

**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
VP240021072

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} _____ DEPUTY B. BANKS _____, in my position as {job title} _____ DEPUTY _____ with the {name of law enforcement officer/agency} _____ VOLUSIA SHERIFFS 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 PAGES

3 Additional pages are attached.

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

SEE CONTINUATION PAGES

3 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>S&W 22LR</u>	Location	<u>VSO EVIDENCE</u>
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.

Dated: 09/24/2024

Signature of Affiant: _____

[Signature]

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 24 day of September, 2024, by Deputy Banks
Affiant's name

A. Gato
Signature of Attesting LEO Witness

A. Granito 8525
Print name of Attesting LEO Witness

OR

[Signature]
Signature of Notary Public

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known or Produced Identification

(Type of Identification Produced)

AFFIDAVIT CONTINUATION

FROM SECTION 1&2
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BWC RECORDING

MARSY'S LAW INVOKED

On 09/24/2024 at approximately 1230 hours Deputy Banks was dispatched to _____, Deland, in reference to an active disturbance involving a firearm, Central Dispatch advising there were shots fired while Deputies were enroute. The reporting party advised Central Dispatch they had gotten into a vehicle and left their residence and were being chased by the suspect in his vehicle.

As Deputy Banks was enroute he was flagged down by a _____ Toyota Tundra, matching the description of the victim's vehicle at the RaceTrac gas station located at 2080 S Woodland Blvd, Deland. Deputy Banks briefly made contact with the two victims, later identified as _____ (V1) and _____ (V2). The two victims appeared to be frantic and were shouting and pointing stating "he is over there", pointing westbound on Deerfoot Rd. Deputy Banks shortly after observed a gray in color Nissan Utility traveling East bound on Deerfoot Rd towards S Woodland Blvd. Deputy Banks observed Deputy Carvajal following the vehicle with his emergency lights activated in an attempt to stop the vehicle. Deputy Banks pulled out of the RaceTrac parking lot and followed Deputy Carvajal and the gray Nissan Utility southbound on S Woodland Blvd. Deputy Banks and Deputy Carvajal proceeded to conduct a felony stop on the vehicle as it came to a stop at the intersection of S Woodland and Orange Camp Rd. Deputies drew their agency issued firearms and began giving the driver verbal commands to exit the vehicle. The driver of the vehicle, later identified as _____ (D1), exited the vehicle as instructed by Deputies on scene, where he was placed into custody.

Upon _____ being taken into custody, _____ was read his Constitutional Rights from an agency issued advisement of rights card, which he understood, waived, and agreed to answer questions. _____ stated that he had gotten into a verbal argument with his mother, _____ and her male friend _____ over _____ retrieving items from his ex-girlfriend. _____ allegedly stated she wanted no part of the issues _____ was having with his ex-girlfriend. _____ advised he sent a photograph of his firearm to _____ as he was mad that _____ male friend, _____ told him he was a "Pussy Boy" and a "Bitch". _____ denied ever producing or discharging his firearm at or around _____ and _____ did tell Deputies that he did have a firearm in the center console in his vehicle and gave consent to search his vehicle.

AFFIDAVIT CONTINUATIONFROM SECTION 1&2PAGE 2 OF 3

Deputy Banks with the consent from [REDACTED] to search the vehicle observed a loose round belonging to a .22 caliber firearm laying in the driver seat of the vehicle, as well as several more unspent loose rounds in the center console along with a back Smith&Wesson .22LR (Ser: [REDACTED]). Deputy Banks observed two fired .22 shell casings on the driver side floorboard that later taken for evidence. Deputy Banks continued with the search of the vehicle where a small plastic green case was observed under the driver seat of the vehicle, when opened the contents within a small plastic bag appeared to be a clear/white crystalized substance. Deputy Banks later tested the crystalized substance with an agency issued Sirchie Nark #15 test kit which resulted in a presumptive positive for the presence of MDMA/Methamphetamine. The clear bag with the crystalized substance weighed 2.3 grams which was later taken the district two office to be submitted as evidence.

Deputy Banks also observed a glass bong and a grinder on the passenger floorboard along with two glass pipes found in the center console, all used to consume marijuana. The bong, pipes, and grinder were all taken to the district two office to be submitted for destruction. The vehicle was inventoried and was later towed by Pratts Towing without further incident.

Deputies went to the [REDACTED] residence, located at [REDACTED] Deland. Upon their arrival, Deputies conducted a search of the residence to confirm no other possible victims were inside the residence. Once deputies confirmed there were no other victims, deputies met with both V-1 and V-2, who provided the following statements: As [REDACTED] and [REDACTED] were on their way to lunch they were contacted by [REDACTED] via cellphone where he advised them, he wanted to contact his ex-girlfriend's mother to demand his belongings back. [REDACTED] advised him she wanted to "stay out of it" and [REDACTED] becoming "very mad". [REDACTED] began to call [REDACTED] names and threatened both [REDACTED] and [REDACTED] saying he was going to shoot [REDACTED] in the head. [REDACTED] shortly after arrived at [REDACTED] residence where [REDACTED] and [REDACTED] began to drive in circles in an attempt to get away from [REDACTED]. [REDACTED] followed the victim's vehicle where he began to fire shots at them from [REDACTED] vehicle. [REDACTED] provided a sworn written statement on scene where she indicated they wished to pursue criminal charges against [REDACTED] [REDACTED] and [REDACTED] were provided with Marsy's Law where [REDACTED] indicated to keep her information public and [REDACTED] keeping his information private. Domestic Violence paperwork was completed and provided to [REDACTED] as [REDACTED] is her biological son. Both victims advised Deputies they were in fear for their lives at the immediate ability to cause them great bodily harm or death with the firearm.

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_____ provided the same accurate account of the incident on scene to deputies, adding that he observed _____ hold the firearm out the video and rack the slide before hearing a round pass his vehicle. _____ provided a sworn written statement on scene, where he indicated, he did wish to pursue criminal charges.

A third witness on scene, _____ provided a sworn verbal statement where he told deputies he had heard six to seven shots being fired near the residence at _____.

Crime Scene units also responded to _____, where three additional spent .22 casings were found and collected by crime scene units on scene.

Deputy Banks took photographs of the vehicle and firearm in the center console of _____ vehicle that were later uploaded as digital evidence. Deputy Banks collected the firearm and ammunition from the vehicle which was later collected by the Volusia County crime scene unit.

Due to the totality of circumstances and evidence on scene Deputy Banks found probable cause to charge _____ with the following charges: Two counts of aggravated assault with a deadly weapon without intent to kill, Discharge firearm from vehicle, Improper exhibit of a firearm, and possession of a controlled substance without a prescription.

Deputy Banks conducted a criminal history check through central dispatch which resulted in a prior conviction on 11/17/2023 for domestic violence battery, conviction for possession of paraphernalia on 05/10/2024, conviction for possession of paraphernalia on 06/18/2024.

Deputy Banks later transported _____ to the Volusia County Branch Jail without further incident.