

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

VSO Case Number
210007644

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} AUGUST J. CUSTER, 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:

retrieving and recklessly brandishing a firearm after causing a physical altercation with her daughter's husband ██████████. ██████████'s daughter ██████████ intercepted ██████████ in her bedroom after ██████████ removed the firearm from her closet. Due to ██████████ actions ██████████ was unable to carry out any further acts with the firearm.

3 Additional pages are attached.

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

██████████ was involved in a physical altercation with ██████████ which ██████████ was the primary aggressor. ██████████ subsequently retrieved a handgun from her closet and said she was going to kill ██████████ ██████████ was intercepted in her bedroom by ██████████ who took the firearm from ██████████ and placed it back in the closet.

 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____
PAGE 1 _____ OF 3 _____

BWC RECORDING

It should be noted V1 and V2 each completed Marcy's Law Victim's Right to Confidentiality Form and wished to not have their information public.

On April 25, 2021 at approximately 2343 hours, Deputy Custer responded to [REDACTED] in reference to the report of a physical fight. Upon arrival Deputy Custer made contact with [REDACTED] (V1), who advised the following:

[REDACTED] advised on 04/25/2021 at approximately 2330 hours, he was at his mother in laws residence ([REDACTED] [REDACTED]) visiting with her, [REDACTED] (D1). [REDACTED] stated while in the residence, [REDACTED] and [REDACTED] wife ([REDACTED] daughter) [REDACTED] (V2) got into a verbal argument. [REDACTED] advised at one point during the argument, [REDACTED] grabbed a tall lamp from within the back bedroom and raised it towards them in a threatening manner. [REDACTED] stated it was at this point he raised his voice back at [REDACTED] to tell her to stop yelling at [REDACTED] who then told [REDACTED] she wanted him out of her house. [REDACTED] stated [REDACTED] left the bedroom, so he and [REDACTED] started packing their things to leave, but [REDACTED] returned shortly after and rapidly approached [REDACTED] like she was going to attack her. [REDACTED] advised he stood in between them when [REDACTED] suddenly spit in his face, hitting him in the eyes. [REDACTED] admittedly jolted forward, striking the center of [REDACTED] nose with his forehead. [REDACTED] stated the headbutt caused [REDACTED] to bleed profusely from her nose, and [REDACTED] told him to go outside. [REDACTED] advised he walked out front and started pacing back and forth in the street in front of the residence. [REDACTED] stated he then went to the neighbors residence, [REDACTED], and had the homeowner [REDACTED] (R1) contact law enforcement.

[REDACTED] completed a sworn written statement to detail the incident further and advised he did wish to pursue criminal charges against [REDACTED] [REDACTED] refused any medical assistance at this time.

Deputy Custer then responded to [REDACTED] and made contact with [REDACTED] there, who advised the following:

[REDACTED] advised she slipped and fell onto the kitchen floor, which is how she "busted" her nose. [REDACTED] became very agitated with Deputy Custer's presence there and denied a physical altercation ever occurred.

EVAC and Fire Services responded, but [REDACTED] refused any medical assistance at this time.

Deputy Custer noted the copious drops of blood throughout front of the residence and living room areas while making contact with [REDACTED] who herself had a large red blood stain on the front of her shirt.

Deputy Custer then made contact with [REDACTED] who advised the following:

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____

PAGE 2 _____ OF 3 _____

██████ advised on 04/25/2021 at approximately 2330 hours, she and ██████ were in a verbal argument, when ██████ "came at her". ██████ stated ██████ stood between them and ██████ spit in his face. ██████ stated ██████ instinctively headbutted ██████ who then started bleeding. ██████ advised she told ██████ to go wait outside, which he did, when ██████ went into her bedroom closet. ██████ stated ██████ emerged from the closet holding a black firearm in her hand and she yelled, "I'm gonna kill him". ██████ advised it was at this time she wrestled the gun away from ██████ who ended up grabbing ██████ by her throat. ██████ stated after removing the gun from ██████ ██████ ran next door, while she removed the magazine, cleared one (1) round from the chamber, hid the pistol on the top closet shelf, and separate the magazine from the pistol (hiding in a filing cabinet in the front bedroom).

██████ ultimately refused to complete a sworn written and any medical assistance at this time.

██████ showed Deputy Custer where she hid the firearm and subsequently the magazines in the residence. Deputy Custer noted a trail of blood leading into the back bedroom closet, where ██████ reported ██████ retrieved the firearm from. Deputy Custer collected the firearm, a Glock 3045 caliber semiautomatic pistol bearing serial number HYZ928 (no record found when ran through VSO teletype) and the loaded black magazine, later submitting them into the District evidence locker as evidence.

Deputy Custer observed a small scratch on the right side of ██████ neck.

Given the new information obtained, Deputy Custer returned to ██████ and advised her of her constitutional rights via his agency issued Miranda Warning Card, and she agreed to speak.

██████ advised she initially lied to Deputy Custer about slipping on the kitchen floor, as she was trying to protect ██████ and ██████ from any legal trouble. ██████ stated what actually occurred was she was in a verbal argument with ██████ when ██████ jumped up from the bed (in the back bedroom) and headbutted her in the face. ██████ stated she then crawled to the neighbors house for help, as she was unable to walk (as she was stunned). ██████ advised after speaking with ██████ who she assumed would contact 9-1-1, she returned to her residence and sat on the back porch. ██████ was adamant she never involved a firearm throughout the entirety of the incident, nor did she ever enter her closet (where she stores her firearms).

Deputy Custer was unable to locate any smears on the floor being consistent with anyone crawling on the floor given the amount of blood drops throughout the residence. Additionally, Deputy Custer questioned ██████ as to how a trail of red blood drops would have ended up in her closet from the bedroom leading to an open black bag with spare magazines.

██████ stated her blood flew everywhere throughout the house, but she did not go into her closet. ██████ further advised she always keeps her gun bag open and ██████ knows this.

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>Handgun</u> | Location | <u>VSO Evidence</u> |
| Quantity | <u>1</u> | Type | <u>Rifle</u> | Location | <u>[REDACTED] Orange City</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: April 26, 2021 Signature of Affiant: _____

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 A. CUSTER 8233
Affiant's name

J. N. Williams
Signature of Attesting LEO Witness

D/S N. WILLIAMS 8480
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)