

**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 250014936

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* Deputy Keana Ricafort, 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 7/11/2025 Deputies James, and Ricafort responded to 254 Industrial Park Avenue, New Smyrna Beach in reference to a rolling disturbance with a firearm. The reporting party _____ (V1), stated a male driver, later identified as _____ (R1), was involved in a road rage incident. _____ informed law enforcement during the incident _____ had pointed what he believed to be a firearm in his direction while following him, eventually coming to a stop at the local police station.
--

4 Additional pages are attached.

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

See attached witness statement.

2 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 1 OF 3

BWC RECORDING

MARSYS LAW INVOKED

On 7/11/2025 at approximately 1804 hours, deputies were dispatched to [REDACTED] New Smyrna Beach in reference to a road rage incident involving a firearm. While enroute, central dispatch advised the reporting party, later identified as [REDACTED] (V1), was enroute to the New Smyrna Beach Police Department located at 246 Industrial Park Avenue, New Smyrna Beach. Reports indicated [REDACTED] had a firearm in the glove compartment of his vehicle and believed the other party involved also was in possession of one.

Upon arrival, deputies observed a white Nissan Altima [REDACTED] stopped at the intersection of Industrial Park Avenue and Turnbull Bay Street, occupied by a white male identified by his FL driver's license as [REDACTED] (D1). Deputies approached the vehicle from the west on Industrial Park Avenue, and [REDACTED] began to drive away from deputies towards the east. In an effort to stop the vehicle from traveling further, deputies and New Smyrna Beach police officers positioned their vehicles to obstruct [REDACTED]'s exit. Deputies and officers exited their vehicles, instructing [REDACTED] to keep his hands raised and out of the vehicle. During this time, [REDACTED] disobeyed law enforcement's commands and reached down in the center of his vehicle multiple times, where his hands were not visible. At this time, law enforcement began to approach the vehicle with their weapons displayed and drawn, giving commands to exit the vehicle. Once safe to do so, law enforcement placed [REDACTED] in handcuffs.

While detained, Deputy James explained to [REDACTED] he was not under arrest and only detained while allegations of a road rage incident involving a firearm was investigated. [REDACTED] spontaneously uttered to Deputy James that a road rage incident had taken place between the two parties, and he did have a firearm in the vehicle. Deputies retrieved the firearm from the front passenger seat of the vehicle. It should be noted that [REDACTED] attempted to conceal the firearm under a pile of clothes in the front passenger seat.

Deputy Ricafort later made contact with [REDACTED] in front of the New Smyrna Beach Police Station, who advised the following: At approximately 1800 hours, [REDACTED] turned off of SR 44 onto Turnbull Bay Road and approached a white Nissan Altima being driven by [REDACTED] from the rear, driving at approximately 20 mph. When safe to do so, [REDACTED] maneuvered his vehicle around [REDACTED] passing the vehicle. During this time, [REDACTED] states [REDACTED] approached him from the rear and aggressively attempted to run his vehicle off the road.

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 2 OF 3

_____ then accelerated at a high rate of speed, passing _____ and slamming abruptly on his brakes, which in turn activated _____'s emergency brakes. _____ then pulled over into a turning lane located in Venetian Bay, New Smyrna Beach, opened his door, and gestured for _____ to pull over. _____ advised _____ then closed his door and accelerated, catching up to _____ and waving for him to pull over with a dark object in his right hand, believing it to be a firearm, through his front windshield. In fear for his life, _____ contacted law enforcement, who instructed him to pull into the New Smyrna Beach Police Department. _____ then kept driving, passing _____ and coming to a stop at the intersection of Industrial Park Avenue and Turnbull Bay Street. After observing multiple officers, _____ began driving away from the intersection. _____ completed a sworn written statement and invoked Marsy's Law. _____ advised that he wished to pursue charges.

While on scene, Deputy James collected a black Taurus PT709 9MM bearing serial number TCR68893, along with eight 9MM live rounds of ammunition and one magazine. Deputy James submitted the firearm, magazine, and ammunition to the District 3 South evidence locker.

