

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
VP260003090

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* NATHANIEL VESELY, in my position as *{job title}* DEPUTY 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 ATTACHED

4 Additional pages are attached.

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

SEE ATTACHED

_____ Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1
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On February 13, 2026, at approximately 1408 hours, Deputy Vesely was dispatched to [REDACTED] [REDACTED] in reference to a report of an aggravated assault with a firearm. Deputy Vesely arrived on scene and made contact with [REDACTED] (S1) and [REDACTED] (W1). [REDACTED] advised Deputy Vesely she and [REDACTED] had been driving home from the beach, and a white vehicle which they knew belonged to the son of their neighbor down the street had been tailgating them. The driver of the vehicle was later identified as [REDACTED] (W2). [REDACTED] and [REDACTED] advised the vehicle pulled into the driveway at [REDACTED], OB. [REDACTED] and [REDACTED] advised they observed [REDACTED] gesture at them with his middle finger. [REDACTED] stated he stopped the vehicle and confronted [REDACTED] in reference to his driving and for gesturing at them with his middle finger. [REDACTED] and [REDACTED] stated when [REDACTED] exited the vehicle, [REDACTED] pulled a silver "cowboy gun" from his waistband and pointed it at [REDACTED]. [REDACTED] stated [REDACTED] pointing the gun at him caused a well-founded fear for his safety. Deputy Vesely noted that during his initial contact with [REDACTED], [REDACTED] was pacing quickly with balled fist and appeared to be very angry. Deputy Vesely told [REDACTED] and [REDACTED] to go into their house and not to come out until a Deputy made contact with them at the door for their safety. Deputy Vesely attempted to contact [REDACTED] at [REDACTED], OB. Deputy Vesely was met by [REDACTED]'s father, [REDACTED] (V1). Due to the allegation of a crime with a firearm involved, Deputy Vesely performed a frisk of [REDACTED]'s person and did not locate a firearm. [REDACTED] advised his son was no longer home and had left to go to work. Deputy Vesely asked [REDACTED] if he had observed what had happened between his son and [REDACTED]. [REDACTED] advised he was inside working and heard his son and [REDACTED] yelling at each other. [REDACTED] advised he exited the house to investigate and heard [REDACTED] and [REDACTED] yelling expletives at each other. [REDACTED] advised his son was at the back of the driveway near the shed and [REDACTED] was at the entry to the driveway. Deputy Vesely estimated the distance to be approximately 20-30 yards. [REDACTED] advised he attempted to deescalate the situation and [REDACTED] sped off in a yellow mustang. [REDACTED] advised he then walked to the end of his driveway to ensure [REDACTED] did not return. [REDACTED] advised he observed [REDACTED] exit his house with a long barrel styled shotgun that appeared to be dark or wooden in color. [REDACTED] advised that he is not familiar with firearms and it could have also been a long rifle. [REDACTED] advised he observed [REDACTED] level the shotgun at him. [REDACTED] advised [REDACTED] told him he was going to shoot him. [REDACTED] advised the action created a well-founded fear for his own safety. [REDACTED] stated he subsequently retreated to his house. Deputy Vesely asked [REDACTED] if he or his son had or owned a gun. [REDACTED] stated neither he nor his son own a gun. [REDACTED] completed a sworn written statement and advised he wanted to pursue charges against [REDACTED].

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Deputy Vesely requested [REDACTED] contact his son, [REDACTED] via telephone and request he return home. [REDACTED] initially refused stating he didn't have to but subsequently returned approximately 30 minutes later. When [REDACTED] arrived back at the residence, due to the allegation of a crime involving a firearm, Deputy Vesely conducted a frisk of [REDACTED]'s person and did not locate a firearm. Deputy Vesely asked [REDACTED] what had happened. [REDACTED] advised he had been driving behind [REDACTED] and due to being unhappy that [REDACTED] was driving slowly, [REDACTED] gestured at [REDACTED] with his middle finger as he pulled into his driveway to the end near the shed. [REDACTED] advised [REDACTED] then stopped at the end of the driveway and began to yell at him. [REDACTED] advised he then pulled out his phone so he could call 911 if needed. [REDACTED] advised [REDACTED] began to yell at him that he ([REDACTED] had pointed a gun at him ([REDACTED] [REDACTED] stated his father, [REDACTED] came out of the house and tried to deescalate the situation. [REDACTED] stated [REDACTED] yelled at him "I'm going to shoot the guy that pointed a gun at me". [REDACTED] advised he retreated behind the house prior to [REDACTED] arming himself with a firearm and did not see the subsequent interaction between his father and [REDACTED]. [REDACTED] advised he did not have a gun and has never had a gun. [REDACTED] stated that after the incident had calmed down, he had left because he had to go to work. [REDACTED] completed a sworn written statement.

[REDACTED] gave deputies consent to search his vehicle. Deputies did not locate any firearms in [REDACTED]'s vehicle.

