

IN THE CIRCUIT COURT OF THE Seventh JUDICIAL CIRCUIT,
IN AND FOR Volusia COUNTY, FLORIDA

VOLUSIA SHERIFF'S OFFICE,
Petitioner

Case No.: 250017703

v.

Division: Deltona

VSO Case Number 25-17703

[REDACTED],
Respondent

**PETITION FOR TEMPORARY EX PARTE RISK PROTECTION ORDER
AND RISK PROTECTION ORDER**

SECTION I. PETITIONER

- Petitioner's full legal name or name of petitioning agency: Deputy Nelson
- Petitioner's law enforcement office/agency is located at *{street address, city, state, and zip code}*:
124 W. Indiana Ave Deland Florida 32720

SECTION II. RESPONDENT

- Respondent's full legal name: [REDACTED]
- Respondent's current address: *{street address, city, state, and zip code}*:
[REDACTED] Deltona Florida 32725
- Physical description of Respondent:
Race: Black Sex: Male ☒ Female ☐ Date of Birth: Florida
Height: 5'09 Weight: 160 Eye Color: Brown Hair Color: Brown
- Distinguishing marks or scars: N/A
- Vehicle *{make/model}*: [REDACTED] Color: [REDACTED] Tag Number: [REDACTED]
- Other names Respondent goes by *{aliases or nicknames}*: N/A
- Respondent's email address *{if known}*: N/A
- Respondent's Driver's License number *{if known}*: F435741670040
- Respondent's attorney's name, address, and telephone number *{if known}*: N/A

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:

 X was involved in a recent act or threat of violence against himself/herself or others;

 X 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.;

 X has used, or threatened to use, against himself/herself or others, any weapons;

 X 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.

X Petitioner will take the following steps to provide notice as required by s. 790.401(2)(f), Fla.Stat.
Contacted School Admin in reference to the bus stop in question.

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 26 day of August, 2025.

Deputy Nelson

Signature of Petitioner

Volusia Sheriff's Office

Law Enforcement Agency

124 W. Indiana Ave, Deland Florida 32720

Service Address

AFFIDAVIT CONTINUATION

FROM SECTION _____

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On August 26, 2025, Deputies were dispatched to _____ in reference to a male subject later identified as _____ threatening _____ and her son _____ with a firearm.

Contact was made with _____ and _____ at their residence, as they left the incident location for their safety. _____ stated her son _____ came into the house after picking up his sister from the bus stop located at the intersection of Piedmont and Merrimac Streets. When _____ came inside he informed his mother a male (_____ whom he did not know came out of his house and approached _____ who was parked on the easement on Piedmont. This spot is directly in front of _____ residence, but on city property beyond the sidewalk attached to _____ yard.

_____ stated her son told her a man came to the car window and threatened him and told him to not be on his property or he would be back out with a gun. _____ and _____ went back to _____ residence to address the issue civilly. _____ states she approached _____ residence and attempted to speak calmly and explain that this was the only bus stop location and there was no safe place to park their vehicle. _____ also stated she knew the space where the car was parked to be public property or a public easement and not private property. _____ became irate and continued to scream at _____ to get off of his property.

According to _____ as _____ continued to argue he repeatedly threatened to shoot her if she did not leave his property and stop parking on the grass. As _____ continued to ask _____ where he wanted her to park in order to get her kids off the bus, _____ threatened to shoot _____. _____ advised she heard _____ say, "I will shoot you, and if i ever see you again i will shoot you". _____ stated as she was calling law enforcement, _____ then went into his house and put a shirt on, when _____ returned outside _____ began pointing a gun at _____. _____ continued pointing the gun at _____ as he again told _____ to get off of his property.

AFFIDAVIT CONTINUATION

FROM SECTION _____

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At this point [REDACTED] states she was afraid to be shot, and she left the bus stop area and proceeded to go back to her residence. [REDACTED] observed [REDACTED] Walk back to his porch at which time she took her phone out and recorded [REDACTED] placing his firearm into a brown bag which [REDACTED] also described seeing as well. Prior to leaving the scene [REDACTED] states she had to tell another child to hurry up and go home because he ([REDACTED] had a gun and was going crazy. [REDACTED] then left the scene and continued to call 911 as she was afraid for her life. [REDACTED] also expressed concern for the future school days which the bus will have to drop kids off again and if there will be future issues. [REDACTED] completed a sworn statement and elected to press charges.

It is of note [REDACTED] provided Deputy Nelson with a video in which [REDACTED] is observed on the porch of his residence placing a stainless and black handgun into a brown fanny pack.

Contact was made with [REDACTED] who provided the following statement: [REDACTED] approached [REDACTED] in the vehicle he began yelling and cussing at [REDACTED] telling him to get off of his property repeatedly. According to [REDACTED] [REDACTED] approached his vehicle on the driver side with a shoe in his hand. [REDACTED] continued to scream at [REDACTED] and tell him to get off his property and that the next time [REDACTED] parks there he ([REDACTED] will come back out with a gun. [REDACTED] did not see a gun in [REDACTED] hand at this time, however [REDACTED] did note [REDACTED] carrying a brown fanny pack on him when [REDACTED] approached the vehicle and began yelling and threatening [REDACTED]. At this point left in fear he maybe assaulted or shot, [REDACTED] left the scene and returned home.

Deputies later made contact with [REDACTED] at his residence as he returned home. Deputies conducted a felony stop as [REDACTED] arrived at this residence and detained [REDACTED] was read his Miranda rights from an agency issued advisement of rights card and elected to speak with deputies. Prior to being read his rights [REDACTED] spontaneously uttered "I know what this is about". [REDACTED] went on to say [REDACTED] came to his house and rang the doorbell and began arguing with him over [REDACTED] yelling and cussing at her son [REDACTED] [REDACTED] stated he told her to leave his property and stop parking there on his grass.

AFFIDAVIT CONTINUATION

FROM SECTION _____

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Post Miranda Deputy Nelson asked [REDACTED] what happened and he gave a similar account as his utterance. [REDACTED] stated at no point in time did he brandish a firearm or threaten anyone with a firearm. Deputy Nelson stated there was a video of him handling his firearm on the porch exactly as described by [REDACTED] at which point [REDACTED] stated, "Ok yeah that may have happened".

A Criminal history check was completed for [REDACTED] which revealed no applicable results.

Director Quann was notified of this incident

An RPO/TRPO was completed for [REDACTED] in reference to this incident. It is of note [REDACTED] consented to surrendering the firearm used in this incident.

Based on the totality of the circumstances coupled with statements from all parties involved it was determined probable cause existed to charge [REDACTED] with aggravated assault in addition to aggravated child abuse.

[REDACTED] was transported to VCBJ without incident and [REDACTED] vehicle and residence were turned over to his adult daughter.

Deputy Nelson request the court to review this case and issue an RPO/TRPO accordingly. Thank You.