

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

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AUG 05 2019

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

VC50 Case Number
19-16625

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} Trevor Brown, in my position as {job title} Deputy Sheriff II with the {name of law enforcement officer/agency} Volusia County Sheriff's 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 *****

On 08/02/2019 at approximately 2300 hours, Deputy Ellis responded to [REDACTED] [REDACTED] Deltona, in reference to a harassing phone call and text complaint. Upon arrival, Deputy Ellis met with [REDACTED] (V1) and her aunt, [REDACTED] (V2) inside the

2 Additional pages are attached.

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

Please see affidavit continuation page.

0 Additional pages are attached.

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AGAINST {Name of Respondent} [REDACTED]

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AFFIDAVIT CONTINUATION

FROM SECTION _____
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residence. Both were noticeably upset and frantically trying to explain details about the incident. [REDACTED] and [REDACTED] advised they both have been receiving disturbing text messages and phone calls from [REDACTED]s ex-husband, [REDACTED] (D1). [REDACTED] and [REDACTED] have been in an intimate relationship for several years and have two children in common. [REDACTED] told Deputy Ellis, [REDACTED]s mother passed away in December of 2018 and he has been "spiraling out of control" since. Since the time of [REDACTED]s mother's passing, [REDACTED] has been making threats of violence towards her and even stating he is going to kill her. On this date, [REDACTED] began texting both [REDACTED] and [REDACTED] saying "I'm going to kill you, you fucking cunt." [REDACTED] also posted on his personal Facebook Story a statement of "I'm going there tonight and either picking up my kids for the weekend or kill her, one of the two." [REDACTED] believes due to [REDACTED]s unstable mindset he would carry out the threats being made towards her and [REDACTED]

[REDACTED] told Deputy Ellis, [REDACTED] usually texts or calls her when [REDACTED] does not answer his phone calls or respond to his text messages. [REDACTED] believes there is a substantial likelihood that [REDACTED] would carry out the threats of killing her if given the chance.

Deputy Ellis observed the text messages and found them to be threatening in nature. Some of the texts were very descriptive as [REDACTED] even stated he would kill [REDACTED] and he "has already picked out her final resting place." [REDACTED] believed this statement was talking about a burial site. Deputy Ellis observed hundreds of text messages on [REDACTED] and [REDACTED]s cell phones. One text stated, "you are going to die by my hands, if it is the last thing I do." Both [REDACTED] and [REDACTED] stated, they were positive the messages were coming from [REDACTED]s cell phone, as they had been in contact with him multiple times throughout the past few months.

While Deputy Ellis was talking to [REDACTED] and [REDACTED], [REDACTED] continuously sent threatening messages to them. [REDACTED] would call [REDACTED] and then immediately call [REDACTED] Deputy Ellis also observed one message sent to [REDACTED] cell phone of a shotgun. The picture appeared to be a screen shot of a website where you could purchase guns, and did not depict [REDACTED] possessing any firearms. [REDACTED] advised, she did not believe [REDACTED] owned any firearms or had access to any.

[REDACTED] advised, she believes there is a substantial likelihood that [REDACTED] would go through with his statements of killing her, if given the opportunity, due to his aggressive behavior and believes her and [REDACTED]s lives are in imminent danger.

Based off Deputy Ellis' investigation, Deputy Ellis determined the following; [REDACTED] did unlawfully write or compose and also send or procure the sending of any letter or inscribed

electronic communication, containing a threat to kill or to do bodily injury to his ex-wife [REDACTED] (VI), and threaten to kill or do bodily injury to members of the family of [REDACTED] contrary to Florida Statute 836.10.

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AGAINST {Name of Respondent} [REDACTED]

AFFIDAVIT CONTINUATION

FROM SECTION _____

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[REDACTED] did willfully, maliciously, and repeatedly follow, harass or cyberstalk [REDACTED] and [REDACTED] and did make a credible threat, with the intent to place [REDACTED] (V1) and [REDACTED] (V2) in reasonable fear of death or bodily injury, contrary to Florida Statute 784.048(3). (3 DEG FEL) (LEVEL 6).

[REDACTED] was located at his home address and taken into custody and transported to the Orange County Jail without incident.

[Lined area for additional text]

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 _____	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: 08/03/2019

Signature of Affiant: T Brown 8783

Sworn to or affirmed and signed before me on 08/03/2019 by Deputy Trevor Brown

Date

Affiant's Name

who X is personally known to me or ___ presented _____, as identification.

M. Campbell 1429 VCSO
Attesting LEO Witness or Notary Public, State of Florida
My commission expires: LEO

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

AUG 05 2019

VOLUSIA COUNTY SHERIFF'S OFFICE,
Petitioner

Case No.: 19-16625

v.

