

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

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

VCSO Case Number
20021329

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF Volusia

I, *{full legal name}* Deputy Micah Stoltz, in my position as *{job title}* Deputy Sheriff II 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:

[REDACTED] was in a altercation with his fiancée, [REDACTED] and her friend, [REDACTED]. During the altercation [REDACTED] armed himself with a 9mm semi automatic pistol and said he was going to shoot [REDACTED]. [REDACTED] followed [REDACTED] down the road in a vehicle before returning home and waving his gun around in a reckless and threatening manner towards [REDACTED]. [REDACTED] was ultimately arrested for Aggravated Assault with a weapon.

1 Additional pages are attached.

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

[REDACTED] advised during an altercation, her fiancée armed himself with a pistol and threatened to shoot her friend, [REDACTED]. She said he left the home and when he returned he was waving the gun in her direction recklessly and threatening manner while yelling at her. [REDACTED] was in fear for her life during this altercation. [REDACTED] signed a sworn written statement.

0 Additional pages are attached.

IN RE: PETITION FOR RISK PROTECTION ORDER

AGAINST {Name of Respondent} [REDACTED]

AFFIDAVIT CONTINUATION

FROM SECTION Affidavit

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On 11-21-20 at approximately 0418 hours, Deputy Stoltz, Deputy Barry, and Deputy King were dispatched and responded to the area of Hontoon Rd and Lake Forest Dr., Deland in reference to the report of a disturbance. Upon arrival, Deputy King and Deputy Barry made contact with [REDACTED] (W1) who advised the following: [REDACTED] said he was with his friend, [REDACTED] (V1) this evening. He said he dropped her off at her house located at [REDACTED], Deland. He said when he was leaving, [REDACTED] fiancée, [REDACTED] (D1) got in his [REDACTED] passenger car and began following him. [REDACTED] was followed to the area of Hontoon Rd and Lake Forest Dr before [REDACTED] turned around and went home. Once [REDACTED] got home, [REDACTED] called [REDACTED] via telephone and deputies could hear a verbal disturbance between [REDACTED] and [REDACTED] over the phone. [REDACTED] was overheard telling [REDACTED] not to touch her and to put the gun away. Due to this information, deputies radioed for additional deputies and Deland PD to respond to [REDACTED] Deland where the disturbance was occurring. [REDACTED] later signed a sworn written statement. Deputy Stoltz and Deland PD Officers responded to the residence. While on scene, [REDACTED] came outside of the residence, so he was subsequently challenged and detained for safety purposes. Deputy Stoltz then made contact with [REDACTED] inside the residence. Deputy Stoltz spoke with [REDACTED] and she advised the following: [REDACTED] said [REDACTED] is her fiancée, they live together and have a child in common. [REDACTED] said she went out with [REDACTED] this evening. When she returned home, [REDACTED] confronted her and told her he was going to shoot [REDACTED]. He then left the residence in his car and pursued [REDACTED]. When [REDACTED] returned to the residence, he began screaming at [REDACTED] while holding a black semi-automatic pistol. According to [REDACTED] the pistol was loaded with the magazine seated in the gun and bullets in the magazine. She said he was standing approximately 10 feet from her in the residence while waving the gun around in her direction while yelling at her. She said he was still making threats to shoot [REDACTED]. [REDACTED] was in fear for her life as a result of [REDACTED] reckless behavior by waving the pistol around. She then told him to put it away. She said [REDACTED] then unloaded the pistol and placed it on top of the refrigerator inside the residence. He continued yelling and arguing with her and shortly afterwards, deputies had arrived on scene. [REDACTED] was uninjured as a result of the altercation and refused medical attention. [REDACTED] signed a sworn written statement detailing her account of the incident and advised she wished to pursue charges. Deputy Stoltz located the pistol, a black 9mm Smith and Wesson shield SN# JES5473 on top of the refrigerator. The pistol had a magazine with 6 9mm bullets loaded inside. Deputy Stoltz secured the pistol and it was later submitted into the District 2 evidence locker as evidence. Deputy Stoltz read [REDACTED] his Warning of Constitutional Rights from a Miranda Warning Card. [REDACTED] refused to speak with Deputy Stoltz about the incident without an attorney present. Based upon the investigation, Deputy Stoltz determined [REDACTED] was the primary aggressor. Deputy Stoltz arrested [REDACTED] and charged him with Aggravated Assault with a Deadly Weapon without Intent to Kill (DV). [REDACTED] was transported to VCBJ. It should be noted, [REDACTED] and [REDACTED] is [REDACTED] daughter, [REDACTED] (O1) was asleep inside the residence during this incident. [REDACTED] is ok and [REDACTED] is going to remove herself and their daughter from the residence. A copy of this report was faxed to DCF for their review. [REDACTED] signed a Marsy's law form which indicated she wished for her information to remain private.

3. Affiant 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>black S&W shield</u>	Location	<u>VSO Evidence</u>
Quantity	<u>1</u>	Type	<u>silver magazine</u>	Location	<u>VSO Evidence</u>
Quantity	<u>1</u>	Type	<u>6 9mm bullets</u>	Location	<u>VSO Evidence</u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>
Quantity	<u> </u>	Type	<u> </u>	Location	<u> </u>

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: 11/21/2020

Signature of Affiant: 

Sworn to or affirmed and signed before me on 11/21/2020 by D/S Stoltz
Date Affiant's Name

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


D/S Garcia 7936
Attesting LEO Witness or Notary Public, State of Florida
My commission expires: