

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

VSO Case Number
210007628

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} JAYSON L. RICHARDSON, 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} ██████████ 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:

██████████ retrieved a shotgun from his vehicle after being involved in an argument in a public location. ██████████ recklessly displayed the firearm in a manner which placed the other male in fear for his safety and others in the area.

Additional pages are attached.

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

██████████ observed ██████████ being disruptive and causing issues with other patrons visiting the boat ramp at French Landing. ██████████ politely asked ██████████ to leave the area which cause an argument to arise. ██████████ stated during the argument ██████████ removed and pointed a gun from his vehicle. ██████████ advised ██████████'s actions and ability to use the firearm placed ██████████ in a well-founded fear for his safety.

Additional pages are attached.

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BWC RECORDING ***VICTIM INVOKED MARSY'S LAW***

On Sunday, April 25, 2021, at approximately 1741 hours, Deputy Richardson (8435) responded to 2398 French Avenue (French Landing), Orange City, in reference to an active disturbance.

Deputy Richardson was informed a male wearing a bright orange shirt was involved in a physical altercation with another male. Deputy Richardson was additionally notified the male was also in possession of a firearm.

Upon arrival, Deputy Richardson and Sergeant Stickle made contact with the male wearing a bright orange shirt later identified as [REDACTED] (D1) who was immediately secured in handcuffs.

Deputies made contact with the victim [REDACTED] (V1) who stated he was visiting the boat ramp at French Landing in Orange City with his girlfriend [REDACTED] (W1). [REDACTED] advised an unknown male wearing an orange shirt ([REDACTED]) arrived at the boat ramp with his 5-8 year old daughter. [REDACTED] said he heard [REDACTED] call his "ex" to pick up the child because "he was too fucked up to drive". [REDACTED] stated [REDACTED] father later identified as [REDACTED] (W3) arrived a short time later to pick up white GMC pickup truck. [REDACTED] advised he observed [REDACTED] and [REDACTED] get into a "conflict" and asked the males to politely leave. [REDACTED] said [REDACTED] began verbally threatening him and "pulled a gun on me". [REDACTED] stated he was in fear for his safety and life as well as the safety of his daughter and pregnant girlfriend. [REDACTED] advised due him being in fear of being shot by [REDACTED] he knocked [REDACTED] down onto the ground causing [REDACTED] to fall into the water. [REDACTED] stated during the altercation he gun "disappeared". [REDACTED] said he remained on scene until law enforcement arrived. [REDACTED] completed a sworn written statement which detailed the incident and stated he wished to pursue criminal charges.

Deputies made contact with [REDACTED] who stated a guy in an orange shirt started getting loud and angry once his child's mother arrived at the boat ramp with [REDACTED] advised [REDACTED] came to pick up [REDACTED] and his pickup truck. [REDACTED] said [REDACTED] threatened to drag [REDACTED] out of the truck. [REDACTED] stated [REDACTED] then told another unknown person to "get froggy and do something". [REDACTED] advised [REDACTED] he turned to her boyfriend, [REDACTED] who walked toward [REDACTED] [REDACTED] said she saw [REDACTED] remove a "rifle from his truck". [REDACTED] stated [REDACTED] and [REDACTED] got into a physical altercation. [REDACTED] advised after the altercation [REDACTED] walked back to his truck. [REDACTED] said [REDACTED] sat in his truck and kept saying he wanted to fight [REDACTED] "one on one". [REDACTED] said others visiting the boat ramp kept asking [REDACTED] to leave. [REDACTED] completed and signed a sworn statement detailing the incident.

Deputies made contact with [REDACTED] who stated [REDACTED] ex-girlfriend [REDACTED] contacted him and advised [REDACTED] was at French Landing boat ramp "acting a fool". [REDACTED] said [REDACTED] picked him up from his residence located at [REDACTED] in Orange City and drove him to the boat ramp. [REDACTED] declined to describe what occurred prior to him picking up [REDACTED] shotgun off the ground near the driver's door of

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█████████ white 1996 GMC pickup. ██████████ stated he placed the shotgun behind the bench seat of the pickup truck. ██████████ advised sometime during the commotion the shotgun was removed from the vehicle by an unknown person. ██████████ refused to provide a sworn written statement.

Deputies made contact with ██████████ (W2) as she was exiting the boat ramp area. ██████████ stated she saw a male in an orange shirt (██████████) remove firearm from a white pickup truck and point it at another male after an argument. ██████████ advised the male began to strike ██████████ several times before ██████████ fell into the water. ██████████ said she did not see what happened to the firearm ██████████ was holding during the physical altercation. ██████████ declined to complete a sworn written statement.

Sergeant Paul requested the assistance of K9 to conduct an article search in the immediate for the firearm which yielded negative results.

Deputy Richardson read ██████████ his Constitutional Rights from an agency issued Miranda Warnings card. ██████████ acknowledged he understood his rights, waived his right to the presence of counsel and agreed to answer questions. ██████████ stated he was visiting the French Landing boat ramp with his daughter and ex-girlfriend. ██████████ advised he was engaged in an argument with an unknown male in reference to an incident which occurred last weekend at the boat ramp. ██████████ said the unknown male and two other males began physically attacking him by punching and kicking him in the face, back of the head and legs at the same the time. ██████████ stated in order to stop the males from attacking him, ██████████ retrieved a shotgun from behind the front seat of his pickup truck. ██████████ said the shotgun was not loaded and he had no ammunition in his possession. ██████████ changed his account of the involvement of the firearm numerous times from the firearm being a shotgun to a BB gun and never displayed the firearm other than showing it was in the truck behind the seat. ██████████ advised he displayed the firearm due to being attacked by multiple people.

Deputy Richardson observed ██████████ had several contusions and abrasions on his face, neck and sides of his torso. Deputy Richardson determined the observed injuries were sustained as a result of the physical altercation which took place after ██████████ threatened ██████████ with the firearm. Deputy Richardson additionally suspected ██████████ was under the influence of unknown substances which would effect his decision making abilities.

In conclusion, based upon the sworn statements provided, physical evidence observed and presence of independent witnesses on scene, Deputy Richardson established ██████████ was the primary aggressor and instigated the incident. Deputy Richardson determined sufficient probable cause existed to charge ██████████ with aggravated assault with a deadly weapon without the intent to kill. Deputy Richardson later transported ██████████ to the Volusia County Branch Jail without further incident.

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The altercation between [REDACTED] and [REDACTED] was not domestic in nature.

A Criminal History inquiry on [REDACTED] revealed he had no prior felony and two misdemeanor convictions.

Deputy Richardson subsequently completed the necessary RPO paperwork due to the nature of the incident which was forwarded to the VSO Legal Advisor for further review.

[REDACTED] completed and signed a Marsy's Law form electing to not publicly disclose his personal information.

Case Status: Arrest/Adult.

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>Unknown</u>
Quantity <u>1</u>	Type <u>Hangun</u>	Location <u>██████'s residence</u>
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: 04/25/2021

Signature of Affiant: D/S J. Richardson 8435

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

this 25 day of APRIL, 2021, by D/S J. RICHARDSON 8435
Affiant's name

Signature of Attesting LEO Witness

D/S A. CUSTER 8233
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)