

**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
VP240023891

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* TANNER DAVID BABA, 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:

On 11/03/2024, at 1933 hours, Deputy Baba responded to _____ Deltona in reference to a disturbance involving a firearm.
Upon arrival to the scene, Deputy Baba noticed _____ (V1), _____ (V2), and _____ (V3) in the middle of the street pointing and shouting towards _____ stating there was a male inside of the residence with a firearm
SEE CONTINUATION

3 Additional pages are attached.

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

_____ saw _____ display and point the firearm at all parties at the residence. _____ was scared for her life and thought she was going to die due to _____'s actions. See Section One and continuation for more information.

_____ Additional pages are attached.

AFFIDAVIT CONTINUATIONFROM SECTION 1PAGE 4 OF 4

Consent was given by [REDACTED] for law enforcement to retrieve his firearm inside of the home. [REDACTED] then escorted the deputies inside and as a result, the deputies recovered a Taurus 856 revolver (SN# [REDACTED]) from inside of the bedroom nightstand with [REDACTED]'s consent. A FCIC/NCIC records check was conducted on the firearm which returned negative results for the firearm being related to any criminal activity. The firearm was submitted into the district four evidence locker as evidence to this incident.

Deputy Baba reviewed the footage taken by [REDACTED] from her cellphone, inside of the residence. The footage depicted [REDACTED] brandishing a firearm in the direction of the cell-phone and the subjects behind the phone. While [REDACTED] was brandishing the firearm, he was yelling at everyone to get out of the house immediately. The video is one minute and two seconds long and was uploaded to Evidence.com via Axon Capture.

Based on the statements of all parties involved as well as the evidence recovered on scene, Deputy Baba determined probable cause exists for the arrest of [REDACTED] for the following charges:

Aggravated Assault with a Deadly Weapon without Intent to Kill
Using or Displaying a firearm during the commission of a felony
Improper Exhibition of a Dangerous Weapon
Child Abuse without great bodily harm

Director Carla Quann (Volusia Sheriff's Office Family Resources) was notified of the above incident due to the presence of children. A copy of this report was also sent to the Department of Children and Families for review.

A Risk Protection Order was filed on [REDACTED] by Deputy Baba due to the use of firearms in this incident.

[REDACTED] was arrested for the above charges and transported to the Volusia County Branch Jail without incident.

Case Status: ARREST / ADULT

AFFIDAVIT CONTINUATIONFROM SECTION 1PAGE 3 OF 4

Deputy Baba then made contact with _____ who stated the following:

_____ and her children came over to make pizza with a bunch of friends including _____. After approximately 2-3 hours, almost everyone left the residence. Herself, _____ and her two children were inside the kitchen when _____ screamed from the living room to stop talking about politics. _____ stated a couple of minutes go by and _____ began to get mad at _____ for not knowing where the dog leash was. _____ then screamed, "Your about to piss me the fuck off." _____ then told _____ not to talk to her grandma like that. _____ then ran to his room and _____ told _____ to record him with her phone. _____ then came out of his room holding and pointing a gun at all parties in the residence. _____ then chased his wife and all parties out of the residence. _____ then called law enforcement and awaited their arrival.

_____ completed a sworn written statement testifying to the above information. _____ then completed a Marsy's Law form and chose to keep her information private. _____ stated she wished to pursue charges on _____ for all applicable crimes to her and her children.

Deputies made contact with _____ who stated the following:

_____ came to _____'s house in hopes of having a good night and making pizza with _____'s kids. After most of the residents of the get together left, an argument ensued. During the argument, _____ went into his bedroom and grabbed a handgun. He then came out into the kitchen area and pointed the firearm in _____ and _____'s children's faces. While he was pointing the firearm at everyone, _____ was taking a video of _____ committing the offense. _____ was telling all the parties to leave to which they did and called the law enforcement.

_____ completed a sworn written statement testifying to the above information. _____ then completed a Marsy's Law form and chose to keep her information public. _____ stated she does wish to pursue charges on _____ for all applicable offenses

Deputy Baba then spoke to _____. It should be noted that deputies observed _____ to be extremely intoxicated at the time of incident as well as the time of the interview. During the interview with _____, _____ did say there was a firearm brandished as well as an argument that ensued in the residence. Due to the intoxication level of _____ the quality and quantity of the interview was minimal.

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 2 OF 4

. Deputies ordered the parties to retreat away from the residence while the deputies attempted to make contact with and secure the suspect. [REDACTED] (D1) exited the residence with his hands raised and he was subsequently taken into custody. Deputies then cleared the residence for any possible suspects.

Deputy Baba then made reengaged contact with [REDACTED] and read him his Constitutional Rights from an agency issued Warning of Constitutional Rights card. [REDACTED] stated he understood his rights and was willing to talk to deputies on scene. [REDACTED] stated the following:

At approximately 1645 hours, [REDACTED] came home from work and met up with [REDACTED] (V4). [REDACTED] is [REDACTED] (V5) (Wife of [REDACTED]) grandchild. [REDACTED] stated he knew she was coming over when he got home from work and wanted to see her. Unbeknownst to [REDACTED] brought over to his house her friend [REDACTED] and [REDACTED] s one child. All parties excluding the children were drinking and smoking marijuana. There were also a number of other people that were at the residence for a get together but left before the incident began. At approximately 1915 hours, [REDACTED] was sitting on the couch and [REDACTED] [REDACTED] and her one child were sitting in the kitchen. [REDACTED] overheard them talking about politics and got angry. [REDACTED] told them to stop talking about politics to which an argument ensued. During the argument, [REDACTED] asked [REDACTED] and [REDACTED] to leave the house. When [REDACTED] told them to leave, [REDACTED] began to get angry and started yelling at him. [REDACTED] stated [REDACTED] had beaten him multiple times in the past and he was afraid that she was going to hurt him again today. While [REDACTED] and [REDACTED] were arguing, [REDACTED] stepped in and told [REDACTED] not to hurt her [REDACTED] then stepped in and told [REDACTED] not to hurt [REDACTED] then grabbed [REDACTED] s left arm. [REDACTED] then broke free and went to his bedroom. [REDACTED] stated he was afraid for his safety and grabbed a Taurus revolver from the closet, which was already unloaded when he got into the bedroom and went into the kitchen area. [REDACTED] then pointed the firearm at [REDACTED] and [REDACTED] in an attempt to make them leave the residence. Immediately after he pointed the firearm at [REDACTED] and [REDACTED] all parties including [REDACTED] left the residence. [REDACTED] then went back into his bedroom and then put the firearm away in his nightstand. [REDACTED] then left the residence and greeted law enforcement officers at the door. [REDACTED] stated while he was on scene that he never intended to shoot anyone but wanted to scare them into leaving the residence.

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>Taurus Revolver</u>	Location	<u>District 4 Evidence Locker</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: 11/04/2024

Signature of Affiant: _____

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 4th day of November, 2024, by D/S Baba, Tanner #9742

Affiant's name

T. S.
Signature of Attesting LEO Witness

Liffany A. Kagle
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)