

**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 240002466

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* DEPUTY A GRANITO, 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

2 Additional pages are attached.

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

SEE CONTINUATION PAGES

2 Additional pages are attached.

IN RE: PETITION FOR RISK PROTECTION ORDER
AGAINST {Name of Respondent} [REDACTED]

VSO Case Number
240002466

AFFIDAVIT CONTINUATION

FROM SECTION 1&2
PAGE 1 OF 2

BWC RECORDING

Marcy's Law Invoked

On 02/03/2024, at approximately 1500 hours, Deputy Granito responded to [REDACTED] Deland in reference to a gunshot detection. Prior to Deputy Granito's arrival, Deland Police Department Officer Mercado arrived on scene and advised a single round had been fired. (See Deland Police Case # DL240000652 for further information.)

Upon arrival, Deputy Granito made contact with [REDACTED] (V1), who advised his longtime friend and roommate, [REDACTED] (D1), pointed a firearm at him. [REDACTED] explained [REDACTED] then fired a round towards the ground. [REDACTED] stated he and [REDACTED] had a verbal argument over rent money earlier in the day after which [REDACTED] decided he was going to leave. [REDACTED] advised he went into the residence to shower and collect his belongings and brought them outside. [REDACTED] stated he was outside having a conversation with [REDACTED] (W1) when [REDACTED] exited the residence and told him to leave the property. [REDACTED] proceeded to walk to his [REDACTED] ford pickup truck, remove a black in color firearm, point it at him, then lowered the firearm next to his side, pointing it at the ground and discharged a single round stating, "that was your last warning". [REDACTED] further explained he was in well founded fear for his life and believed [REDACTED] was going to shoot him.

[REDACTED] provided a sworn written statement and stated he wished to pursue charges.

Deputy Granito made contact with [REDACTED] who advised he witnessed the incident. [REDACTED] stated [REDACTED] and [REDACTED] were in a verbal argument when [REDACTED] removed a gun from his vehicle and fired a round. [REDACTED] statement coincided with the fact that a firearm was fired; however, [REDACTED] denied [REDACTED] pointed the firearm at [REDACTED] [REDACTED] stated [REDACTED] did not make any aggressive movements towards [REDACTED] with a box cutter.

Due to [REDACTED] being unable to read or write, he swore to his verbal statement which was video and audio recorded on BWC.

Deputy Ruben read [REDACTED] his Miranda Rights to which [REDACTED] stated understood and agreed to speak with Deputy Granito and Deputy Ruben. Post Miranda, [REDACTED] stated he and [REDACTED] were in a verbal argument over [REDACTED] not paying rent. [REDACTED] stated he asked [REDACTED] several

AFFIDAVIT CONTINUATION

FROM SECTION 1&2
PAGE 2 OF 2

times to leave, which he did not. _____ stated he was outside when _____ came outside the house with an attitude. _____ advised _____ was seated in a chair outside the residence and had a box cutter in his lap. _____ explained _____ began to get verbal with _____ and stood up at which time the box cutter fell off his lap to the ground. _____ further explained he went to his pickup truck, removed his firearm from the glove box and discharged a single round into the ground while telling _____ to leave the property. _____ denied ever pointing the firearm at _____ stated he placed the firearm back in the glove box of his pickup.

_____ stated Deputy Granito and Sgt. Walsh could retrieve the firearm from his vehicle and voluntarily signed a Volusia Sheriffs Office Consent to Search form. The Consent to Search form was for _____ Ford pickup bearing FL Tag _____. Deputy Granito took photographs of the vehicle and where the firearm was located inside the vehicle. Deputy Granito located an encased 9MM SCCY CPX-2 handgun, (Serial # _____) inside the glove compartment. The firearm was then removed for evidence. Deputy Granito queried the firearm's serial number via FCIC/NCIC, which came back negative, and no record found.

Deputy Granito showed _____ the firearm to which he stated that was the firearm _____ had in his possession and fired during the altercation. Deputy Granito showed _____ the firearm to which he confirmed it was the firearm he used to fire a round into the ground.

Deputy Granito later submitted the firearm and the 7 9mm round into the District 2 Evidence locker. The Consent to Search form was submitted to Records.

Based on the totality of circumstances with the statements and evidence provided, Deputy Granito determined probable cause to charge _____ with Aggravated Assault with a Firearm.

Deputy Granito had Central Communications perform a criminal history check for _____ which showed no prior criminal history.

_____ was transported to VCBJ without incident.

Case Status: Arrest/Adult.

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>SCCY 9MM</u>	Location	<u>VSO EVIDENCE</u>
Quantity	<u>7</u>	Type	<u>9mm rnds</u>	Location	<u>VSO EVIDENCE</u>
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: 02/03/2024 Signature of Affiant: A. G. 8525

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 3 day of February, 2024, by A. G. 8525
Affiant's name

[Signature]
Signature of Attesting LEO Witness

Cody Forster
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)