

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

VSO Case Number
21-19501

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} BEAU WESTFALL, 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} ██████████ 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 Friday, October 15, 2021, at approximately 1800 hours, Deputy Westfall (9306) responded to ██████████, Deltona in reference to threatening messages.

SEE CONTINUATION PAGES

2 Additional pages are attached.

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

SEE INCIDENT NARRATIVE

0 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION _____
PAGE 1 OF 2

Upon arrival, Deputy Westfall made contact with [REDACTED] (V1) who appeared to be upset and concerned. [REDACTED] advised on October 14, at approximately 0956 hours, he received a Cash App transfer request from [REDACTED] (D1) (account: [REDACTED]) for \$7.00, which he declined. [REDACTED] and [REDACTED] know each other from a previous job and [REDACTED] would stay at [REDACTED] house for a short period of time when [REDACTED] mother would be upset at him. [REDACTED] sent [REDACTED] a message stating he was not going to pay her money since he does not owe her any money and did not want to assist [REDACTED]. [REDACTED] blocked [REDACTED] on social media to no longer have contact with her. [REDACTED] created a second Instagram account and messaged [REDACTED] at approximately 1506 hours making threatening [REDACTED] stating "it's over!!! now it's my turn to play" followed by a video which displays [REDACTED] holding a black pistol with an attached red laser on the front under the barrel. The video also had a statement typed in it stating "on my way to shoot you", and a text message "murder time". These statements and prior incidents between [REDACTED] and [REDACTED] placed [REDACTED] in a well founded fear of [REDACTED]. After receiving the messages, [REDACTED] reached out to law enforcement for assistance due to [REDACTED] feeling violence towards himself and his family. While Deputy Westfall was gathering information, [REDACTED] received another message "so now you wanna act scared pussy ass hoe we're coming". [REDACTED] stated he felt the threats were made towards him for not sending [REDACTED] money. [REDACTED] was provided an Victim's Right Brochure with the assigned case number. [REDACTED] provided Deputy Westfall a sworn written statement of the incident and advised he wished to pursue charges.

Deputy Westfall preformed a DAVID inquiry for [REDACTED] and observed her photograph. Deputy Westfall observed the video which displayed [REDACTED] holding a black pistol in her hand with the laser on, which was attached to the lower front receiver and pointing the pistol towards the camera in a threatening manner of appearing to be pointing at the camera with the pistol with the caption, "on my way to shoot you". Deputy Westfall gathered the video and submitted it to the District 4 Evidence Locker and uploaded the photographs of the text messages which [REDACTED] received to the Digital Crime Scene.

Deputy Westfall responded to [REDACTED] Deltona and made contact with [REDACTED] who was read her Miranda Rights from a department issued Miranda Warning Card. [REDACTED] waived her rights and advised she wished to answer questions. [REDACTED] stated she had contacted [REDACTED] for \$7.00 through Cash App and received the message from [REDACTED] stating he would not send her the money. [REDACTED] advised she only told [REDACTED] she was going to work after she received the message from [REDACTED]. [REDACTED] stated [REDACTED] posted a Facebook post making disrespectful comments about her. [REDACTED] later stated she may have taken a photograph or video when she was taking her concealed weapons class, but did not send the video with anyone if she did. [REDACTED] advised she took a concealed weapons permit class but did not own any weapons. [REDACTED] admittedly advised she did not send a video to [REDACTED].

Deputy Westfall was unable to determine the location where the video was made and [REDACTED] advised she has applied for a CCW, but has not received it at this time. It was asked where she had obtained the firearm for her CCW class, which [REDACTED] advised it was provided during the class for instructional purposes.

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:

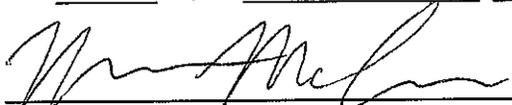
Quantity	<u>N/A</u>	Type	<u>N/A</u>	Location	<u>N/A</u>
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____

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: 10/16/2021 Signature of Affiant:  9306

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 16th day of October, 2021, by _____


Signature of Attesting LEO Witness

_____ Affiant's name
D/S Mc Cur #9245
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)