

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

VSO Case Number
VP250005930

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* DEPUTY BRANDON BIVONE, 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 CONTINUATION PAGE

2 Additional pages are attached.

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

SEE CONTINUATION PAGE

2 Additional pages are attached.

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>RUGAR .22</u> | Location | <u>EVIDENCE</u> |
| 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: 3/25/25 Signature of Affiant:  8552

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 25 day of March, 2025, by D/S Bivone 8552
Affiant's name

 8525
Signature of Attesting LEO Witness

A. Gron. to 8525
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)

AFFIDAVIT CONTINUATION

FROM SECTION 1 & 2
PAGE 1 OF 2

On the above date, Deputy Bivone responded to ██████████, Pierson, in reference to Volusia County Fire Services engine #44 requesting law enforcement emergency for a subject, ██████████ (V1), bearing a gunshot wound (GSW). Upon arrival, ██████████ (V1) was already placed in the back of Volusia County Medical Ambulance #44 while being treated for his injuries (upper chest GSW).

Air-One was requested and responded to Blackburn Rd/ Emporia Rd, Pierson, for a landing zone.

██████████ (V1) was relocated by ambulance to the area and later turned over to Air-One for transport to 704 (Halifax, Daytona Beach) at approximately 2203 hours.

Deputy Bivone contacted the brother of ██████████ (V1), ██████████ Ortega (O1), who provided the following information:

According to ██████████ ██████████ (V1) ex-girlfriend ██████████ (O2), notified the family that ██████████ (V1) was having some form of medical episode (complaint of shoulder pain); however, was not making much sense and was just continuously yelling. Therefore, ██████████ drove to ██████████ (V1) residence to check on him, but emergency services were already on-scene. ██████████ was unaware of any suicidal statements recently to include anything in the past.

Deputies cleared the residence and observed numerous areas to include the rear bedroom, bathroom, and kitchen to bear blood. The blood was first observed in droplet form within the kitchen area along with smear marks alongside the wall. Infinitesimal blood pooling was observed in the bathroom area with additional smearing. Colossal blood pooling/ coagulation (blood transforming from a liquid to gel-like substance to form a clot).

A Ruger .22 caliber rifle was located on the bed within proximity to the pooled blood.

A letter within the same bedroom where the firearm and large pool of blood was also located describing ██████████ (V1) struggling with an addiction to alcohol consumption and not wanting to be a part of the world any longer.

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 VP250005930 |
|--------------------------------|

_____,
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 W INDIANA AV, DELAND, FL 32720

SECTION II. RESPONDENT

1. Respondent's full legal name: _____
2. Respondent's current address: *{street address, city, state, and zip code}*:
_____ PIERSON, FL, 32180
3. Physical description of Respondent:
Race: HISPANIC Sex: Male Female Date of Birth: _____
Height: 506 Weight: _____ Eye Color: BROWN Hair Color: BROWN
4. Distinguishing marks or scars: _____
5. Vehicle *{make/model}*: NISSAN TRUCK 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
VP250005930

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

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:

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.

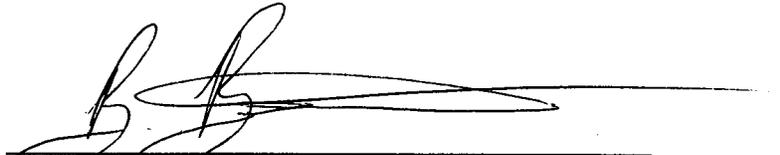
A **RISK PROTECTION ORDER** in this matter requiring Respondent to:

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.

VSO Case Number
VP250005930

Respectfully submitted this 25 day of MARCH, 2025.



Signature of Petitioner

VOLUSIA SHERIFF'S OFFICE

Law Enforcement Agency

123 W Indiana Av 4th Floor

Deland, FL 32720

Service Address