

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

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

VSO Case Number
22-00837

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} NICKOLAS SMITH, 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:

SEE CONTINUATION FORM

5 Additional pages are attached.

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

0 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____

PAGE 1 _____ OF 5 _____

On January 13th, 2021 at approximately 1730 hours, deputies responded to [REDACTED], in reference to an armed robbery that just occurred. Upon arriving on scene, deputies made contact with the victim [REDACTED] (VI), who advised the following:

At approximately 1700 hours, [REDACTED] was in the rear bedroom of the residence on the west side of the house, with [REDACTED] (WI). [REDACTED] (DI), who is [REDACTED] sister in-law, entered the room and began telling [REDACTED] that she owed her \$300 dollars for rent money. [REDACTED] told [REDACTED] that she was not going to pay her any money. [REDACTED] stated that [REDACTED] grabbed her gray bag off the chair in the bedroom and pulled out a black handgun from her person. [REDACTED] stated that [REDACTED] pointed the handgun towards her and [REDACTED] who were standing next to each other, with [REDACTED] slightly behind [REDACTED]. [REDACTED] told [REDACTED] "Run up on me bitch" several times, while making a gesture towards [REDACTED] like she was shooting the handgun at her. [REDACTED] advised that she immediately picked up her phone to call 911, at which point [REDACTED] left the residence. [REDACTED] stated that she did not see the vehicle [REDACTED] used to leave the residence in. There were no other people identified as being with [REDACTED] at the time. [REDACTED] described the bag and contents as follows:

A gray "Guess" Brand bag, with one \$100 bill, two \$20 bills, her identification cards in a wallet, and her prescription medications (none of which are narcotics or controlled substances to her knowledge). The total value of the bag and contents was estimated to be \$300.

[REDACTED] explained that she previously lived with [REDACTED] and her brother as a family unit for approximately one year. [REDACTED] noted that she lost her leg and had a prosthetic which is why she moved in with [REDACTED] originally. [REDACTED] explained she was treated poorly while living with them, and as soon as she got her new leg she moved in the residence at [REDACTED]. [REDACTED] added that she helped pay rent in the amount of \$300 a month while living with [REDACTED]. [REDACTED] advised [REDACTED] was trying to reach her via phone all day, and was looking for her vehicle in the neighborhood since she moved out.

[REDACTED] indicated that she desired to pursue charges, and completed a sworn written statement.

[REDACTED] who was on scene, did not wish to provide a written statement or be involved in the investigation. [REDACTED] did note however that she observed a white Chevy sedan parked in front of the residence by the mailbox, and leave north bound on Parsons Av.

Deputy Smith did not observe any signs of forced entry to the residence. There were cameras available at [REDACTED], but the residents did not wish to provide any footage. There were no independent witnesses to the incident.

The computer aided dispatch notes for the incident, indicated there was a twenty minute time lapse before the 911 call was placed. Additionally, the suspect was described as a black female in her mid 30's wearing a blue track suit. The suspect vehicle was described as a 4 door Chevy Malibu.

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____
PAGE 2 _____ OF 5 _____

Deputies were able to identify a white 4 door Chevy bearing FL tag: [REDACTED], registered to [REDACTED] white 4 door Chevy matches the suspect vehicle description seen leaving the residence.

District 4 deputies located [REDACTED] driving with [REDACTED] (O1) in the area of Pine Ridge High School, Deltona. See Below.

On 01/13/2022, at approximately 1738 hours, Deputy Slover responded to [REDACTED], Deltona, in reference to an attempt to contact regarding an armed robbery.

Prior to arrival, Central Dispatch advised the reporting partying [REDACTED] (V1), contacted law enforcement regarding [REDACTED] (D1) arriving at [REDACTED] Deland. Upon arrival, [REDACTED] pulled a gun on [REDACTED] and took her purse. [REDACTED] advised the gun appeared to be a black handgun and that [REDACTED] drove a white Chevrolet Impala bearing Florida registration plate [REDACTED].

