

**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
VP250011229

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} KYLE ANDREW WELLS, 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 PAGES

1 Additional pages are attached.

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

_____ ADVISED THAT SHE TOLD THE RESPONDANT THAT SHE WANTED A DIVORCE. AFTER THE RESPONDANT RECIEVED THIS NEWS HE THREATEND SUICIDE WITH A 1911 SPRINGFIELD HANDGUN AND POINTED THE HANDGUN AT HIS HEAD.

0 Additional pages are attached.

AFFIDAVIT CONTINUATIONFROM SECTION 1PAGE 1 OF 1

On May 30th, 2025, at approximately 0816 hours, Deputy Wells and several other deputies responded to the residence located at [REDACTED] in reference to a suicidal subject. The reporting party, [REDACTED] (O1), advised the call taker that her husband, [REDACTED] (V1), was threatening suicide with a firearm. [REDACTED] advised that [REDACTED] was inside the residence pointing a firearm at his head after being told that [REDACTED] wanted a divorce.

Responding deputies arrived on scene and set up a perimeter around the residence. [REDACTED] had already exited the residence and [REDACTED] was held up inside. [REDACTED] advised that [REDACTED] had recently lost his job. [REDACTED] provided a sworn written statement which was later submitted to records.

Deputy Wells gave commands over the patrol vehicles PA for approximately one hour with no contact. Eventually Sergeant Ruiz was able to make cellphone contact with [REDACTED]. After more negotiating, [REDACTED] exited the residence peacefully and was subsequently taken into custody under a Baker Act.

When riding to SMA, [REDACTED] spontaneously uttered that contemplating suicide and the reason he didn't was for his two children. [REDACTED] did not admit to pointing the firearm to his head. [REDACTED] advised that he was distraught after [REDACTED] told him about the divorce.

Deputies cleared the residence and located one semi-automatic Springfield 1911 handgun (S/N WW58366) sitting on the kitchen counter. The handgun had one single round loaded in the chamber. The firearm and ammunition were collected and submitted to evidence. The firearm serial number was ran on teletype to check for any FCIC/NCIC entry's with negative results.

Due to the threats of self harm involving a firearm, an risk protection order was completed and forwarded to the VSO Legal Advisor for review. [REDACTED] information was run over teletype revealing that he did not have a concealed weapons permit. [REDACTED] turned over the firearm to VSO and was provided a receipt from the RPO.

[REDACTED] was transported to SMA under a Baker Act without further incident.

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

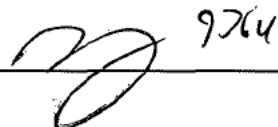
0 Known protection orders are attached

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:

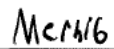
Quantity	<u>1</u>	Type	<u>HANDGUN</u>	Location	<u>VSO EVIDENCE</u>
Quantity	<u>1</u>	Type	<u>MAGAZINE</u>	Location	<u>VSO EVIDENCE</u>
Quantity	<u>1</u>	Type	<u>AMMUNTION</u>	Location	<u>VSO EVIDENCE</u>
Quantity		Type		Location	
Quantity		Type		Location	
Quantity		Type		Location	


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: 05/30/2025 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 30TH day of May, 2025, by KYLE WELLS
Affiant's name


 Signature of Attesting LEO Witness


 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 VP250011229

_____,
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 AVENUE, DELAND, FL 32720

SECTION II. RESPONDENT

1. Respondent's full legal name: _____
2. Respondent's current address: *{street address, city, state, and zip code}*:
_____ DELAND, FL 32720
3. Physical description of Respondent:
Race: WHITE Sex: Male ☒ Female ☐ Date of Birth: _____
Height: _____ Weight: _____ _____
4. Distinguishing marks or scars: NONE
5. Vehicle *{make/model}*: NONE Color: N/A Tag Number: N/A
6. Other names Respondent goes by *{aliases or nicknames}*: NONE
7. Respondent's email address *{if known}*: UNK
8. Respondent's Driver's License number *{if known}*: _____
9. Respondent's attorney's name, address, and telephone number *{if known}*: UNK

SECTION III. BASIS FOR PETITION

VSO Case Number
VP250011229

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

VSO Case Number VP250011229

X 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.

 Petitioner will take the following steps to provide notice as required by s. 790.401(2)(f), Fla.Stat.

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.

Respectfully submitted this 30TH day of MAY, 2025.

 9764

Signature of Petitioner

VOLUSIA SHERIFF'S OFFICE

Law Enforcement Agency

123 WEST INDIAN AVENUE, DELAND, FL

32720

Service Address