

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

VSO Case Number
21-6243

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} ANDREW BAYNE, 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 responded to a call at the respondent's address regarding a domestic violence incident where shots were fired. During the course of the investigation, it was determined probable cause existed to arrest the respondent for an act of domestic violence against his wife, and for aggravated assault with a deadly weapon, as he exited his home and fired a shotgun in a negligent manner during the course of the altercation with another party.

_____ Additional pages are attached.

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

[REDACTED] was identified as a victim of the aggravated assault with a deadly weapon. [REDACTED] advised during the course of a verbal argument, the respondent retrieved a shotgun from his home and fired several shots, which he believed to be towards [REDACTED] direction.

[REDACTED] statement was audio/video recorded via body worn camera.

_____ Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION _____

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intentionally and unlawfully, threaten by word or act to do violence to the person of another, coupled with an apparent ability to do so, and in doing said act, created a well-founded fear in such other person that such violence is imminent. _____ (D1) did so by utilizing a shotgun, a deadly weapon. _____ also intentionally and without the consent of _____ (V1), battered her by means of pushing and striking her. Per _____ and he have been married for approximately four years and reside together at the location of incident as a single family unit with their children in common. On 04/04/2021 at 2252 hours, Deputy Bayne along with numerous other Volusia Sheriff's Office deputies, responded to a call of a fight at _____, Ormond Beach (Plantation Pines Sub-division). _____ (W1), called into central dispatch advising there was a fight occurring between a husband and wife at the location of incident and she was currently witnessing it occur. As deputies were responding to the location of incident, Central Dispatch was still in contact with _____ via phone where she advised she heard a gunshot during the altercation, advising _____ fired a weapon at her husband, _____ (V2). As deputies began to arrive at the location, all parties involved had retreated to their respective homes, which adjoin each other. Upon arrival, deputies first made contact with _____ and _____ at _____ and _____ advised the following: Prior to the disturbance taking place, _____ and _____ were all in contact with each other outside along a fence-line that separates their properties. _____ and _____ explained they were talking to _____ and _____ about issues that have been occurring between themselves and other neighbors on their street within the sub-division. _____ and _____ advised during the conversation, there was a disagreement. _____ and _____ advised during the conversation, it became confrontational when _____ began to speak about the issue offering her opinion. _____ and _____ advised _____ apparently did not agree with what _____ was saying and they began to argue about _____ offering her opinion. _____ stated he interjected, stating to them he thinks _____ should be able to state her opinion on the matter. _____ and _____ advised this made _____ very angry, and he began to yell at them which started an argument between all parties. _____ and _____ stated during the argument, _____ became confrontational and threatening towards them, which prompted _____ to attempt to keep them from fighting by placing herself between _____ and themselves. _____ and _____ stated this prompted _____ to push _____ to the ground, where he subsequently began slapping _____ and _____ advised once _____ got back up, she continued to try to restrain _____ from approaching them by grabbing onto him but _____ continued to push _____ and strike her to get her to move from his way. As this was occurring, _____ (W2) was in the yard as well, witnessing this occur. _____ advised she recorded a cell phone video of the altercation and allowed Deputy Bayne to view the footage on her cell phone. _____ brought up the video and Deputy Bayne viewed it from her cell phone. In the video, it starts very shaky, but eventually the camera steadies and it is clear there is a physical altercation already taking place with _____ and _____ and _____ is observed in the video as well, telling _____ to stop recording them. The video does not capture the initial argument and the first moments where the altercation became visible, however, it is clear in the video that _____ and _____ are arguing, and _____ is trying to physically keep _____ from approaching them. In the video it shows _____ pushing and striking _____ and she falls to the ground. The video does not show any weapon being fired. _____ and _____ explained once the video stopped, _____ retreated to her home and called

AFFIDAVIT CONTINUATION

FROM SECTION _____

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911 for assistance. Eventually, _____ stated while _____ was still outside, she heard several gun shots from outside. _____ stated as _____ was inside, he was still outside near the fence-line of the property. _____ stated _____ had went inside of his home, but he soon exited his front door and he appeared to have armed himself with a shotgun. _____ stated shortly after _____ exited his front door with a shotgun, he heard several loud bangs and concluded _____ was shooting at him with the shotgun. _____ stated he was in fear that he was being shot at, and ran to a grouping of trees on his property for cover from _____ stated shortly after the blasts, _____ appeared to retreat back into his home and _____ went back inside of his home. _____ advised he wished to pursue charges against _____ for firing the shotgun at him. During the course of the investigation, Central Dispatch was able to research phone numbers for location of incident and were able to get into phone contact with _____ Central Dispatch requested _____ exit the home and make contact with deputies at the front gate to their property to which she complied. While in contact with _____ she was asked to call someone inside of the home to have _____ exit and surrender himself to law enforcement. _____ obliged, called _____ and in speaking with him, was able to have _____ and _____ exit the home and make contact with deputies at the front gate. As _____ arrived at the front gate, he was secured into handcuffs without incident. Deputy Bayne then acquired identifying information from _____ and advised _____ of his warning of constitutional rights via a VSO issued Miranda Warning card. After explanation of his rights, _____ advised he understood and declined to speak to Deputy Bayne about the incident. While in contact with _____ Deputy Bayne observed a contusion about the left side of his forehead above his left eye which appeared to be bleeding. _____ declined medical assistance. With _____ secured, deputies spoke with _____ about the incident. _____ advised the following: She and her neighbors were consuming alcoholic beverages throughout the night. Her husband, _____ became upset with the neighbor when the neighbor began arguing with _____ about _____ business. The neighbor was arguing with _____ about whether _____ owned his own business or not. They continued to consume tequila and argued some more. At one point, _____ tried to stop _____ from trying to fight the neighbour and he pushed her down. The incident escalated to a higher level when _____ armed himself the shotgun and shot it into the ground. She was able to take the shotgun away from _____ and hide it in their bedroom behind the sofa. _____ added that she punched _____ in the face at some point during the altercation. _____ did not wish to pursue charges and swore to her statement, which was audio/video recorded via body worn camera. Deputies did not observe any injury about _____ and she did not advise she was injured as a result of the incident.

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

_____ Known protection orders are attached

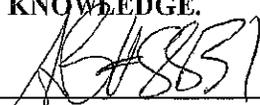
4. The quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody or control are as follows:

Quantity	<u>3</u>	Type	<u>HANDGUNS</u>	Location	<u>2 in vehicle, 1 in residence</u>
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____

_____ Additional pages are attached.

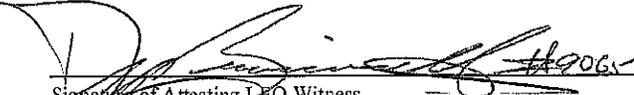
AFFIANT HEREBY CERTIFIES UNDER PENALTY OF PERJURY THAT THE STATEMENTS AND FACTS IN THIS AFFIDAVIT AND IN ANY ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Dated: 04/05/2021

Signature of Affiant: 

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

this 5th day of APRIL, 2021, by DEPUTY A. BAYNE
Affiant's name


Signature of Attesting LEO Witness

Deputy Bissonette
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)