Deputies arrived at [REDACTED] and set up a perimeter. Air-One was contacted and arrived on scene. Air-One advised they observed the vehicle at the residence, and two females were observed getting into a white Mercedes bearing Florida registration plate [REDACTED]. Deputies observed the vehicle leaving the residence with the two female occupants inside. Deputy Slover observed the vehicle and noted the front seat passenger matched [REDACTED] description.

Deputies conducted a felony stop on the vehicle in front of Pine Ridge High School located at 926 Howland Blvd, Deltona. Deputy Slover placed both females in the rear of his patrol vehicle and identified the driver as [REDACTED] (O1), [REDACTED]

Deputy Slover read [REDACTED] her Constitutional Rights from a department-provided Advisement of Rights card, which she advised she understood.

Deputy Slover read [REDACTED] her Constitutional Rights from a department-provided Advisement of Rights card, which she advised she understood.

[REDACTED] spontaneously uttered she knew why she was stopped, and she did not pull a gun on [REDACTED]

Deputy Slover searched the vehicle and located the following contraband items:
(1.) Rear Passenger Side Seat, Black Back-Pack: Clear Plastic Baggie with green pills (markings M 15).

Also located in the backpack were [REDACTED] identification and prescription medications.

Deputy Slover utilized Drugs.Com Pill Identifier, which showed the pills to be Oxycodone Hydrochloride, a scheduled II substance. Deputy Slover later weighed the Oxycodone Hydrochloride which showed 8.0g

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____

PAGE 3 _____ OF 5 _____

(Bag Weight).

Deputy Slover did not locate any firearms at the time of the search.

CID Detectives arrived on scene with the investigation being turned over to them.

On 01/13/2022, Detectives Teske and McRae responded to the area of Pine Ridge High School to speak with [REDACTED] and [REDACTED] the two individuals detained in the car which was seen leaving [REDACTED]. Upon arrival, Detectives contacted [REDACTED] and [REDACTED] and spoke with them separately regarding their involvement in this incident. Prior to speaking with either individual, they were both informed of their Miranda Warnings by Deputy Adle. Both [REDACTED] and [REDACTED] acknowledged they understood their rights and wished to speak with Detectives.

[REDACTED] advised the following:
[REDACTED] stated she and the victim in this case, [REDACTED] resided together for the past year and a half, at the [REDACTED] address in Deltona. On either Sunday (01/09/2022) or Monday (01/10/2022) [REDACTED] and [REDACTED] got in to a disagreement over [REDACTED] not being able to visit [REDACTED] stepson in the hospital, prompting [REDACTED] to subsequently move out. On Tuesday (01/11/2022) [REDACTED] packed up the majority of her belongings into her vehicle and relocated them to her new residence at [REDACTED], Deland.

[REDACTED] stated she attempted to call [REDACTED] today (01/13/2022) in an attempt to meet up with her and try to talk about the argument the two had. [REDACTED] stated she attempted to call [REDACTED] multiple times to arrange the meet up, although [REDACTED] refused to take her phone calls. [REDACTED] then stated her and her aunt, [REDACTED] got into [REDACTED] vehicle, a white in color Chevrolet four door sedan and drove to [REDACTED] new residence to try and speak with her. They arrived at [REDACTED] residence in Deland at approximately 1600 hours. According to [REDACTED] she walked up to the front door and made contact with one of [REDACTED] new roommates. [REDACTED] eventually came to the door and met with [REDACTED]. After a brief discussion at the door, [REDACTED] stated [REDACTED] with her purse, got into the backseat of [REDACTED] car, and the three ladies began having their discussion in the driveway.

After a "five minute" conversation, [REDACTED] and [REDACTED] began to argue over the possessions [REDACTED] left at [REDACTED] residence, as well as the remaining amount of rent money [REDACTED] owed [REDACTED]. [REDACTED] subsequently exited the vehicle and ended the conversation. [REDACTED] stated once [REDACTED] got out of the vehicle, [REDACTED] had left her purse in the vehicle and [REDACTED] began yelling at her, saying "I'm calling the police, you stole my purse."

