

**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
240013981

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} _____ Juston Schramm _____, 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 Continuation Page.

4 Additional pages are attached.

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

_____ Additional pages are attached.

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BWC ACTIVE

On 06/23/24 at 1553 hours Deputy Schramm was dispatched to _____ in reference to a weapon complaint.

According to dispatch notes, an unknown person advised he believed he heard 6-7 shots from a 9mm pistol.

While Deputy Schramm was en route to the location a concerned citizen driving a blue Ford flagged him down to inform him the shots came from the backyard of a house on South Ridgewood Avenue. Deputy Schramm started to drive in the area to see if he could hear anything. Deputy Schramm entered the intersection of West Euclid Avenue/South Ridgewood Avenue and drove south. Deputy Schramm drove to the intersection of South Ridgewood Avenue/ Coral Fern Drive and did a U-turn to head northbound. As Deputy Schramm was driving northbound he was about to stop at W. Euclid Ave./S. Ridgewood Ave. when he heard gunshots coming from the southeast of his vehicle. It should be noted this area is exclusively residential. Deputy Schramm stopped the vehicle exited, drew his duty-issued firearm, and called for additional units. As Deputy Schramm was requesting backup several more shots were fired. Deputy Schramm started to approach a trailer slowly as the last shot went off he could hear what sounded like a male scream. Deputy Schramm radioed off that he was waiting for more units and advised the closest intersection was Bent Branch Ave/S. Ridgewood Avenue. While Deputy Schramm was waiting on more units he could hear a male screaming in a trailer at _____. Deputy Schramm announced himself as a Sheriff's Deputy and ordered the subjects to exit the trailer. As Deputy Schramm yelled a male opened the door looking at Deputy Schramm before going back into the trailer. Deputy Schramm ordered the male to show his hands and exit the trailer. The male later identified as _____ exited the trailer. Followed behind _____ was _____ and _____. Deputy Schramm ordered all three subjects to get onto the ground until more Deputies/Officers arrived on the scene to assist. Once additional Deputies arrived on scene Deputy Schramm secured _____ into handcuffs which were double-locked and checked for proper fit. Deputy Schramm escorted _____ to his marked patrol vehicle and placed him into the secured compartment. Deputy Schramm then returned to assist in clearing the area. Once the area was cleared, Deputy Schramm went to speak with _____.

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_____ stated that it was unnecessary to have a large police presence to "fireworks". _____ spontaneously uttered that they were setting off fireworks about 20 minutes prior. Deputy Schramm introduced himself and asked _____ if he understood why there was a large police presence and he stated no. _____ advised that he had been drinking throughout the day and was adamant that only fireworks were set off.

Deputies on the scene located 16 9mm casings in front of the door to the trailer. Inside the trailer, Deputies could see a black handgun with a box of ammunition nearby.

Deputy Schramm then went to speak with _____. Deputy Schramm informed _____ of his Constitutional Rights from a department-issued Advisement of Rights card. While Deputy Schramm was reading _____ his Constitutional Rights, _____ started yelling to _____ saying "Don't say a word." Each time _____ interrupted Deputy Schramm he would repeat the sentence once more. When Deputy Schramm asked if _____ understood his rights, _____ stated "All I have to say is that today we went out on the boat today and had been drinking. We set off some fireworks and there is nothing illegal about setting off fireworks." Deputy Schramm asked _____ if he understood his rights and _____ stated once more that he said all that he had to say about the matter. Deputy Schramm advised that _____ had to understand his rights before any questions can be asked. _____ advised he understood his rights and would be willing to speak with Deputy Schramm. Deputy Schramm asked _____ what kind of fireworks were being set off. _____ advised he did not know as he didn't purchase any. Deputy Schramm asked _____ if he fired a firearm and _____ stated no. Deputy Schramm asked _____ about the casings that were in front of his trailer and _____ stated "It is not illegal to have shell casings on my property." Deputy Schramm advised it is illegal to fire a firearm in a residential area. _____ advised he did not wish to speak with Law Enforcement. Deputy Schramm escorted _____ to a nearby Volusia Sheriff's Patrol car and placed him into the secured compartment.

