

# PETITION FOR EMERGENCY SUBSTANTIAL RISK ORDER

Commonwealth of Virginia VA CODE § 19.2-152.13

Case No. CL20-520

Frederick

☐ General District Court ☒ Circuit Court (NH)  
☒ Juvenile and Domestic Relations District Court

## RESPONDENT

In re: [REDACTED] [REDACTED] [REDACTED]  
 LAST FIRST MIDDLE

RESPONDENT'S ADDRESS/LOCATION

Winchester, VA

## RESPONDENT IDENTIFIERS (IF KNOWN)

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
W	M	10	23	1973	5	9	220	BL	BR
SSN		227-37-3384							
DRIVER'S LICENSE NO.							STATE	EXP.	
[REDACTED]							VA	2025	

I, the undersigned, assert under oath that an independent investigation has been conducted by law enforcement that determined that grounds for this petition exist, specifically that there is reason to believe that the Respondent poses a substantial risk of personal injury to self or others in the near future by the Respondent's possession or acquisition of a firearm and state the following in support of this Petition:

On 9/2/2020 I, Deputy S. Garrison, spoke to [REDACTED] who reported his son [REDACTED] made threats to kill the family. Stated Monday night (8/31/20) [REDACTED] pointed a gun at his grandson [REDACTED]. Stated [REDACTED] has several pistols in the basement of residence. Carl told Michael he needed to leave and [REDACTED] told him he had 30-60 days and by then no one would be left. Deputy Garrison spoke to Bradley Shraut on phone who said [REDACTED] pulled a 44 Magnum on him Monday night and pointed it at him. [REDACTED] said [REDACTED] told him when his bank account hits zero "shit will hit the fan." [REDACTED] also said he can't wait to get the family together in one room.  
☐ See accompanying affidavit.

I further assert that this proceeding is being commenced where the Respondent

☐ has his principal residence OR

☒ has engaged in any conduct upon which this petition is based.

Therefore, I respectfully request the issuance of an emergency substantial risk order.

Samantha Garrison  
 PRINTED NAME

Samantha Garrison  
 ATTORNEY FOR THE COMMONWEALTH  
 LAW-ENFORCEMENT OFFICER

9/2/20  
 DATE

Frederick County Sheriff's Office  
 NAME OF AGENCY  
 (If law-enforcement officer, include badge and code no.)  
218 / 034

Subscribed and sworn to before me this day in person  
09/02/2020  
 DATE

☐ JUDGE

☒ MAGISTRATE

## FOR NOTARY PUBLIC'S USE ONLY:

State of \_\_\_\_\_ ☐ City ☐ County of \_\_\_\_\_  
 Acknowledged, subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

NOTARY REGISTRATION NUMBER

NOTARY PUBLIC  
 (My commission expires: \_\_\_\_\_)

**EMERGENCY SUBSTANTIAL RISK ORDER**

Commonwealth of Virginia Va. Code § 19.2-152.13

Court Case No. **CL20-520**

**Frederick** ☐ General District Court ☒ Circuit Court  
☐ Juvenile and Domestic Relations District Court  
☐ Extension of Emergency Substantial Risk Order (Circuit Court Only)

**RESPONDENT**

In re: **[REDACTED]**  
LAST FIRST MIDDLE  
710 Atwell Ave.  
RESPONDENT'S ADDRESS/LOCATION  
Winchester, VA 22601

**RESPONDENT IDENTIFIERS (IF KNOWN)**

RACE	SEX	BORN	HT.	WGT.	EYES	HAIR
W	M	MO. DAY YR. 10/23/1973	FT. IN. 5' 08"	230	BRO	BLN
SSN 227-37-3384						
DRIVER'S LICENSE NO. T63-12-3179				STATE VA	EXP.	

Based upon the information alleged and relevant evidence, including any recent act of violence, force, or threat as defined in § 19.2-152.7:1 by the Respondent directed toward another person or toward self, I find that there is probable cause to believe that the Respondent poses a substantial risk of personal injury to self or others in the near future by the Respondent's possession or acquisition of a firearm.

It is hereby ORDERED that

1. The Respondent is prohibited from purchasing, possessing or transporting a firearm while this order is in effect.
2. The Respondent shall surrender any concealed handgun permit to the court named above.

