

**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  
VP240004316

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, *{full legal name}* \_\_\_\_\_ J. Eveler \_\_\_\_\_, 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 narrative

  3   Additional pages are attached.

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

same as above

  0   Additional pages are attached.

IN RE: PETITION FOR RISK PROTECTION ORDER  
AGAINST {Name of Respondent} \_\_\_\_\_

VSO Case Number  
VP240004316

**AFFIDAVIT CONTINUATION**

FROM SECTION \_\_\_\_\_  
PAGE 1 OF 3

On 02/27/2024 at approximately 1917 hours, Deputies Emanuel and Eveler responded to \_\_\_\_\_ Deltona, Florida, in reference to a wellbeing check. While responding, Communications advised that two juveniles were crying at Manny Rodriguez Park stating their dad pointed a gun at their mother nearby. Upon their arrival, Deputies immediately heard screaming coming from the residence and approached the house. The door to the residence was ajar. When Deputy Eveler pushed the ajar door fully open, he observed \_\_\_\_\_ (V1) walking out the side door crying and in distress. \_\_\_\_\_ (D1) was standing in the doorway watching her walk out of the door. Deputy Emanuel separated \_\_\_\_\_ and she immediately stated "He didn't do anything" referring to \_\_\_\_\_ who was in close proximity with Deputy Eveler. Deputy Eveler detained \_\_\_\_\_ in order to make the scene safe and conduct a sweep of the residence to ensure no one was injured and in need of aid.

Deputy Emanuel spoke to \_\_\_\_\_ stated she was arguing with her on and off boyfriend (of 12 years). \_\_\_\_\_ over relationship issues and the dogs peeing throughout the house constantly. \_\_\_\_\_ stated she doesn't argue with her husband often but this time it was more heated than normal. By the time the argument peaked in emotion \_\_\_\_\_ realized her kids were no longer inside of the home. \_\_\_\_\_ was adamant that she did not know why they left but stated they would never just runaway from the house. \_\_\_\_\_ stuck to this story and insisted multiple times that there was no gun involved at any time only a verbal argument. \_\_\_\_\_ did inform Deputy Emanuel there is a firearm in the house located in a smaller bag in \_\_\_\_\_'s work bag and while they were arguing she stated "she may have moved the bag away from him" but still insisted it never came out of the bag.

Deputies spoke with the son \_\_\_\_\_ a minor (W1). While at home \_\_\_\_\_ heard his parents arguing in their room. As the arguing progressed, \_\_\_\_\_ peeked his head into the room to make sure everything was okay and that's when he saw \_\_\_\_\_ pointing a black handgun at the head of his mother. After seeing this, \_\_\_\_\_ ran to his sister \_\_\_\_\_ a minor, (W2) in the next room and said they needed to get out the house based on what he saw. They both ran to the closest park and flagged down a stranger to call 911 to help their mother. \_\_\_\_\_ was of sound mind and is not diagnosed with any disorder or illness that may have interfered with his ability to understand he saw a gun being pointed at his mother.

**AFFIDAVIT CONTINUATION**

FROM SECTION \_\_\_\_\_  
PAGE 2 OF 3

\_\_\_\_\_ was of sound mind and is not diagnosed with any disorder or illness that may have interfered with his ability to understand he saw a gun being pointed at his mother. Throughout his interview, \_\_\_\_\_ was consistent and a credible witness.

Deputies spoke with \_\_\_\_\_ Deputy Murphy advised \_\_\_\_\_ of his Miranda Warning which he acknowledged and declined, electing to speak with Deputies. \_\_\_\_\_ changed his story several times and had some noticeable differences between he and \_\_\_\_\_'s stories. \_\_\_\_\_ advised she did not go into the bedroom while \_\_\_\_\_ said she did come into the bedroom in furtherance of the argument. Both acknowledged the firearm was in a backpack next to the bed. However, only after a second interview, did \_\_\_\_\_ state that he had picked up and moved the backpack. \_\_\_\_\_ did this to get the weapon away from \_\_\_\_\_ because he thought she may use the weapon against him. \_\_\_\_\_ was never able to articulate his fear. He refused to admit he used the firearm or that it came out of the book bag. \_\_\_\_\_ stated, "He is the man of the house and he's going to take whatever he has to take". \_\_\_\_\_ was clearly under the influence of alcohol at the time of his arrest, it was obvious he was intoxicated based on his constant slurring of his words while speaking and his glassy/bloodshot eyes.

\_\_\_\_\_ has residency at the house and filled out a consent to search form, giving permission to Deputies to search the home for the firearm. The firearm was recovered inside the room exactly where \_\_\_\_\_ stated it would be. The firearm recovered was a \_\_\_\_\_ with 15 rounds in the magazine and did not have a chambered round. The firearm was collected and submitted into District 4 evidence locker. Also, inside the living room of the home there was broken glass indicating a clear sign of a struggle. The fire department had to be called for the kids who were both having panic attacks, particularly \_\_\_\_\_ who began wheezing due to the panic attack.

\_\_\_\_\_ filled out of the necessary Domestic violence paperwork, invoked Marsy's law, and was provided with victim's rights and remedies brochure. Just before leaving, \_\_\_\_\_ came out to Deputy Eveler and plainly was in fear and on the verge of tears. She stated she was trying to find a way to flee the country and go Puerto Rico to be with family away from \_\_\_\_\_ after tonight's incident.

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST {Name of Respondent} \_\_\_\_\_

VSO Case Number  
VP240004316

**AFFIDAVIT CONTINUATION**

FROM SECTION \_\_\_\_\_

PAGE   3   OF   3  

Based on the investigation, [REDACTED] was placed under arrest for violating f.s.s 784.021 when he knowingly pointed a firearm at the head of [REDACTED] to instill fear in her during their argument. [REDACTED] was put into department issued handcuffs that were double locked and checked for proper fit, he was then transported to VCBJ without incident. Director Quann was notified, and a copy of this report was forwarded to her and DCF.

An RPO will be completed for [REDACTED] as he used the firearm during the incident.

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>Springfield XD</u>	Location	<u>Bedroom</u>
Quantity	<u>15</u>	Type	<u>9mm</u>	Location	<u>Bedroom</u>
Quantity	<u>1</u>	Type	<u>Holster</u>	Location	<u>Bedroom</u>
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: 02/28/2024

Signature of Affiant

[Signature]

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization,

this 28 day of February, 2024, by

Eveler #9316

Affiant's name

[Signature]  
Signature of Attesting LEO Witness

Emanuel #9754

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)