

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

VSO Case Number
20-11706

IN RE: PETITION FOR RISK PROTECTION ORDER
AGAINST *{Name of Respondent}* ██████████

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* Deputy Nick Williams, in my position as *{job title}* Deputy Sheriff with the *{name of law enforcement officer/agency}* Volusia County Sheriff 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:

Threatened to kill himself in the presence of his wife, ██████████, as well as, made indirect threats to harm family members. ██████████ observed him with what she believed to be a firearm and heard him state he wanted to kill himself. ██████████ also had a video recording with him stating he wanted to end his life. ██████████ was subsequently placed in protective custody under the Baker Act by Deputy Dean Wallis.

2 Additional pages are attached.

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

██████████ is ██████████'s spouse. ██████████ also provided Deputy Williams a copy of video/audio from the initial incident.

 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____

PAGE 1 _____ OF 2 _____

On 06-29-2020, at approximately 0507 hours, deputies responded to ██████████, Debary, in reference to a suicidal person. Prior to arrival, deputies were in form ██████████ (VI), had a handgun in his possession, and was attempting to leave the residence. Upon arrival, deputies observed ██████████ leaving the the residence in his black Honda Accord and was secured without incident. Deputy Maletto questioned ██████████ in reference to the suicidal statements, which he denied making. ██████████ stated his, ██████████ wanted and divorce, which made him upset, but stated he did not want to harm himself. ██████████ advised he was leaving the residence as his boss wanted him at his place of business for a store inspection. It should be noted, ██████████ had his work clothes/items on the passenger seat of the vehicle. Deputy Wallis made contact with ██████████ who advised she and ██████████ were in a verbal altercation in reference to wanting a divorce. Shortly after, ██████████ went into there son's room and kissed him goodbye and stated he wanted to kill himself. ██████████ then went to the downstairs room, where ██████████ followed him. She observed him holding what she thought was a firearm, which deputies determined to be an airsoft gun. Fearing for ██████████'s well being, ██████████ contacted law enforcement. Deputy Wallis collected the airsoft gun and submitted it to the District Six evidence locker. Based on the totality of the investigation, along with statements made by all parties, Deputy Wallis believed without care and/or treatment, ██████████ would in fact cause great bodily harm to either himself or others. ██████████ was taken into protective custody under the Baker Act and was transported to Stewart Marchman for immediate treatment.

██████████ advised during the initial confrontation with her husband, ██████████ she was videoing the incident. ██████████ stated at the time the incident occurred, she did not disclose the video to the responding deputies as ██████████ was taken into protective custody under the Baker Act. ██████████ advised during the initial incident she began recording as the verbal altercation between her and ██████████ was escalating over ██████████ wanting a divorce. ██████████ stated she and ██████████ were arguing in their bedroom, when ██████████ suddenly left the room and went downstairs. ██████████ advised she feared ██████████ was going to ham himself so she followed him to his office where ██████████ keeps his firearms. ██████████ stated she confronted ██████████ in their office and observed him holding, what she believed, to be a handgun. ██████████ advised she stated she was going to call law enforcement, and he responded "call whoever the you have to" and ██████████ also stated "like you said, I'm fucked up. You and ██████████ (their son) will be better off". ██████████ stated she again advised ██████████ she was going to call law enforcement. ██████████ advised ██████████ then took her cell phone away from her, however, ██████████ advised ██████████ took the phone from her in a manner that did not touch/strike her directly. ██████████ stated she feared ██████████ was going to harm himself due to his behavior. ██████████ advised she was able to get her phone back from ██████████ exit the residence, and then notify law enforcement. ██████████ stated ██████████ followed her outside as she was calling ██████████ and advised her he was holding an airsoft gun, which closely resembled the actual firearm ██████████ always had with him. ██████████ advised she believed ██████████ grabbed the airsoft gun in an attempt to keep her from calling law enforcement. ██████████ stated at the time the incident occurred she feared ██████████ was only going to harm himself, but as the incident escalated, she feared for herself and her son. ██████████ advised after reviewing the video she took, she believed ██████████ stated he was going to kill her. ██████████ further explained she was reviewing the video the next day and did not hear the threat against her during the initial altercation, and ██████████ did not create a well founded fear within ██████████ that he was going to harm her. ██████████ stated after law enforcement arrived, ██████████ was taken into custody (see Deputy Wallis' original report). ██████████ was notified an affidavit for an RPO was to be completed.

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

No 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>4</u>	Type <u>Rifles</u>	Location <u>[REDACTED] DeBary</u>
Quantity <u>1</u>	Type <u>Shotgun</u>	Location <u>[REDACTED] DeBary</u>
Quantity <u>3</u>	Type <u>Handguns</u>	Location <u>[REDACTED] DeBary</u>
Quantity <u>1000</u>	Type <u>Rds Ammo</u>	Location <u>[REDACTED] DeBary</u>
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: 06/29/2020

Signature of Affiant: *N. Williams #8480*

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization,

this 29 day of June, 2020, by Nick Williams
Affiant's name

J. Bernard #8833
Signature of Attesting LEO Witness

Deputy J. Bernard
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)