

**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
VP240003289

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} _____ Deputy Beau Westfall, in my position as {job title} _____ Deputy _____ 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:

See attached pages

3 Additional pages are attached.

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

See VSO Report

_____ Additional pages are attached.

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BWC

****MARSY'S LAW INVOKED****

On Tuesday, February 13, 2024, at approximately 2031 hours, Deputy Westfall (9306) responded to the Publix located at 915 Doyle Rd, Deltona in reference to a disturbance between the occupants of two vehicles. As Deputy Westfall was responding, he was informed by VSO Central Dispatch that caller, _____ (R), advised that he had heard the occupant of a _____ Toyota SUV threaten to shoot the occupants of the other vehicle.

Upon arrival, Deputy Westfall made contact with _____ (V) who advised he was in the front passenger seat of the _____ Lexus bearing Florida tag _____ as his daughter _____ (V) was in the driver seat of the vehicle. _____ stated _____ had her learners permit and was learning how to drive. As they were traveling northbound on Braddock Rd, heading towards Doyle Rd, _____ entered the intersection after believing she had the right of way and once Brown noticed, he attempted to correct the mistake by getting the vehicle out of the roadway. As the vehicle was in the roadway, a _____ Toyota SUV approached traveling eastbound on Doyle Rd and was cut off by _____'s maneuver. The driver of the _____ SUV, who was described as a middle age white male wearing a Boston Bruins shirt began to yell at _____ and _____ which caused _____ to attempt to explain the mistake and requested the driver of the _____ SUV to move along due to the mistake. The _____ SUV then left and then made a U-turn and blocked _____ and _____ stated the driver's side of the Toyota was facing directly towards himself and _____ as the male continued to yell at them and then made a stated that he would shoot both of them. _____ then saw a pistol in a holster being held by the driver and pointed at his and _____'s location before the Toyota drove off. _____ stated the Florida tag on the _____ Toyota was _____. _____ completed a sworn written statement of the incident and advised he wished to pursue charges. _____ signed Marsy's Law invoking his right to privacy.

Deputy Westfall made contact with _____ who advised she was driving to the Publix, traveling northbound on Braddock Rd, when she believed she had the right of way and pulled out on to Doyle Rd. The maneuver caused her to cut off the driver of the _____ Toyota who began to yell at and threaten her and _____ advised she was unable to provide a description of the driver due to her fearing the incident which caused her to be scared to the point where she no longer wanted to drive. _____ completed a sworn written statement of the incident and advised

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she wished to pursue charges. _____ signed Marsy's Law advising she wished to keep her information private.

Deputy Westfall made contact with _____ at the Publix, who advised he was in the parking lot of the Dollar General which is located at the intersection of Braddock Rd and Doyle Rd when he heard yelling coming from two vehicles which were in the intersection. _____ advised the occupant of one vehicle advised the driver had a learners permit and requested the other driver to just drive away, which the driver of the other vehicle continued to yell at the two occupants. The _____ SUV then drove off, made a U-turn in the Dollar General parking lot, before blocking in the black sedan at the stop sign. The driver of the _____ SUV then stated that he would shoot the occupants of the black sedan before driving off. _____ advised he never saw the firearm being brandished due to trees blocking part of his view. _____ completed a sworn written statement of the incident.

Deputies went to _____ Deltona, which was the address of the _____ Toyota bearing Florida tag _____ where the SUV was in the driveway. As Deputies approached the residence, a white male wearing a Boston Bruins shirt exited the residence. Deputies contacted the male who identified himself as _____ (D). Deputies conducted a pat down of _____ and located a black Ruger LCP in a black holster in _____ pocket (serial # _____). After locating the firearm, Deputies detained _____ for further investigation.

Deputy Westfall conducted a show up with _____ who advised upon arrival that the male Deputies had detained was "110%" the male that pointed a firearm at him and _____ signed a VSO Witness Showup Form.

Deputies advised _____ of his Constitutional Rights which were read from an agency issued VSO Miranda Warnings Card, which _____ acknowledged and wished to speak to Deputies. _____ advised he never had a firearm on him during the incident and left it on the counter of his residence. _____ attempted to re-enter the residence when Deputies asked for his Identification Card, which Deputies refused, and later upon searching _____ incident to arrest located _____s wallet with his Florida Driver's License. When Deputy Westfall spoke with _____ in the back of his patrol vehicle, _____ advised he did have his firearm on him during the incident but that there was no way that the occupants of the other vehicle could have seen it.

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Deputy Westfall submitted the firearm located on _____'s person into the VSO Evidence Locker as Evidence and completed a RPO for _____

A criminal history check for _____ returned with no prior criminal history.

At the conclusion of the investigation, with statements provided and evidence gathered, Deputy Westfall deemed there was probable cause to arrest _____ for two counts of aggravated assault with a firearm, possession of a firearm while conducting a third-degree felony, and brandishing a firearm.

Viera was transported to VCBJ.

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>Handgun</u>	Location	<u>VSO Evidence</u>
Quantity	<u>6</u>	Type	<u>Rounds</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: 02/14/2024

Signature of Affiant:  9326

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 14 day of February, 2024, by Deputy B. Westfall
Affiant's name

 9421
Signature of Attesting LEO Witness

Deputy J. Lowry
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)