

**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 230022311

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* _____ Nicholas Agosto _____, 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:

On 11/19/2023, at approximately 0251 hours, Deputy Agosto responded to the intersection of _____ and _____ in reference to a suspicious person. Upon arrival, deputies were advised of a male in the area with a long rife making threats to shoot up the neighborhood.

_____ 2 _____ 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

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While continuing efforts to locate the subject, deputies made contact with _____ (W1).

_____ advised at approximately 0330 hours, he was in the front of his residence located at _____ Debary, and noticed a laser/light in the middle of the road at the intersection of _____ and _____ Debary. _____ observed this to be suspicious and asked his friend, _____ (V1), to check the suspicious incident. _____ stated _____ returned in a panic and told him to contact law enforcement. _____ completed and signed a sworn written statement detailing the incident.

_____ advised he went to leave _____ to go home and was asked by _____ to check on an unknown person shining a laser around at the intersection of _____ and _____ Debary. _____ advised he didn't think anything of it and got in his truck to check on the unknown person. While leaving the _____ stated he had his windows down in the truck, and while passing the man in the road the man said, "Y'all don't want none I'm about to shoot the block up". When attempting to conduct a well-being check on the man in the road, who was later identified to be _____ pulled out a firearm from the front right side of waistband and pointed the firearm at _____. With the firearm pointed at _____ stated "you don't want any fucking problems". When _____ heard this he took off and attempted to get away from the area. _____ stated this put him in a well-founded fear and he felt he had to tell his kids goodbye because he was sure he was going to die. _____ identified the individual to be a Hispanic male, wearing a blue tank top, in jeans. _____ wished to press charges and elected to invoke Marsy's Law.

_____ provided a sworn written statement detailing the incident and did not need medical attention.

With the information provided by _____ Orange City Police Department Officer Hoffman detained _____. A show-up was conducted by Deputy Arias and _____ was able to positively identify _____ as the person who threatened him.

AFFIDAVIT CONTINUATION

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Deputy Agosto later advised [REDACTED] of his Miranda Rights via an agency-issued Miranda Warning card. [REDACTED] advised he wanted to continue talking to Deputy Agosto.

[REDACTED] advised he was in a verbal argument with his girlfriend. He got upset and decided to leave the house to get some fresh air. While leaving the house [REDACTED] stated he was "walking up [REDACTED] to [REDACTED] trying to get to [REDACTED] to get to [REDACTED] where his truck was located. While walking, [REDACTED] advised someone asked him if he wanted a roof change, and when [REDACTED] said, "No", the person sped off. [REDACTED] advised he was scared and placed his hand on his hip where he had a handgun. [REDACTED] was very adamant he did not pull the gun out. It should be noted [REDACTED] s story kept changing.

Based upon the totality of circumstances and all statements made, Deputy Agosto established probable cause to charge [REDACTED] with aggravated assault with a deadly weapon with the intent to commit a felony.

It should be noted while searching [REDACTED] incident to the arrest, an empty cloth holster was located on his right hip.

Due to felony charges an RPO was completed and one long rifle (serial number [REDACTED]), a BB gun, and a black hand gun (serial number [REDACTED] were secured from [REDACTED] s vehicle.

All statements and evidence were submitted to District 6 for further processing.

[REDACTED] was transported to VCBJ without incident.

Case status: ADULT MALE/ARRESTED.

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

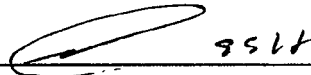
0 Known protection orders are attached

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>Taurus 9MM</u>	Location	<u>VSO Evidence</u>
Quantity	<u>1</u>	Type	<u>Mossberg Rifle</u>	Location	<u>VSO Evidence</u>
Quantity	<u>335</u>	Type	<u>9mm Ammo</u>	Location	<u>VSO Evidence</u>
Quantity	<u>2300</u>	Type	<u>.22 Ammo</u>	Location	<u>VSO Evidence</u>
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____

0 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: 11/19/2023 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 19 day of November, 2023, by Deputy Nicholas Agosto 9512
Affiant's name

 8548
Signature of Attesting LEO Witness

Sergeant Godenzi 8548
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)