

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

VSO Case Number  
220007265

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

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, *{full legal name}* Deputy Sheriff II Deputy Sheriff II Deputy She, in my position as *{job title}* Deputy Sheriff II 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 04/13/2022 at approximately 0800 hours, deputies responded to \_\_\_\_\_ Ormond Beach in reference to a battery. Upon arrival, deputies made contact with \_\_\_\_\_ (W1), an independent witness, who advised the following: He observed two males yelling at each other. The male in the wheelchair, later identified as \_\_\_\_\_ (V1), was yelling at the the other male, later identified as \_\_\_\_\_ (D1), to get off his property. He witnessed \_\_\_\_\_ slap \_\_\_\_\_

1 Additional pages are attached.

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

See statement.

Additional pages are attached.

**AFFIDAVIT CONTINUATION**

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with an open hand and also saw [REDACTED] reach for his pistol which was holstered on his hip. [REDACTED] and his brother went over to help break up the altercation. [REDACTED] completed a sworn written statement.

Deputies then made contact with [REDACTED] who advised the following:

He and [REDACTED] are neighbors and have a history of civil issues over their property lines. Today, [REDACTED] came onto his property and they both began to argue about a fence being installed. He told [REDACTED] to get off his property and [REDACTED] then kicked over [REDACTED] no trespassing sign. [REDACTED] was told again to get off the property and then proceeded to yell and approach [REDACTED] [REDACTED] struck [REDACTED] left hand with his open right hand. [REDACTED] then reached for his pistol, which was holstered on his right hip, and stated he was going to shoot [REDACTED] [REDACTED] stated the pistol appeared to be a 9mm and grayish in color. [REDACTED] advised deputies he was in fear for his life. Deputies observed no physical injuries to [REDACTED] [REDACTED] completed a sworn written statement wishing to pursue charges. [REDACTED] completed a Victim's Rights to Confidentiality Form and elected to prevent disclosure of confidential or privileged information per Marsy's Law.

Deputy Salinas made contact with [REDACTED] who advised the following:

He and his neighbor, [REDACTED] were arguing about a fence installation. Both neighbors have been arguing for years over property lines and about the fence which divides the properties. As Deputy Salinas was speaking with [REDACTED] Deputy Bissonnette advised there was probable cause for an arrest. Deputy Salinas placed [REDACTED] under arrest and was read his constitutional rights which he waived and agreed to speak with deputies without a lawyer present. [REDACTED] stated [REDACTED] put his hand up in close proximity to his [REDACTED] face and he then swatted [REDACTED] hand away. [REDACTED] was asked if he reached or brandished a pistol to which he stated no. [REDACTED] advised he does not own a pistol, but does own a rifle. A search of [REDACTED] person met with negative results for a firearm.

Deputies also spoke with [REDACTED] (O1), [REDACTED]'s girlfriend, and advised the following:

She heard yelling coming from outside of her home and went outside to investigate. She saw [REDACTED] and the neighbor arguing and then witnessed [REDACTED] slap [REDACTED] with an open hand. She then saw [REDACTED] reach for a gun on his right hip. [REDACTED] also saw 3 men approach to offer aid. [REDACTED] stayed in the carport area because she was not sure what would happen. [REDACTED] completed a sworn written statement.

Deputy Bissonnette reviewed [REDACTED] video surveillance footage and observed [REDACTED] slap [REDACTED] at the 08:40:26 time mark. At the 08:40:29 time mark [REDACTED] reach towards his right hip which would be consistent with reaching for for a pistol.

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\_\_\_\_\_ will be sending this footage via email and if unable to he will be able to make a copy onto a USB.

While in Deputy Salinas' custody \_\_\_\_\_ complained about feeling dizzy and explained he suffers with high blood pressure and inconsistent heart rhythm. Deputy Salinas transported \_\_\_\_\_ to Volusia County Fire Service Station 11 where he was evaluated. \_\_\_\_\_ was observed to have an irregular heart rhythm, high blood pressure, and low pulse. He was then transported by EVAC to Halifax Hospital, Daytona Beach where he was admitted for further observation.

A criminal history was ran on \_\_\_\_\_ which met with negative results.

Based on the facts and statements provided during the investigation, Deputy Salinas has probable cause to believe \_\_\_\_\_ committed battery on a person 65 years of age or older as well as aggravated assault on \_\_\_\_\_

A Petition for Risk Protection Order is being completed.

Case Status: Adult/Arrest

3. Affiant  is  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>PISTOL unknown</u>	Location	<u>[REDACTED]</u> , OB
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: 04/13/2022 Signature of Affiant: [Signature]

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 13 day of April, 2022, by Deputy Sheriff II SARAH SALINAS  
Affiant's name

[Signature]  
Signature of Attesting LEO Witness

Timothy D. Maxwell  
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)