

**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 250009063

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* DEPUTY THOMAS CONROY, 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:

SEE ADDITIONAL PAGE

2 Additional pages are attached.

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

"THEN SUDDENLY THE MALE SHOOT A ROUND INTO THE GROUND THEN I WENT INSIDE, I WAS ABLE TO SEE SOME STRUGGLING OVER THE WINDOWS. AFTER A WHILE THE MALE CAME OUTSIDE GOT ON HIS VEHICLE AND DROVE AWAY"

0 Additional pages are attached.

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

VSO Case Number
250009063

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 1 OF 2

On 05/03/2025 at approximately 2224 hours, Deputy Conroy arrived at _____ DeLand in reference to a domestic disturbance. Upon arrival, Deputy Conroy made contact with _____ (V1) who advised her husband _____ (D1) pushed out of the doorway when she tried to enter their home and discharged a firearm into the walkway during the struggle. It should be noted, that _____ and _____ have children in common and have been married and living together for over 10 years.

_____ advised that she and _____ had been going through problems with infidelity and were in the process of getting a divorce. _____ advised she had come home from being out with friends and was met at the front door by _____. _____ stated she and _____ got into a verbal argument that turned physical when he pushed her to prevent her from coming into the home that they both share. _____ stated she initially did not know that _____ was holding a gun but became aware when _____ discharged the firearm into the walkway where she was standing. _____ stated she was in fear when she saw the firearms and heard it discharge. _____ described the firearm as a greenish semiautomatic pistol. _____ stated _____ unloaded the firearm and drove away from residence with the firearm still in his possession. _____ suspected he may be heading to Apopka to meet his girlfriend. _____ completed all relevant domestic violence paperwork and was provided with a victim's rights pamphlet with a corresponding case number. _____ completed a sworn written statement which corroborated her verbal statement. _____ later advised she did not wish to pursue charges on _____.

Deputy Conroy took photos of _____ and observed no obvious injuries.

Deputy Conroy observed a small crater outside the front door with lead spalling in the center. Deputies later discovered a spent 9mm casing with a Winchester headstamp. The casing was collected in a clear plastic evidence bag and photos were taken of the bullet indent in the walkway.

_____ advised that her children Cesar _____ (O1) and _____ (O2) were sleeping upstairs and were not involved.

AFFIDAVIT CONTINUATIONFROM SECTION 1PAGE 2 OF 2

While on scene [REDACTED] called a family member, asking to speak to the Deputies. Deputy Conroy spoke with [REDACTED] and arranged for him to meet the Deputies at the Circle K gas station located at 130 Grand Av, DeLand. Deputies secured [REDACTED] in handcuffs. Deputy Conroy read [REDACTED] his rights from his agency-issued Miranda warning card, which [REDACTED] stated he understood. [REDACTED] stated he was worried that the person who dropped [REDACTED] off at the house would try and barge in because [REDACTED] is "spiteful". [REDACTED] stated he did not see anyone else standing with her in the doorway but knew someone was in the car that dropped her off. [REDACTED] stated he and [REDACTED] pushed back and forth in the doorway when the gun suddenly went off. [REDACTED] stated that he was shocked by what had happened and unloaded the firearm. [REDACTED] stated he left the residence because he needed to get separated and calm down. [REDACTED] was unable provide a reasonable justification for being in possession of the firearm while arguing with his wife at the front door.

[REDACTED] gave consent to enter his vehicle and secure the 9mm flat dark earth FN 509 tactical (GKS0348078). Deputy Conroy found the handgun on the passenger side floorboard with the slide closed and the magazine ejected from the gun. Deputy Conroy observed there were 16 rounds in the magazine which had the same Winchester head stamping.

Based on Deputy Conroy's investigation, he determined probable cause existed to charge [REDACTED] with DV aggravated assault with a deadly weapon and DV battery.

Deputy Conroy conducted a criminal history check on [REDACTED] which revealed no prior charges or convictions.

All photos of evidentiary value were later uploaded to Axon Capture for evidence.
All items of evidentiary value were later submitted to a District 2 evidence locker as evidence.
Due to the involvement of a firearm, an RPO was later completed.
Due to children being present in the home, Director Quan was made aware, and a copy of this report was sent to DCF.

[REDACTED] was transported to the VCBJ.

CASE STATUS:ARREST ADULT

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>VEHICLE</u>
Quantity	<u>1</u>	Type	<u>MAGAZINE</u>	Location	<u>VEHICLE</u>
Quantity	<u>16</u>	Type	<u>9MM AMMO</u>	Location	<u>VEHICLE</u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>


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: 05/03/2025

Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 3 day of May, 2025, by D/S MERHIB
Affiant's name

 9825
Signature of Attesting LEO Witness

M. Merhib
Print name of Attesting LEO Witness

OR

Signature of Notary Public

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known or Produce 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
VP250009063

_____,
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: DEPUTY THOMAS CONROY
2. Petitioner's law enforcement office/agency is located at {street address, city, state, and zip code}:
123 W INDIANA AV, DELAND, 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: H Sex: Male ☒ Female ☐ Date of Birth: _____
Height: _____ Weight: _____ Eye Color: _____ Hair Color: _____
4. Distinguishing marks or scars: _____
5. Vehicle {make/model}: FORD/EXPLORER 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}: O-220-012-90-134-0
9. Respondent's attorney's name, address, and telephone number {if known}: _____

SECTION III. BASIS FOR PETITION

VSO Case Number
VP250009063

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 VP250009063

____ 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, AND OR CERTIFIED 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 3 day of MAY, 2025.

 9587

Signature of Petitioner

VOLUSIA SHERIFF'S OFFICE

Law Enforcement Agency

123 W INDIANA AVE, DELAND, FL, 32720

Service Address