

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

VSO Case Number  
21-6243

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

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, {full legal name} ANDREW BAYNE, 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:

Deputies responded to a call at the respondent's address regarding a domestic violence incident where shots were fired. During the course of the investigation, it was determined probable cause existed to arrest the respondent for an act of domestic violence against his wife, and for aggravated assault with a deadly weapon, as he exited his home and fired a shotgun in a negligent manner during the course of the altercation with another party.

\_\_\_\_\_ Additional pages are attached.

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

[REDACTED] was identified as a victim of the aggravated assault with a deadly weapon. [REDACTED] advised during the course of a verbal argument, the respondent retrieved a shotgun from his home and fired several shots, which he believed to be towards [REDACTED] direction.

[REDACTED] statement was audio/video recorded via body worn camera.

\_\_\_\_\_ Additional pages are attached.

**AFFIDAVIT CONTINUATION**

FROM SECTION \_\_\_\_\_

PAGE 1 OF 3

intentionally and unlawfully, threaten by word or act to do violence to the person of another, coupled with an apparent ability to do so, and in doing said act, created a well-founded fear in such other person that such violence is imminent. \_\_\_\_\_ (D1) did so by utilizing a shotgun, a deadly weapon. \_\_\_\_\_ also intentionally and without the consent of \_\_\_\_\_ (V1), battered her by means of pushing and striking her. Per \_\_\_\_\_ and he have been married for approximately four years and reside together at the location of incident as a single family unit with their children in common. On 04/04/2021 at 2252 hours, Deputy Bayne along with numerous other Volusia Sheriff's Office deputies, responded to a call of a fight at \_\_\_\_\_, Ormond Beach (Plantation Pines Sub-division). \_\_\_\_\_ (W1), called into central dispatch advising there was a fight occurring between a husband and wife at the location of incident and she was currently witnessing it occur. As deputies were responding to the location of incident, Central Dispatch was still in contact with \_\_\_\_\_ via phone where she advised she heard a gunshot during the altercation, advising \_\_\_\_\_ fired a weapon at her husband, \_\_\_\_\_ (V2). As deputies began to arrive at the location, all parties involved had retreated to their respective homes, which adjoin each other. Upon arrival, deputies first made contact with \_\_\_\_\_ and \_\_\_\_\_ at \_\_\_\_\_ and \_\_\_\_\_ advised the following: Prior to the disturbance taking place, \_\_\_\_\_ and \_\_\_\_\_ were all in contact with each other outside along a fence-line that separates their properties. \_\_\_\_\_ and \_\_\_\_\_ explained they were talking to \_\_\_\_\_ and \_\_\_\_\_ about issues that have been occurring between themselves and other neighbors on their street within the sub-division. \_\_\_\_\_ and \_\_\_\_\_ advised during the conversation, there was a disagreement. \_\_\_\_\_ and \_\_\_\_\_ advised during the conversation, it became confrontational when \_\_\_\_\_ began to speak about the issue offering her opinion. \_\_\_\_\_ and \_\_\_\_\_ advised \_\_\_\_\_ apparently did not agree with what \_\_\_\_\_ was saying and they began to argue about \_\_\_\_\_ offering her opinion. \_\_\_\_\_ stated he interjected, stating to them he thinks \_\_\_\_\_ should be able to state her opinion on the matter. \_\_\_\_\_ and \_\_\_\_\_ advised this made \_\_\_\_\_ very angry, and he began to yell at them which started an argument between all parties. \_\_\_\_\_ and \_\_\_\_\_ stated during the argument, \_\_\_\_\_ became confrontational and threatening towards them, which prompted \_\_\_\_\_ to attempt to keep them from fighting by placing herself between \_\_\_\_\_ and themselves. \_\_\_\_\_ and \_\_\_\_\_ stated this prompted \_\_\_\_\_ to push \_\_\_\_\_ to the ground, where he subsequently began slapping \_\_\_\_\_ and \_\_\_\_\_ advised once \_\_\_\_\_ got back up, she continued to try to restrain \_\_\_\_\_ from approaching them by grabbing onto him but \_\_\_\_\_ continued to push \_\_\_\_\_ and strike her to get her to move from his way. As this was occurring, \_\_\_\_\_ (W2) was in the yard as well, witnessing this occur. \_\_\_\_\_ advised she recorded a cell phone video of the altercation and allowed Deputy Bayne to view the footage on her cell phone. \_\_\_\_\_ brought up the video and Deputy Bayne viewed it from her cell phone. In the video, it starts very shaky, but eventually the camera steadies and it is clear there is a physical altercation already taking place with \_\_\_\_\_ and \_\_\_\_\_ and \_\_\_\_\_ is observed in the video as well, telling \_\_\_\_\_ to stop recording them. The video does not capture the initial argument and the first moments where the altercation became visible, however, it is clear in the video that \_\_\_\_\_ and \_\_\_\_\_ are arguing, and \_\_\_\_\_ is trying to physically keep \_\_\_\_\_ from approaching them. In the video it shows \_\_\_\_\_ pushing and striking \_\_\_\_\_ and she falls to the ground. The video does not show any weapon being fired. \_\_\_\_\_ and \_\_\_\_\_ explained once the video stopped, \_\_\_\_\_ retreated to her home and called

