D1DC15100148

IN THE 167 DISTRICT COURT	§	COUNTY OF TRAVIS
TRAVIS COUNTY, TEXAS	§	STATE OF TEXAS
ARREST WARRANT		
The State of Texas any peace officer of the State of Texas,		
WHEREAS, the affiant whose name under the laws of Texas and did heretofore this said affidavit is here and now made a part here stated by affiant in said affidavit show that affi established the existence of proper grounds for	s day subscribe of for all purpolant has probab	le cause for the belief he expresses herein and
NOW THEREFORE, I command you to arrest and bring before me the said:		
3299302 Filed in The District Court MICHAEL PATRICK WAGNER, white male, date of birth 04/23/1977 of Travis County, Texas		
described and accused in said affidavit Section 28.02 - <u>ARSON</u> , a <u>Second-Degree F</u>		f the Texas Penal Code: AUG 13 2015 At
HEREIN FAIL NOT, but have you then and there this warrant execute, with your return thereon, showing how you have executed the same.		
Issued at 503 o'clock, .m., on this witness my hand. \$25000 Bond Amount	JUDGE P	of
Peace Officer's Return Came at hand the 3 day of Mygust AD, 20, at 20/5 at 5 o'clock M., by arresting the within named M placing him in jail at 240 S	o'clock A M.	and executed on the day of AD, and taking his bond,
I actually and necessarily traveled miles in the service of this wr process in this cause in the same trip. FEES-MILAGE\$	it, in addition to any o	ther mileage that I may have traveled in the service of other

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PROBABLE CAUSE AFFIDAVIT FOR ARREST

§ § THE STATE OF TEXAS

COUNTY OF TRAVES The District Court

of Travis County, Texas

AUG 13 2015

BEFORE ME, the undersigned authority, on this day personally appear the rice, District Clerk undersigned affiant who, after being duly sworn by me, on oath stated:

Affiant is identified as Cody Mitchell, a Texas Ranger with the Texas Ranger Division of the Texas Department of Public Safety, herein after referred to as affiant.

Affiant has good reason to believe and does believe that on or about the August 07, 2015, Wagner, Michael, Patrick DOB: 04-23-1977 W/M: did then and there in the City of Austin, Travis County, Texas commit the offense of Arson, a violation of section 28.02(f) of the Texas Penal Code, Second Degree Felony, by starting a fire with intent to destroy or damage a vehicle and was reckless about whether the burning would endanger the life of some individual. Affiant's belief is based upon the following facts and information:

YOUR AFFIANT IS A CERTIFIED TEXAS PEACE OFFICER UNDER THE LAWS OF THE STATE OF TEXAS, AND IS CURRENTLY COMMISSIONED AS A TEXAS RANGER WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY. YOUR AFFIANT HAS APPROXIMATELY 16 YEARS OF EXPERIENCE AS A PEACE OFFICER. YOUR AFFIANT IS ASSIGNED TO CONDUCT CRIMINAL INVESTIGATIONS IN REGARDS TO ANY OFFENSE THAT MAY OCCUR IN THE STATE OF TEXAS. YOUR AFFIANT HAS EXTENSIVE EXPERIENCE IN THE INVESTIGATION OF VARIOUS CRIMES, INCLUDING CRIMES AGAINST PERSONS AND CRIMES AGAINST PROPERTY.

The following facts are based on the statements of Texas Department of Public Safety Special Agent Mario REYES and the Affiants own observations.

On 8/7/15 the Affiant was contacted by Texas Department of Public Safety Special Agent Mario REYES in reference to a vehicle fire which occurred within the Texas State Capitol Complex, located at 1100 N Congress in Austin Texas, Travis County Texas.

Special Agent REYES told the Affiant that at approximately 9:08 AM on (8/7/15) an unidentified white male wearing a black t-shirt, dark colored shorts, camouflage cap, and flip flops entered the south doors of the Texas State Capitol Building and walked directly to the House Chamber. Special Agent Reyes told the Affiant the unidentified male walked to the Speaker of the House's Dias (podium) and removed a Texas Constitution booklet. Agent REYES told the Affiant the unidentified male then traveled, with the Texas Constitution booklet, to an auxiliary kitchen located in the west wing of the Texas State Capitol Building. Agent REYES said the unidentified male was confronted by Texas State Capitol staff members and ultimately fled the building leaving behind the Texas Constitution booklet. Agent REYES arranged for said Texas Constitution booklet to be collected as evidence and a usable latent fingerprint was developed by the Texas Department of Public Safety Crime Laboratory.



