

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

VSO Case Number
21-19086

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} A. BALDWIN, in my position as {job title} DEPUTY 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} [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 October 10th, 2021 at approximately 1841 hours, Deputy Baldwin responded to [REDACTED], Deltona, in reference to a disturbance. Upon arrival, Deputy Baldwin made contact with [REDACTED] (V1) who advised the following:

2 Additional pages are attached.

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

SEE NARRATIVE

 Additional pages are attached.

AFFIDAVIT CONTINUATION

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██████████ and ██████████ (V2) were walking along the street with an unknown brown dog was walking along with them. The dog walked into the drive way of ██████████ into the residence's open garage. ██████████ remained at the edge of the drive way along with his wife trying to get the dog to return to them. ██████████ observed a white male resident, later identified as ██████████ (DI), exit the residence, go into a vehicle in the driveway, retrieve a firearm and walk to the back of the vehicle. At this point, ██████████ pointed the firearm at ██████████ and continued to ask him if he was in his garage and advised ██████████ that ██████████'s wife witnessed them near their garage. ██████████ attempted to tell ██████████ they were only trying to retrieve the dog but a verbal altercation continued. ██████████ and his wife retreated to their residence to contact law enforcement for further assistance. ██████████ described the firearm as an all black in color semi-automatic handgun that was not holstered during the time of the incident. ██████████ advised he felt ██████████ had the ability to cause death or harm to him, which created a well rounded fear for his life. ██████████ completed a sworn written statement and advised he wished to pursue criminal charges.

Deputies made contact with ██████████ would advised ██████████ and her were walking down the street with an unknown dog when the dog went into the property of ██████████. ██████████ and ██████████ were standing at the end of the driveway when she observed ██████████ exit his residence and go into the vehicle in the driveway. During this time, ██████████ was yelling at them and accusing them of being inside his garage. ██████████ tried to explain to ██████████ about the dog when ██████████ pointed what appeared to be a firearm in their direction. This implemented a well rounded fear in ██████████ which caused her and ██████████ to immediately turn around and retreat back to their residence. ██████████ then contacted law enforcement for further assistance. ██████████ completed a sworn written statement and advised she wished to pursue criminal charges.

Contact with made with ██████████ who initially advised he was inside his residence when his wife, ██████████ (O1), advised him that there was two unknown subjects near the garage. ██████████ went outside where he observed a male and female subject at the end of his driveway. ██████████ walked outside where a verbal dispute took place. ██████████ stated nothing further occurred during the incident. When Deputy Baldwin asked ██████████ if there were any weapons involved, ██████████ then advised yes. ██████████ further stated when he walked outside, he went into his vehicle to retrieve his unholstered black Springfield 9MM handgun from the center console. ██████████ then walked to the back of his vehicle, concealing the firearm behind the car and began confronting the subjects. ██████████ asked the subjects what they were doing and if they were near his garage. ██████████ stated at no point did he point the firearm at the subjects or display the firearm so at no point would they have seen the firearm. ██████████ was unaware that there was a dog on his property during this time. ██████████ completed a sworn written statement detailing the incident.

Contact was made with ██████████ who advised she was sitting in the living room when she observed an unknown black male and possibly a Hispanic female at the end of their driveway. ██████████ informed ██████████ of the subjects at which point ██████████ left the residence to investigate. ██████████ did not witness what occurred once ██████████ went outside due to being in the kitchen during that time. ██████████ confirmed at no point did she witness ██████████ or the other female subject enter the property.

AFFIDAVIT CONTINUATION

FROM SECTION _____
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During the investigation, [REDACTED] stated at no point did he display the weapon to where [REDACTED] or [REDACTED] would have been able to see it. Due to [REDACTED] being able to provide an accurate description of the firearm that [REDACTED] had during the incident Deputy Baldwin was able to determine [REDACTED] was lying and not being truthful. Additionally, it should be noted that [REDACTED] stated she seen [REDACTED] and [REDACTED] at the end of the drive way which contradicts [REDACTED] statements accusing [REDACTED] and [REDACTED] of being inside the garage.

Deputies were unable to locate any video surveillance that could have captured the incident.

While on scene, deputies retrieved [REDACTED] black Springfield 9MM firearm (serial # BY535027), 16 rounds of 9MM bullets and a black Springfield magazine which was later was placed into District four evidence locker as evidence.

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>SPRINGFIELD</u>	Location	<u>[REDACTED], DLT</u>
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____

_____ 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: 10/11/2021

Signature of Affiant: [Signature]

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

this 11 day of OCTOBER, 2021, by D/S BALDWIN
Affiant's name

[Signature]
Signature of Attesting LEO Witness

D/S JOHNSON
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)