

IN THE CIRCUIT COURT OF THE Seventh JUDICIAL CIRCUIT,
IN AND FOR Volusia COUNTY, FLORIDA

VSO Case Number
20-20365

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST *{Name of Respondent}* [REDACTED]

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF Volusia

I, *{full legal name}* BROUGH, WES, in my position as *{job title}* Deputy 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}* [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:

On 11/06/2020, at approximately 1848 hours, deputies responded to the area of Elkcam Blvd and N Normandy Blvd, Deltona, in reference to a reckless driver. Deputies were made aware that a driver of a gray BMW (FL TAG [REDACTED]) pointed a gun at another driver, due to a road rage incident, which occurred on I-4. While in route to the above mentioned intersection, Deputy Brough and Deputy Charles observed a gray BMW

1 Additional pages are attached.

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

See affidavit continuation form.

0 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____
PAGE 2 OF 2 _____

Matching the description of the reckless driver. The BMW made an east bound turn onto Elkcarn Blvd from North Normandy Blvd, Deltona. Deputy Brough observed the gray BMW pull into a residence at [REDACTED], Deltona. Deputies confirmed the above mentioned tag with central dispatch, at which point [REDACTED] (D1) as detained. Deputy Charles advised [REDACTED] of his Miranda rights, in which [REDACTED] stated he understood. Post Miranda, [REDACTED] gave the following statement of the above incident: He was traveling home from his storage unit in Orlando when he was getting off the I-4 exit to Saxon Blvd, Deltona. While [REDACTED] was pulling off the exit a large truck cut him off twice. [REDACTED] stated he was scared the truck was going to run him off the road, or he would be hit by the large truck. When both vehicles got to the intersection of Saxon Blvd and North Normandy Blvd. [REDACTED] told the driver of the truck he had a gun and showed it to him in order to scare the driver of the truck. Deputy Charles located the firearm in a back carrying case, inside the driver's door panel. The firearm was a black, .380 [REDACTED] Semi-Automatic hand gun (SN: [REDACTED]) [REDACTED] stated he did not feel calling [REDACTED] was necessary, because he had a gun. The driver of the green Dodge pickup truck (FL tag [REDACTED]) was later identified as [REDACTED] (VI). Deputy Teske made contact with [REDACTED] at [REDACTED] Deltona who advised the following: [REDACTED] informed Deputy Teske he was getting off of Interstate 4, attempting to merge on to eastbound Saxon Blvd. [REDACTED] stated a silver BMW passenger car pulled up along side of him, attempting to force its way in to [REDACTED] lane, which would have cause [REDACTED] to run off of the roadway. When [REDACTED] did not leave his lane, the silver BMW stayed along side of [REDACTED] shouting "Fuck you" towards him, then pointing a black handgun directly at [REDACTED] head. [REDACTED] advised he attempted to pull forward and avoid having a firearm pointed at him, but was then stopped due to traffic. The silver BMW again pulled along side of [REDACTED] and pointed the firearm at him, shouting "Go ahead!" the light changed to green and [REDACTED] was able to remove himself from the situation, while calling [REDACTED] to report it. Deputy Teske also met with and transported [REDACTED] to where [REDACTED] was detained, for a show up. Upon arrival, [REDACTED] immediately identified [REDACTED] as the suspect with 100 percent certainty. Due to [REDACTED] pointing his firearm at [REDACTED] in a threatening manner, while having the apparent ability to act out the threat, and having the opportunity to do so, as well as [REDACTED] having a well founded fear of the threat, Deputy Brough determined probable cause existed to arrest [REDACTED] for aggravated assault with a deadly weapon.

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>Firearm</u>	Location	<u>Evidence</u>
Quantity	<u>5</u>	Type	<u>Ammunition</u>	Location	<u>Evidence</u>
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____

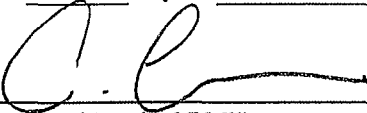
0 Additional pages are attached.

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: 11/06/2020 Signature of Affiant: 

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization,

this 06 day of November, 2020, by D/S BROUGH 9179
Affiant's name


Signature of Attesting LEO Witness

D/S CHARLES 8318
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)

VOLUSIA SHERIFF'S OFFICE

Clerk of Court's Number

RISK PROTECTION ORDER / BAKER ACT FIREARMS AND AMMUNITION RECEIPT

EVENT		Report Date 11/08/2020	Report Time 1848	Orig. Reported Date 11/08/2020	Nature of Call (for Incident) ABAT AGG	Agency Report Number 200020365	1. Original 2. Supplement	1
CODE		Status Code: 1. Evidence 6. Recovered 7. Recovered (Outside Agency Recovered) 13. Disposal 17. Baker Act 22. RPO (Voluntary Surrender) 23. RPO (Seized)			Category Code: J. Special Documents Y. All Other Items (Guns and Ammunition)			
PROPERTY	Leave Blank:	Item # 1	Status 1	Category Y	Quantity 1	Description KEL-TEK FIREARM		
	If Gun	Make KEL	Model TEK	Caliber .380	Type / Cat PISTOL	Action SEM	Finish BLK	Serial Number H2U13
PROPERTY	Leave Blank:	Item # 2	Status 1	Category Y	Quantity 5	Description .380 MAG AND ROUNDS		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
PROPERTY	Leave Blank:	Item #	Status	Category	Quantity	Description		
	If Gun	Make	Model	Caliber	Type / Cat	Action	Finish	Serial Number
<p>INITIALS</p> <p>Pursuant to 790.401(7)(c), Florida Statutes, the firearm(s) and/or ammunition and/or license to carry a concealed weapon were surrendered by Respondent or seized by a Deputy of the Volusia Sheriff's Office on _____.</p> <p>Respondent _____</p> <p>I am the owner of the firearm(s), ammunition, or license to carry a concealed weapon or firearm and I hereby knowingly and voluntarily consent to the surrender of the items listed in this report to the Volusia Sheriff's Office.</p> <p>Respondent _____</p> <p>I am the owner of the firearm(s) and/or ammunition listed in this report. I hereby request the firearms and/or ammunition be turned over to:</p> <p>(Name) _____</p> <p>(Address) _____</p> <p>(Telephone Number) _____</p> <p>Respondent _____</p> <p>I, Deputy or Evidence Employee of the Volusia Sheriff's Office, acknowledge receipt of the above listed items which were either surrendered or seized on _____, at _____.</p>								
<p>SIGNATURES</p> <p>Respondent _____ Date _____</p> <p>Deputy _____</p>								
CUSTODY	Item #	Date:	Time:	Released by (Printed):	Released by (Signature):	Received by (Printed):	Received by (Signature):	
	Leave Blank	Reason for Change:						
CUSTODY	Item #	Date:	Time:	Released by (Printed):	Released by (Signature):	Received by (Printed):	Received by (Signature):	
	Leave Blank	Reason for Change:						
ADMIN.	Officer Reporting - Printed D/S BROUGH			Officer Reporting - Signature <i>[Signature]</i>		ID Number 9179	Unit 1X91	Date 11/08/2020
	Officer Reviewing - Printed (If Applicable)			Officer Reviewing - Signature (If Applicable)		ID Number	Unit	Date