Agent REYES told the Affiant the same unidentified male returned to the Texas State Capitol Complex at approximately 2:03 PM and approached a vehicle parked along the south drive (inside of the State Capitol Complex). Agent REYES told the Affiant the unidentified male was seen pouring an unidentified liquid onto a 2014 Toyota Corolla (TX LP DPD7213) which belonged to a Texas State Capitol employee. Agent REYES told Affiant the unidentified male was seen kneeling at the front of the Toyota Corolla in a suspicious manner before standing up and walking away expeditiously. Agent REYES told Affiant the Toyota Corolla immediately began smoking as the unidentified male walked away. Agent REYES told Affiant the Toyota Corolla was soon engulfed in flames to the point Fire Department intervention was required. Agent REYES told Affiant the unidentified male was last seen walking south on Congress Ave.

Agent REYES told Affiant that security video from the Texas State Capitol caught the unidentified male's actions. The Affiant reviewed said surveillance video and found it to be consistent to Agent REYES' descriptions.

The Affiant utilized Texas Department of Public Safety personnel to canvas Congress Ave south from the Texas State Capitol for the purpose of locating surveillance video footage that would assist with the identification of the unidentified male. We will dead the Male

On 8/11/15 the Affiant viewed video surveillance footage obtained from 1005 Congress Ave. Said surveillance footage showed the unidentified male parking in front of 1005 Congress Ave on 8/7/15. In said video, the Affiant was driving a silver 2013 Chevrolet Cruze with Iowa License Plates CPX089. The unidentified male exited the vehicle and walked north across 11th St. The Affiant noted, during the unidentified male's absence from the vehicle, said vehicle was cited for a parking violation. The Affiant obtained a copy of said parking violation and noted the time stamp to be on 8/7/15 at 9:21 AM. The Affiant verified this video coincided with the surveillance video obtained of the unidentified male's arrival to the Texas State Capitol on 8/7/15 at approximately 9:08 AM and his ultimate departure from the Texas State Capitol at approximately 9:23 AM on the same day.

The Affiant also viewed video surveillance footage obtained at 900 Congress Ave. Said surveillance footage showed the unidentified male walking south on Congress Ave shortly after setting fire to the Toyota Corolla on 8/7/15 (approximately 2:06 The Affiant could see that the unidentified male was wearing the exact same clothing he was seen wearing during the mornings events and when seen utilizing the The Affiant could see the unidentified Chevrolet Cruze bearing Iowa LP CPX089. male carrying a portable torch as he left the scene of the car fire. could see said portable torch was of the size and shape as that used by plumbers The Affiant verified the video coincided with for soldering and sweating pipes. the surveillance video obtained of the unidentified male's departure from the Texas The Affiant also verified the Texas State State Capitol (8/7/15 2:06 PM). Capitol's surveillance video also showed the unidentified male holding a portable torch as he fled the area of the burning Toyota Corolla.

The Affiant conducted a registration check of the Chevrolet Cruze bearing Iowa license plate CPX089. Said registration check indicated said vehicle was registered to Michael Patrick WAGNER W/M DOB: 4/23/77 at an address in Olin Iowa.

The Texas Department of Public Safety Crime Laboratory compared the latent fingerprint which was developed from the Texas Constitution booklet on 8/7/15 to the fingerprints on file for WAGNER and found them to be an identical match.



WHEREFORE, Afficient requests that an arrest warrant be issued for the above-accused individual in accordance with the law.

AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME on the 12th day of August, 2015.

PEACE OFFICER OF THE STATE OF TEXAS AND PURSUANT TO \$602.002 TEXAS GOVERNMENT CODE.

MAGISTRATE'S DETERMINATION OF PROBABLE CAUSE

On this the day of // /20/, the undersigned Magistrate hereby acknowledges that he/she has examined the foregoing affidavit and has determined that probable cause exists for the issuance of an arrest warrant for the individual (s) accused therein

MAGISTRATE, IN AND FOR TRAVIS COUNTY, TEXAS

