

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
VP240020938

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} _____ Ethan Bartzer _____, in my position as {job title} _____ a 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.

____ 1 ____ Additional pages are attached.

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

Deputy Victor made contact with _____ (W1), a nearby neighbor, who advised he observed an unknown male who was later identified as _____ (V1) in his back yard screaming and shortly after he heard a gun shot. _____ advised _____ was yelling at someone stating he was going to shoot them. _____ further advised he did not observe anyone in _____ backyard with him and he heard one gun shot. _____ completed and signed a sworn written statement.

____ 0 ____ Additional pages are attached.

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>1</u>	Type	<u>Brown FN 509</u>	Location	<u>[REDACTED]</u>	<u>Deltona</u>
Quantity	<u>6</u>	Type	<u>Ammunition in box</u>	Location	<u>[REDACTED]</u>	<u>Deltona</u>
Quantity	<u>11</u>	Type	<u>Ammunition magazine</u>	Location	<u>[REDACTED]</u>	<u>Deltona</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: 09/22/2024 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 22nd day of September, 2024, by Ethan Bartzer
Affiant's name


Signature of Attesting LEO Witness

Demesha Victor
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)

AFFIDAVIT CONTINUATION

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On September 22nd, 2024, at approximately 0905 hours, Deputy Bartzer and Deputy Victor responded to [REDACTED] in reference to a disturbance. Upon arrival, Deputy Victor made contact with [REDACTED] (W1), a nearby neighbor, who advised he observed an unknown male who was later identified as [REDACTED] (V1) in his back yard screaming and shortly after he heard a gun shot. [REDACTED] advised [REDACTED] was yelling at someone stating he was going to shoot them. [REDACTED] further advised he did not observe anyone in [REDACTED]'s backyard with him and he heard one gun shot. [REDACTED] completed and signed a sworn written statement.

Deputies were familiar with [REDACTED] due to a previous incident, see VSO case number VP240018698 for more information. Due to the previous incident, deputies were aware of [REDACTED] mental instability as well as he may have undiagnosed mental illnesses. Due to the circumstances, deputies surrounded [REDACTED] residence located at [REDACTED] for containment. Surrounding deputies observed [REDACTED] sitting in a chair directly behind his house and yelling. [REDACTED] appeared to be having a conversation with himself. Deputies vocalized [REDACTED] had a firearm on his right hip. Deputy Acosta and Deputy Dallas relocated from the back of [REDACTED] residence towards the front of his residence.

Deputy Acosta verbalized for [REDACTED] to go to the back of his residence to continue dialogue with Deputy Ortiz to which [REDACTED] did not do. [REDACTED] moved his shirt away from his right hip which revealed his firearm. Deputy Acosta commanded [REDACTED] to not touch the firearm while holding [REDACTED] at gun point. [REDACTED] moved his hands away from the firearm but advanced towards deputies yelling "Put down your weapons" to them. Deputy Acosta immobilized the subject while his hands were away from his firearm by utilizing his agency issued Taser 10. Deputy Acosta deployed two Taser cartridges which appeared to have little effect. As the subject continued to advance towards deputies, Deputy Acosta deployed an additional two cartridges which immediately immobilized [REDACTED]. [REDACTED] fell forward and struck his head on the wall of [REDACTED]. [REDACTED] sustained injuries to the right of his forehead.

Deputy Acosta and Arias immediately secured the firearm from [REDACTED] and placed him in protective custody. Deputy Bartzer determined without care or treatment [REDACTED] is a significant risk to cause harm to himself or others and placed [REDACTED] into protective custody under a Florida Baker Act. Deltona Fire and EMS responded to the scene and removed the Taser 10 probes. [REDACTED] was transported by Deltona EMS to Advent Health located at 1055 Saxon Boulevard for medical clearance and the Baker Act. Deputy Bartzer turned [REDACTED] over to hospital staff as they advised they would complete the Baker Act process.

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AFFIDAVIT CONTINUATION

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Deputy Victor collected the brown handgun, firearm, knife, and ammunition and submitted it to District 4 locker as evidence. Deputy Victor also collected a 9mm shell casing from the scene and submitted it to District 4 locker as evidence. Deputy Bartzler took a photograph of [REDACTED] injury later uploading it to evidence.com.

Due to the incident involving a firearm, Deputy Bartzler completed a Temporary Risk Protection Order and forwarded it to the Volusia Sheriff's Office legal advisor for review.