

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

VSO Case Number
210020614

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA _____

I, {full legal name} NICKOLAS R. SMITH, in my position as {job title} DEPUTY SHERIFF 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:

_____ was the subject of a Baker Act on 10/31/2021, where he threatened to use a firearm to shoot himself in the head. Deputies responded to the residence where _____ resides and determined he met the criteria for involuntary mental health evaluation. The continued page documents the circumstances surrounding Mr. _____'s placement into custody under the Baker Act.

1 Additional pages are attached.

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

Mr. _____ is Ms. _____ brother, and they share the residence. Ms. _____ is the reporting party and witness to Mr. _____'s statements. Ms. _____ provided deputies with the firearms and ammunition Mr. _____ possessed at their residence.

0 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1 _____
PAGE 3 _____ OF 3 _____

On October 31st, 2021 at approximately 1040 hours, Deputy Smith responded to ██████████, in reference to a male with a gun threatening to shoot him self. Upon arriving on scene, deputies contacted ██████████ (R1) who advised that she overheard a disturbance between ██████████ (V1) and his girl friend ██████████ (O1). ██████████ approached the two and told them to stop arguing. ██████████ came at ██████████ which she told him to leave her alone, which ██████████ stated that he will be dead soon and that he was going to put a bullet in his head. ██████████ reported that ██████████ owns several firearms, and is known to carry them on his person. ██████████ stated that she is afraid of ██████████ and that her calling will make him mad at her. ██████████ completed a sworn written statement.

The other residents of the house were evacuated. While planning to approach the residence, ██████████ emerged from his room, and walked into the yard. ██████████ was challenged and given verbal commands. ██████████ was taken into custody without incident.

Allegations of a possible domestic violence altercation were investigated, resulting in no criminal charges.

██████████ (W1) who also lives at the residence, stated that ██████████ threatened to shoot himself in the head, and rode off on his bike. Once ██████████ returned he initiated another argument with ██████████ stated that he is in fear of ██████████'s behavior and believes ██████████ would cause him and his family harm. ██████████ completed a sworn written statement.

██████████ was placed into custody under the Baker Act. Due to his recent behavior and statements made by ██████████ it is likely that without proper care or treatment it is likely he would cause serious bodily harm to himself, or others.

██████████ was transported to SMA without incident.

A flintlock style handgun, shotgun with 16 rounds, and a loaded .25 caliber pistol with 6 rounds, were recovered from ██████████'s possessions. The firearms were submitted to the District 2 evidence locker, pending the ruling of the risk protection order.

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>2</u>	Type <u>PISTOL</u>	Location <u>VSO EVIDENCE</u>
Quantity <u>1</u>	Type <u>SHOTGUN</u>	Location <u>VSO EVIDENCE</u>
Quantity <u>16</u>	Type <u>12 GAUGE RND</u>	Location <u>VSO EVIDENCE</u>
Quantity <u>6</u>	Type <u>.25 CAL RNDS</u>	Location <u>VSO EVIDENCE</u>
Quantity <u>20</u>	Type <u>RELOAD RNDS</u>	Location <u>VSO EVIDENCE</u>
Quantity _____	Type _____	Location _____

0 Additional pages are attached.

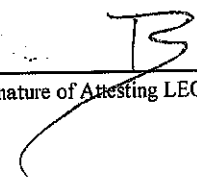
AFFIANT HEREBY CERTIFIES UNDER PENALTY OF PERJURY THAT THE STATEMENTS AND FACTS IN THIS AFFIDAVIT AND IN ANY ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Dated: 10/31/2021

Signature of Affiant: 

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

this 31 day of OCTOBER, 2021, by NICKOLAS SMITH
Affiant's name


Signature of Attesting LEO Witness

D/S K. Barry #8993
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)