

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

VSO Case Number
230021391

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* TIFFANY A. KAGLE, in my position as *{job title}* DEPUTY with the *{name of law enforcement officer/agency}* VOLUSIA SHERIFFS 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:

*** BWC RECORDING ***

*** MARSEY'S LAW INVOKED ***

On November 4, 2023, at approximately 1453 hours, Deputies were dispatched to [REDACTED] Deltona in response to a suicidal person. Volusia County Central Communications (Central), relayed to responding Deputies that a husband and wife

1 Additional pages are attached.

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

SEE NARRATIVE

 Additional pages are attached.

AFFIDAVIT CONTINUATION

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were involved in an altercation and the husband was armed with a handgun and would kill himself and anyone who came near him. Central further relayed the wife was able exit the home with custody of couple's minor children, who were on scene at the initial time of the incident.

Deputies arrived on scene and established a perimeter around the residence. Upon contact with the husband, [REDACTED] (D1), Deputies observed him standing in the front doorway of the residence with a rifle. [REDACTED] refused to relinquish possession of the weapon and surrender upon demand by Deputies on scene.

Deputy Estrada made contact with the wife, [REDACTED] (V1). [REDACTED] stated at approximately 1000 hours, she confronted [REDACTED] about an extramarital affair she suspected [REDACTED] was involved in and that she desired a divorce. [REDACTED] stated she then left the home to get something to eat, leaving her children, [REDACTED] a minor (V2), [REDACTED] a minor, (V3), and [REDACTED] a minor, (V4) at the home. Upon returning to the residence, [REDACTED] discovered [REDACTED] in the outside rear area of the residence drinking alcohol with a handgun visible on a nearby table. [REDACTED] asked [REDACTED] what he was doing, to which [REDACTED] stated his objections to a divorce and that he would not allow [REDACTED] to take the children.

[REDACTED] stated because of [REDACTED]'s demeanor and the presence of a firearm, she became fearful for her and the lives of her children and began to gather her children in an attempt leave the residence. After securing [REDACTED] in their vehicle, [REDACTED] re-entered the residence to get her other children. [REDACTED] then became irate, brandished a handgun and pointed it at [REDACTED] and [REDACTED] whom she was carrying in her arms. [REDACTED] stated to [REDACTED] that he would kill her, their children and himself. During the course of this incident, [REDACTED] used the threat of death with a firearm and his body to physically prevent [REDACTED] from exiting the residence. As [REDACTED] blocked [REDACTED]'s ability to leave the residence, [REDACTED] picked up a rifle and punched the barrel of the weapon through the door, resulting in physical damage to the door.

Eventually, [REDACTED] and [REDACTED] were able evade [REDACTED] and exit the residence from a rear entryway. During this time, [REDACTED] destroyed [REDACTED]'s cellphone in an attempt to prevent her from contacting anyone for help. [REDACTED] stated she initiated a phone call with her wrist worn Apple watch. [REDACTED] then offered to trade the vehicle keys for the watch, so he could terminate the communication [REDACTED] was attempting to make. [REDACTED] stated she gave her watch to [REDACTED] and [REDACTED] threw the vehicle keys into the yard.

AFFIDAVIT CONTINUATION

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Deputy Santiago responded to ██████████ Debary and made contact with ██████████. ██████████ stated "Daddy was acting psychotic. He had a gun in his hand and said he would shoot everyone in the house." ██████████ advised this occurred around approximately between the hours of 1330-1430 hours. ██████████ described the gun to be a pistol. Deputy Santiago observed ██████████ to be distraught and unable to provide further details of the incident. Due to the ages of ██████████ and ██████████ they were unable to provide statements detailing their observations. ██████████ provided a sworn written statement detailing her involvement, invoked Marsey's Law and declined to pursue criminal charges.

At 1547 hours ██████████ surrendered to Deputies and was placed into custody. ██████████ was observed to have a non-life-threatening laceration to his hand, was provided treatment and subsequently medically released on scene to Deputies by Deltona Fire Rescue. ██████████ provided consent to Deputies to enter the residence and process the scene. Upon entering the residence, Deputies observed a rifle, handgun, destroyed cellular phone, destroyed apple watch and an open and partially consumed alcoholic beverage container. Deputies captured photographs of the interior of the residence. Deputies collected the rifle, handgun and accompanying magazines and ammunition and submitted it into the District Four Evidence Locker for further processing. Furthermore, a risk protection order hearing was filed against ██████████ in reference to this case.

Based on the forgoing, probable cause existed to charge ██████████ with § 784.021 1b, aggravated assault with intent to commit a felony, § 787.01a3, kidnapping, inflicting bodily harm or terrorizing victims, §914.22 1e, obstructing justice, hindering communication with law enforcement, and § 843.02, resisting an officer, obstructing without violence.

Director Quann was notified of this incident and forwarded a copy of this report.

██████████ was transported to the Volusia County Branch Jail.

CASE STATUS: ARREST/ADULT

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>RIFLE</u>	Location	<u>VSO EVIDENCE</u>
Quantity	<u>1</u>	Type	<u>HANDGUN</u>	Location	<u>VSO EVIDENCE</u>
Quantity	<u>5</u>	Type	<u>RIFLE MAGS</u>	Location	<u>VSO EVIDENCE</u>
Quantity	<u>1</u>	Type	<u>HGUN MAG</u>	Location	<u>VSO EVIDENCE</u>
Quantity	<u>98</u>	Type	<u>556 cal ammo</u>	Location	<u>VSO EVIDENCE</u>
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: 11/04/2023 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 4 day of November, 2023, by TIFFANY A. KAGLE
Affiant's name


Signature of Attesting LEO Witness

RENEE MCNABB
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)