The Respondent is advised to voluntarily relinquish any firearm within the Respondent's custody to the law-enforcement agency that serves this order on the Respondent.

**Notice of Right to Hearing:** The Respondent has a right to a hearing under § 19.2-152.14 and may be represented by counsel at the hearing. The hearing will be held in the circuit court for the jurisdiction named above on a date to be set by the circuit court.

(Circuit Court Only)

- ☐ It is ORDERED that the Emergency Substantial Risk Order is extended, pursuant to § 19.2-152.14,  
☐ as the Respondent failed to appear at the hearing in circuit court set for .....  
because the Respondent was not personally served with notice of the hearing or, if personally served, was  
incarcerated and not transported to the hearing.  
☐ upon motion of the Respondent and for good cause shown.

It is further ORDERED that a hearing pursuant to § 19.2-152.14 will be held in this circuit court on

..... at ..... and that service of this order will constitute notice for that hearing.  
DATE TIME

This Order is issued on **09/02/2020**  
DATE

**THIS ORDER EXPIRES ON 09/16/2020** at **11:59 p.m.**  
DATE

**Notice to Respondent:**

This order will be entered into the Virginia Criminal Information Network. The Respondent may at any time file a motion with the circuit court requesting a hearing to dissolve this order; however, this order remains in full force and effect unless and until dissolved by the court.

**WARNINGS TO RESPONDENT:**

Pursuant to § 18.2-308.1:6, you shall not purchase, possess or transport any firearm while this order is in effect. If you have a concealed handgun permit, you are prohibited from carrying any concealed firearms and you must immediately surrender your permit to the court issuing this order. A violation of § 18.2-308.1:6 is a Class 1 misdemeanor for which you may be sentenced to jail and/or ordered to pay a fine.

ESRO: 069CM2000006565

*Ann on Fred*

**RETURNS:** Each person was served according to law, as indicated below, unless not found.

RESPONDENT	
NAME <u>[REDACTED]</u>	
ADDRESS <u>[REDACTED]</u>	
<input checked="" type="checkbox"/> PERSONAL SERVICE	TELEPHONE NUMBER: <u>[REDACTED]</u>
<input type="checkbox"/> NOT FOUND	
S. K. Garrison SERVING OFFICER	
for <u>L. W. Millholland</u>	
9/2/2020 10:47 AM DATE AND TIME	
Respondent's Description (for VCIN entry):	
RACE <u>W</u> SEX <u>M</u>	
DOB: <u>10/23/1973</u>	
HGT <u>5'9"</u> WGT <u>220</u>	
EYES <u>BLU</u> HAIR <u>BRO</u>	
SSN <u>227-37-3384</u>	
Relationship to Petitioner/Plaintiff <u>Son</u>	
Distinguishing features _____	

### INVENTORY OF FIREARMS VOLUNTARILY RELINQUISHED

The following firearms were voluntarily relinquished by the Respondent upon service of this Emergency Substantial Risk Order:

- |                                                        |          |
|--------------------------------------------------------|----------|
| 1. Colt AR-15A3/serial LBD047629                       | 11. .... |
| 2. Savage 270 rifle/serial E953803                     | 12. .... |
| 3. CZ Bren 2Ms/serial D117416                          | 13. .... |
| 4. Heritage Rough Rider .22 Revolver<br>serial Y054442 | 14. .... |
| 5. Taurus 4.2 gmm pistol/serial TEM3527015             | 15. .... |
| 6. Glock 21 .45 auto pistol/serial BGGV728             | 16. .... |
| 7. ....                                                | 17. .... |
| 8. ....                                                | 18. .... |
| 9. ....                                                | 19. .... |
| 10. ....                                               | 20. .... |

☐ Continued on attached sheet.

Due return of service with this inventory shall be made to the circuit court of the jurisdiction named at the top of the first page of this order.

The statement above is true and accurate to the best of my knowledge and belief.

FCSD / 034 218  
NAME OF AGENCY  
(Include badge and code no.)

9/2/20  
DATE

Samantha Garrison  
PRINTED NAME OF LAW-ENFORCEMENT OFFICER

*Samantha Garrison*  
SIGNATURE OF LAW-ENFORCEMENT OFFICER