

**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
250010970

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} _____ Deputy Timothy Melendez _____, 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:

On 05/26/2025 Deputies Melendez, and Ricafort responded to _____ Port Orange in reference to a suicidal person with a firearm. The reporting party _____ (R1), stated his wife _____ (V1) was in possession of a gun and made several statements to commit suicide. _____ informed law enforcement she had fired single round outside of the residence with their 3 children inside the residence.

3 Additional pages are attached.

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

See attached witness statement.

4 Additional pages are attached.

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BWC RECORDING

On 05/26/2025 at approximately 1953 hours, Deputy Melendez responded to [REDACTED] Port Orange, in reference to a suicidal person. While enroute call notes indicated a firearm was involved and may have possibly been shot outside the residence; however, all firearms had been secured and put away. Upon arrival, Deputy Melendez contacted [REDACTED] (R1), the husband of [REDACTED] (V1), who have four children in common and have been married for 21 years.

Deputy Melendez spoke with [REDACTED] who advised the following: He and his wife had been in a verbal altercation over her infidelity in their marriage and she has made several suicidal statements to use a firearm to kill herself. The argument escalated and moved from inside the residence to the garage and [REDACTED] attempted to deescalate the situation by returning into the residence and he had closed the door behind him locking it. Shortly after, he believes [REDACTED] had allegedly grabbed a handgun and fired one round while in the garage, but he was unsure. [REDACTED] came back outside and found his wife standing between the vehicle and refrigerator in the garage but did not see a firearm in her hands.

Deputy Melendez spoke with [REDACTED] who advised the following: Her and [REDACTED] have been having marital issues over her infidelity which occurred approximately three weeks ago. She was doing the dishes and needed to use the restroom and advised she heard [REDACTED] making "snide" comments about the situation and after leaving the restroom she confronted him, and the verbal altercation escalated and carried over into the garage. At some point during the argument, [REDACTED] stated [REDACTED] had grabbed her by the arms and left visible bruises on her arms.

Deputy Melendez observed several bruises on both [REDACTED] left and right arm which were consistent with her statement; however, the bruises were fully developed and appeared to be in the process of healing from a prior incident. While speaking with [REDACTED] further, she advised a few days prior that she had attempted to grab a firearm from the gun cabinet where the firearms are stored and threatened to end her problems once and for all. [REDACTED] immediately grabbed her at which point they ended up on the ground as he removed the firearm from her possession. [REDACTED] had informed Deputy Melendez of the same incident and both statements were consistent.

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Deputy Melendez spoke with [REDACTED] and [REDACTED] son [REDACTED] [REDACTED] (O1), who advised the following: He had arrived home after being informed by his parents that they were both arguing. He was aware of the infidelity issues between both parents and had been trying to avoid the situation. When he arrived home, based on prior incidents, he immediately made sure all the firearms were secured and put away. A few days ago, he was in his room taking a nap when he heard a commotion outside of his room. He exited his room and located both parents on the floor with his father having his arms wrapped around his mother stating, "you can't do this, you can't do this", and the firearm was a few feet away from both of them. [REDACTED] advised this is not the first time this has happened, and his mother had made several statements in the past regarding her wanting to commit suicide and he has heard her say she no longer wanted to be on this earth anymore.

Deputy Melendez observed several inconsistencies in [REDACTED] statement, initially she did not mention anything to deputies regarding whether she had a firearm nor that she had fired one round. She had initially informed deputies her husband had been the one making suicidal statements and had grabbed his 9mm from the gun cabinet and attempted to shoot himself in the head while they were outside in the driveway. [REDACTED] realized the weapon was out of ammunition, he had then gone to retrieve her .380 caliber handgun, from her purse inside her vehicle where she normally keeps it. At this point she advised, she tried to stop him by slapping him on the back of the neck to get him to stop looking for the firearm. [REDACTED] then went inside the residence to retrieve another firearm and locked the door behind him, so in fear he would do something, she fired off a single round while in the driveway into the bamboo on the north side of the property to get [REDACTED] to think she had done something to herself, none of which was part of her initial statement. Deputy Melendez located one .380 caliber spent shell casing in the crevice of the garage and driveway. There was no indication that the round had been fired into the residence.

Deputy Melendez questioned whether any of the children were present for the verbal altercation, which both [REDACTED] and [REDACTED] informed none of them were. [REDACTED] [REDACTED] (O2), [REDACTED] [REDACTED] (O3), and [REDACTED] [REDACTED] (O4), were all upstairs in their rooms and normally stay there when their parents argue. Direct Quann was notified of the incident, and a copy of this report will be forwarded to DCF.

Based on Deputy Melendez's investigation, coupled with the statements and evidence on scene,

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AFFIDAVIT CONTINUATION

FROM SECTION _____
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Deputy Melendez determined that without care or treatment [REDACTED] poses a real and present threat of substantial harm to her well-being and it is not apparent that such harm may be avoided through the help of willing family members. Deputy Melendez placed [REDACTED] into protective custody under the Baker Act. After being secured, [REDACTED] admitted she discharged the firearm and informed Deputy Melendez she had placed the Ruger LCP in her front lower pocket of her luggage bag, which was located in the garage next to her vehicle.

Deputy Melendez collected a black Ruger LCP .380 caliber bearing serial number 371055499, along with six live rounds of ammunition, one spent shell casing and one magazine. Deputy Melendez submitted the firearm, magazine, and ammunition to the District 3 South evidence locker as an RPO/surrender. It should be noted [REDACTED] informed Deputy Melendez there were several other firearms in the residence along with ammunition that [REDACTED] potentially has access too, should be an RPO be granted the removal of these weapons and the ammunition should be included in the RPO.

