

**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}* [REDACTED]

VSO Case Number 23-6960

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* DEPUTY TIMOTHY J. GIBBONS, 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}* [REDACTED] 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 04-11-2023, at approximately 1923 hours, Deputy Barry was dispatched to [REDACTED] Deland in response to a fight. Prior to arrival, Deputy Barry noticed the reporting party [REDACTED] informed central dispatch [REDACTED] was stating he was going to kill his wife, [REDACTED] further informed [REDACTED] called her saying [REDACTED] had drug her by her hair in the yard of their residence. [REDACTED] recalled [REDACTED] saying [REDACTED] was threatening to kill himself with a firearm.
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2 Additional pages are attached.

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

[REDACTED] stated [REDACTED] had threatened to kill himself with a firearm as he suffers from guilt, but would not expand further. [REDACTED] sated [REDACTED] had a handgun on him at the time, but she was able to take it, and hide it from him. Deputy Barry explained the risk protection order process to [REDACTED] and further explained [REDACTED] can voluntarily turn over the firearms for safekeeping until the risk protection order is completed, [REDACTED] refused to voluntarily turn over [REDACTED]'s weapons.
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 Additional pages are attached.

On 04-11-2023, at approximately 1923 hours, Deputy Barry was dispatched to [REDACTED] Deland in response to a fight. Prior to arrival, Deputy Barry noticed the reporting party [REDACTED] (R1) informed central dispatch [REDACTED] (D1) was stating he was going to kill his wife, [REDACTED] (V1). [REDACTED] further informed [REDACTED] called her saying [REDACTED] had drug her by her hair in the yard of their residence.

Due to [REDACTED] residing in Merritt Island, Florida, Deputy Barry contacted [REDACTED] via cell phone, which was recorded on Deputy Barry's agency provided body worn camera. While speaking with [REDACTED] she explained [REDACTED] called her prior to Law Enforcement being contacted and said she was drug by her hair, [REDACTED] did not hear this occur. [REDACTED] recalled [REDACTED] saying [REDACTED] was threatening to kill himself with a firearm, which she also did not hear while on the phone with [REDACTED]. [REDACTED] swore to her verbal statement. As Deputies were arriving on scene establishing a perimeter and awaiting additional resources, Deputy Barry contacted [REDACTED] via cell phone who explained [REDACTED] was threatening suicide by cop and told her he wanted responding Law Enforcement to kill him. [REDACTED] noted she was able to remove the firearm, a handgun, away from him and secured it in the house. [REDACTED] informed [REDACTED] was on the back patio of the residence, and she does not believe him to have any additional weapons on his person. Deputy Barry instructed [REDACTED] to lock herself within the home until Law Enforcement were able to secure [REDACTED]. While Deputy Barry was speaking with [REDACTED] [REDACTED] attempted to leave the residence on a four wheeled all terrain vehicle, where he was taken into custody by Deputy Gibbons without incident. The four wheeler was later turned over to [REDACTED].

Once [REDACTED] was in custody, Deputy Barry made contact with [REDACTED] at which time Deputy Barry noticed she was crying, her hair was dishevel, she had white transfer consistent with the gravel in the driveway on her right arm (right below the elbow to the tricep) and dried blood on her right wrist. While speaking with [REDACTED] she denied something physical occurring and continued to say [REDACTED] had threatened to kill himself with a firearm as he suffers from guilt, but would not expand further. As Deputy Barry was pointing out white transfer and dried blood, [REDACTED] started to wipe it away, eventually telling Deputies she did not want [REDACTED] to get in trouble because they have been married for thirty three years. [REDACTED] completed a sworn written statement detailing the incident, which she noted she did not wish to pursue criminal charges. [REDACTED] did not wish to seek medical treatment and was provided with a domestic violence informational rights pamphlet. Digital photos of [REDACTED] were obtained and 29 later uploaded to the digital crime scene database.

Deputy Barry explained the risk protection order process to [REDACTED] and further explained [REDACTED] can voluntarily turn over the firearms for safekeeping until the risk protection order is completed, [REDACTED] refused to voluntarily turn over any firearms and did not wish to be involved with the risk protection order. Deputy Gibbons later completed the risk protection order. Deputies informed [REDACTED] of his constitutional rights, via a department issued Miranda Warning card, which he refused to speak with Law Enforcement. While conducting the investigation, based upon the injuries noticed on [REDACTED] along with the information provided by [REDACTED] Deputy Barry determined

probable cause to arrest [REDACTED] for simple battery. Deputy Barry requested a criminal history check, via teletype and noticed [REDACTED] had no prior battery arrests; however, he was found not guilty for attempted first degree murder on 09-07-2001. [REDACTED] was later transported to the Volusia County Branch Jail without incident. The jail was made aware of [REDACTED]'s suicidal statements.

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>Unknown</u>	Type	<u>Unknown</u>	Location	<u>[REDACTED]</u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </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: 04/16/2023 Signature of Affiant: Gibbons, Timothy Digitally signed by Gibbons, Timothy
Date: 2023.04.16 01:46:41 -04'00'

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 16 day of April, 2023, by D/S T. GIBBONS
Affiant's name

[Signature]
Signature of Attesting LEO Witness

C. Campbell 8551 VSO
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)