

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

VSO Case Number  
210020897

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 11/04/2021. Due to his statements and actions involving threats to commit suicide with a firearm, and him holding a gun to his head, then pulling the trigger \_\_\_\_\_ poses a significant danger to himself by having a firearm. See attached for additional details regarding the incident.

1 Additional pages are attached.

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

\_\_\_\_\_ is \_\_\_\_\_ daughter and witnessed him load a magazine into a handgun, put it to his head, and pull the trigger. The gun did not go off due to no ammunition being in the firearm. \_\_\_\_\_ advised that \_\_\_\_\_ owns several rifles, and at least one handgun.

0 Additional pages are attached.

**AFFIDAVIT CONTINUATION**

FROM SECTION 1 \_\_\_\_\_  
PAGE 3 \_\_\_\_\_ OF 3 \_\_\_\_\_

Narrative

BWC RECORDING

On November 4th, 2021 at approximately 1007 hours, deputies responded to ██████████, in reference to a suicidal person. Prior to arriving on scene, Central Dispatch advised the male resident ██████████ (V1) loaded a magazine into a handgun, held it to his head, and pulled the trigger. Upon arriving on scene, deputies made contact with ██████████ (W1), who advised the following:

██████████ and ██████████ (her father) had been in a verbal argument during the morning hours, in regards to dirty dishes in the home. ██████████ confirmed that ██████████ pulled a gun from his dresser drawer, inserted a magazine held the gun to his head and pulled the trigger in front of her 3 year old ██████████ (O1), and 1 year old ██████████ (O2). ██████████ retreated to his bedroom which is located on the south side of the residence. ██████████ advised deputies that ██████████ owns a handgun and several rifles. ██████████ stated that she believes ██████████ held to gun to his head and pulled the trigger just for show since there was no ammo inside the gun.

Deputies were able to evacuate ██████████ and her two children from the home. After making announcements for ██████████ to come outside, ██████████ emerged unarmed and was taken into custody without incident.

When asked about the suicidal statements, ██████████ advised that he could not remember if he said or did what ██████████ stated. ██████████ elaborated that he does not remember well when he becomes upset or angry. It should be noted that ██████████ never denied the statements, only that he could not recall.

Based on deputies investigation and witness statements it was determined that ██████████ was unable to determine for himself if mental health evaluation was necessary. Additionally, there was a substantial likelihood that without care or treatment ██████████ would cause serious bodily harm to himself or others as evident by recent behavior.

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

A copy of the report was faxed to the Florida Department of Children and Families.

A Risk Protection Order was submitted.

No firearms were removed from the residence.

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>UNK</u>	Type <u>HANDGUNS</u>	Location <u>[REDACTED]</u>
Quantity <u>UNK</u>	Type <u>RIFLES</u>	Location <u>[REDACTED]</u>
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: 11/04/2021

Signature of Affiant: [Signature]

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

this 4th day of November, 2021, by NICKOLAS SMITH  
Affiant's name

[Signature]  
Signature of Attesting LEO Witness

DEPUTY MEYER, 9250  
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)