

**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
240004093

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} David Teske, in my position as {job title} Detective 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 Saturday, February 24, 2024, at approximately 1943 hours Deputy King was dispatched and responded to a shooting investigation in assistance with the Seminole County Sheriff's Office (SCSO) located at the _____ Mims.

5 Additional pages are attached.

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

Please see information provided in section 1 for _____'s statement in official police report.

_____ Additional pages are attached.

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Upon arrival Deputy King contacted Deputy C. Blaskowski and Sergeant B. Badura from SCSO who provided the following information. Deputy C. Blaskowski advised he was dispatched to the aforementioned address at approximately 1701 hours. Deputy C. Blaskowski stated he contacted _____ (V1), _____ (V2), _____ (V3), and _____ (O1). Deputy C. Blaskowski advised the aforementioned males all completed sworn written statements and all wished to pursue criminal charges. Deputy C. Blaskowski stated Deputy C. Raborn has previous encounters with _____ (S1) and identified him as the suspect by observing him in the photos. Deputy C. Blaskowski provided Deputy King with the statements and had no further information to provide Deputy King with. Sergeant Badura provided Deputy King with digital photographs which _____ obtained.

Deputy King contacted _____ via telephone who provided the following account of events. _____ stated he is managing a crew consisting of underwater divers who are conducting pile jacket repairs on the bridge. He and his crew were working on a floating barge clearly marked with flags and markings showing divers were under water and to "stay back 300 feet." _____ advised an unknown male driving an airboat drove by within 50-100 feet, very fast. The unknown male then drove by again within 50-100 feet. _____ advised he then took digital photographs of the male and the boat as he was driving recklessly. As the male drove by again for the third time, he and the crewmates yelled at him to stay back. The unknown male then conducted a U-turn and began yelling at them prior to grabbing a backpack and pulling a handgun from within the bag. The unknown male then fired at least one shot at the crew's general direction, which they believed struck the concrete pillar beside them. _____ stated he and the crew members laid down in hopes to not be struck with gunfire. _____ explained he was in fear and believed the unknown male was attempting to shoot him. _____ stated the male proceeded to drive the boat in close proximity to the barge, doing circles around it, prior to driving off into the marsh. _____ advised he wished to press criminal charges if a suspect is determined.

_____ emailed Deputy King photos and videos of the unknown male. Deputy King observed within the photographs from Sergeant Badura and _____ a vessel number was legible on the front of the airboat. Deputy King observed the vessel number to be _____. Deputy King also observed an unknown elderly white male with a mustache operating the airboat.

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Deputy King observed the unknown male holding a black firearm within the video. Deputy King ran the vessel number utilizing D.A.V.I.D. and observed the boat registered to [REDACTED]. Deputy King observed the D.A.V.I.D. photograph of [REDACTED] to match the photographs of the unknown suspect on the airboat.

Deputy King attempted to make contact with [REDACTED] and [REDACTED] via telephone which yielded negative results.

Deputy King reviewed [REDACTED] and [REDACTED]'s statements which were all consistent with [REDACTED]'s account of events.

Due to the location of the shooting Deputy King was unable to view any damages caused by a bullet.

On February 26, 2024, this case was assigned to Detective Teske for investigative follow-up. Detective Teske reviewed the facts and circumstances surrounding this incident, then contacted [REDACTED] one of the victims in this case. [REDACTED] advised he was currently working at the same jobsite, in Mims, where this incident occurred. [REDACTED] was working with another one of the victims, [REDACTED].

Detective Teske compiled a lineup of six, similar looking, male individuals. One of the individuals was [REDACTED] the suspect in this case.

On February 26, 2024, at 1100 hours, Detective Teske and Detective Bartzler responded to the scene of the incident, CS Lee Park bridge, 10100 State Road 46, Mims, contacting [REDACTED] and [REDACTED] individually. Detective Bartzler first spoke with [REDACTED] informing him she was going to administer a photo lineup that was created by Detective Teske. Detective Bartzler read the simultaneous lineup instructions off of the lineup form, prior to administering the lineup. [REDACTED] advised he understood the instructions, then was provided with the photo lineup. After carefully reviewing the subjects in the lineup [REDACTED] identified the individual in the number three slot as the subject that pointed the firearm at him and his work crew, then fired a shot at them. The person in the number three slot was [REDACTED] initialed next to the number three slot, then signed the simultaneous photo lineup form provided to him. This interaction was captured on audio recording.

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Detective Bartzter then spoke with _____ informing him she was going to administer a photo lineup that was created by Detective Teske. Detective Bartzter read the simultaneous lineup instructions off of the lineup form, prior to administering the lineup. _____ advised he understood the instructions, then was provided with the photo lineup. After carefully reviewing the subjects in the lineup, _____ immediately identified the individual in the number three slot as the subject that pointed the firearm at him and his co-workers, then fired a shot at them. The person in the number three slot was _____ initialed next to the number three slot, then signed the simultaneous photo lineup form provided to him. This interaction was captured on audio recording.

