

**IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,
IN AND FOR VOLUSIA COUNTY, FLORIDA**

VSO Case Number
240022930

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST *{Name of Respondent}* _____

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* Stewart Girdwood, 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:

BWC RECORDING

On 10/21/2024, at approximately 1354 hours, Deputies responded to _____ Osteen, in reference to a weapons complaint that took place at _____

3 Additional pages are attached.

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

_____ is _____'s mother who knows that _____ is having paranoia as well as repeated drug use. _____ has attempted to get an ex-parte order as she believes _____ is a harm to himself with his drug use.

_____ 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>9MM SIG P365</u>	Location	<u>VSO EVIDENCE</u>
Quantity	<u>1</u>	Type	<u>STONER RIFLE</u>	Location	<u>VSO EVIDENCE</u>
Quantity	<u>1</u>	Type	<u>CZ 9MM</u>	Location	<u>VSO EVIDENCE</u>
Quantity	<u>7</u>	Type	<u>5.556 ROUNDS</u>	Location	<u>VSO EVIDENCE</u>
Quantity	<u>42</u>	Type	<u>9MM ROUNDS</u>	Location	<u>VSO EVIDENCE</u>
Quantity	_____	Type	_____	Location	_____

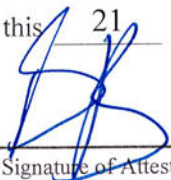
_____ Additional pages are attached.

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: 10/21/2024 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization,

this 21 day of October, 2024, by Stewart Girdwood
Affiant's name


Signature of Attesting LEO Witness

Brittney Battista
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 CONTINUATIONFROM SECTION 1 PAGE 2 OF 3

Upon arrival, Deputies made contact with _____ (R1), who advised the following:

_____ advised she was at her residence when her neighbor, later identified as _____ (V1), came running onto her property asking her for help. _____ stated _____ had multiple firearms on his person, and that he claimed he was just in a shootout with someone who was trying to break into his house. _____ explained prior to LEO arrival, she was able to get _____ to put down his firearms and bring him out to meet deputies.

Deputies made contact with _____ who was sitting in the passenger seat of _____'s golf cart, and advised the following:

_____ stated he heard people walking around the inside of his residence. _____ explained he believed it was two unknown black males that broke into his home, causing him to arm himself. _____ explained he then proceeded to begin shooting through every wall within his residence, attempting to protect himself and his property. _____ also explained he was able to escape his house by breaking the window in his gun room to get out of the house, and then run to his neighbors for help. _____ was asked if Deputies would be allowed to go onto his property and in his residence to make sure no one was there that did not belong there, in which he gave deputies verbal consent to do so. _____ remained at _____'s property with Deputy Thomas and Deputy Morgan. Deputies Girdwood, Hill, Feliciano, and K9 Handler Bergeron, responded to _____ to conduct a search of the property and residence.

Upon arrival of the residence Deputy Girdwood gave several announcements identifying as the Sheriff's Office and that if anyone was inside the residence to make it known. Deputies did not hear any movement coming from the inside of the residence, leading deputies to enter to conduct a search. Upon entering the residence, there were items including glass, pieces of the wall, an excessive amount of water, and miscellaneous items scattered throughout the living room floor. Deputies located two rifles on the couch that appeared to be used in the course of the shooting due to the slides being locked back and several spent shell casings next to them. Deputies observed the fish tank in the dining room area to be shattered, with multiple fish located on the floor next to the fish stand.

AFFIDAVIT CONTINUATIONFROM SECTION 1 PAGE 3 OF 3

. Deputies also observed several holes from gun shots in the living room walls, dining room walls, and the hallway leading to [REDACTED]'s sons' bedroom, bathroom, and gun room. Deputies searched [REDACTED]'s bedroom where several other rifles and handguns were located as well as multiple spent shell casings, holes in the walls from being shot. [REDACTED]'s Beagle puppy, was located hiding under the bed in his bedroom. Deputies entered [REDACTED]'s sons' bedroom where most of the room was intact, but some rounds did come through the wall and enter his son's bedroom. Deputies then went into [REDACTED]'s gun room, where a large gun safe was located, that was completely open. Multiple items were on the floor as well as boxes of ammo and several other guns. Deputy Girdwood observed the inside of the gun safe, which held approximately thirty other firearms, ranging from handguns and rifles. The window in the gun room was also shattered, which was from [REDACTED] when he claimed he escaped from the houses when the unknown person(s) were shooting at him.

Based upon Deputy Girdwood's investigation, it was determined there was no burglary that had been committed. [REDACTED] also recanted his statement and informed Deputies that no one broke into his residence. [REDACTED] is severely mentally ill due to the recent usage of narcotics. Based upon Deputy Girdwood's investigation, coupled with statements and observations, it was determined without proper care or treatment, there is sufficient likelihood [REDACTED] would cause harm to himself. [REDACTED] was taken into protective custody under a Baker Act and was later transported to Halifax Hospital in Daytona Beach. Prior to transport [REDACTED] became combative and began to kick the back doors of Deputy Thomas' patrol vehicle, leading deputies to restrain [REDACTED] in a hobble and seatbelt harness.

It should be noted that [REDACTED] has called 911 numerous times in the past and made claims to the dispatchers that someone was breaking into house, people were trying to come into his residence from under the floor, and that people were following him. It should also be noted on each time deputies responded to his residence, [REDACTED] would refuse to answer the door or communicate with any deputy, as well as nothing suspicious was ever observed by Deputies on scene indicating that a crime had occurred.

AFFIDAVIT CONTINUATIONFROM SECTION 1 PAGE 4 OF 4

Deputy Battista assisted Deputy Girdwood with completing a temporary Risk Protection Order. Deputy Girdwood took possession of [REDACTED]'s three guns he had on his person, that were later placed into the District Four Evidence Locker as evidence, which were the following:

Sig Saur P365 XL 9MM, S/N: [REDACTED]
CZ ZEV 9MM, S/N: [REDACTED]
Stoner Rifle CQB MOD 2, 300 Blackout, S/N: [REDACTED]

Deputy Girdwood also took possession of the following rounds of ammunitions and magazines, and submitted them to the District Four Evidence Locker as evidence:

42 rounds of 9MM

7 rounds of .556

2 15 round magazines for a 9MM Sig

2 15 round PMag magazines

1 30 round 9MM magazine for a Glock

1 30 round .556 Pmag magazine

All of the mentioned items were also inputted into the Risk Protection Order / Baker Act Firearms and Ammunition Receipt Form that [REDACTED] was provided. Due to [REDACTED]'s state of mind Deputy Thomas determined it was not safe to uncuff [REDACTED] to have him sign, therefore Deputy Thomas signed and explained as to why.

Deputy Girdwood also submitted a camouflaged gun belt that [REDACTED] was wearing along with a black magazine holster and two tourniquets, that were also submitted to the District 4 Evidence Locker as evidence.

A Temporary Risk Protection Order was completed and submitted to VSO General Council for their review.