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Deputy Schramm then spoke with _____ once more. Deputy Schramm informed _____ of his Constitutional Rights, to which _____ stated he understood and would be willing to speak with me. _____ stated yes then advised that _____ had nothing to do with the situation. _____ stated that they had been drinking today and setting off fireworks. _____ stated "You know _____ We were all drinking and having a good time!" Deputy Schramm then asked how many shots _____ fired and _____ stated "I couldn't tell you an exact amount." Deputy Schramm asked _____ if he could even give an estimate of how many times did _____ shoot and _____ again stated he could not give a number. Deputy Schramm asked _____ if he saw a firearm but _____ stated "No. I didn't see a gun." Deputy Schramm tried to ask more questions but _____ was concerned that _____ was in handcuffs even after Deputy Schramm explained she wasn't.

Deputy Schramm was advised by Deputy K. Stubblefield that _____'s grandmother, _____ who lives next door to _____ witnessed her grandson fire the firearm.

Deputy A. Fernandez made contact with _____ who lives at _____ and stated he heard gunshots approximately 30 minutes prior to Law Enforcement's arrival. _____ stated he observed an older female exit a house and look at the trailer where the shots came from but then went back inside her residence. _____ advised he did not initially call Law Enforcement because he was unsure if it was fireworks or gunshots due to people at _____ setting off fireworks a few nights ago. _____ stated he heard a few more shots then he observed a patrol car stop at the intersection due to hearing more shots. _____ stated he was able to see the front door to the trailer open with a male sticking his hand out of the trailer and firing 4 or 5 shots into the backyard. _____ stated he observed the Deputy exit the patrol car and get into a position in front of the trailer to call for backup. _____ stated the male he observed firing the firearm was wearing a green shirt. It should be noted the only male wearing a green shirt at the time of the incident was _____'s _____ was shirtless. _____ was able to point out _____ as the shooter. _____ provided a sworn written statement.

_____ refused to cooperate with Law Enforcement or provide a statement.

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Deputy Schramm then spoke with [REDACTED] once more asking if he would allow Law Enforcement to enter the trailer to secure the firearm. [REDACTED] stated he would allow Law Enforcement to enter the trailer to secure the firearm and any ammunition if he is able to witness it. Deputy Schramm escorted [REDACTED] to the trailer and [REDACTED] explained to Deputies that the firearm was on a pedestal on the right when you entered the trailer. Deputies secured the black Glock firearm (serial# [REDACTED]). [REDACTED] advised there was no ammo for it and there was no ammo in the magazine.

Deputies collected 16 shell casings from in front of the trailer. The shell casings and firearm were entered into a District 2 Evidence Locker as evidence.

Deputy Schramm determined there was probable cause to charge [REDACTED] with 790.15 (1) and 790.151. It should be noted the property that [REDACTED] had fired the firearm on a property primarily used as the site of a dwelling. [REDACTED] was transported to the Volusia County Branch Jail without incident. A Risk Protection Order was completed against [REDACTED] and submitted.

A CH was completed on [REDACTED] and revealed that [REDACTED] is not a convicted felon. The serial number for the firearm was run through FCIC/NCIC and found not to be stolen.

Case status: Closed by arrest.

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

0 Known protection orders are attached

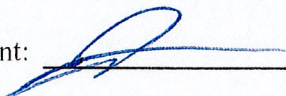
4. The quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody or control are as follows:

Quantity	<u>1</u>	Type	<u>Glock 48</u>	Location	<u>In custody of VSO</u>
Quantity		Type		Location	
Quantity		Type		Location	
Quantity		Type		Location	
Quantity		Type		Location	
Quantity		Type		Location	

0 Additional pages are attached.

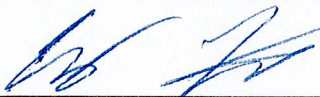
AFFIANT HEREBY CERTIFIES UNDER PENALTY OF PERJURY THAT THE STATEMENTS AND FACTS IN THIS AFFIDAVIT AND IN ANY ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Dated: 06/23/2024

Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this 23 day of January, 2024, by D/S Schramm

Affiant's name


Signature of Attesting LEO Witness

D/S Cindy Forster 9344
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)