

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
VP240017554

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} _____ DEPUTY GRAHAM _____, 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:

It should be noted, _____ (D1) and _____ (V1) are married and reside together as a family, with two children.
On Saturday, August 10, 2024, at approximately 1206 hours, Deputy Graham responded to District 4 in reference to a report of a domestic disturbance that had occurred on Wednesday, August 7, 2024.

 2 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 [REDACTED]

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Upon arrival, Deputy Graham made contact with [REDACTED] who alleged that on Wednesday, August 7, she and her husband [REDACTED] were arguing that morning and into the afternoon. Around 1300 hours, [REDACTED] decided she wanted to leave, and [REDACTED] would not assist her financially in any way, so she decided she wished to take possession of her firearm, a Glock handgun, and take it with her to sell. [REDACTED] entered the master bedroom where [REDACTED] was located, walked to her closet, and took possession of the Glock, which was located in an open case. [REDACTED] took the Glock out of the case, and [REDACTED] who did not want her to take the gun because "he felt that the world was going to end after Covid", grabbed [REDACTED] around the legs and tackled her to the ground. [REDACTED] and [REDACTED] then began to wrestle for the gun when it became dislodged from their hands. [REDACTED] a minor, (W1) then grabbed the gun off the floor and ran off. [REDACTED] then separated herself from [REDACTED] and left with a friend for Sanford.

Deputy Graham requested [REDACTED] to clarify some details as the story was not making much sense. [REDACTED] then advised that she and her husband were arguing when it led to the bedroom and she wanted to leave the house with the gun. [REDACTED] grabbed the gun out of the closet with the intention of selling it for money, when [REDACTED] and [REDACTED] a minor, (W2) both lunged at [REDACTED] and all three grabbed onto the gun. [REDACTED] then suddenly grabbed [REDACTED] around the legs and tackled her to the ground at which point [REDACTED] took the gun and ran off.

Deputy Graham requested [REDACTED] to remain present at the District Office while he responded to the residence, [REDACTED] Deltona, in order to investigate the incident further.

Upon arrival, Deputy Graham made contact with [REDACTED] who advised that he and his wife [REDACTED] were arguing. [REDACTED] was in fear from her due to her past domestic violence with her and wanted to separate himself from the incident. [REDACTED] entered the bedroom and closed the door to separate himself from [REDACTED] with the intention of deescalating the situation, as she was acting "violent and aggressive". [REDACTED] began banging on the door and screaming at him through the door before opening the door. [REDACTED] fearing she may go for the gun due to her aggressive behavior, stood in front of the closet doorway to the left, with his back to [REDACTED] and hands braced against the wall. [REDACTED] twisted [REDACTED]s skin on his waist, causing [REDACTED] to retreat. [REDACTED] then reached into closet and retrieved the Glock and pointed it at him. [REDACTED] fearing for his safety, lunged at her, grabbed her around the waist, and tackled her to the ground. [REDACTED] then ran into bedroom from outside the door and retrieved the Glock to separate it away from [REDACTED].

Deputy Estrada interviewed [REDACTED] who corroborated what [REDACTED] had advised. The only addition was that after [REDACTED] had twisted at [REDACTED] side, she pushed him to the bed before retrieving the Glock. Deputy Graham interviewed [REDACTED] who corroborated [REDACTED] story.

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AFFIDAVIT CONTINUATION

FROM SECTION _____
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[REDACTED] and [REDACTED] all completed sworn written statements and were sworn to their verbal statements.

[REDACTED] advised he wished to pursue criminal charges against [REDACTED] and was provided with a Victim's Brochure with case number, and DV pamphlet. [REDACTED] elected to invoke Marsy's Law to keep his information private.

Deputy Graham obtained photos of [REDACTED] alleged injuries and uploaded them as evidence via Axon Capture.

Based on the above, Deputy Graham determined there to be suitable probable cause to establish [REDACTED] as the primary aggressor and responded to District 4 where he made contact with [REDACTED] and placed her under arrest for Aggravated Assault with a Deadly Weapon.

[REDACTED] was read her Miranda Warnings from an agency issued card and advised she understood and wished to speak with Deputy Graham. [REDACTED] did not have any new information to add to her story and stuck to what she initially stated. [REDACTED] agreed to surrender her firearms.

Deputy Estrada conducted a Risk Protection Order on [REDACTED] and took possession of the firearms.
Case Status: Arrest/Adult Female

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


_____ 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>RIFLES</u>	Location	<u>[REDACTED]</u>
Quantity	<u>1</u>	Type	<u>HANDGUN</u>	Location	<u>[REDACTED]</u>
Quantity	<u>4</u>	Type	<u>.22 ROUNDS</u>	Location	<u>[REDACTED]</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: 08/10/2024 Signature of Affiant:  9594

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 10 day of August, 2024, by DEPUTY GRAHAM
Affiant's name


Signature of Attesting LEO Witness

DEPUTY ESTRADA
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)