

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

VSO Case Number
22-2954

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} Diego Seda, in my position as {job title} Deputy II 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:

See continuation page.

2 Additional pages are attached.

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

_____ Additional pages are attached.

AFFIDAVIT CONTINUATION

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BWC RECORDING

On February 13, 2022 at approximately 0358 hours, deputies arrived at _____ Orange City, FL. in reference to the report of a suicidal person. Upon arrival deputies made contact with _____ (R1), via telephone, who advised the following:

_____ advised on the night of February 12, 2022, she and her ex-fiance, _____ (V1), went out to celebrate his birthday. Upon returning to his residence (_____) later that night, they got into a verbal argument so she decided to go home (_____). _____ stated _____ (V1) arrived at her residence about 20 minutes after her, to retrieve his firearm. _____ explained approximately on week prior to this incident (the week of February 6th) _____ made threats to kill himself, so he turned his gun over to her for safe keeping (not reported to law enforcement). _____ continued, shortly after _____ (V1) left her residence _____ (V1) son, _____ (O1), contacted her on the phone. _____ stated _____ told her _____ (V1) was sitting at the end of his bed with the gun to his own head. _____ advised _____ told her _____ (V1) was crying and saying "I don't know what to do". _____ stated it was at this time she contacted law enforcement to report the incident. _____ completed a sworn written statement to detail the incident further.

Deputies were initially unable to make contact with _____ (V1) at his residence, until he finally emerged from the front door at approximately 0557 hours.

_____ (V1) advised he was feeling depressed and admitted to sitting on the end of his bed with his firearm. _____ (V1) stated he did not hold the gun up to his head at any point, but recalled he did hold it up while ejecting the magazine, which may explain what _____ observed.

_____ (V1) refused any further assistance from law enforcement and expressed to the deputies who contacted him "If you make me go anywhere, I will fight you". Ultimately, _____ (V1) was placed into protective custody under a Baker Act with very minor resistance (he briefly held his hands in front himself when ordered to place them behind him) with no parties being injured. Upon completion of the required Baker Act form, Deputy Custer transported _____ (V1) to Stewart Marchman (SMA) in Daytona without issue.

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AGAINST {Name of Respondent} Hal B Fountain

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█ (V1) allowed deputies to retrieve his sole firearm, a Glock 40 semi automatic handgun bearing serial #WPF369, from his residence. Given the threats made involved a firearm, Deputy Bernard collected the firearm and completed a risk protection order (RPO) on █ (V1). Based on █ (V1) children, █ (O1) and █ (O2) being on scene with him during the entirety of the incident, Deputy Custer notified Juvenile Director Quann to apprise her of the event. Additionally, Deputy Custer submitted a completed copy of this incident report to DCF for further review.

It should be noted █ (V1) did not sign the Risk Protection Order Receipt due to actively resisting deputies who were attempting to secure him.

Case Status: Closed

3. Affiant is 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:

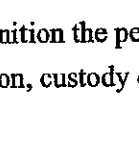
Quantity	<u>1</u>	Type	<u>GLOCK 40</u>	Location	<u>M BEDROOM CLOSET</u>
Quantity	<u>15</u>	Type	<u>40 CALIBER</u>	Location	<u>M BEDROOM CLOSET</u>
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____

_____ 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: 02/13/2022 Signature of Affiant:  9430

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 13 day of February, _____, by Deputy II
Affiant's name


Signature of Attesting LEO Witness

D/S Cuth
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)