**AFFIDAVIT CONTINUATION**

FROM SECTION \_\_\_\_\_

PAGE 2 OF 3

911 for assistance. Eventually, [REDACTED] stated while [REDACTED] was still outside, she heard several gun shots from outside. [REDACTED] stated as [REDACTED] was inside, he was still outside near the fence-line of the property. [REDACTED] stated [REDACTED] had went inside of his home, but he soon exited his front door and he appeared to have armed himself with a shotgun. [REDACTED] stated shortly after [REDACTED] exited his front door with a shotgun, he heard several loud bangs and concluded [REDACTED] was shooting at him with the shotgun. [REDACTED] stated he was in fear that he was being shot at, and ran to a grouping of trees on his property for cover from [REDACTED]. [REDACTED] stated shortly after the blasts, [REDACTED] appeared to retreat back into his home and [REDACTED] went back inside of his home. [REDACTED] advised he wished to pursue charges against [REDACTED] for firing the shotgun at him. During the course of the investigation, Central Dispatch was able to research phone numbers for location of incident and were able to get into phone contact with [REDACTED]. Central Dispatch requested [REDACTED] exit the home and make contact with deputies at the front gate to their property to which she complied. While in contact with [REDACTED] she was asked to call someone inside of the home to have [REDACTED] exit and surrender himself to law enforcement. [REDACTED] obliged, called [REDACTED] and in speaking with him, was able to have [REDACTED] and [REDACTED] exit the home and make contact with deputies at the front gate. As [REDACTED] arrived at the front gate, he was secured into handcuffs without incident. Deputy Bayne then acquired identifying information from [REDACTED] and advised [REDACTED] of his warning of constitutional rights via a VSO issued Miranda Warning card. After explanation of his rights, [REDACTED] advised he understood and declined to speak to Deputy Bayne about the incident. While in contact with [REDACTED] Deputy Bayne observed a contusion about the left side of his forehead above his left eye which appeared to be bleeding. [REDACTED] declined medical assistance. With [REDACTED] secured, deputies spoke with [REDACTED] about the incident. [REDACTED] advised the following: She and her neighbors were consuming alcoholic beverages throughout the night. Her husband, [REDACTED] became upset with the neighbor when the neighbor began arguing with [REDACTED] about [REDACTED] business. The neighbor was arguing with [REDACTED] about whether [REDACTED] owned his own business or not. They continued to consume tequila and argued some more. At one point, [REDACTED] tried to stop [REDACTED] from trying to fight the neighbour and he pushed her down. The incident escalated to a higher level when [REDACTED] armed himself the shotgun and shot it into the ground. She was able to take the shotgun away from [REDACTED] and hide it in their bedroom behind the sofa. [REDACTED] added that she punched [REDACTED] in the face at some point during the altercation. [REDACTED] did not wish to pursue charges and swore to her statement, which was audio/video recorded via body worn camera. Deputies did not observe any injury about [REDACTED] and she did not advise she was injured as a result of the incident.

IN RE: PETITION FOR RISK PROTECTION ORDER  
AGAINST *{Name of Respondent}* \_\_\_\_\_

VSO Case Number  
21-6243

**AFFIDAVIT CONTINUATION**

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

\_\_\_\_\_ and \_\_\_\_\_ were provided with sworn written statements to complete. \_\_\_\_\_ completed her statement, however, \_\_\_\_\_ declined to complete a sworn written statement, and also refused to complete a Marsey's Law form. Nevertheless, \_\_\_\_\_ swore to his statement, which was audio/video recorded via body worn camera. Deputy Bayne captured digital photographs of the scene. These images were later submitted to the Volusia Sheriff's Office Digital Crime Scene database. During the course of the investigation, Deputy Bayne was advised the shotgun used in the incident was recovered, and a fired shotgun shell was located in the yard of the location of incident. Deputy Bayne took custody of the shotgun and the fired shotgun shell and later submitted both items to a District Three North evidence locker. The statement collected from \_\_\_\_\_ was submitted to District Three North records. At the conclusion of the investigation with the facts and circumstances presented to Deputy Bayne, Deputy Bayne determined probable cause existed to arrest \_\_\_\_\_ for the aforementioned charges. \_\_\_\_\_ was placed under arrest and transported to the District Three North office for completion of arrest paperwork, and later transported to the Volusia County Branch Jail.

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

3. Affiant \_\_\_ is X is not aware of any existing protection order governing the respondent under any applicable statute.

\_\_\_\_\_ 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>3</u>	Type	<u>HANDGUNS</u>	Location	<u>2 in vehicle, 1 in residence</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: 04/05/2021

Signature of Affiant: \_\_\_\_\_

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

this 5th day of APRIL, 2021, by DEPUTY A. BAYNE

Affiant's name

Signature of Attesting LEO Witness

Deputy Bissonette  
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)