

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

VSO Case Number
23-2760

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* JOSHUA SAMUEL CARACCIOLO, 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 ATTACHED NARRATIVE

2 Additional pages are attached.

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

SEE ATTACHED NARRATIVE

2 Additional pages are attached.

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AFFIDAVIT CONTINUATION

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BWC RECORDING
MARSY'S LAW INVOKED

On 02/11/2023 at approximately 1924 hours, Deputy Caracciolo responded to _____ Deland in reference to a domestic disturbance.

Upon arrival to Walgreens located at 100 E International Speedway Blvd, Deland, Deputy Caracciolo made contact with _____ (VI). _____ advised that her brother _____ (D1), who lives in the same residence, started arguing with her. _____ stated that _____ got into her face so she put her hands up to tell him to get away from her. _____ advised that _____ took her to the ground, put his arm around her throat and started to apply direct pressure that restricted her breathing. _____ stated that she feared that _____ was going to kill her. _____ stated that _____ then threatened to take out his revolver and shoot her if she called the cops. _____ advised that she left the house and drove to Walgreens to call law enforcement. While Talking with _____ Deputy Caracciolo observed red marks on the side of her neck. Deputy Caracciolo asked if _____ needed medical attention, which she refused. _____ was provided with a Victim's Rights Brochure _____ elected to keep her information private by invoking Marsy's Law. Deputy Caracciolo took digital photographs of _____'s injuries which were later uploaded to Digital Crime Scene.

Upon arriving at _____ Deland, prior to interviewing _____, Deputy Daniels read _____ his Miranda Rights and asked if he understood.

_____ advised he understood and agreed to speak with deputies. _____ advised that his sister had started throwing his stuff away. _____ stated that he did not get into her face but was defending himself, and that he took her to the ground but did not mean to hurt her. _____ stated that at no time did he threaten his sister with a firearm.

_____ stated that he does not own firearms and that they belong to his mother. Deputy Caracciolo will complete and submit a Risk Protection Order for the firearms.

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Due to the statement made by _____ and the statement made by _____ along with marks on _____'s neck, Deputy Caracciolo found probable cause to charge _____ with felony battery-domestic by strangulation.

_____ was transported to Volusia County Branch Jail without incident.

Case Status: Adult Arrested.

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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 _____	Type _____	Location _____
Quantity _____	Type _____	Location _____
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: 02/12/2023 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 12 day of February, 2023, by D/S CARACCIOLO
Affiant's name

 1678
Signature of Attesting LEO Witness

SGT. MIKE KENT
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)