

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  
VP240018573

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, {full legal name} \_\_\_\_\_ Timothy Miller \_\_\_\_\_, 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:

See continuation page for complete narrative.

4 Additional pages are attached.

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

See continuation page for witness accounts.

4 Additional pages are attached.

**AFFIDAVIT CONTINUATION**

FROM SECTION 1  
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On 08/23/2024, at approximately 1220 hours, deputies responded to \_\_\_\_\_ Orange City to assist Deland Police Department with a suicidal subject. (see case #DL240004586) Upon arrival, deputies heard a male, later identified as \_\_\_\_\_ (V1), screaming in distress from the backyard of the residence. While investigating the scream, another male, identified as \_\_\_\_\_ (O1), was observed in the front yard of the residence armed with a suppressed AR15 rifle. Deputies made contact with \_\_\_\_\_ who complied with orders to lay on the ground with his hands up. While giving commands to \_\_\_\_\_ and his wife \_\_\_\_\_ (O2) exited the house with their hands up and complied with deputies' commands. All parties were compliant while deputies determined the scene was secure.

Once the scene was secure, Deputy Miller made contact with \_\_\_\_\_ who advised the following:

\_\_\_\_\_ lived next door at \_\_\_\_\_ Orange City and advised he heard gun shots coming from \_\_\_\_\_ backyard. When he stepped out to investigate, he could hear \_\_\_\_\_ screaming in distress. \_\_\_\_\_ advised he grabbed his rifle and stepped outside to assist \_\_\_\_\_ until he was met by deputies in the front yard of \_\_\_\_\_ property.

Deputies determined \_\_\_\_\_ was present with good intentions and was otherwise not involved with the incident.

Deputies then made contact with \_\_\_\_\_ who advised the following:

\_\_\_\_\_ observed \_\_\_\_\_ drink a few beers and step out into the backyard with a pistol. While outside, \_\_\_\_\_ began screaming and fired a single shot from the pistol into the ground. \_\_\_\_\_ consoled \_\_\_\_\_ and was able to secure the pistol away from \_\_\_\_\_ inside the home. \_\_\_\_\_ advised \_\_\_\_\_ dog had just passed and he was extremely upset over the incident.

Deputies then made contact with \_\_\_\_\_ who stated the following:

\_\_\_\_\_ service dog just passed away this morning, this has been upsetting him all morning. \_\_\_\_\_ advised he began drinking and smoking medically prescribed marijuana to help with his emotional pain. \_\_\_\_\_ then stepped out back and began screaming his dogs name out of sorrow.

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**AFFIDAVIT CONTINUATION**

FROM SECTION 1

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He then fired his 9mm pistol into the ground. [REDACTED] then took the pistol from [REDACTED] and secured it in his home. [REDACTED] informed deputies if they had not arrived, he might have hurt himself out of sadness. [REDACTED] expressed his deep connection with his dog as well as the sorrow from his passing. [REDACTED] advised he currently owned the 9mm pistol and a shotgun and has been undergoing therapy for his PTSD and other mental health issues.

Throughout the investigation, [REDACTED] continued expressing his gratitude for law enforcements intervention, advising he was close to hurting himself over the passing of his dog. Due to [REDACTED]'s statements made during Deland Police Departments investigation, as well as the statements [REDACTED] made on scene with deputies, deputies determined [REDACTED] posed a significant risk to his own life and secured [REDACTED] under a Baker's Act without further incident. [REDACTED] was turned over to Deland Police Department to complete their investigation and transportation.

Deputy Miller determined without intervention; [REDACTED] is a significant risk to his own life if he continued to be armed. Deputy Miller completed and submitted a petition for risk protection order for review in order to temporarily secure [REDACTED]'s weapons while he receives assistance with his mental health.

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

None 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>Handgun</u>	Location	<u>[REDACTED] OC</u>
Quantity	<u>1</u>	Type	<u>Shotgun</u>	Location	<u>[REDACTED] OC</u>
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: 08/23/2024 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 23 day of August, 2024, by Deputy Timothy Miller #9518  
Affiant's name

  
Signature of Attesting LEO Witness

D/S A. Brown #9533  
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)