

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

VSO Case Number
23-9427

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* John Berard, 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:

*****BWC Recording*****

On 5/16/23 at approximately 2201 hours, Deputy Seda responded to _____ Orange City in reference to suspicious incident. The call stated _____ (D1) was chased by a known neighbor with a loaded gun. The call went on to state the neighbor, _____ (O1), pointed a gun at _____ before he closed the door on him.

3 Additional pages are attached.

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

_____ Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1
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Upon arrival deputies entered the large property from the multiple driveways on [REDACTED] [REDACTED]. Air One was notified and responded. After speaking with [REDACTED] through Central Dispatch, it was determined the large property housed 3 residences. The main residence was at the front of the property and 2 "tiny homes" were located near the rear of the main residence. [REDACTED] was able to describe his residence and [REDACTED]s. Deputies were able to have [REDACTED] step out of his residence while they held visual on [REDACTED]s residence. [REDACTED] was escorted to the front of the property and made contact with Deputy Seda and Deputy Kagle. It should be noted, [REDACTED] was all over the place when talking with deputies and was unable to focus on most of the questions asked. [REDACTED] stated while in his residence, lasers began to shine through his windows. [REDACTED] advised this was an ongoing issue and was positive [REDACTED] was behind it. [REDACTED] went on to say he heard two motorcycles outside and he turned all the lights in his residence off. [REDACTED] advised he got his firearm and began to look out the window and saw two unknown bikers putting their hands up. [REDACTED] stated the bikers were holding their hands up, parallel to each other and began following his head as he moved it. When asked if the bikers had any firearms, [REDACTED] stated he never saw one but only assumed so due to them following his head with their hands. [REDACTED] went on to say the bikers left and he decided to leave to go to his brother's residence nearby. [REDACTED] stated he went down his driveway and got to W New York Avenue before he realized he left his cellphone at his residence. [REDACTED] advised he returned to his residence and found [REDACTED] and his girlfriend outside. [REDACTED] advised he asked [REDACTED] about the bikers. [REDACTED] went out on to say [REDACTED] pulled out a rifle and began to screw the barrel on while full sprinting towards him. [REDACTED] advised he ran to his residence and shut the door in [REDACTED]s face. [REDACTED] completed and signed a sworn written statement on the incident. Sergeant Stickels was able to make contact with [REDACTED] over the phone and had him step out of his residence. [REDACTED] advised he had not idea what was going on. [REDACTED] went on to explain [REDACTED] has been doing drugs which has broken up their friendship. It should be noted [REDACTED] appeared to have major road rash on his back and side, and a cast on his left leg. While speaking with deputies, [REDACTED] was having a hard time walking around and standing. Deputy Seda made contact with [REDACTED] again who reiterated his recollection of the incident. When asked how [REDACTED] was able to full sprint after him when he is in a cast and can barely walk, [REDACTED] advised [REDACTED] was hurting because he ran after him. [REDACTED] became upset at deputies for not doing anything with [REDACTED] [REDACTED] advised he was under the influence of methamphetamine. A criminal history check was conducted on [REDACTED] which revealed no prior criminal history. Due to the inconsistent statements provided by [REDACTED] [REDACTED]s physical condition, and [REDACTED]s statement, Deputy Seda was able to determine no probable cause existed.

AFFIDAVIT CONTINUATION

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On 5/17/23 at approximately 0156 hours, Deputy Seda responded to _____ Orange City in reference to a 911 check. Upon arrival Deputy Seda made contact with _____ who stated 10 minutes after deputies left, _____ and _____ (O2) were trying to get through his windows to try and take a DVR player. _____ advised the DVR player contained camera footage of the incident. _____ advised he wanted an escort to the nearest police station to drop off the DVR. Deputy Seda advised _____ the District was closed due to the time. Deputy Seda advised _____ to burn the footage into a disc or USB drive so it could be collected. _____ became irate and angry at Deputy Seda and went back inside his residence. It should be noted Deputy Seda waited approximately 2-3 minutes outside of _____ residence prior to knocking and did not see or hear anybody by his residence. On 5/17/23 at approximately 0249 hours, Deputy Seda responded back to _____ Orange City in reference to another suspicious incident. _____ advised Central Dispatch somebody was trying to get inside his residence and he shot them. Upon arrival, deputies surrounded _____ residence and had him step out. _____ was secured in handcuffs and moved away from the residence by Deputy Seda while other deputies attempted to locate the alleged victim that was shot. Deputy Seda spoke with _____ who advised he had shot _____ in the hand because he was trying to come in through his bathroom window. _____ went to say while Deputy Seda was at the residence for the second time, _____ and _____ were attempting to break in his residence. _____ went on to say _____ broke his window to try and get in but later stated _____ opened the window slightly. _____ advised he owned a .45 caliber handgun. Sergeant Stickels and Deputy Diedesch entered _____ residence in order to locate a potential victim of _____ alleged shooting. While inside the residence, Sergeant Stickels and Deputy Diedesch observed the following in plain view:

- 3 glass smoking devices (bongs) - located on a bookshelf
- Red grinder and black grinder - located on a makeshift nightstand in front of a bed
- 2 glass smoking pipes - located on a makeshift nightstand in front of a bed
- Glass container with residue - located on a makeshift nightstand in front of a bed
- Square glass container with residue - located on a makeshift nightstand in front of a bed. Tested with a Sirchie's Narc 9 Kit, presumptive positive for THC.
- Square silicon container with residue - located on a makeshift nightstand in front of a bed. Tested with a Sirchie's Narc 33 Kit., presumptive positive for fentanyl.

All the items were collected and submitted into the District 6 Evidence Locker as evidence.

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Deputy Berard made contact with [REDACTED] at his trailer next to [REDACTED] residence. [REDACTED] was not injured and advised he had not seen [REDACTED] since last Friday. Contact was also made with [REDACTED] who was in good health and not a victim of any gunshots. Based on those findings, Deputy Seda placed [REDACTED] under arrest for possession of a controlled substance (THC concentrate) and possession of drug paraphernalia. It should be noted, [REDACTED] had two dogs at his residence and could not advise deputies of anyone to take care of them. ACO was called to collect the dogs. While waiting for ACO in front of [REDACTED] residence, [REDACTED] (in the back seat of Deputy Seda's patrol vehicle) began to state somebody was currently breaking into his truck. There was nobody in the area or around [REDACTED] vehicle at that time. [REDACTED] was transported to the Volusia County Branch Jail without incident. An RPO will be completed for [REDACTED].

Case Status: Arrest/Adult.

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

None 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>Handgun</u>	Location	<u>835 W New York Av, OC</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: 05/17/2023 Signature of Affiant: Berard, John Digitally signed by Berard, John Date: 2023.05.17 04:50:10 -04'00'

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 17 day of May, 2023, by Deputy John Berard #9417
Affiant's name

Laura Diedesch Digitally signed by Laura Diedesch Date: 2023.05.17 04:59:10 -04'00'
Signature of Attesting LEO Witness

Deputy Diedesch #9575
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)