_____ was transported to the District 3 South office where Deputy James performed Field Sobriety Exercises as _____ had the odor of alcohol emanating from his breath, slurred speech and watery eyes. Once back at the district office, Deputy James assisted Deputy Ricafort with a DUI investigation. _____ was read his Miranda rights which he said he understood. _____ was informed the reason for the DUI investigation was the fact his eyes were bloodshot and glassy and he smelled heavily of an alcoholic beverage. _____ said his eyes were red only because he was tired and his contact lenses were aggravating him. _____ was asked how much has he had to drink and he said he only had one beer. Deputy James _____ if he would participate in several field sobriety exercises and he agreed.

_____ was given the instructions for the horizontal gaze nystagmus exercise which he said he understood and had no questions. During the exercise _____ moved his head to track the stimulus and needed to be reminded to keep his head still. Once the exercise began again _____ displayed lack of smooth pursuit and nystagmus at max deviation in both eyes.

_____ was then given the instructions and a demonstration for the one leg stand exercise which he said he understood and had no questions. During the exercise, _____ used his arms for balance and needed to put his foot down several times at approximately the count of 10 to avoid falling over.

AFFIDAVIT CONTINUATIONFROM SECTION 1PAGE 3 OF 3

_____ then was given the instructions for the finger to nose exercise which he said he understood and had no questions. Once the exercise began, _____ would touch his nose and hold it there for several seconds instead of immediately bringing it back down.

After the field sobriety exercises, Deputy James challenged the fact _____ said he only had one beer to drink; however, he maintained that is all he had. _____ was asked if he would provide a breath sample to determine how much he had to drink and he said no. Deputy James read implied consent to _____ and he changed his answer and said he would provide a breath sample. When _____ was about to be transported to another police department to collect his breath sample, he then said he did not want to give one. Deputy James read implied consent again to include what would happen given he has a CDL license. _____ was asked again whether he would provide a breath sample and he again said no.

Based on the statements made, the evidence present, and the totality of the investigation, Deputy Ricafort determined probable cause existed to believe that _____ intentionally and unlawfully threatened, either by word or act, to do violence to _____. At the time, _____ appeared to have the ability to carry out the threat. The act of _____ created in the mind of _____ a well-founded fear that the violence was about to take place.

Based on the statements made, the evidence present, and the totality of the investigation, Deputy Ricafort determined probable cause existed to believe that _____ willfully, maliciously, and repeatedly followed _____ and _____ made a credible threat to _____.

Based on the statements made, the evidence present, and the totality of the investigation, Deputy Ricafort determined probable cause existed to believe that _____ resisted law enforcement. At the time, law enforcement was engaged in the lawful execution of a legal duty. At the time, law enforcement was an officer. At the time, _____ knew law enforcement was an officer.

Based on the totality of the circumstances, Deputy Ricafort determined that _____ was operating a vehicle within the State of Florida while under the influence of alcohol or chemical or controlled substances to the extent that his normal faculties were impaired.

_____’s wife, who is also a registered owner of the Nissan Altima arrived on scene and removed the vehicle. All obtained digital images were uploaded to VSO axon.com. Deputy Ricafort completed and submitted a Risk Protection Order in reference to _____ firearms.

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 _____	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: 07/11/2025

Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 11 day of July, 2025, by D/S K. Ricafort
Affiant's name


Signature of Attesting LEO Witness

D/S R. James
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 25-14936

_____,
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: 5'08" Weight: 200 lbs. Eye Color: Green Hair Color: Grey
4. Distinguishing marks or scars: _____
5. Vehicle *{make/model}*: Nissan/Altima Color: White 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}*: _____
9. Respondent's attorney's name, address, and telephone number *{if known}*: _____

SECTION III. BASIS FOR PETITION

VSO Case Number 25-14936

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 25-14936

____ 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.

Respectfully submitted this 11 day of July, 2025.

A handwritten signature in black ink, appearing to be "D/S" followed by a stylized flourish.

Signature of Petitioner

Volusia Sheriff's Office

Law Enforcement Agency

123 West Indiana Ave, Deland FL 32720

Service Address