

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
VP240003556

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} John Eric Lowery, 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 *Marsy's Law Not Invoked*

On 2/16/2024, at approximately 2321 hours, Deputy Lowery responded to _____ Osteen, in reference to a shooting. Upon arrival, Deputies approached the residence and demanded to see everyone's hands due to a firearm being involved. There were four individuals near a small fire with chairs around the on the remote property.

2 Additional pages are attached.

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

_____ Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 1 OF 2

The victim, _____ (V1), was located ~~seat~~ in the driver's seat of a _____ Ford F-150 bearing Florida tag _____. The four individuals around the bonfire were all secured in handcuffs until who the shooter was and where firearms were located.

Deputies observed two firearms (one revolver and one semi-automatic handgun) on the front seat of a _____ Buick SUV bearing Florida tag _____. The vehicle is registered solely to _____. Deputies retrieved the firearms and cleared them.

Deputies spoke with _____ (D1), who admitted to shooting into _____'s white Ford truck, knowing that he was seated in the driver's seat. _____ stated that they were sitting around the fire when _____ drove onto the property and asked them to stop shooting guns. An argument ensued, and _____ grabbed _____ (W1) by the throat, and that's when _____ shot at _____'s truck. _____ was unable to state how many times she fired her 9mm handgun at _____'s truck. _____ stated that her gun was located on the driver's seat of her _____ SUV parked near the fire. The semi-automatic handgun previously located by Deputies is the firearm that _____ admitted to shooting at _____'s truck.

Deputies spoke with the other three people around the bonfire with _____. They are _____ (W2), and _____ (W3). Who were all extremely intoxicated, and all three gave various versions of _____'s account.

Deputies spoke with _____ (V1), who stated that he came to the property in his truck to ask his neighbors to please stop shooting so late at night without a backstop while they were drinking. _____ who lives on the property, stood at _____'s truck window, yelling at him, and leaned in through the window, causing _____ to push her back lightly. _____ contends that he never stepped out of his truck. After pushing _____ away from inside his truck window, _____ started to back up when he heard three gunshots. Then his truck shut off and would not restart. At this time, he called _____ due to all four persons converging on his truck, yelling threats at him, telling him to get out of the truck. _____ completed a sworn written statement consistent with his verbal statement.

Deputy Lowery observed a small circular hole in the lower right portion of the grill of _____'s truck. It appeared to be consistent with being shot with a small caliber firearm.

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AFFIDAVIT CONTINUATION

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After gathering statements from those present, Deputy Lowery concluded that probable cause exists that [REDACTED] did, wantonly or maliciously, shoot at, within, or into a vehicle that was being used or occupied by [REDACTED] contrary to Florida Statute 790.19.

Additionally, [REDACTED] did intentionally and unlawfully threaten by word or act to do violence to the person of [REDACTED] coupled with an apparent ability to do so, and did point a loaded firearm and fire upon his vehicle while he was inside, which created a well-founded fear in [REDACTED] that such violence was imminent, and further did commit the assault with a 9mm FN Semi-automatic handgun (SN: [REDACTED]), a deadly weapon, contrary to Florida Statute 784.021(1)(a).

Furthermore, [REDACTED] did willfully and maliciously injure or damage, or place graffiti thereon, or commit an act of vandalism to a [REDACTED] Ford F-150, the property of [REDACTED] causing damage in an amount of \$1,000.00 dollars or greater – contrary to Florida Statute 806.13 (1)(a) and (b)1.

[REDACTED] was placed under arrest and transported to the Volusia County Branch Jail without incident.

[REDACTED] truck was towed by Pratt's Towing and escorted by Deputy Lowery to VSO Main Evidence Facility.

It was turned over to VSO Evidence Technician C. Rodriguez for further processing.

[REDACTED]'s black FN semi-automatic 9mm handgun (SN: [REDACTED]) was located with an empty magazine inserted, and one 9mm unfired round of ammunition. Deputies collected 32 spent 9mm shell casings from the area where [REDACTED] fired from. All items were placed into evidence at District 4.

A Temporary Risk Protection Order will be completed with [REDACTED] as the respondent.

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>FN 9MM</u>	Location	<u>VSO Evidence</u>
Quantity	<u>1</u>	Type	<u>9MM round</u>	Location	<u>VSO Evidence</u>
Quantity		Type		Location	
Quantity		Type		Location	
Quantity		Type		Location	
Quantity		Type		Location	

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: 02/17/2024

Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 17 day of February, 2024, by D/S Lowery ID 9421

Affiant's name


Signature of Attesting LEO Witness

9306

Deputy B. Westfall
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)