

**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
VP230022604

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* NICHOLAS AGOSTO, in my position as *{job title}* SHERIFF'S 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:

Deputy Agosto determined without psychological evaluation and treatment _____ posed a significant danger to himself and others due to him taking a hand gun and putting it to his head. _____ was placed under the protective custody of a Baker Act and later transported to Halifax Hospital without further incident.

2 Additional pages are attached.

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

_____ stated her fiancée, _____ (V1), and herself were arguing for an unknown reason. At some point during their argument, _____ grabbed a handgun and placed it against his head. _____ advised she ran up to _____, grabbed the gun from him, and separated from him and the gun. _____ stated after talking to _____ further he calmed down. _____ advised _____ is intoxicated and depressed which possibly caused this incident.

0 Additional pages are attached.

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

VSO Case Number
VP230022604

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 2 OF 3

*** BWC RECORDING ***

On 11/23/2023, at approximately 2158 hours, Deputy Agosto responded to _____ in reference to a suicidal person who was allegedly armed. Prior to arrival, Sergeant Godenzi made contact with _____ (O1) via cellphone. _____ ated her fiancée, _____ (V1), and herself were arguing for an unknown reason. At some point during their argument, _____ grabbed a handgun and placed it against his head. _____ advised she ran up to _____ grabbed the gun from him, and separated from him and the gun. _____ stated after talking to _____ further he calmed down. _____ advised _____ is intoxicated and depressed which possibly caused this incident. _____ was unable to provide a sworn written statement as she was already in Ocoee and called LEO just have deputies check on _____

Sergeant Godenzi relayed all obtained information to Deputy Agosto.

Multiple deputies arrived on scene and after a quick phone call to _____ stepped out of his residence, and was safely secured.

_____ advised _____ has mental health issues and has called the cops on false issues before. _____ advised he was not suicidal or crazy and just wanted to be left alone. _____ was adamant he did not point a gun to his head and did not need to be Baker Acted. It should be noted, while speaking with _____ Deputy Agosto observed _____ was highly intoxicated. _____ was very argumentative and defensive while speaking with deputies about the incident. When asked if _____ had any firearms, he said, "A lot".

Based on the totality of circumstances and statements made, Deputy Agosto determined without psychological evaluation and treatment _____ posed a significant danger to himself and others. _____ was placed under the protective custody of a Baker Act and later transported to Halifax Hospital without further incident.

_____ did not provide consent for deputies to collect the firearms therefore no firearms were collected from this incident. Due to dogs being left in the residence, contact was made with _____ gain who stated she would care for the animals.

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

VSO Case Number
VP230022604

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 3 OF 3

Due to the circumstances of the incident, a request for a Temporary Risk Protection Order was generated and sent to RPO submissions.

CASE STATUS: Closed.

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

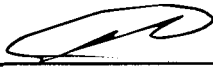
0 Known protection orders are attached

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	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
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: 11/24/2023 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization,

this 24 day of November, 2023, by D.S. Callbeck
Affiant's name


Signature of Attesting LEO Witness 2537

D.S. Callbeck
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)