[REDACTED] was transported to Halifax Hospital in Daytona Beach without further 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	_____	Type	_____	Location	_____
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: 05/26/2025

Signature of Affiant: _____

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this 26 day of May, 2025, by D/S T. Melendez
Affiant's name


Signature of Attesting LEO Witness

4797
D/S K. Ricafort
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)

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,
IN AND FOR VOLUSIA COUNTY, FLORIDA

VOLUSIA SHERIFF'S OFFICE,
Petitioner

v.

Case No.: _____

Division: _____

VSO Case Number 25-10970

_____,
Respondent

**PETITION FOR TEMPORARY EX PARTE RISK PROTECTION ORDER
AND RISK PROTECTION ORDER**

SECTION I. PETITIONER

1. Petitioner's full legal name or name of petitioning agency: Volusia Sheriff's Office
2. Petitioner's law enforcement office/agency is located at {street address, city, state, and zip code}:
123 West Indiana Ave, Deland FL 32720

SECTION II. RESPONDENT

1. Respondent's full legal name: _____
2. Respondent's current address: {street address, city, state, and zip code}:

3. Physical description of Respondent:
Race: WHITE Sex: Male ☐ Female ☒ Date of Birth: _____
Height: _____ Weight: _____ Eye Color: _____ Hair Color: _____
4. Distinguishing marks or scars: _____
5. Vehicle {make/model}: _____ Color: _____ Tag Number: _____
6. Other names Respondent goes by {aliases or nicknames}: _____
7. Respondent's email address {if known}: _____
8. Respondent's Driver's License number {if known}: A135-011-80-757-0
9. Respondent's attorney's name, address, and telephone number {if known}: _____

SECTION III. BASIS FOR PETITION

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In support of this Petition the undersigned Law Enforcement Officer/Agency alleges:

1. 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.
2. A sworn affidavit alleging specific statements, actions, or facts based on personal knowledge that give rise to a reasonable fear of significant dangerous acts by the Respondent is attached to this petition and incorporated by reference.
3. The attached sworn affidavit includes a list of the quantities, types, and locations of all firearms and ammunition believed to be in the Respondent's ownership, possession, custody, or control.
4. Respondent poses a significant danger of injury to himself/herself or others by having in his/her control, or by purchasing, possessing, or receiving, a firearm or ammunition.

☒ **[Required for Temporary Ex Parte Risk Protection Order]** Respondent poses this significant risk of injury in the near future.

5. Relevant evidence for the Court's consideration is detailed in the attached affidavit and shows that the Respondent:

☒ was involved in a recent act or threat of violence against himself/herself or others;

☒ engaged in an act or threat of violence; including but not limited to acts or threats of violence against himself/herself; within the past 12 months;

☐ is seriously mentally ill or has recurring mental health issues;

☐ has violated a risk protection order or no contact order issued under sections 741.30, 784.046, or 784.0485, Fla. Stat.;

☐ is the subject of a previous or existing risk protection order;

☐ has violated a previous or existing risk protection order;

☐ has been convicted of, had adjudication withheld on, or pled *nolo contendere* in Florida or in any other state to a crime that constitutes domestic violence as defined in s. 741.28, Fla. Stat.;

☒ has used, or threatened to use, against himself/herself or others, any weapons;

☐ has unlawfully or recklessly used, displayed or brandished a firearm;

☐ has used or threatened to use on a recurring basis physical force against another person or has stalked another person;

☐ has been arrested for, convicted of, had adjudication withheld, or pled *nolo contendere* to a crime involving violence or a threat of violence in Florida or in any other state;

☐ has abused or is abusing controlled substances or alcohol;

☐ has recently acquired firearms or ammunition;

☐ other (Additional relevant information may be attached).

SECTION IV. NOTICE

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____ Petitioner has made a good faith effort to provide notice to a family or household member of the Respondent and to any known third party who may be at risk of violence in compliance with s. 790.401(2)(f), Fla.Stat.

X Petitioner will take the following steps to provide notice as required by s. 790.401(2)(f), Fla.Stat.
By person, telephone, or mail.

SECTION V. RISK PROTECTION ORDERS

For the foregoing reasons, petitioner requests the Court to enter:

X A **TEMPORARY EX PARTE RISK PROTECTION ORDER** in this matter requiring Respondent to:

1. Immediately surrender all firearms and ammunition in his or her custody, control, or possession and any license to carry a concealed weapon or firearm to the *{name of law enforcement agency}*; Volusia Sheriff's Office
2. Not have in his/her custody, control, or possession any firearm or ammunition while this order is in effect;
3. Not purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect; and
4. Abide by any other lawful relief the Court may order.

Petitioner further requests this Court to schedule a Hearing for a Risk Protection Order to be held within 14 days.

X A **RISK PROTECTION ORDER** in this matter requiring Respondent to:

1. Immediately surrender all firearms and ammunition in his or her custody, control, or possession and any license to carry a concealed weapon or firearm to the *{name of law enforcement agency}*; Volusia Sheriff's Office
2. Not have in his/her custody, control, or possession any firearm or ammunition while this order is in effect;
3. Not purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect; and
4. Abide by any other lawful relief the Court may order.

Petitioner requests the Risk Protection Order to remain in effect for a period the Court deems appropriate, up to and including but not exceeding 12 months.

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Respectfully submitted this 26 day of May, 2025.

D/S T. [Signature]
Signature of Petitioner

Volusia Sheriff's Office
Law Enforcement Agency

123 West Indiana Ave, Deland, FL 32720
Service Address