

**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
VP240014335

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} _____ Daniel Walker _____, 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

_____ Additional pages are attached.

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

See Continuation Page

_____ Additional pages are attached.

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****BWC RECORDING****

*****MARSY'S LAW INVOKED*****

On 06/28/2024, at approximately 0000 hours, Deputy Walker responded to [REDACTED] Deland in reference to a disturbance.

Upon arrival, Deputy Walker made contact with [REDACTED] (V1), who advised he was in a physical altercation with his roommate, [REDACTED] (DI). [REDACTED] advised he was down the road at [REDACTED] (V2) residence when he observed [REDACTED] on the security cameras in the garage throwing things and yelling. [REDACTED] advised he observed [REDACTED] get into his vehicle, which he described as a [REDACTED] bearing Florida Tag [REDACTED] and attempted to reverse it out of the garage. [REDACTED] then heard a loud bang. [REDACTED] advised his mother's vehicle, [REDACTED] was parked near the entrance to the garage and was struck by [REDACTED] when he was reversing out of the driveway. [REDACTED] advised [REDACTED] pulled back into the garage and attempted to back out again striking the vehicle again. [REDACTED] stated that is when he [REDACTED] (W1) and [REDACTED] (W2) got into a vehicle and headed over to [REDACTED] Deland. [REDACTED] advised when they arrived at the residence, [REDACTED] was inside the residence throwing things. [REDACTED] advised he confronted [REDACTED] about the damage done to the car and told [REDACTED] he needed to leave. [REDACTED] advised [REDACTED] then started yelling at him, pushing him and attempted to grab him by the neck. [REDACTED] advised [REDACTED] pinned him down to the ground at one point and attempted to choke him. When questioned if [REDACTED] lost the ability to breathe, [REDACTED] advised he could not recall but did not believe so. [REDACTED] advised he was able to separate himself from [REDACTED] however [REDACTED] continued following him around the yard, pushing and yelling at him. It was at this point that [REDACTED] attempted to intervene, telling [REDACTED] to leave [REDACTED] alone. [REDACTED] explained [REDACTED] then pointed his finger at [REDACTED] and stated, "I'll kill you" [REDACTED] stated [REDACTED] then went inside the residence, grabbed a gun, and fired approximately (3) rounds off in the air. [REDACTED] stated [REDACTED] then fled the scene in the above-mentioned vehicle. [REDACTED] advised he then called his mother and [REDACTED]

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Deputy Walker observed several scratches on [REDACTED]'s neck, chest and back. Photos were taken of [REDACTED]'s injuries, which were uploaded to Axon capture. Deputy Walker also located three 9mm cartridge casings on the back porch, where the incident took place. These cartridge casings were collected and submitted into District Two Evidence Locker.

Deputy Walker then made contact with [REDACTED] stated after he, [REDACTED] and [REDACTED] observed [REDACTED] on the surveillance cameras yelling and throwing things in the garage, they left his residence and went to [REDACTED] Deland. [REDACTED] advised when they arrived, [REDACTED] went to confront [REDACTED] about the damage done to his mother's car. [REDACTED] stated [REDACTED] lunged at [REDACTED] got on top of him and was holding his throat as if he was choking. [REDACTED] advised he, [REDACTED] and [REDACTED] kept their distance away from the porch where [REDACTED] and [REDACTED] were fighting. [REDACTED] advised [REDACTED] finally made it off the porch; however, the fight continued in the yard. [REDACTED] advised he [REDACTED] and [REDACTED] then moved behind the truck that was in the yard and kept watching. At some point during the fight, [REDACTED] called [REDACTED] (W3) to come to [REDACTED]'s house and help break up the fight. [REDACTED] advised [REDACTED] and [REDACTED] stopped fighting and made their way to a truck parked in the backyard. [REDACTED] advised he commanded [REDACTED] to keep his hands off of [REDACTED] then explained to [REDACTED] that [REDACTED] is not a killer however "He is". [REDACTED] advised [REDACTED] then told [REDACTED] that he better leave. [REDACTED] explained that he had a right to be there. [REDACTED] advised [REDACTED] then stated that he would kill him. [REDACTED] advised [REDACTED] then went into the residence, came back outside, yelled you better leave now, or I will kill you as he pointed his finger at [REDACTED] [REDACTED] advised [REDACTED] then fired off three rounds with a black in color handgun into the air. [REDACTED] explained based on the statement and action by [REDACTED] this placed [REDACTED] in a well-founded fear that violence was imminent. [REDACTED] believed [REDACTED] was going to kill him and was in fear for his life so he, [REDACTED] and [REDACTED] got into [REDACTED]'s car and left. [REDACTED] completed a sworn written statement, detailing he wished to press charges.

