

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 VP250004829

_____,
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 Sheriffs Office
2. Petitioner's law enforcement office/agency is located at *{street address, city, state, and zip code}*:
1691 Providence Blvd Deltona, Florida 32725

SECTION II. RESPONDENT

1. Respondent's full legal name: _____
2. Respondent's current address: *{street address, city, state, and zip code}*:
_____ Deltona, Florida 32738
3. Physical description of Respondent:
Race: White Sex: Male ☒ Female ☐ Date of Birth: _____
Height: 511 Weight: 170 Eye Color: Brown Hair Color: Brown
4. Distinguishing marks or scars: none
5. Vehicle *{make/model}*: n/a 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}*: _____
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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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 SHERIFFS 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 SHERIFFS 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 11 day of MARCH, 2025.

X Avery Emanuel 9754

Signature of Petitioner

Volusia Sheriff Office

Law Enforcement Agency

123 W. Indiana Ave., Deland, FL 32720

Service Address

**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} _____

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AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} _____ Deputy Emanuel _____, in my position as {job title} _____ Deputy Sheriff _____ with the {name of law enforcement officer/agency} _____ Volusia Sheriff 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

_____ Additional pages are attached.

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

see continuation

_____ Additional pages are attached.

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST {Name of Respondent} [REDACTED]

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AFFIDAVIT CONTINUATION

FROM SECTION 1

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BWC RECORDING

MARSYS LAW INVOKED

On 03/11/2025, Deputy Emanuel responded to [REDACTED] Deltona, Florida in reference to a domestic violence situation possibly involving a firearm. While enroute, dispatch informed Deputies the male and female that were involved in the domestic altercation were leaving the scene in a [REDACTED] SUV. Deputies arrived on scene and observed the [REDACTED] driving on Montero Circle approaching Prescott Blvd. Deputies activated their emergency lights and sirens and conducted a felony stop on the vehicle due to the possibility of a firearm being involved.

The driver of the vehicle identified as [REDACTED] (D1), immediately jumped out of the vehicle with his hands in the air and informed deputies he was not armed and was immediately ordered to the ground and secured. The second occupant of the vehicle identified as [REDACTED] (V1), was also removed from the car and secured into handcuffs. [REDACTED] informed Deputies he had two firearms underneath the driver seat of his vehicle. Deputy Emanuel located two loaded firearms underneath the driver seat readily accessible to [REDACTED]. Deputy Emanuel was familiar with [REDACTED] from prior engagements and knew his license to be suspended. A query through FCIC revealed [REDACTED] did in fact have a revoked license.

Deputy Craddock spoke with the reporting party [REDACTED] (W1) a local tree worker who stated the following in a sworn written statement:

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST {Name of Respondent} _____

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AFFIDAVIT CONTINUATION

FROM SECTION 2

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On 03/11/2025, he was trimming trees across the street and heard a disturbance coming from across the street and observed a male () striking a female () inside of a (). () felt the physical altercation surpassed normal limits and felt the need to intervene to stop him from touching the female against her will. ()'s response to () telling him to stop hitting her was advising him to "get off his property or I'll blast you". At which point, () walked back into his home and obtained a firearm. () walked out the front door of his home and concealed the firearm in the front sweater pocket. () observed this behavior and could make out an imprint of a firearm. () then removed the firearm from the front pocket of his sweater and brandished his weapon. At this time, () placed his hand on his firearm and stated to () if he continues to advance towards him, he will pull his firearm out as well. () accepted this challenge as credible and got into his vehicle and drove away in the (). As he was driving away () was heard screaming at () "I'm going to blow ()'s head off". () stated he would like to press charges and invoked Marys's law.

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>VSO</u>
Quantity	<u>1</u>	Type	<u>handgun</u>	Location	<u>VSO</u>
Quantity	<u>10</u>	Type	<u>.22 ammo</u>	Location	<u>VSO</u>
Quantity	<u>16</u>	Type	<u>9MM ammo</u>	Location	<u>VSO</u>
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: 03/11/2025 Signature of Affiant: Avery Emanuel 9754

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 11 day of March, 2025, by A. EMANUEL
Affiant's name

DEPUTY CRADDOCK
Signature of Attesting LEO Witness

S Craddock
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)