

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

VSO Case Number  
220007280

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

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, *{full legal name}* \_\_\_\_\_ Deputy II Timothy D. Maxwell \_\_\_\_\_, in my position as *{job title}* \_\_\_\_\_ Deputy 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 1245 hours, Deputy Maxwell was dispatched and responded to \_\_\_\_\_, Daytona Beach, in reference to a domestic disturbance. While enroute, the victim, \_\_\_\_\_, informed VSO Central Dispatch \_\_\_\_\_ (defendant), hit her in the face and grabbed her by the throat. \_\_\_\_\_ also informed dispatched \_\_\_\_\_ was armed with a gun.

\_\_\_\_\_ 2 Additional pages are attached.

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

\_\_\_\_\_

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

AFFIDAVIT CONTINUATION

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Upon arrival, Deputy Maxwell along with VSO deputies and Holly Hill Police Department officers established a perimeter.

While on perimeter, [redacted]'s sister, [redacted] (O1), arrived on scene. [redacted] advised she came to the residence because [redacted] was in a fight with [redacted]

Deputies were able to make phone contact with [redacted] [redacted] and [redacted] were able to safely exit the residence and make contact with Deputy Maxwell.

According to [redacted] she and [redacted] have been separated for approximately one year but reside at the same address. She and the children live in the main residence and [redacted] lives in a single room style efficiency in the rear of the property.

[redacted] stated [redacted] came into the main residence with an unknown female and confronted her about allegations of her being sexually involved with a male name "[redacted]." [redacted] advised the confrontation escalated to physical when [redacted] punched her in the face multiple times. [redacted] stated [redacted] then grabbed her by the throat restricting her air way. [redacted] advised she was able to free herself once [redacted] intervened breaking [redacted]'s grip. [redacted] explained [redacted] left the residence and came back with a silver in color pistol and threatened to shoot her and [redacted]

[redacted] corroborated [redacted]'s account of the incident.

Deputy Maxwell was able to make phone contact with [redacted] [redacted] exited the residence and was safely detained in handcuffs.

Deputy Bissonette and Sergeant Bryan drew their firearms during the apprehension of [redacted] Deputy Maxwell informed [redacted] of his Constitutional Rights via VSO issued Miranda Warnings card.

Post Miranda, [redacted] stated he was told [redacted] was having a sexual relationship with a male named "[redacted]." [redacted] advised he felt disrespected because he had allowed "[redacted]" to reside in his home when he did not have a place to go. [redacted] admitted to being involved in a physical altercation with [redacted] but advised she scratched him first. [redacted] admitted he was armed with his firearm for his personal protection because he was not sure if "[redacted]" was within the residence. However, [redacted] denied making threats to shoot [redacted] and [redacted] [redacted] advised when he had the firearm it was

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**AFFIDAVIT CONTINUATION**

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not loaded.

█ completed a written statement detailing the incident the incident. █ and █ advised they did not wish to pursue criminal charges, but advised they only wanted an injunction for protection. █ swore what she told Deputy Maxwell regarding the incident was true.

While in contact with █ Deputy Maxwell observed her right cheek area underneath her eye to be bruised and swollen. Deputy Maxwell also observed a abrasion to the left temple area of █

Given the totality of circumstances, coupled with the testimonies of the parties involved and the physical evidence, Deputy Maxwell determined there was probable cause to charge █ with battery (Domestic Strangulation) and aggravated assault x2.

█ and █ were provided a victim's right pamphlet for which they signed. █ and █ invoked their right to confidentiality under the Marsy's Law for which they signed.

Given that the firearm was used during the commission of a felony it was collected and submitted as evidence.

3. Affiant  is  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>1</u>	Type	<u>Taurus SSK .40</u>	Location	<u>Evidence</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: 04/13/2022 Signature of Affiant: *T. Maxwell*

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 13th day of April, 2022, by Deputy II Timothy D. Maxwell  
Affiant's name

*[Signature]*  
Signature of Attesting LEO Witness

D/S Salinas 9208  
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)