Number
230022081

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 3 OF 3

Based on Deputy Agosto's investigation along with the verbal statements provided, he determined that [REDACTED] was the primary aggressor [REDACTED] was subsequently placed under arrest for Aggravated Assault with a deadly weapon (DV). Deputies also completed a Risk Protection Order. Deputies collected the small silver/grey revolver (S/N [REDACTED]) that was held by [REDACTED] and submitted it into the District 6 Evidence locker as Evidence along with 5 rounds of .38 special ammunition.

Deputy Agosto reviewed Marsy's Law, Notice of Legal Rights, and Remedies which [REDACTED] signed for, and provided her the appropriate VSO Marcy's Law pamphlet.

[REDACTED] advised there were multiple firearms inside the residence that she permitted deputies to take for her safety. While collecting the firearms [REDACTED] gave deputies verbal consent to search the house and collect all weapons and ammunition. Deputy Agosto located a large amount of different caliber bullets, shotgun shells, and 3 firearms. The 3 firearms consisted of 2 revolvers bearing serial numbers [REDACTED] and [REDACTED] and a long rifle bearing serial number [REDACTED]. All firearms and ammunition were later submitted to Evidence for safekeeping under the Risk Protection Order.

CASE STATUS: ADULT MALE / ARRESTED

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	Type	Location
_____	_____	_____ DeBary
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

See receipt
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: 11/15/2023 Signature of Affiant: Curt Johnson 8743

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 15 day of November, 2023, by Curt Johnson 8743
Affiant's name

[Signature]
Signature of Attesting LEO Witness

DIS Kutrey 9531
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)