

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} ██████████

VCSO Case Number
200011517

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} Deputy John Diggins, in my position as {job title} Deputy Sheriff with the {name of law enforcement officer/agency} Volusia Sheriff Office, swear and affirm that the following facts are true and correct.

- {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 additional page.

1 Additional pages are attached.

- {Name of Witness} ██████████ provided the following information based on his/her personal knowledge:

██████ observed concerning social media posts and decided to conduct a well being check on ████████. Upon arrival, ████████ found ████████ to be intoxicated and making suicidal statements. ████████ stated ████████ advised he was going to shoot his children then himself. ████████ also stated he was going to commit suicide by Law Enforcement Office.

0 Additional pages are attached.

4/3 5/10

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST {Name of Respondent} ██████████

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____

PAGE 2 OF 3 _____

BWC RECORDING ACTIVE DURING INCIDENT

On Thursday, June 25, 2020 at approximately 2154 hours, deputies were dispatched to ██████████ DeLand in reference to a suicidal person. Prior to arrival, Volusia County Communications advised a subject, ██████████ (V1), was at the aforementioned residence with a friend, ██████████ (W1) making suicidal statements. Communications also advised inside the residence were two children, ██████████ (O1) and ██████████ (O2). Communications informed deputies, a third party was receiving text messages from ██████████ due to him not wanting ██████████ (V1) to know law enforcement was called. The third party also informed Communications ██████████ was fearful that ██████████ (V1) might pull a firearm on him. Communications further advised there had been threats made to commit suicide by law enforcement.

Upon arrival, deputies requested ██████████ flee the residence with ██████████ (O1) and ██████████ (O2) and meet deputies at the intersection of ██████████ an ██████████. ██████████ complied and walked to safety. Deputies established a perimeter around the residence and did not observe any movement. While deputies secured the perimeter of the residence, Sergeant Lee made contact with ██████████ and determined the necessary criteria existed to take ██████████ (V1) into protective custody under the Baker Act. Sergeant Lee then contacted ██████████ (V1) via telephone and requested him to exit the residence to meet with deputies. ██████████ (V1) agreed, complied with Sergeant's Lee's request, and exited the residence. Once outside, ██████████ (V1) was secured in handcuffs and questioned about the suicidal statements. ██████████ (V1) denied making statement and advised he was just sleeping.

Sergeant Lee determined there would be a substantial likelihood that without care or treatment ██████████ (V1) would likely cause serious bodily harm to himself or his children. Deputy Diggins placed ██████████ (V1) into protective custody under the Baker Act and was later transported to Stewart Marchman, Daytona Beach. While in transport, ██████████ (V1) gave deputies permission and consent to enter his residence and vehicle to retrieve three shotguns, a handgun, and ammunition for the purposes of a temporary risk protection order.

Deputy Diggins then made contact with ██████████ (W1) who advised he observed a concerning post on Facebook from ██████████ (V1). ██████████ continued to advise the post was in reference to ██████████ (V1) and his fiancé ending their relationship. ██████████ invited ██████████ to his residence for drinks and ██████████ (V1) replied by stating "not to worry about it cause I have six more beers till the last ride." Due to the concerning posts coupled with ██████████ (V1) reply to ██████████'s invitation, ██████████ decided to conduct a well-being check on ██████████ (V1). Upon arrival, ██████████ stated he engaged ██████████ (V1) in a conversation were ██████████ (V1) said wanted to kill himself. ██████████ continued to state ██████████ (V1) seemed to get agitated with ██████████ and then he would calm down quickly. ██████████ further stated ██████████ (V1) became emotional and said he was going to kill ██████████ (O1) and ██████████ (O2) and then himself. ██████████ also stated ██████████ (V1) threatened suicide by law

6-3

510

IN RE: PETITION FOR RISK PROTECTION ORDER
AGAINST {Name of Respondent} Anthony Montgomery

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 3 OF 3

enforcement. [REDACTED] quickly acted by gathering [REDACTED] (O1) and [REDACTED] (O2) and fleeing the residence. [REDACTED] completed a Sheriff's Office sworn written statement reference the incident.

Deputy Diggins recovered the shotguns and ammunition from inside the residence and a handgun from inside [REDACTED]'s (V1) vehicle. Deputy Blum conducted a FCIC / NCIC check on all the weapons which yielded no record. Due to the treat for violence towards himself, [REDACTED] (O1), [REDACTED] (O2), and responding law enforcement Deputy Diggins completed a Risk Protection Order and submitted it to the Volusia County Attorney for review and consideration. Due to [REDACTED] (O1) and [REDACTED]'s (O2) mother not being on scene and not available by telephone, Deputy Crofutt contacted the Department of Children and Families. Deputy Crofutt subsequently received authorization from Child Protective Services supervisor Lindsey Spraguse to turn [REDACTED] (O1) and [REDACTED] (O2). Deputy Diggins then returned to the District Two Office and secured the firearms and ammunition in the District Evidence Locker.

Case Status: Closed

WS

6/18

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>Handgun/mag</u>	Location	<u>VSO Evidence</u>
Quantity	<u> 1 </u>	Type	<u>Shotgun</u>	Location	<u>VSO Evidence</u>
Quantity	<u> 1 </u>	Type	<u>Shotgun</u>	Location	<u>VSO Evidence</u>
Quantity	<u> 2 </u>	Type	<u>Shotgun</u>	Location	<u>VSO Evidence</u>
Quantity	<u> 1 </u>	Type	<u>Shotgun mags/Ho</u>	Location	<u>VSO Evidence</u>
Quantity	<u> 1 </u>	Type	<u>Misc Ammo</u>	Location	<u>VSO Evidence</u>

 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: 06/26/2020 Signature of Affiant:  4127

Sworn to or affirmed and signed before me on 06/26/2020 by Deputy Blum who is personally known to me or presented , as identification.

 8181
Notary Public, State of Florida
My commission expires:
LEO USO