

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

VOLUSIA SHERIFF'S OFFICE,
Petitioner

v.

Case No.: _____

Division: PATROL

VSO Case Number VP250017142

_____,
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 32724

SECTION II. RESPONDENT

1. Respondent's full legal name: _____
2. Respondent's current address: *{street address, city, state, and zip code}*:
_____ DELAND, FL, 32720
3. Physical description of Respondent:
Race: WHITE Sex: Male ☒ Female ☐ Date of Birth: _____
Height: 5'06 Weight: 180 Eye Color: BLUE Hair Color: GRAY
4. Distinguishing marks or scars: _____
5. Vehicle *{make/model}*: _____ 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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☒ 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.

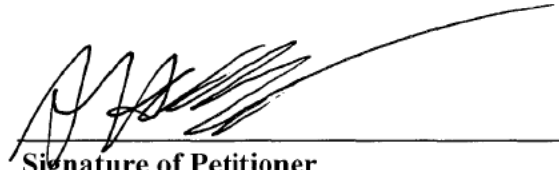
☒ A **RISK PROTECTION ORDER** in this matter requiring Respondent to:

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 20th day of AUGUST, 2025.



Signature of Petitioner

VOLUSIA SHERIFF'S OFFICE

Law Enforcement Agency

123 W. INDIANA AV, DELAND, FL

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} AIDAN HUGHES, 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

MARSY'S LAW INVOKED

On 08/20/2025, at approximately 0746 hours, Deputy Hughes responded to the Racetrac gas station, located at 2007 Saxon Blvd, Deltona, in reference to an assault that occurred on the westbound off-ramp of I-4.

4 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>SHOTGUN</u>	Location	<u>[REDACTED]</u>
Quantity	<u>1</u>	Type	<u>PISTOL</u>	Location	<u>[REDACTED]</u>
Quantity	<u>1</u>	Type	<u>REVOLVER</u>	Location	<u>VSO EVIDENCE/CASE EVI</u>
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: 08/20/2025

Signature of Affiant: [Signature]

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 20th day of August, 2025, by A. Hughes

Affiant's name

[Signature]
Signature of Attesting LEO Witness

B. Battista

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
PAGE 2 OF 5

Prior to arrival, Deputy Hughes reviewed the call notes, which advised a white male had pointed a silver handgun at the reporting party, later identified as [REDACTED] (V1). Call notes advised the white male was driving a [REDACTED].

The tag provided by [REDACTED] gave a return of no record found when ran through NCIC/FCIC. Deputies queried multiple Law Enforcement databases and located a [REDACTED] [REDACTED] which matched the description and was in the area at the time of the incident.

Upon arrival, Deputy Hughes spoke with [REDACTED] who advised that he was traveling westbound on I-4 and was followed by a [REDACTED], which was driving aggressively behind him and following him very closely. [REDACTED] described the driver as an older, white, male, with grey hair, and a light in color t-shirt. [REDACTED] frustrated with how the driver behind him was acting, raised his middle finger at the other driver. [REDACTED] then observed the male, later identified as [REDACTED] (D1), begin reaching into the center console of his vehicle. [REDACTED] then passed [REDACTED] on the right and pointed a silver handgun at him as he passed. [REDACTED] further explained he was able to see [REDACTED] and the firearm very clear due to [REDACTED]'s window being down. [REDACTED] in fear he was going to get shot, slammed on his brakes, coming to a near stop on the Saxon off-ramp. Kleible called Law Enforcement and stopped at the first gas station he saw. [REDACTED] was asked to describe the handgun, but he advised that he is not a gun person, and the incident happened so quickly, so all he knew was that it was a silver handgun. Kleible further advised [REDACTED] was the only occupant of the vehicle that he observed at the time of the incident.

[REDACTED] completed a sworn written statement detailing the incident and indicating he would like to pursue criminal charges. [REDACTED] also completed a Marsy's Law form, invoking his right to privacy.

AFFIDAVIT CONTINUATIONFROM SECTION 1PAGE 3 OF 5

While Deputy Fernandez was bolo'ing the area of Saxon and Finland, he observed a [REDACTED] traveling westbound on Saxon Blvd, confirming that it was the suspect vehicle. Deputy Fernandez conducted a Felony stop on the vehicle and detained the operator, [REDACTED], and passenger [REDACTED] (O1). While [REDACTED] was being detained, [REDACTED] spontaneously uttered that he did not have a firearm. Deputy Fernandez stated to [REDACTED] that he did not say anything about a firearm, to which [REDACTED] replied stating that the operator of the mini SUV said that [REDACTED] had a firearm. Deputy Thomas arrived on the scene of the traffic stop and made contact with [REDACTED] and placed [REDACTED] inside Deputy Thomas's patrol vehicle. Deputy Thomas and Deputy Fernandez then removed [REDACTED] who is also the son of [REDACTED] from the vehicle.

