

**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  
VP240024342

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, {full legal name} \_\_\_\_\_ Brett Kolterman \_\_\_\_\_, 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 11/09/2024 at approximately 1725 hours, \_\_\_\_\_ (D1) pointed a firearm (Ruger EC9 9mm) at his wife of 37 years, \_\_\_\_\_ (V1) after an verbal argument ensued over a College Football Game. At the time of collection, the firearm did have 6 live rounds in the magazine and one chambered in the action of the handgun.

\_\_\_\_\_ 2 \_\_\_\_\_ Additional pages are attached.

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

Please see report. \_\_\_\_\_ s V1.

\_\_\_\_\_ 0 \_\_\_\_\_ Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION \_\_\_\_\_

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BWC Footage

Marsy's Law Invoked

The victim, \_\_\_\_\_ (V1) and the defendant, \_\_\_\_\_ (D1) are husband and wife of 37 years and live in the same household located at \_\_\_\_\_ as a family unit.

On 11/09/24 at approximately 1725 hours, Deputy Kolterman responded to a domestic disturbance located at \_\_\_\_\_ located in Ormond by the Sea. Central Dispatch notes indicated that the reporting party's husband pointed a firearm at her and had left the house.

Deputies responded and contacted the victim, positively identified as \_\_\_\_\_ (V1). \_\_\_\_\_ told Deputy Kolterman that her husband of 37 years, identified as \_\_\_\_\_ (D1) was watching the Miami College Football game today and began to get upset because they were losing, and he was drinking alcohol. During the whole game, \_\_\_\_\_ would argue with her, so she went to her bedroom while he was in the living room.

\_\_\_\_\_ continued to yell at her; however, never got physical with her during the arguments.

While she was in the bedroom, \_\_\_\_\_ came into the room, and she asked him to stay in the other room because they were still arguing. At this time, \_\_\_\_\_ grabbed his Ruger EC9 handgun (Serial # \_\_\_\_\_) and pointed the firearm at her while they were both standing in their bedroom. Due to him pointing the firearm at her, she called \_\_\_\_\_ and \_\_\_\_\_ left in their vehicle.

\_\_\_\_\_ confirmed that she and \_\_\_\_\_ are married, and both live in this house together.

\_\_\_\_\_ completed a sworn written statement which was collected and submitted with this report.

Deputies were able to locate the grey in color handgun which \_\_\_\_\_ said she hid in the storage area under the bed once \_\_\_\_\_ left the house. The firearm was cleared and came back negative as stolen. The Ruger was a grey colored handgun with a magazine containing 6 - nine (9mm) bullets inside the magazine and one in the chamber at the time it was collected.

Deputies were able to get \_\_\_\_\_ on the phone who agreed to return to the residence.

Once \_\_\_\_\_ returned, Deputy Kolterman read him his Miranda Advisement off his Department issued card. \_\_\_\_\_ agreed to speak to Deputy Kolterman and advised that the argument was just verbal.

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AFFIDAVIT CONTINUATION

FROM SECTION \_\_\_\_\_

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\_\_\_\_\_ went on to say that while he was in the bedroom, he grabbed his firearm while \_\_\_\_\_ was standing in front of him to place it in his waistband holster; however, never pointed it at her.

\_\_\_\_\_ again went on to say that the argument was never physical and was only verbal.

At this time, due to the relationship between \_\_\_\_\_ and \_\_\_\_\_ who are married and live as a family unit in the same household, along with the statement given by both \_\_\_\_\_ and \_\_\_\_\_ probable cause was established to place \_\_\_\_\_ into custody for Aggravated Assault related to Domestic Violence.

\_\_\_\_\_ was safely taken into custody and while conducting a search incident to arrest, Deputy Kolterman noticed that \_\_\_\_\_ was wearing a waistband belt which he said was his holster for his pistol.

The firearm was collected and submitted for evidence.

A criminal history on \_\_\_\_\_ revealed he had no history.

Domestic Violence paperwork was completed for \_\_\_\_\_ and \_\_\_\_\_ was transported to the Volusia County Branch Jail and booked on his charge with a no bond hold.

Case status; Closed by Arrest.

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

0 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>Ruger EC9</u>	Location	<u>Evidence</u>
Quantity	<u></u>	Type	<u></u>	Location	<u></u>
Quantity	<u></u>	Type	<u></u>	Location	<u></u>
Quantity	<u></u>	Type	<u></u>	Location	<u></u>
Quantity	<u></u>	Type	<u></u>	Location	<u></u>
Quantity	<u></u>	Type	<u></u>	Location	<u></u>

0 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: 11/12/2024 Signature of Affiant: Brett Kolterman Digitally signed by Brett Kolterman  
Date: 2024.11.12 09:52:13 -05'00'

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

this 12th day of November, 2024, by Brett Kolterman  
Affiant's name

  
Signature of Attesting LEO Witness

Deputy Oldham  
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)