_____ provided Detective Teske with the video he took during the altercation, which recorded the shot being fired, then clearly showed _____ being the sole occupant on the airboat. The video did not show the shot being fired due to _____ seeking cover at the time; however it was able to be clearly heard. The camera then pans back up where the gun is visible in _____'s hands. _____ then puts the firearm into a duffle bag of some sort and begins driving his boat directly towards the workers. The video then shuts off.

Upon speaking with _____ Detective Teske asked if he had encountered the suspect prior to this incident occurring. _____ advised he saw _____ on multiple prior occasions, exiting then entering the property directly behind where he shot at them. They believed this was either where _____ was staying or where he may store his airboat.

_____ and his work crew then transported Detective Teske and Detective Bartzter, by boat, over to the area where the incident occurred. _____ showed Detectives where they were positioned and where the suspect was positioned when this incident occurred. The suspect, _____ was sitting stationary on his airboat, approximately 60 feet away from them.

Detective Teske obtained photographs of the worksite and locations where the victims were positioned during the incident. As well as photographs of where _____ was positioned. These were later uploaded into evidence.

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Based upon the statements made and evidence collected, Detective Teske determined probable cause existed charging _____ with three counts of aggravated assault with a deadly weapon. _____ was the sole occupant on the airboat, which is registered solely to him. The video clearly shows _____ as the operator of the vessel during the incident. _____ was visible with the firearm in his hands, which was also observed by the victims present during the altercation. Furthermore, both _____ and _____ positively identified _____ out of the photo lineups provided to them, as being the person who shot at them.

Detective Teske drafted a SA707 charging affidavit for _____ which was forwarded to the State Attorney's Office for their assistance in obtaining an arrest warrant. On February 26, 2024, at 1745 hours, Honorable Judge Nichols signed the warrant for _____. The bond was set at "None". The warrant packet was then sent to VSO warrants at 1800 hours, to be entered into FCIC/NCIC (Volusia County Warrant Number 2024248196). Detective Teske took the warrant to the clerk's office the following day, February 27, 2024, where clerk case number 2024101369CFDB was issued.

On February 28, 2024 at 1400 hours, Detective Teske contacted the VSO records department to have _____'s vehicle entered into FCIC / NCIC as a felony vehicle. _____'s primary vehicle is a _____ Toyota Tacoma, bearing FL tag _____. Operator Smola (#8905) entered _____'s vehicle at 1400 hours.

On February 28, 2024, at 1600 hours, Detective Teske was contacted by Officer Dummer with the Titusville Police Department. Officer Dummer informed Detective Teske he contacted _____ during a traffic stop and he currently had _____ in custody for the arrest warrant.

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On February 28, 2024 at 1705 hours, Detective Teske and Detective Bartzler responded to the Titusville Police Department to speak with [REDACTED]. Detective Teske informed [REDACTED] of his Miranda Warnings by reading them off an agency Miranda Warning card. [REDACTED] acknowledged he understood his rights and proceeded to speak with Detective Teske.

Upon speaking with [REDACTED] he confirmed he was on his airboat, in the area of the divers, on the day of the incident. He stated he became enraged with the construction crew because three of the construction crew members threw metal pipes at him and his boat. [REDACTED] initially stated he parked his boat across the water from the bridge workers to inspect his boat for damage from the pipes thrown at him. Detective Teske then mentioned [REDACTED] shooting at the bridge workers, to which [REDACTED] denied even having a firearm on the boat with him. Upon speaking with [REDACTED] further, informing him the incident was all captured on video, [REDACTED] changed his story. [REDACTED] informed Detective Teske he did not shoot AT the workers, saying "if I would have shot at them, I would have hit them". [REDACTED] stated it was merely a "warning shot" in their direction. [REDACTED] then left the scene, in an unknown direction.

Detective Teske attempted to ascertain where the firearm used during this incident was located. Upon asking [REDACTED] about the whereabouts of the firearm, [REDACTED] stated he was done talking and would not provide any further information. [REDACTED]'s truck was searched, incident to arrest, by Titusville Police Department where they did not locate the firearm.

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:

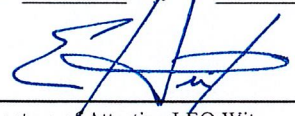
Quantity	<u>1</u>	Type	<u>Pistol (black)</u>	Location	<u>Unknown</u>
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____

_____ 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: 02/29/2024 Signature of Affiant:  8160

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 29 day of February, 2024, by Detective Dave Teske
Affiant's name


Signature of Attesting LEO Witness

Det. Eric Hinkson
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)