

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

VSO Case Number
230003299

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} _____ Erica Muzzy _____, in my position as {job title} _____ 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:

*** BWC RECORDING***

On 02/19/23, at approximately 1027 hours, Deputy Muzzy was dispatched to _____ Deland in regards to a suicidal person. Upon arrival, Deputy Muzzy made contact with _____ (O1) outside the residence who advised his mother-in-law, _____ (W1), had called him stating that her husband, _____

_____ 1 Additional pages are attached.

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

_____ Additional pages are attached.

AFFIDAVIT CONTINUATION

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_____ (VI) had attempted to take his life with a firearm. _____ advised once he had gotten to the house, he had taken possession of the firearm that _____ had attempted to use as well as several others and had brought them to his house across the street for safekeeping as _____ no longer wanted them in the house.

Deputy Muzzy spoke with _____ inside the residence, and she advised that she had went to check on her husband and had walked into the bedroom and witnessed him holding a pistol in his hands. _____ advised _____ had pulled the slide back, chambering a round and was in the process of turning the firearm around to face him, in what _____ assumed was to kill himself. When _____ took the firearm from _____ before he was able to fire it, _____ asked him what he was doing and _____ advised, "I was going to end it all." _____ further advised that _____ had stage 5 Parkinson's and had sustained several falls in the last few days and had been feeling like a waste of space and a burden to his family over this.

Deputy Muzzy spoke with _____ about the incident; however, he was confused as to what was going on and advised nothing had happened. When Deputy Muzzy asked him about the incident with the firearm, _____ advised that he was allowed to do as he pleased within his own home and that law enforcement had no reason to be there. When Deputy Muzzy explained that due to him attempted to hurt himself, law enforcement had to take action, _____ advised he never pointed the gun at himself and had only pointed it away and out the window.

Deputy Muzzy determined without a mental health evaluation and treatment; _____ posed a significant risk to himself. _____ was taken into custody under the Baker Act and transported to Halifax Health in in Daytona Beach via an ambulance due to his medical concerns.

Deputy Muzzy additionally completed an RPO in regards to this incident due to the attempted use of the firearm. _____ advised due to the fact that his family would have been taking all the firearms in the near future anyway, he would take possession of them and keep them at his house, away from _____ _____ completed and signed a sworn written statement detailing this and the fact he will have possession of the firearms.

Case Status: Closed

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	<u>6</u>	Type	<u>Pistols</u>	Location	<u>[REDACTED]</u>	<u>Deland, FL</u>
Quantity	<u>1</u>	Type	<u>Rifle</u>	Location	<u>[REDACTED]</u>	<u>Deland, FL</u>
Quantity	<u>1</u>	Type	<u>Shotgun</u>	Location	<u>[REDACTED]</u>	<u>Deland, FL</u>
Quantity	_____	Type	_____	Location	<u>[REDACTED]</u>	<u>Deland, FL</u>
Quantity	_____	Type	_____	Location	<u>[REDACTED]</u>	<u>Deland, FL</u>
Quantity	_____	Type	_____	Location	<u>[REDACTED]</u>	<u>Deland, FL</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: 02/19/2023

Signature of Affiant [Signature] #9296

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 19 day of February, 2023, by Deputy E. Muzzy
Affiant's name

[Signature]
Signature of Attesting LEO Witness

Sgt. M. Roman
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)