

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

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

VSO Case Number
260008293

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, *{full legal name}* John Thomas Killingsworth, in my position as *{job title}* Deputy Sheriff with the *{name of law enforcement officer/agency}* Volusia Sheriff 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:

See attached pages

4 Additional pages are attached.

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

See attached pages

4 Additional pages are attached.

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Narrative

BWC RECORDING

MARSY'S LAW INVOKED

On April 20, 2026, at approximately 2239 hours, Deputy Killingsworth responded to [REDACTED] [REDACTED] Deltona, regarding a disturbance involving a firearm. Prior to deputies arrival, Central Dispatch advised a female, later identified as [REDACTED] [REDACTED] (D1), had the reporting party, later identified as [REDACTED] [REDACTED] (V1) at gun point.

Upon arrival, Deputy Killingsworth made contact with [REDACTED] who advised the following:

[REDACTED] stated he arrived at his residence at [REDACTED] Deltona, where he resides, to gather his belongings. [REDACTED] advised he resided there with his ex-girlfriend [REDACTED] (O1). [REDACTED] and [REDACTED] recently broke up a few weeks ago. [REDACTED] had his daughter [REDACTED] (V1) come with him to assist him to gather his belongings and leave the residence. According to [REDACTED] he entered the residence through the garage and began gathering his boxes which were already near the door. [REDACTED] approached him from the bedroom and began yelling at him and his daughter, [REDACTED] recorded the entire incident for safety purposes. [REDACTED] advised [REDACTED] [REDACTED] (D1), a friend of [REDACTED] who had been invited over, emerged from the kitchen area holding a black in color pistol. [REDACTED] stated [REDACTED] raised the firearm and pointed it directly at him and would go back and forth from pointing the black pistol at him and his daughter [REDACTED] stating that her finger was on the trigger and that if he did not leave, she would shoot him and his daughter. [REDACTED] further advised during the incident, his son-in-law, [REDACTED] [REDACTED] (W1), who was also with [REDACTED] to assist in gathering his belongings, called 911. When [REDACTED] noticed [REDACTED] recording the incident on her phone, she holstered the firearm and placed it on the kitchen counter. [REDACTED] provided a sworn written statement of the incident indicating he wished to pursue charges. [REDACTED] completed the Marsy's Law form, indicating he wished to keep his information private.

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

[REDACTED] stated she was assisting her father, [REDACTED] in moving out of the residence. She advised she recorded the entire incident while inside the residence. [REDACTED] stated while they were

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attempting to remove items from the house, [REDACTED] came out of her room and began yelling at her and [REDACTED] demanding they leave. [REDACTED] stated that [REDACTED]'s friend, [REDACTED] followed [REDACTED] holding a loaded firearm, possibly with her finger on the trigger. [REDACTED] reportedly raised the firearm and pointed it between [REDACTED] and [REDACTED] stating she would shoot them if they did not leave. [REDACTED] expressed fear for her safety and remained quiet to avoid escalating the situation. [REDACTED] completed a sworn written statement of the incident indicating she wished to pursue criminal charges. [REDACTED] completed the Marsy's Law form, indicating she wished to keep her information private.

Deputies observed the video provided by [REDACTED] which showed the following:

[REDACTED] was in the process of picking up boxes near the door. [REDACTED] could be heard in the background stating "Just don't engage, I'm recording. You've already called the cops, you are good. I'm recording all your stuff, don't worry. No one is armed; we've been recording this whole time. She's on the phone with the police saying we are armed, we are not". [REDACTED] is then seen coming towards [REDACTED] and [REDACTED] in an aggressive manner while on the phone with 911 telling [REDACTED] and [REDACTED] to leave. [REDACTED] is seen approaching behind [REDACTED] with a black in color pistol pointing it directly at the camera, which [REDACTED] was behind. [REDACTED] is seen in the video pointing at the firearm at [REDACTED] then pointing it at [REDACTED] and consistently switching between the two. Deputy Killingsworth later received a copy of the video which was later submitted into Axon Evidence as evidence.

While deputies were speaking with [REDACTED] and [REDACTED] at the scene, [REDACTED] exited the residence holding her cell phone in her hand. Deputies issued lawful commands for [REDACTED] to keep her hands up and approach them. [REDACTED] complied and was detained and placed into agency issued handcuffs without incident. Shortly thereafter, [REDACTED] approached the front door with her cell phone in hand. Deputies issued lawful commands for [REDACTED] to exit the residence with her hands up. [REDACTED] complied and was also detained and placed into agency issue handcuffs without incident.

Deputy Santiago read [REDACTED] her Miranda rights from an agency issued Miranda Warnings card. [REDACTED] advised she understood her rights and agreed to speak with deputies. [REDACTED] provided the following statement:

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_____ stated she and _____ had been separated for approximately three weeks. Earlier in the day, _____ came to the residence to retrieve some of his items. _____ reported that while _____ was at the residence, he accidentally left the door open, allowing her dog to get out. _____ was upset with _____ for this. _____ stated _____ later returned to collect more of his belongings with other family members. _____ advised _____ has PTSD and had not been taking his medication. She expressed concern that _____ might be armed with a firearm and feared for her safety. _____ stated she did not instruct _____ to draw or point a firearm at _____ or _____ and only wanted _____ to be present in case something happened.

Deputy Killingsworth made contact with _____ and read her Miranda rights from an agency issued Miranda Warnings card. _____ advised she understood her rights and agreed to speak with deputies. _____ provided the following statement:

_____ stated that _____ called her and asked her to come over because _____ was on his way to the residence and _____ was afraid he might harm her. _____ advised _____ informed her _____ has PTSD and had not been taking his medication. _____ stated that when _____ entered the residence, she feared for her life and believed _____ might harm her. _____ stated she thought _____ was going to come in "guns blazing". _____ advised _____ never made any sort of threats to her or even spoke to _____ claimed she only pointed the firearm at _____ and _____ to protect herself and _____ in case _____ was armed. _____ acknowledged _____ did not present any threat and that her actions were based solely on the information provided by _____

Based on Deputy Killingsworth's investigation, coupled with statements from multiple victims and witnesses, video of the incident, and _____'s confession to the incident, Deputy Killingsworth determined probable cause to charge _____ with two counts of FSS 784.021(1)(a) – Aggravated Assault with a Deadly Weapon, for pointing her firearm at _____ and _____ unprovoked while _____ was legally at his own residence collecting his own personal belongings.

Deputy Westfall completed a voluntary consent to search of the residence, where he located a black Springfield XD bearing serial number 8K117397 inside a pink and black holster on the kitchen counter which was used in the incident. It is to be noted the pistol was loaded with one

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round in the chamber. Deputy Westfall collected the firearm as evidence and later submitted it into the district 4 evidence locker as evidence.

Deputy Killingsworth completed a criminal history check on _____ which revealed no criminal history.

_____ was transported to the district 4 office for paperwork and subsequently to the Volusia County Branch Jail.

Due to the circumstances of the incidents, Deputy Killingsworth completed a Risk Protection Order (RPO).

Case Status: Arrest/Adult

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>handgun</u>	Location	<u>VSO 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: 04/21/2026 Signature of Affiant: John Killingsworth Digitally signed by John Killingsworth Date: 2026.04.21 04:20:10 -04'00'

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 21 day of April, 2026, by DEPUTY JOHN KILLINGSWOTH
Affiant's name

Santiago, Brian Digitally signed by Santiago, Brian Date: 2026.04.21 04:21:38 -04'00'
Signature of Attesting LEO Witness

DEPUTY BRIAN SANTIAGO
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)