[REDACTED] stated she then left the residence and drove nonstop, immediately, back to her residence at [REDACTED]. [REDACTED] stated while on her way back to her home, she was called on the phone by her father, inquiring about the purse. As [REDACTED] was nearing her residence in Deltona, she stated she could

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____

PAGE 4 _____ OF 5 _____

see the Sheriff's Office helicopter circling the area. [REDACTED] stated [REDACTED] must have left her purse in the car when the two were speaking. [REDACTED] did not want to get involved with the police regarding this issue, so she was just going to meet up with her father somewhere on Howland Boulevard and give him the purse to take back to [REDACTED]

[REDACTED] and her aunt responded back to [REDACTED] residence at [REDACTED], where they went inside for a very short time. They exited the residence, got in to the aunt's car, a white in color four door Mercedes, and left to meet up with her father. Deputies pulled them over shortly after they left the residence and the two were detained.

[REDACTED] stated, she does legally own a firearm and always carries the firearm on her person when she leaves her residence. [REDACTED] continued, if she leaves her house her firearm is on her hip or in her purse. However, when questioned if she carried her firearm with her to go to [REDACTED] residence in Deland, she stated she did not and it was left in her bedroom. [REDACTED] described her firearm as a black in color handgun, possibly a "Sig".

[REDACTED] further advised at no point did she point a firearm at [REDACTED] nor did she threaten to point a firearm at [REDACTED]. [REDACTED] stated [REDACTED] knows that [REDACTED] owns a firearm and is familiar with the color of it based off of the fact that [REDACTED] always carries it and because the two had been living together for the past one and a half years.

Detectives then spoke with [REDACTED] aunt, [REDACTED].

[REDACTED] stated she informed [REDACTED] that she and [REDACTED] need to stop arguing with each other and needed to talk about their problems. [REDACTED] stated she also attempted to contact [REDACTED] on the phone, but was not able to get through to her. [REDACTED] got in to [REDACTED] vehicle and the two drove to [REDACTED] residence in Deland.

Once they arrived at the residence, [REDACTED] stated she stayed in the vehicle and [REDACTED] went to the front door, then inside of the residence. After a short time, [REDACTED] exited the residence, got back in to the vehicle, then the two began driving back towards [REDACTED] residence at [REDACTED], Deltona. While enroute back to the Deltona home, they received a phone call from [REDACTED] father, inquiring about [REDACTED] purse. [REDACTED] stated she informed [REDACTED] the purse needs to be returned. They returned back to the Deltona house and went inside so [REDACTED] could use the restroom. They coordinated a meet up with [REDACTED] father to hand over the purse somewhere on Howland Blvd. They exited the residence and got in to [REDACTED] white Mercedes car and began driving. They were pulled over by Sheriff's Deputies a short time later, on Howland Blvd.

[REDACTED] stated while she was sitting in the [REDACTED] vehicle in [REDACTED] driveway in Deland, she never saw [REDACTED]. [REDACTED] stayed in the residence and [REDACTED] went inside to speak with her.

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

VSO Case Number
22-00837

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 5 OF 5

██████ never exited the residence, never got in to the vehicle with them in the driveway, and the three of them did not collectively speak. ██████ stated she never saw ██████ with a firearm, but does know she owns a black handgun. ██████ also stated she did not notice if ██████ came out of the residence with a purse or not.

Once they were back at the ██████ residence, ██████ stated she did see ██████ grab the purse and put it in ██████ white Mercedes car, but could not remember if ██████ retrieved it from her car or from inside of the residence.

Based upon the statements made and evidence collected Detective Teske determined ██████ drove to ██████ residence to confront her regarding owed money. The altercation escalated when ██████ produced a firearm and threatened ██████ with it, demanding the owed money. ██████ called 911 which prompted ██████ to leave the residence with ██████ purse. ██████ then drove directly back to ██████, Deltona and went inside the residence. Once inside of the residence, ██████ placed her firearm inside and then agreed to meet with her father to return the purse, but was stopped by law enforcement before being able to do so.

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

0 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>123 RNDS</u>	Type	<u>9MM</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: 01/13/2022 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 13 day of JANUARY, 2022, by N. SMITH
Affiant's name


Signature of Attesting LEO Witness

D/S K. BARRY #8993
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)