

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

VOLUSIA SHERIFF'S OFFICE,
Petitioner

v.

Case No.: _____

Division: _____

VSO Case Number
VP250013026

_____,
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, 4th Floor, Deland, FL 32720

SECTION II. RESPONDENT

1. Respondent's full legal name: _____
2. Respondent's current address: *{street address, city, state, and zip code}*:
_____ Deltona, FL 32725
3. Physical description of Respondent:
Race: W Sex: Male ☒ Female ☐ Date of Birth: _____
Height: _____" Weight: _____ Eye Color: _____ Hair Color: _____
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

VSO Case Number VP250013026

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

VSO Case Number VP250013026

____ 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.

Respectfully submitted this 23 day of June, 2025.



Signature of Petitioner

Volusia Sheriff's Office
Law Enforcement Agency

123 W. Indiana Avenue, 4th Floor, Deland, FL
32720

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}* _____

VSO Case Number
VP250013026

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* _____ A. Graham _____, 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:

BWC RECORDING

MARSY'S LAW INVOKED

____ 2 ____ 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>Handgun</u>	Location	<u>Residence</u>
Quantity	<u>2</u>	Type	<u>Rifles</u>	Location	<u>Residence</u>
Quantity	<u>1</u>	Type	<u>Shotgun</u>	Location	<u>Residence</u>
Quantity	<u>1874</u>	Type	<u>Ammunition</u>	Location	<u>Residence</u>
Quantity	<u>9</u>	Type	<u>Magazines</u>	Location	<u>Residence</u>
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: 06/23/2025

Signature of Affiant:  9594

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 23 day of June, 2025, by Deputy A. Graham
Affiant's name

 9424
Signature of Attesting LEO Witness

DIS B. RODRIGUEZ
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 CONTINUATIONFROM SECTION 1
PAGE 2 OF 3

On Monday, June 23, 2025, at approximately 2023 hours, Deputy Graham responded to a report of a domestic disturbance at [REDACTED] Deltona.

It should be noted that [REDACTED] (D1) and [REDACTED] (V1) are husband and wife who reside together. Prior to arrival, Deputy Graham monitored the Live 911 audio of the initial call placed by [REDACTED] to Volusia County Central Communications, during which she stated that her husband had kicked in the front door and went to retrieve a firearm with the intent to kill himself.

Upon arrival, Deputy Graham observed [REDACTED] and her son, [REDACTED] (O1), standing outside the residence. He called them over to his patrol vehicle and asked if anyone remained inside. [REDACTED] advised that [REDACTED] was still inside the home. As she spoke, Deputy Graham heard the distinctive sound of a rifle charging handle being manipulated. He immediately inquired whether any children were inside, to which [REDACTED] confirmed that two of her other children were still within the residence.

Deputy Graham ran to the front of the home and observed the door had been forced open, with the left-side panel lying on the floor. The interior was dark, with little to no visible light. Deputy Graham loudly announced his presence as a Deputy with the Volusia Sheriff's Office and gave commands for anyone inside to make themselves known. He then heard muffled speech consistent with an adult male coming from the master bedroom, located to the left of the front entrance. After issuing verbal commands again, [REDACTED] emerged. Deputy Graham presented his firearm and challenged [REDACTED] to raise his hands to which he complied.

Deputies Clark and Baba arrived on scene and assisted with detaining [REDACTED], who was secured without further incident and placed in the rear of Deputy Baba's patrol vehicle. Deputies Graham, Clark, and Richardson then conducted a safety sweep of the residence, confirming no one else remained inside. In the master bedroom, Deputy Graham observed multiple rifles pulled out from under the bed. One AR-15 rifle appeared to have been in the process of being loaded, with a magazine containing green-tipped .223 ammunition inserted. No round was chambered, consistent with a failed loading attempt.

AFFIDAVIT CONTINUATIONFROM SECTION 1
PAGE 3 OF 3

[REDACTED] confirmed that all children were accounted for and safe outside the home. In a post-incident interview, [REDACTED] stated that [REDACTED] is a recovering alcoholic, and she smelled alcohol on his breath earlier in the day. She also found him asleep and mumbling, which she identified as a sign of recent alcohol consumption. [REDACTED] woke him and confronted him about his behavior, advising that she wanted a divorce if he continued down this path. [REDACTED] responded by stating he was going to his vehicle to kill himself. As he moved toward the door, he grabbed [REDACTED]'s left arm and forcefully moved her aside, leaving visible redness. [REDACTED] locked the front door once he exited, but [REDACTED] kicked it in and proceeded to the bedroom, where she knew he stored additional firearms. [REDACTED] then removed her son from the home and contacted law enforcement.

[REDACTED] completed a sworn written statement and advised she wished to pursue criminal charges. She invoked Marsy's Law and was provided with a victim's rights brochure and domestic violence pamphlet. Photographs were taken of the damaged doorway, [REDACTED]'s arm, and the firearms found under the bed, and uploaded via Axon Capture.

Deputy Baba advised [REDACTED] of his warning of constitutional rights via an agency issued card which he acknowledged understanding and agreed to answer questions. [REDACTED] denied putting his hands on [REDACTED] and advised he was not going to kill himself.

[REDACTED] voluntarily surrendered all firearms to deputies. A Risk Protection Order was subsequently completed.

Based on the investigation, there is probable cause to believe that [REDACTED] [REDACTED] did unlawfully and intentionally touch or strike his wife, [REDACTED] [REDACTED] against her will during a domestic dispute. [REDACTED] advised that after confronting [REDACTED] about his suspected alcohol consumption and expressing her desire for a divorce, [REDACTED] stated he was going to kill himself and attempted to retrieve a firearm from his truck. As he exited the bedroom, he forcefully grabbed [REDACTED] by her left arm and pulled her aside to move past her, leaving visible redness to her upper arm. [REDACTED] advised the physical contact was unwanted and caused her pain and fear, prompting her to lock the front door and call law enforcement.

[REDACTED] [REDACTED] was transported to the Volusia County Branch Jail without further incident. Director Quann was notified of the case.