

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  
VP260002737

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, {full legal name} Timothy Miller, 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 continuation page for complete narrative.

4 Additional pages are attached.

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

See continuation page for witness accounts.

4 Additional pages are attached.



AFFIDAVIT CONTINUATIONFROM SECTION   1    
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During the struggle, [REDACTED] bit [REDACTED]'s right fingers likely when she was pushing him away. [REDACTED] ran into the garage and entered into her white GMC. [REDACTED] was still being pursued by [REDACTED]. [REDACTED] was able to close the door to the vehicle and locked all doors to the vehicle. [REDACTED] retrieved her Smith and Wesson revolver from the center console that rises up. [REDACTED] attempted to open the passenger side door of the vehicle at which point, [REDACTED] pointed the firearm at [REDACTED] who was still standing at the passenger side door. [REDACTED] threatened to shoot [REDACTED] if he touched her again. [REDACTED] told [REDACTED] that her and [REDACTED] a minor, were leaving and she would shoot him if he intervened. [REDACTED] retrieved [REDACTED] and left the residence heading to their parents home where deputies met them. [REDACTED] advised that she is in fear of [REDACTED] and thinks that he is going to kill her if they come in contact again.

[REDACTED] advised that [REDACTED] has been suffering from various mental illnesses for several years due to childhood trauma. [REDACTED] advised that [REDACTED] had stopped taking his pills and has shown strange behavior for the past month. [REDACTED] later advised that [REDACTED] had been texting her about an affair.

[REDACTED] provided a sworn verbal statement, captured on Deputy Wells' body worn camera, and advised that she wishes to pursue charges. [REDACTED] was unable to complete a written sworn statement due to her injuries. [REDACTED]'s injuries were photographed and uploaded to evidence.com. [REDACTED] was provided medical care by Volusia EMS and New Smyrna Beach Fire. She was transported to the Advent Hospital for further treatment. [REDACTED] was provided with all state required domestic violence pamphlets. [REDACTED] completed a consent to search form for the location of incident.

Deputy Miller made contact with [REDACTED]'s daughter, [REDACTED] (W1), who advised the following:

[REDACTED] did not physically see the altercation take place. [REDACTED] heard loud screaming from both [REDACTED] and [REDACTED]. [REDACTED] came out into the mud room and observed [REDACTED] and [REDACTED] separated. [REDACTED] saw [REDACTED] beaten and bloody however she did not observe any injuries on [REDACTED]. [REDACTED] did not hear any threats. [REDACTED] did not sustain any injuries during the incident. [REDACTED] was sworn to a verbal statement.

**AFFIDAVIT CONTINUATION**

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While deputies were investigating the offense, [REDACTED] called in on 911 advising the call taker that [REDACTED] had tried to stab him and shoot him. [REDACTED] then disconnected. Deputy Miller called [REDACTED] who advised that he was at the Circle K located at 2450 State Road 44 to buy a band-aid for his finger. [REDACTED] advised that he would wait at the gas station for contact. Deputies arrived on scene and checked the surrounding area but it appeared that [REDACTED] had already fled the area. [REDACTED] is supposed to be operating a orange and black Ford van, bearing Florida tag PJT3X, with an A/C business logo on the side. Deputies checked the original location of incident but also had negative results. A BOLO was sent out to locate [REDACTED].

Deputies attempted to contact [REDACTED] via cell phone however no answer was received and the call would go straight to voicemail. Deputies were unable to positively identify [REDACTED].

A criminal history check was completed for [REDACTED] revealing one prior conviction for battery touch/strike from February 26th, 2001.

Deputies cleared the location of incident, [REDACTED] was not found on scene. Deputies searched the residence however no firearms were recovered. Deputy Wells took several photographs of the bedroom, bathroom, and mud room. Deputy Wells observed several blood splotches on the bed, pillows, bedroom floor, and bathroom floor. The photographs were uploaded to evidence.com.

Based upon the above investigation, Deputy Wells determined probable cause existed to charge [REDACTED] with felony battery - one or more prior convictions, aggravated assault with a firearm, and false imprisonment.

3. Affiant  is  is not aware of any existing protection order governing the respondent under any applicable statute.

None 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>3</u>	Type	<u>Handguns</u>	Location	<u>[REDACTED]</u>	NS
Quantity	<u>4</u>	Type	<u>Rifles</u>	Location	<u>[REDACTED]</u>	NS
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: 02/10/2026 Signature of Affiant: [Signature]

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 10 day of February, 2026, by Deputy Timothy Miller #9518  
Affiant's name

[Signature]  
Signature of Attesting LEO Witness

G. ROSS 9181  
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)