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Deputy Walker then made contact with [REDACTED]. [REDACTED] advised she was with [REDACTED] when he checked his security cameras and observed [REDACTED] yelling and throwing thing in the garage. [REDACTED] advised she observed the footage showing [REDACTED] back out the garage in his vehicle, appearing to hit something. [REDACTED] advised her [REDACTED] and [REDACTED] then got into [REDACTED]'s car and headed to [REDACTED]'s residence. [REDACTED] advised when they arrived at the residence, [REDACTED] started yelling at [REDACTED]. [REDACTED] advised the argument turned physical when [REDACTED] started grabbing and hitting [REDACTED]. [REDACTED] advised [REDACTED] flipped [REDACTED] over and then was trying to choke him out. [REDACTED] advised she was in fear of her life when [REDACTED] stated he was going to kill them all. [REDACTED] stated she went to tell [REDACTED] [REDACTED] was going to go get a gun and when she did, that is when she heard three gunshots. [REDACTED] advised she stayed in the car and never got out; however, she was still scared. [REDACTED] advised [REDACTED] repeatedly threatened to kill [REDACTED]. [REDACTED] denied wanting to press charges; however, completed a sworn written statement, detailing her involvement.

Deputy Walker then made contact with [REDACTED]. [REDACTED] advised he observed the same camera footage that the others observed. [REDACTED] advised when they arrived at [REDACTED] residence, [REDACTED] and [REDACTED] got into an argument over [REDACTED] hitting [REDACTED]'s mother's car. [REDACTED] advised [REDACTED] grabbed [REDACTED] by the neck and slammed him to the ground. [REDACTED] advised the fight then moved to the back yard therefore, he moved behind the truck more with [REDACTED]. [REDACTED] advised he then heard [REDACTED] say "I will kill you all" while pointing his finger at [REDACTED]. [REDACTED] advised he then heard three shots. [REDACTED] advised he, [REDACTED] and [REDACTED] got into [REDACTED]'s car and left. [REDACTED] denied wanting to press charges; however, completed a sworn written statement, detailing his involvement.

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Deputy Walker then made contact with [REDACTED] [REDACTED] stated he got a phone call from [REDACTED] telling him that [REDACTED] and [REDACTED] were fighting and asked him if he would come help separate [REDACTED] and [REDACTED] [REDACTED] advised when eh arrived, everyone was in the backyard [REDACTED] advised [REDACTED] and [REDACTED] were arguing over [REDACTED] being highly intoxicated [REDACTED] advised [REDACTED] got emotional and was refusing to leave [REDACTED] advised [REDACTED] then said, "I'll kill you all, especially you [REDACTED] [REDACTED] advised [REDACTED] then went into the residence and shortly after he heard what sounded like the "racking" of a firearm. [REDACTED] advised he then started walking to his car and heard three-to-four-gun shots. [REDACTED] advised he got [REDACTED] and [REDACTED] into his car and left. [REDACTED] did not wish to press charges; however, completed a sworn written statement, detailing his involvement.

[REDACTED] and [REDACTED] completed a Marsy's Law Form, invoked their right to privacy. While Deputy Walker was on scene, [REDACTED] was able to use his phone and locate [REDACTED] location. According to [REDACTED], [REDACTED] was at a residence near Wade Street off of State Rd. 1 in Deland however, the location could be within a 200 foot radius. Deputies responded to the area and located [REDACTED]'s [REDACTED] which was parked at [REDACTED] Deland. Deputies tactfully approached the residence, knocked on the door, at which point [REDACTED] answered and was given verbal commands. [REDACTED] exited the residence and was subsequently secured in handcuffs. [REDACTED] was read his Warnings of Constitutional Rights from his Volusia County Sheriff's Office Warnings of Constitutional Rights card. [REDACTED] advised he understood his rights and did not wish to speak with deputies [REDACTED] vehicle was inventoried and removed from the scene by Pratts Towing.

Based on the statements provided on scene, coupled with the physical evidence on scene, Deputies were able to establish probable cause and charge [REDACTED] with Aggravated Assault with a Deadly Weapon, Felony Battery, Reckless Discharge of a firearm, and Improper Exhibition of a weapon.

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A criminal history check for [REDACTED] revealed no prior felony convictions, however [REDACTED] did have a prior battery conviction.

[REDACTED] was transported to VCBJ without incident.

Case Status: Arrested/Adult

- 0 Known protection orders are attached

- | | | | | | |
|----------|---|------|-------------|----------|-----|
| Quantity | 1 | Type | 9mm Handgun | Location | UNK |
| Quantity | | Type | | Location | |
| 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.

Signature of Affiant: [Signature]

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization,
this 28 day of January, 2024, by Deputy Walker

Affiant's name

A. G. 8525

Signature of Attesting LEO Witness

Dep. A. Grant 8525

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)