Division: LAW ENFORCEMENT

VCSSO Case Number
19-16625

[REDACTED],
Respondent

**PETITION FOR TEMPORARY EX PARTE RISK PROTECTION ORDER
AND RISK PROTECTION ORDER**

SECTION I. PETITIONER

1. Petitioner's full legal name or name of petitioning agency: Volusia County Sheriff's Office
2. Petitioner's law enforcement office/agency is located at *{street address, city, state, and zip code}*:
123 West Indiana Ave, Deland, FL 32724

SECTION II. RESPONDENT

1. Respondent's full legal name: [REDACTED]
2. Respondent's current address: *{street address, city, state, and zip code}*:
[REDACTED] Orlando, FL 32812
3. Physical description of Respondent:
Race: W Sex: Male Female Date of Birth: [REDACTED]
Height: 6'00" Weight: 130 Eye Color: BRO Hair Color: BRO
4. Distinguishing marks or scars: N/A
5. Vehicle *{make/model}*: N/A Color: N/A Tag Number: N/A
6. Other names Respondent goes by *{aliases or nicknames}*: Unknown
7. Respondent's email address *{if known}*: Unknown
8. Respondent's Driver's License number *{if known}*: [REDACTED]
9. Respondent's attorney's name, address, and telephone number *{if known}*: Unknown

SECTION III. BASIS FOR PETITION

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In support of this Petition the undersigned Law Enforcement Officer/Agency alleges:

- 1. 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.
- 2. A sworn affidavit alleging specific statements, actions, or facts based on personal knowledge that give rise to a reasonable fear of significant dangerous acts by the Respondent is attached to this petition and incorporated by reference.
- 3. The attached sworn affidavit includes a list of the quantities, types, and locations of all firearms and ammunition believed to be in the Respondent's ownership, possession, custody, or control.
- 4. Respondent poses a significant danger of injury to himself/herself or others by having in his/her control, or by purchasing, possessing, or receiving, a firearm or ammunition.

[Required for Temporary Ex Parte Risk Protection Order] Respondent poses this significant risk of injury in the near future.

- 5. Relevant evidence for the Court's consideration is detailed in the attached affidavit and shows that the Respondent:

- was involved in a recent act or threat of violence against himself/herself or others;
- engaged in an act or threat of violence; including but not limited to acts or threats of violence against himself/herself; within the past 12 months;
- is seriously mentally ill or has recurring mental health issues;
- has violated a risk protection order or no contact order issued under sections 741.30, 784.046, or 784.0485, Fla. Stat.;
- is the subject of a previous or existing risk protection order;
- has violated a previous or existing risk protection order;
- has been convicted of, had adjudication withheld on, or pled *nolo contendere* in Florida or in any other state to a crime that constitutes domestic violence as defined in s. 741.28, Fla. Stat.;
- has used, or threatened to use, against himself/herself or others, any weapons;
- has unlawfully or recklessly used, displayed or brandished a firearm;
- has used or threatened to use on a recurring basis physical force against another person or has stalked another person;
- has been arrested for, convicted of, had adjudication withheld, or pled *nolo contendere* to a crime involving violence or a threat of violence in Florida or in any other state;
- has abused or is abusing controlled substances or alcohol;
- has recently acquired firearms or ammunition;
- other (Additional relevant information may be attached).

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SECTION IV. NOTICE

____ Petitioner has made a good faith effort to provide notice to a family or household member of the Respondent and to any known third party who may be at risk of violence in compliance with s. 790.401(2)(f), Fla.Stat.

X Petitioner will take the following steps to provide notice as required by s. 790.401(2)(f), Fla.Stat.
By person, telephone, and / or certified mail.

SECTION V. RISK PROTECTION ORDERS

For the foregoing reasons, petitioner requests the Court to enter:

X **A TEMPORARY EX PARTE RISK PROTECTION ORDER** in this matter requiring Respondent to:

1. Immediately surrender all firearms and ammunition in his or her custody, control, or possession and any license to carry a concealed weapon or firearm to the *{name of law enforcement agency}*; Volusia County Sheriff's Office
2. Not have in his/her custody, control, or possession any firearm or ammunition while this order is in effect;
3. Not purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect; and
4. Abide by any other lawful relief the Court may order.

Petitioner further requests this Court to schedule a Hearing for a Risk Protection Order to be held within 14 days.

X **A RISK PROTECTION ORDER** in this matter requiring Respondent to:

1. Immediately surrender all firearms and ammunition in his or her custody, control, or possession and any license to carry a concealed weapon or firearm to the *{name of law enforcement agency}*; Volusia County Sheriff's Office
2. Not have in his/her custody, control, or possession any firearm or ammunition while this order is in effect;
3. Not purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect; and
4. Abide by any other lawful relief the Court may order.

Petitioner requests the Risk Protection Order to remain in effect for a period the Court deems appropriate, up to and including but not exceeding 12 months.

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Respectfully submitted this 03 day of August, 2019.

T Braum 8783
Signature of Petitioner

Volusia County Sheriff's Office
Law Enforcement Agency

123 West Indiana Avenue, Deland, FL 32724
Service Address