

**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  
240025825

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, {full legal name} \_\_\_\_\_ Brittney Battista, 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 12/3/22024, Deputies were dispatched to \_\_\_\_\_ Deltona in reference to a disturbance. The female calling in \_\_\_\_\_ (O1) stated a female was trying to kick in her bedroom door and she had locked herself in her daughter's bedroom with her son \_\_\_\_\_ (O2). It was later determined that the female in question was \_\_\_\_\_ wife \_\_\_\_\_ (O3) whom she has

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

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

\_\_\_\_\_ was present when \_\_\_\_\_ stated "I am going to die today" and has lived with her while she has begun to abuse alcohol.

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

**AFFIDAVIT CONTINUATION**

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children with. \_\_\_\_\_ disconnected with dispatch and then called back stating \_\_\_\_\_ had firearms in the home, but she had not seen them and that \_\_\_\_\_ was suicidal. \_\_\_\_\_ told dispatch that \_\_\_\_\_ said "I am going to die today."

Once Deputies arrived on scene, they began to form a tactical plan to ensure that \_\_\_\_\_ and her son got out of the house safely. \_\_\_\_\_ told dispatch that she was on the second floor of the home and that it sounded like \_\_\_\_\_ was in the bathroom on the same level. \_\_\_\_\_ then came back to the bedroom door and began to try kicking it in again while Deputies were outside. \_\_\_\_\_ provided dispatch with the code to unlock the front door and Deputies made entry into the residence. Deputies gave numerous verbal announcements for \_\_\_\_\_ to come downstairs which she refused to do. While giving more announcements deputies heard \_\_\_\_\_ attempting to forcefully open the bedroom door where \_\_\_\_\_ and her child were. Deputies proceeded to walk up the stairs and continued to give verbal announcements which \_\_\_\_\_ refused to comply with. Upon reaching the top of the stairs \_\_\_\_\_ was seen running from the bathroom area on the left side of the residence. Deputies gave verbal commands again for \_\_\_\_\_ to turn around which she refused to do. Deputies make contact with \_\_\_\_\_ and attempted to place her in handcuffs at which time \_\_\_\_\_ pulled away from deputies. Deputy Girdwood felt \_\_\_\_\_ grabbing onto his belt near where his firearm was holstered. At that time \_\_\_\_\_ was escorted to the ground and secured. Deputies then made contact with \_\_\_\_\_ and her son and escorted them out of the residence.

While inside the residence deputies located a rifle, handgun and spare magazines in the bathroom, and a black machete near the stairs. The items appeared to be tactically placed in these locations for use by \_\_\_\_\_. It should be noted this is the same bathroom \_\_\_\_\_ advised \_\_\_\_\_ was in prior to law enforcement making contact with her. \_\_\_\_\_ later told Deputies that the rifle and handgun are normally kept in their bedroom and that \_\_\_\_\_ must've retrieved it at some point while she was locked in her daughter's bedroom.

\_\_\_\_\_ told Deputy Battista that \_\_\_\_\_'s behavior has been progressively getting worse over the past year. \_\_\_\_\_ has begun to drink alcohol in excess. When \_\_\_\_\_ is drunk \_\_\_\_\_ will try to keep her distance by going in another room or going downstairs. \_\_\_\_\_ stated that on 12/3/2024, she went in the kitchen to give her son medicine. \_\_\_\_\_ came in and asked to see her son, \_\_\_\_\_ stated she told \_\_\_\_\_ no that she gave him his medicine and \_\_\_\_\_ said "Is that it?". Not liking \_\_\_\_\_'s tone of voice \_\_\_\_\_ told \_\_\_\_\_ that she didn't want to talk to her when she wasn't sober and that she and her son were going upstairs to take a nap.

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**AFFIDAVIT CONTINUATION**

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\_\_\_\_\_ followed \_\_\_\_\_ upstairs and proceeded to bang on the bedroom door begging \_\_\_\_\_ to talk to her. \_\_\_\_\_ told \_\_\_\_\_ multiple times to leave her alone and when \_\_\_\_\_ began to try to break down the door, \_\_\_\_\_ told her if she didn't stop, she was calling the cops. \_\_\_\_\_ then told \_\_\_\_\_ if she called the cops then "I will die today."

\_\_\_\_\_ stated that over the past week \_\_\_\_\_ has continued to ignore her wishes when she is asked to be left alone. On 11/29/2024 \_\_\_\_\_ stated that while sitting on the couch \_\_\_\_\_ came over to her and touched her leg, when \_\_\_\_\_ told her to stop and to leave her alone \_\_\_\_\_ continued to try to speak to her. \_\_\_\_\_ got up and moved her seat to the rocking chair that is in the living room \_\_\_\_\_ followed her and placed her foot under the rocking chair preventing it from being able to rock and again tried to get \_\_\_\_\_ to talk to her.

Deputy Battista determined that without care \_\_\_\_\_ is likely to suffer harm to herself or others. \_\_\_\_\_ was placed in protective custody under a Baker Act. \_\_\_\_\_ began to complain of a headache and requested medical attention. Deltona Fire Rescue arrived on scene and assessed \_\_\_\_\_ was later transported to Halifax Health in Daytona Beach, via EVAC and admitted under the Baker Act.

Due to \_\_\_\_\_ being employed as a Deputy with the Bevard County Sheriff's Office her chain of command was notified of the incident. Bevard County Sheriff's Office responded and took possession of all BCSO equipment to include her agency issued firearms.

While speaking with \_\_\_\_\_ she explained she feared for her safety as well as her children due to \_\_\_\_\_ recent behavior. \_\_\_\_\_ advised she would be seeking an injunction for protection on 12/4/24.

It was determined based on the circumstances surrounding the Baker Act and \_\_\_\_\_ behavior of mixing alcohol and firearms Deputies would seek a Risk Protection Order. Deputy Battista submitted a RPO to our legal department for review and submission.

DCF was notified of the incident and operator 452 advised they would be taking a report and opening an investigation. Director of Juvenile services was also notified of incident.  
Case Status: Closed

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 _____	Type _____	Location _____
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: 12/03/2024

Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 03 day of December, 2024, by Brittney Battista  
Affiant's name

  
Signature of Attesting LEO Witness

Stewart Girdwood  
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)