

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  
240000112

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, {full legal name} \_\_\_\_\_ ANDREW COOK \_\_\_\_\_, 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 01/02/2024, at approximately 1544 hours, Deputies Cook and McGinnis were dispatched and responded to \_\_\_\_\_ New Smyrna Beach, Florida, in reference to a suicidal person, later identified as \_\_\_\_\_ (V1). Prior to arrival, the call notes stated \_\_\_\_\_ fiancée and reporting party, \_\_\_\_\_ (O1), said \_\_\_\_\_ was inside a blue Subaru in the residence's driveway and that he was possibly armed with a handgun. The call notes further indicated that he made suicidal statements

\_\_\_\_\_ 1 Additional pages are attached.

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

\_\_\_\_\_ and \_\_\_\_\_ have been in a long term relationship and share a child together. \_\_\_\_\_ advised \_\_\_\_\_ suffers from mental illness concerns and experiences manic episodes on a regular basis. \_\_\_\_\_ advised \_\_\_\_\_ also makes suicidal statements on a recurring basis.

\_\_\_\_\_ Additional pages are attached.

**AFFIDAVIT CONTINUATION**

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Upon arrival, Deputies observed the blue Subaru (bearing FL tag \_\_\_\_\_) idling in the driveway. Deputies could not see into the car due to the dark window tint. While Deputies were setting up a perimeter around the residence, \_\_\_\_\_ exited the Subaru with his hands up. Deputies began to give \_\_\_\_\_ verbal commands, which he complied with. Deputies patted \_\_\_\_\_ down for weapons and did not locate any on his person or in the Subaru he had just been in. Deputies spoke with \_\_\_\_\_ who provided the following statement:

\_\_\_\_\_ had been arguing with \_\_\_\_\_ lately over ongoing issues related to \_\_\_\_\_'s physical health. \_\_\_\_\_ suffers from depression and anxiety. \_\_\_\_\_ said he had gotten upset and admitted to Deputies he had thoughts about killing himself but insisted to Deputies that he was never going to go through with his thoughts.

Deputies then made contact with \_\_\_\_\_ who advised on the above date and approximate time, she and \_\_\_\_\_ got into a verbal argument when she told \_\_\_\_\_ she was not going to be able to drive him to Ormond Beach. \_\_\_\_\_ stated \_\_\_\_\_ immediately started yelling at her and throwing things onto the floor. \_\_\_\_\_ explained \_\_\_\_\_ then threw himself onto the floor and began banging his fists onto the ground. \_\_\_\_\_ then started crawling towards his bedroom and, while doing so, stated, "I wish I was dead. I'm going to get my gun." \_\_\_\_\_ then entered the bedroom, where \_\_\_\_\_ lost sight of him. \_\_\_\_\_ then locked herself inside her room with her and \_\_\_\_\_'s son, \_\_\_\_\_ a minor (O2), and dialed \_\_\_\_\_ for assistance. When asked to describe \_\_\_\_\_'s mental state further \_\_\_\_\_ told Deputies \_\_\_\_\_ had threatened to kill himself in the past, had at one point created a specific plan to kill himself by jumping off a cliff, and that he had a particular cliff picked out to do so. She also told Deputies she believed \_\_\_\_\_ needed professional help for his suicidal thoughts. \_\_\_\_\_ stated \_\_\_\_\_ had two firearms that she knew of. \_\_\_\_\_ confirmed \_\_\_\_\_ never threatened her or \_\_\_\_\_.

\_\_\_\_\_ told Deputies he owned three firearms and ammunition for each of them. At \_\_\_\_\_'s request, all the firearms and ammunition were transferred to the custody of \_\_\_\_\_'s nephew, \_\_\_\_\_ (O3). A criminal history check was conducted on \_\_\_\_\_ which revealed he was not a convicted felon. The firearms and ammunition that were turned over to \_\_\_\_\_ are as follows:

1. Taurus 9mm handgun (serial # \_\_\_\_\_)
2. Taurus .357 handgun (serial # \_\_\_\_\_)
3. Ruger .308 rifle (serial # \_\_\_\_\_)
4. 15 (fifteen) rounds of 9mm ammunition

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**AFFIDAVIT CONTINUATION**

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- 5. 51 (fifty-one) rounds of .357 ammunition
- 6. 40 (forty) rounds of .308 ammunition
- 7. 22 (twenty-two) rounds of 38 special ammunition

All items were thoroughly documented on receipts given to [REDACTED] [REDACTED] voluntarily signed over custody of the firearms.

FCIC/NCIC checks of the firearms were conducted, which revealed none of them were stolen. [REDACTED] does not have a concealed weapon permit.

Based on [REDACTED]'s preexisting depression and anxiety, the circumstances presented, and the suicidal statements [REDACTED] made, Deputy Cook determined [REDACTED] posed a real and present danger to himself and placed [REDACTED] into protective custody under the Baker Act.

[REDACTED] was transported to Halifax Hospital in Daytona Beach for further evaluation.

A Risk Protection Order was completed and forwarded to the appropriate personnel

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>2</u>	Type <u>Handguns</u>	Location <u>with relative</u>
Quantity <u>1</u>	Type <u>Rifle</u>	Location <u>with relative</u>
Quantity <u>138 rds</u>	Type <u>ammunition</u>	Location <u>with relative</u>
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: 01/02/2024

Signature of Affiant: \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 02 day of January, 2024, by ANDREW COOK

Affiant's name

\_\_\_\_\_  
Signature of Attesting LEO Witness

MICHAEL MCGINNIS

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)