

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

VSO Case Number
21-5002

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

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, {full legal name} DEPUTY MOSS, 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} [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:

SEE CONTINUATION FORM

1 Additional pages are attached.

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

[REDACTED] WITNESSED [REDACTED] PUT THE GUN TO HIS HEAD AND SHOOT HIMSELF

1 Additional pages are attached.

AFFIDAVIT CONTINUATION

FROM SECTION 1
PAGE 2 OF 2

*****BWC_active*****
*****Marcy's law invoked*****On 03-15-21 at approximately 2256 hours Deputy Moss responded to ██████████ in Pierson reference to a person shot in the head. It was reported that this person was only slightly injured by this and that he was trying to kill himself after arguing with his live in girlfriend. Upon arrival the defendant ██████████ (D1) was found walking around in the yard by Deputy Blum and rescue who also arrived on scene and began to treat ██████████ for the injury to the right side of his head. ██████████ was then transported to the the hospital in Daytona Beach and Deputy Moss then spoke with the victim ██████████ (V1) as Deputy Blum advised this may have been some sort of domestic violence incident. ██████████ was sitting on the couch in the front room very upset and crying, she also had ██████████ blood on her arms where he had grabbed her after shooting himself. ██████████ then advised Deputy Moss that she and ██████████ have lived together for sometime as a couple in a romantic relationship. ██████████ said ██████████ had been drinking and they were arguing over relationship issues. ██████████ advised ██████████ then began accusing her of cheating on him and he went outside and retrieved a gun from his truck. ██████████ said ██████████ had placed the gun in their bedroom and then continued arguing with her about cheating. ██████████ said she tried to leave the bedroom to go sleep in the room with her 3 children but ██████████ would not let her out of the bedroom and was pushing her back in the hallway. ██████████ said he pushed her from the hallway back into the bedroom and she then sat on the bed. She said he then grabbed the 22 rifle and put it to his head and pulled the trigger. The rifle went off grazing ██████████ in the right side of his head and he began to bleed everywhere in the bedroom. ██████████ then grabbed ██████████ by the arms and got his blood all over her arms. ██████████ then ran into the other room with her children who were still asleep and never woke up during the incident. ██████████ then walked through the house and outside where he waited for rescue and law enforcement as ██████████ had called about ██████████ shooting himself. Upon examination of the scene and seeing small scratches on ██████████ left forearm it did appear the incident had happened the way ██████████ claimed. Based on this Deputy Moss charged ██████████ with simple battery domestic violence for grabbing and pushing ██████████ backwards into their bedroom against her will. Once ██████████ arrived at the Halifax hospital for his minor gunshot wound to the side of his head, it was determined by medical staff he had a brain bleed and had to be admitted. Due to this Deputy Blum stood by with ██████████ who was now under arrest. The arrest affidavit was sent to the Volusia County Branch Jail as was the paperwork about ██████████ being admitted to the hospital while under arrest. Deputy Moss sent the domestic violence paperwork along with the victims statement and victim notification form to the Volusia County Branch Jail via the secure upload site. Due to the attempted suicide and this incident, all of the firearms and ammunition in the house were taken for safe keeping pending an RPO hearing on the guns and ammunition. The incident was also captured on all of the deputies body worn cameras as evidence. Deputy Moss had ██████████ write a short statement about the incident. She was then provided a domestic violence rights and remedies package which she signed for. She was also provided with a victims pamphlet. She then advised on the Marcy's law form that she did not want her information released to the public. Photographs were also taken of the scene and uploaded to the digital crime scene database.

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>COLT</u>	Location <u>BEDROOM</u>
Quantity <u>1</u>	Type <u>HUNTER</u>	Location <u>BEDROOM</u>
Quantity <u>1</u>	Type <u>917V</u>	Location <u>BEDROOM</u>
Quantity <u>2</u>	Type <u>REMINGTON</u>	Location <u>BEDROOM</u>
Quantity <u>3</u>	Type <u>RUGER</u>	Location <u>BEDROOM</u>
Quantity <u>2</u>	Type <u>BROWNING</u>	Location <u>BEDROOM</u>

1 Additional pages are attached.

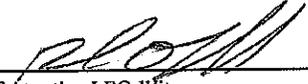
AFFIANT HEREBY CERTIFIES UNDER PENALTY OF PERJURY THAT THE STATEMENTS AND FACTS IN THIS AFFIDAVIT AND IN ANY ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Dated: 03-15-2021

Signature of Affiant: 

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

this 16 day of MARCH, 2021, by DEPUTY MOSS
Affiant's name


Signature of Attesting LEO Witness

Deputy O'Connell
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)