

**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
VP240012068

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* Deputy B. Westfall, 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:

See attached pages

2 Additional pages are attached.

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

See VSO report

_____ Additional pages are attached.

AFFIDAVIT CONTINUATION

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BWC

Marsy's Law Invoked

On 5/29/2024, at approximately 0905 hours, Deputy Westfall (9306) was dispatched to the area of _____ and _____ Deltona in reference to a road rage incident where a firearm was displayed. As Deputies responded, the caller, _____ (V1) advised a white Chevrolet work van bearing Florida tag _____ was traveling northbound from the area of the incident. As Deputies continued, _____ informed VSO Central Dispatch that Florida Highway Patrol had located the van and were conducting a felony stop at the 1700 Block of S State Road 415.

Upon arrival, Trooper B. Cano #4511 had gotten the driver and sole occupant, _____ (D1) out of the vehicle and placed him in handcuffs. See Trooper B. Cano's report for further (case #: FHP240N0269290).

Deputy Westfall made contact with _____ and _____ (V2) who were in a gold BMW bearing Florida tag _____ and parked a safe distance away from the felony stop. _____ the driver stated he was traveling northbound on State Road 415 from Seminole County when a white van was tailgating him and then aggressively cut around him while they were driving. As the white van drove around the right side of _____'s vehicle, the driver of the white van brandished a black firearm and pointed it at _____ and _____ which placed them in a well-founded fear. _____ followed the van from a safe distance as he called _____ for assistance. As _____ was giving updates to VSO Central Dispatch, _____ located and flagged down Trooper B. Cano and informed him of the incident. Trooper Cano then located the vehicle and _____ followed from a safe distance until the vehicle stopped. _____ completed a sworn written statement advising he wished to pursue charges and signed Marsy's Law invoking his rights to confidentiality.

Deputies made contact with _____ who advised the same as _____ completed a sworn written statement advising he wished to pursue charges and signed Marsy's Law invoking his rights to confidentiality.

Deputies then made contact with _____ and advised him of his Constitutional Rights which were read to him from an agency issued VSO Miranda Warnings Card, which _____ acknowledged

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that he understood. [REDACTED] advised he was traveling northbound on State Road 415 when a gold vehicle slammed on their breaks in front of him. He was then able to make his way around the vehicle in traffic. When asked [REDACTED] denied displaying his firearm and did not know how [REDACTED] and [REDACTED] would have known that he had a firearm. Deputies ran [REDACTED]'s Florida Driver's License in FCIC/ NCIC which returned not valid and suspended for financial

As Deputies approached the van an odor of burnt marijuana emitted from the vehicle. Deputies searched the vehicle and located a green leafy bud between the driver and passenger seat, a rolled marijuana cigar, and a pack of RAW pre-rolled rolling papers. Deputy Westfall tested the substance with a Sirchie Narc 05 which returned presumptive positive for marijuana. Deputies located a loaded Glock 27 (serial #: [REDACTED]), which was black in color and in a black plastic holster and was located on the floorboard next to the driver's seat. In the headliner of the van with two magazines with eight rounds in each. Deputy Westfall ran the firearm through FCIC/ NCIC which returned not wanted. Deputies with the assistance of VSO Central Dispatch ran the Florida Concealed Carry Permitted which was in [REDACTED]'s name, which returned valid and issued.

At the conclusion of the investigation with evidence gathered and statements provided, [REDACTED] was placed under arrest and charged with Aggravated Assault with a deadly weapon, Improper Exhibition of a firearm, possession of marijuana under 20 grams, Possession of paraphernalia, and Driving with a suspended license (citation#: AJVP50E).

A Criminal History check for [REDACTED] returned with a prior case in Seminole County on 12/26/2012, where [REDACTED] was charged with aggravated assault, but the charges were later dropped.

Deputy Westfall submitted all the evidence into the VSO District 4 Evidence Lockers and completed a Risk Protection Order on [REDACTED] [REDACTED] was transported to VCBJ.

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	1	Type	Handgun	Location	VSO Evidence
Quantity	24	Type	Rounds	Location	VSO Evidence
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: 05/29/2024 Signature of Affiant:  9306

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization,
this 29 day of May, 2024, by Deputy B. Westfall
Affiant's name

Brian Bentner
Signature of Attesting LEO Witness

Deputy B. Santiago

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
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(Type of Identification Produced)