

**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
24-5454

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} _____ Diego Seda _____, in my position as {job
title} _____ Deputy II _____ 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 continuation page

_____ 2 Additional pages are attached.

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

_____ Additional pages are attached.

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

VSO Case Number
24-5454

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 1 OF 2

BWC Recording

On 3/10/24 at approximately 1819 hours, Deputy Seda responded to _____ Orange City in reference to a suicidal person.

A caller advised Central Dispatch her elderly neighbor, later identified as _____ (O1), was outside his residence with a firearm pointed at his head. The caller stated _____ was possibly intoxicated and suffered from Alzheimer.

It should be noted deputies have had prior involvements with _____ and he is known to have various firearms in his residence.

Upon arrival deputies observed _____ outside in his driveway with a black handgun pointed at his head. _____ was playing loud music from his vehicle which had its driver's side door open. _____ was observed on multiple occasions taking a drink from what appeared to be a bottle of alcohol while holding the handgun to his head. Deputies secured a perimeter around _____'s residence and surrounding streets. Sergeant Stickels and Deputy Berard attempted establish a dialogue with _____ but he continued to stand in his driveway talking to himself. Eventually _____ began to speak with deputies who were stationed across the street South of the residence behind hard cover. _____ could be heard saying he wanted to die and did not want to die. _____ advised deputies he did not want to get shot and was not going to hurt law enforcement. _____ was instructed numerous times to drop the firearm and he failed to do so. During the course of speaking with _____ began to walk towards the deputies who were across the street from him. _____ eventually stopped while standing on _____. _____ was again instructed to drop the firearm. _____ ultimately began approaching deputies again and was struck with 4 less lethal shotgun rounds. The less lethal rounds caused _____ to drop the firearm and deputies quickly secured him. _____ was struck in the right forearm, left tricep, mid right back, and the waistband of his right back. While secured _____ advised he was sick of being alone and wanted law enforcement to shoot him. _____ appeared to be upset over law enforcement not taking his life.

Based on Deputy Seda's investigation, it was determined there was a substantial likelihood that without care or treatment, _____ would harm himself or others as evident by his recent behavior. _____ was taken into protective custody under the Baker Act. _____ was

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

VSO Case Number
24-5454

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 2 OF 2

transported by EMS to Halifax Hospital in Daytona. Deputy Seda followed EMS to Halifax where he obtained more photographs of _____

It should be noted while at Halifax, _____ advised medical personnel he drinks cognac and beer heavily. _____'s demeanor appeared to change while at the hospital. _____ calmed down and stated the hammer to his firearm was never "cocked". _____ stated he occasionally plays "Russian roulette" in his garage and he was tired of playing. _____ became very thankful towards law enforcement and medical staff. _____ began stating he did not know why deputies arrived at his residence and began to point firearms at him. _____ was checked further for injuries but none were located.

Photographs were taken of _____'s handgun and injuries, which were later uploaded to Evidence.com. _____'s black Ruger 9mm handgun was collected and the serial number _____ was ran through FCIC/NCIC which returned as negative. The spent less lethal rounds and shells were also collected. They were all submitted into the District 6 evidence locker.

It should be noted, _____'s handgun was loaded and had a round in the chamber.

_____ residence was cleared by deputies for any other occupants and was ultimately secured. While securing the residence, deputies observed several AR style rifles in plain view inside the residence. Due to _____ threatening his life with a firearm, a Risk Protection Order was completed.

3. Affiant ☐ is ☒ is not aware of any existing protection order governing the respondent under any applicable statute.

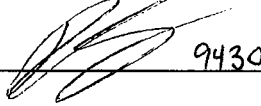
_____ Known protection orders are attached

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>Handgun</u>	Location	<u>Evidence</u>
Quantity	<u>5</u>	Type	<u>Rifles</u>	Location	<u>[REDACTED] Orange City</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: 03/10/2024 Signature of Affiant:  9430

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 10 day of March, 2024, by Diego Seda

Affiant's name

 #6849
Signature of Attesting LEO Witness

Sgt. J. Stickle
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)