

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

VSO Case Number  
210016482

IN RE: PETITION FOR RISK PROTECTION ORDER  
AGAINST {Name of Respondent} [REDACTED]

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, {full legal name} DEPUTY PENA, ENMANUEL 9153, 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} [REDACTED] 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:

Deputies located a black Panzer Arms AR Twelve shotgun (Serial # AR-21-01382) in [REDACTED]'s bedroom where he said the firearm was secured before exiting the residence. [REDACTED] believed his residence was in the process of being burglarized. [REDACTED] has a history of narcotic abuse. It is unknown how [REDACTED] came into possession of the firearm; however, the firearm has been in possession of other members of [REDACTED]'s family.

1 Additional pages are attached.

2. {Name of Witness} [REDACTED] provided the following information based on his/her personal knowledge:

[REDACTED] contacted law enforcement and was informing VSO Telecommunicators unknown subjects were burglarizing [REDACTED]'s residence. [REDACTED] is a known narcotic user.

1 Additional pages are attached.

**AFFIDAVIT CONTINUATION**

FROM SECTION \_\_\_\_\_

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On 09/03/2021 at approximately 0156 hours deputies were dispatched to ██████████, Debarry on a report of a suspicious incident.

While responding to the call, the reporting party, ██████████ (R1), stated to 911 dispatch that someone was in her home and shooting. At this time units arrived on scene and began to approach the home. While approaching the residence deputies heard a gunshot go off and took cover awaiting the assistance of additional units.

District 4 units provided additional assistance and deputies now requested ██████████ exit the home and come out to deputies. Shortly after ██████████ exited the home, ██████████ (V1), took the cell phone ██████████ was communicating with dispatch with and became cooperative. ██████████ exited the residence after securing the firearm out the front door as requested. The receiving team could now visually see ██████████ and gave him verbal commands when he was secured without further incident.

Due to exigent circumstances the home was cleared to ensure there was no injured persons in the residence and found to have no additional occupants. While deputies were inside of the home they observed ██████████'s bedroom door had 5 shotgun slug holes in it and in the furniture used to barricade the door. This is consistent with claims later made by ██████████ that there was an alleged burglar attempt. Deputies also found no signs of forced entry or any struggle that would indicate any other occupants other than ██████████ and ██████████ advised deputies that he spoke to people who did not exist and in fear he barricaded his bedroom door to then hide in the closet. The shotgun used by ██████████ was found in plain sight on the bed where he advised he placed it and several rounds of ammunition throughout the home on the floor.

At this time ██████████ led Deputy Pena to believe that he is unable to determine the need for treatment making him a threat to himself and others after firing off rounds at people who did not exist. He was baker acted and transported to SMA for evaluation.

██████████ was also baker acted by Deputy Terrero, see VSO case #: 16483, and later transported to Halifax Hospital, Daytona Beach for evaluation. ██████████ advised deputies that ██████████ was in fact the one who shot at intruders who were not found.

Deputy Adle seized the shotgun and ammunition which were later submitted to District 6 Evidence due to ██████████ being placed into protective custody. Photos of the scene were taken by Deputy Adle and later submitted to digital crime scene.

Deputy Pena completed the necessary RPO petition paperwork which was signed and forwarded to the VSO Legal Advisor for further review.

3. Affiant \_\_\_ is X 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>SHOTGUN</u>	Location <u>VSO EVIDENCE</u>
Quantity <u>12</u>	Type <u>AMMUNITION</u>	Location <u>VSO EVIDENCE</u>
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: 09/03/2021

Signature of Affiant:  9153

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

this 03 day of SEPTEMBER, 2021, by DEPUTY E. PENA 9153

Affiant's name

 9313  
Signature of Attesting LEO Witness

D. S. Pascual 9313  
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)