

**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
VP250016884

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} _____ Brittney Battista, 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:

BWC RECORDING

MARSYS LAW INVOKED

On 08/16/2025 at approximately 1157 hours, Deputy Metz responded to _____ Deltona, Florida, in reference to a report of a Domestic Disturbance. VSO Dispatch advised the reporting party, later identified as _____ (V1), stated she left her residence to go to the Dollar General located at 800 Fort Smith Blvd, Dlt

_____ 3 Additional pages are attached.

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

_____ 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

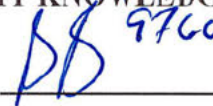
4. The quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody or control are as follows:

Quantity	<u>1</u>	Type	<u>AR</u>	Location	_____
Quantity	<u>1</u>	Type	<u>UNKNOWN</u>	Location	_____
Quantity	<u>1</u>	Type	<u>UNKNOWN</u>	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: 08/16/2025

Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this 16 day of August, 2025, by Brittney Battista
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)

AFFIDAVIT CONTINUATION

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Dlt for contact with law enforcement.

Upon arrival, Deputy Metz made contact with [REDACTED] [REDACTED] who advised the following:

Early in the morning, [REDACTED] woke up to her dog crying and the father of her child, [REDACTED] [REDACTED] (S1) being very frustrated and moving things around the house. [REDACTED] stated [REDACTED] gets angry at random times and so she tried to get her belongings together. [REDACTED] Left the residence and then returned home after a short while. [REDACTED] stated when [REDACTED] returned, he was still angry, and [REDACTED] could not find her car keys. [REDACTED] advised that [REDACTED] often moves her things around when he is angry with her and so she began to ask him for her car keys. [REDACTED] stated a verbal argument occurred and [REDACTED] again went to leave the house. [REDACTED] entered his vehicle, and [REDACTED] approached him for her car keys. [REDACTED] stated [REDACTED] began yelling back at her aggressively and started to pull out of the driveway. [REDACTED] jumped onto the front bumper of the vehicle trying to get her car keys from [REDACTED] [REDACTED] stated the vehicle began to move and finally stopped after a short distance down the roadway. [REDACTED] got out of the car and began yelling at [REDACTED] as [REDACTED] began to video the incident. [REDACTED] became angrier with [REDACTED] as she was videoing and continued to yell at her. [REDACTED] then slapped the phone out of her hands, causing the phone to hit her in the face, resulting in a small cut to the inside of her lip. [REDACTED] then threatened to call the police, however she contacted [REDACTED] mother instead. [REDACTED] drove back home and went inside. [REDACTED] stated she walked back home to gather her things and leave. As [REDACTED] began to gather belongings for her and her son, [REDACTED] [REDACTED] (O1), she observed [REDACTED] standing near the kitchen table holding a black "AR" style rifle. [REDACTED] stated she heard a gun rack and advised [REDACTED] made a statement about "Not wanting to go down without a fight" and he would shoot her if she called 911. [REDACTED] stated she was in fear for her life/safety and her sons, so she left the residence with her son and contacted 911. [REDACTED] declined to do a written statement but verbally swore to her statement. [REDACTED] invoked Marsys Law. [REDACTED] was provided a Victim's Rights Brochure with the case number on it. [REDACTED] declined medical attention on scene.

Deputy Metz observed a small injury to the inside of [REDACTED] lip, to which a Digital Image was taken and uploaded to VSO Axon.com as evidence.

AFFIDAVIT CONTINUATIONFROM SECTION 1PAGE 3 OF 4

Deputy Metz went to the residence, _____, Deltona to attempt to make contact with _____. Deputies were preparing to contact _____ via phone, however after a few minutes went by, _____ exited the residence and he was taken into custody without incident.

Deputy Metz read _____ his Warning of Constitutional Rights from a VSO agency issued card to which _____ stated he wished to speak with Law Enforcement.

_____ advised the following:

_____ woke up to _____ packing belongings and they engaged in a verbal argument. _____ stated he was being yelled at, and both parties made several rude statements towards each other, however _____ could not recall specifically what was said. _____ advised he left the residence in an attempt to separate at which time _____ jumped on the front bumper of his truck. _____ stated once she got off he left the residence and returned a short time later. _____ advised once back inside the residence the verbal argument continued between he and _____. _____ further advised _____ said she was calling the cops then left the residence. Deputies asked _____ if at any point the argument became physical to which he advised it did not. Deputies asked if at any point he knocked the phone out of _____ hand to which he advised he did when she put the phone in his face but further explained she also knocked his phone from his hands. Deputies asked _____ if at any point he armed himself with a firearm to which _____ advised he observed his AR15 rifle on the table so he picked it up and cycled the action to see if the firearm was loaded then placed the firearm in his bedroom. _____ stated he then began to search the house for his pets as _____ had left several doors open. _____ stated he found his two dogs, but only found one cat, and began to go outside with cat food to find his cats. _____ stated as he exited the home to continue looking for a missing car at which time Law Enforcement began yelling commands to him, in which he complied. _____ stated nothing physical occurred between him and her and that he never stated any threats while in possession of the firearm.

In the initial interview, _____ stated nothing about a firearm. _____ then stated the firearms are kept in a safe but then added that he keeps a firearm in a bag that he takes to work so he believed _____ may have been trying to take his firearm with her when she left which is why he grabbed it. _____ then added that he did rack the gun because he was practicing gun safety and wanted to clear the round in the chamber before moving the firearm into his bedroom.

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AFFIDAVIT CONTINUATION

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It should be noted that [REDACTED] advised she did not wish to press charges, however she also advised she was in fear of possible retaliation. [REDACTED] further advised that she did not know what would happen in the future as she is a stay-at-home mom and [REDACTED] is the sole provider for her and their child [REDACTED]. [REDACTED] also provided pictures of text messages where [REDACTED] stated, "One day I'll make you famous", alluding to revealing information on [REDACTED] then responded stating "And one day you will be dead" and the next message stated, "and the world will be happy".

Deputy Battista Contacted VSO Juvenile Services Director Carla Quann and apprised her of the incident. A copy of this report was also sent to DCF for further review.

Due to the threats made with a firearm, Deputy Battista completed a Risk Protection Order for [REDACTED]. Deputy Metz asked [REDACTED] if he would be willing to voluntarily surrender his firearms to law enforcement, however he declined.

Deputy Metz conducted a criminal history check of [REDACTED] which revealed no prior convictions for battery.

Deputy Metz determined based on statements made, evidence available, and the totality of the circumstances that [REDACTED] touched or struck [REDACTED] against her will and also threatened [REDACTED] with a firearm without intent to kill, causing fear in [REDACTED]. [REDACTED] was subsequently transported to the Volusia County Branch Jail.

Case Status: Adult/Arrest.

1. Respondent's full legal name: [REDACTED] A [REDACTED]
2. Respondent's current address: {street address, city, state, and zip code}:
[REDACTED] DELTONA, FL 32725
3. Physical description of Respondent:
Race: H Sex: Male ☒ Female ☐ Date of Birth: [REDACTED]
Height: 5'09 Weight: 140 Eye Color: BROWN Hair Color: BROWN
4. Distinguishing marks or scars: _____
5. Vehicle {make/model}: [REDACTED] Color: [REDACTED] Tag Number: [REDACTED]
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}: [REDACTED]
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:

 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}*;

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.

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Respectfully submitted this 16 day of AUGUST, 2025.

 97cs

Signature of Petitioner

VOLUSIA SHERIFF'S OFFICE
Law Enforcement Agency

123 W. INDIANA AV, DELAND, FL

Service Address