

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

VSO Case Number  
20-20420

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

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, {full legal name} DERICK F. SANTOS, in my position as {job title} DEPUTY II with the {name of law enforcement officer/agency} VOLUSIA SHERIFF 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:

On 11/07/20 at approximately 1605 hours, Deputy Santos was monitoring his Law Enforcement radio in reference to a reported suicidal person in a ██████████ pickup truck bearing FL Tag: ██████████ last seen in the New Smyrna Beach area. The subject, identified as ██████████ (V1), was reported to be in possession of a firearm. Law Enforcement Officers from the Volusia Sheriff's Office, Edgewater Police Department

2 Additional pages are attached.

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

██████████ received information from ██████████ that ██████████'s nephew, ██████████ had left ██████████'s residence with a pistol after ██████████ broke up with him. ██████████ told ██████████ she would never see him again. ██████████ then called ██████████ to report the incident.

0 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1 \_\_\_\_\_  
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and New Smyrna Beach Police Department started to BOLO for the vehicle. At approximately 1611 hours the vehicle's tag was captured by License Plate Readers in the Edgewater area. VSO Sgt. Hairston requested the assistance of AIR1 and ██████████.

██████████ determined ██████████ was within approximately 3305 meters of ██████████, Edgewater. AIR1 made an aerial check and located the vehicle parked on Clinton Cemetery Road, Edgewater by the railroad tracks. AIR1 relayed a male was walking back to the truck, got into the driver's seat and start to drive back towards South Ridgewood Avenue. Deputy Santos was en route from the Oak Hill area as this information was being transmitted.

It should be noted that during the attempts to locate ██████████ Deputies made contact with the reporting person, ██████████ (RI, ██████████'s aunt), at ██████████, Edgewater for an interview. ██████████ completed a sworn written statement about the incident, which was later provided to Deputy Santos.

Deputy Santos entered Clinton Cemetery Road, Edgewater and was informed by AIR1 the ██████████ pickup approaching was the subject vehicle. The truck passed Deputy Santos and pulled onto the shoulder of Clinton Cemetery Road as Deputy Santos executed a U-Turn. Deputy Santos pulled behind the truck and observed the driver raised both his hands out the driver's side window. Deputy Santos made contact with the driver, ██████████, who advised he was aware of what was going on. ██████████ stated he was on the phone with his girlfriend, ██████████ (W1), who informed him that police were called. ██████████ also spoke to ██████████ who stated she called police about what happened. ██████████ stated he had two firearms within the vehicle, both of which were unloaded with the ammunition placed in a cup. One of the firearms was a .38 special Arminius revolver (██████████) placed in the glove compartment. The second firearm was a Heritage .22 caliber revolver (██████████) located in the backseat of the truck. ██████████ stated ██████████ instructed him to remove the ammunition from the weapons, which he complied. Both firearms were removed from the vehicle and checked via NCIC/FCIC, which yielded negative results.

Deputy Santos interviewed ██████████ who stated he made statements to his now ex-girlfriend ██████████ out of emotion, but would not elaborate what was said. ██████████ then drove around and decided to visit his grandmother and great grandmother's grave on Clinton Cemetery Road to talk to them. During the interview with ██████████ he stated ██████████ was still on the phone. Deputy Santos spoke with ██████████ via speakerphone on ██████████'s cellular device and asked ██████████ what was said earlier today.

██████████ informed Deputy Santos that ██████████ was in her home at ██████████, New Smyrna Beach watching their son when ██████████ informed ██████████ their relationship was over. ██████████ became upset, grabbed his pistol, walked out of the residence and stated that she will never see him again. ██████████ then called ██████████'s aunt, ██████████ and informed her of what transpired. ██████████ in turn called ██████████ for assistance.

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3. Affiant X is \_\_\_ 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>Arminius revolver</u>	Location <u>Volusia Sheriff's Office</u>
Quantity <u>1</u>	Type <u>Heritage revolver</u>	Location <u>Volusia Sheriff's Office</u>
Quantity <u>7</u>	Type <u>.44 caliber ammo</u>	Location <u>Volusia Sheriff's Office</u>
Quantity <u>6</u>	Type <u>.38 caliber ammo</u>	Location <u>Volusia Sheriff's Office</u>
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: 11-07-20

Signature of Affiant: *[Signature]*  
D/S Santos, Derrick #07113

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

this 07 day of November, 2020, by D/S Santos, Derrick #07113  
Affiant's name

*[Signature]* 9104  
Signature of Attesting LEO Witness

Ethan Bartzler 9104  
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)