Upon deputies securing the scene, Deputy Thomas read [REDACTED] his Miranda Warnings from an agency issued Miranda Warnings Card, to which [REDACTED] advised he understood his rights and that he wished to speak with deputies.

[REDACTED] stated that he left his residence in Deland and began traveling westbound on Interstate 4 towards Deltona. While westbound on Interstate 4 in the far right inside lane, a silver/gold mini SUV cut in front of his vehicle, causing him to slam on his brakes to prevent him from striking the min SUV. [REDACTED] stated that the operator of the mini SUV began to brake check him. [REDACTED] explained that while behind the mini SUV, he stuck out his right hand in front of him and "flipped off" the mini SUV and yelled, "Fuck you, asshole." [REDACTED] further explained that he passed the mini SUV on the passenger side and drove passed where the mini SUV began to follow him as he proceeded to the Saxon Blvd off ramp. [REDACTED] stated the mini SUV ultimately made a U-turn and stopped following him.

Deputy Thomas asked [REDACTED] if he owned any firearms, to which he stated that he owns a shotgun and a black PSA Dagger and both the firearms are located at his residence in Deland. [REDACTED] advised that he does not like to carry firearms and that during the incident, he was not in possession of a firearm.

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 4 OF 5

Deputy Hughes then conducted a show-up with _____ entered the back of Deputy Hughes' patrol vehicle, at which point Deputy Hughes read the instructions for the show-up to _____. Upon _____ seeing _____ he immediately stated, "That's him, that's the guy who pointed the gun at me." _____ then completed the Show-up form, which was later submitted to the District 4 records bin.

Deputies then spoke with _____ informed deputies, his father (_____ came to his residence, _____ Deltona to pick him up for a doctors appointment. Once _____ was inside, _____ brought his silver revolver inside and left it on _____s desk. _____ advised that this is unusual behavior for _____ since he has never left one of his firearms at _____s house in the past. _____ stated he would be willing to let deputies come to his house located at _____ Deltona, to collect the firearm.

Deputy Prado then gave _____ a courtesy ride to the aforementioned address and had _____ complete a voluntary consent to search form. Deputy Prado then entered the residence and collected the silver Smith and Wesson revolver handgun bearing Serial# CZR72196422 as evidence, which was sitting on _____s desk.

Deputy Prado ran the firearm through FCIC/NCIC, which gave a return of no record found.

After deputies collected a Smith and Wesson revolver handgun from _____ Deputy Thomas contacted _____ and advised _____ that Deputy Thomas had more questions for _____. Deputy Thomas asked _____ who owned the Smith and Wesson Revolver to which _____ stated, "I own it," and then uttered, "I fibbed". _____ continued to explain that he lied about having a firearm initially because he did not want to be stopped by law enforcement with a firearm after the incident took place. Deputy Thomas asked _____ where he kept the firearm inside the vehicle, to which _____ explained that it is usually kept inside the center console. Deputy Thomas asked _____ how the firearm got from inside his vehicle to _____. _____ explained that he dropped the gun off at the residence when he picked up _____.

Deputy Hughes requested a criminal history check on _____ which revealed he had no prior criminal history.

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST {Name of Respondent} _____

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AFFIDAVIT CONTINUATION

FROM SECTION 1

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Deputy Thomas noted that [REDACTED] was deceptive regarding the facts of the incident. [REDACTED] did utter to Deputy Fernandez that the operator of the mini SUV stated that [REDACTED] had a gun, before deputies even mentioned anything about a gun. [REDACTED] then admitted to Deputy Thomas that at no point in the incident did he speak with the operator of the mini SUV and that [REDACTED] initially lied about the facet of the incident.

Deputy Hughes determined, based on statements made by all parties and evidence gathered, that probable cause existed to arrest [REDACTED] for aggravated assault. Deputy Hughes determined due to [REDACTED] discarding the firearm that he utilized in the commission of a crime [REDACTED] was additionally charged with destruction of evidence.