Deputy Vesely conducted a search of Finder for recent firearm transactions with Pawn shops in the area. A query showed [REDACTED] nor [REDACTED] having purchased a firearm from a pawn shop in the area.

AFFIDAVIT CONTINUATION

FROM SECTION 1
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Deputies Gibbons and Oldham made contact with the reporting parties, [REDACTED] (D1) and his wife [REDACTED] (W1). Upon initial contact, [REDACTED] did not want to speak with Deputies, but after explaining that an active investigation was going on, [REDACTED] decided to speak with Deputies. When asked about the incident, [REDACTED] informed Deputies that he got into a road rage incident with his neighbor's son, [REDACTED] (W2). [REDACTED] informed Deputies that he was driving westbound on Juniper Dr at a slow speed. During this time, [REDACTED] was driving behind [REDACTED] at close proximity. [REDACTED] observed [REDACTED] give [REDACTED] the middle finger while [REDACTED] was driving behind him. After [REDACTED] parked his vehicle in his driveway at [REDACTED], [REDACTED] drove his vehicle to the end of [REDACTED]'s driveway and confronted [REDACTED] about the incident. It should be noted; [REDACTED] was in the front passenger seat of [REDACTED]'s vehicle at this time. [REDACTED] stated he got into a verbal argument with [REDACTED] [REDACTED] claimed during the verbal argument [REDACTED] retrieved a silver handgun from his vehicle and pointed it at [REDACTED] and [REDACTED] [REDACTED] then stated he drove his vehicle to his residence, a few houses down the street, went into his house and grabbed his shot gun. [REDACTED] then went to the edge of his driveway with the shotgun and observed an older male, later identified as [REDACTED]. (V1), in the front yard. [REDACTED] then informed Deputies he yelled towards [REDACTED] Sr. and stated I am going to shoot whoever had the gun. When asked if [REDACTED] saw [REDACTED] Sr. possessing a firearm, [REDACTED] stated no due to him not being able to see that far. During this conversation with Deputies, [REDACTED] also yelled at his wife, [REDACTED] and asked her why she called law enforcement.

It should be noted, [REDACTED]'s above statement about him leaving the disturbance, returning to the safety of his residence but reinserting himself into the confrontation after arming himself with a shot gun, coupled with [REDACTED] arguing with his wife because she called law enforcement, does not substantiate that [REDACTED] was in well-founded fear.

Deputy Gibbons immediately secured [REDACTED] in handcuffs and advised [REDACTED] of his Constitutional Rights via an agency issued Miranda Warning card, which [REDACTED] stated he understood his Rights but did not wish to speak with Deputies without a lawyer present. Deputy Gibbons then placed [REDACTED] in Deputy Vesely's patrol vehicle.

Deputies conducted a canvass of the area for surveillance video but were unable to locate any working video cameras the recorded the incident locations.

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Deputies reinitiated contact with [REDACTED] and asked her what had happened when [REDACTED] had exited the house with the firearm. [REDACTED] stated [REDACTED] had exited the house to protect her. Deputies asked if he was worried for their safety why did he leave the house. [REDACTED] stated again it was to protect her. Deputies pointed out to [REDACTED] that it would have been safer to stay inside the house. [REDACTED] told Deputies, "That's just how he is". Deputies asked [REDACTED] if she saw [REDACTED] point the firearm towards [REDACTED] [REDACTED] stated she only saw [REDACTED] point the shotgun up as if he was going to fire a warning shot. Deputies asked [REDACTED] where the firearm that [REDACTED] used during the incident was at. [REDACTED] stated the firearm was inside the house. Deputies asked [REDACTED] for permission to enter her and [REDACTED]'s residence to retrieve the firearm. [REDACTED] stated Deputies did not have permission to enter the house. Deputies requested [REDACTED] complete a sworn statement in reference to the incident and [REDACTED] refused.

Deputy Vesely filed for a risk protection order to secure [REDACTED]'s firearm due to him using it in the commission of a felony. Due to not receiving permission to retrieve [REDACTED]'s firearm, Sergeant Stickles contacted VSO detectives to request a search warrant to enter the house and retrieve the firearm.

Deputy Vesely requested a criminal history report for [REDACTED] which showed no prior convictions or charges.

Deputy Vesely had probable cause that [REDACTED] Howard did then and there unlawfully threatened [REDACTED] coupled with an apparent ability to do so by pointing a firearm at John [REDACTED] which created a fear that such violence was imminent in violation of FSS 784.021 1a.

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>Shotgun</u>	Location	<u>[REDACTED] OB</u>
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____

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: 02/13/2026 Signature of Affiant: [Signature]

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 13 day of February, 2026, by Deputy Vesely

Affiant's name

[Signature]
Signature of Attesting LEO Witness

Williamson #9824
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

VSO ID #9667

(Type of Identification Produced)