

United States District Court

FILED

SOUTHERN

DISTRICT OF

IOWA

2004 JUL 15 PM 2:50

UNITED STATES OF AMERICA

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

V.

CRIMINAL COMPLAINT

MICHAEL WAGNER

CASE NUMBER: 4-04-M-30148

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

On or about June 14, 2004 in Pottawattamie county, in the Southern District of Iowa defendant did,

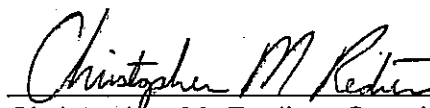
Count 1: being a convicted felon, possessed or transported in interstate or foreign commerce, or possessed in or affecting commerce, any firearm or ammunition; or received any firearm or ammunition which has been shipped or transported in interstate or foreign commerce in violation of Title 18 U.S.C. § 922(g)(1) and

Count 2: having been convicted of a violent felony, purchased, owned or possessed body armor, in violation of Title 18 U.S.C. § 931

in violation of Title 18 United States Code, Section(s) 922(g)(1) and 931. I further state that I am a(n) Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and that this Complaint is based on the following facts:

See Affidavit attached and incorporated

Continued on the attached sheet and made a part hereof: Yes No



Christopher M. Redies, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to before me and subscribed in my presence,

July 15, 2004

at

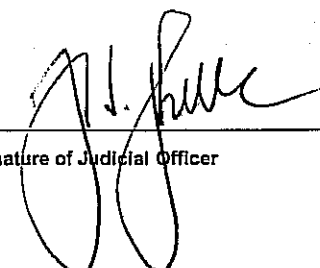
Des Moines, Iowa

Date

City and State

Thomas J. Shields
U.S. Magistrate Judge

Name & Title of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT

Christopher M. Redies, Special Agent, United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, being duly sworn on oath, deposes and states:

1. This affidavit seeks the authority to seize the person of Michael WAGNER. Michael WAGNER is described as a black male, date of birth of January 24, 1960, six foot, approximately 170 pounds in weight, black hair, brown eyes, social security number 288-56-2562, and FBI Number of 524541LB1.
2. Your affiant is a Special Agent employed by the Bureau of Alcohol, Tobacco, and Firearms, United States Department of Justice and has been so since July 2001. As such, your affiant is empowered to conduct investigations and make arrests for offenses against the laws of the United States of America. Prior to that date, your affiant was employed by Kansas City Missouri Police Department for approximately three years. During this time, your affiant has conducted and/or participated in investigations related to criminal possession of firearms and violent crimes.
3. Based on your affiant's training and experience as an ATF Special Agent, your affiant knows:
 - a.) That it is unlawful for persons who are convicted felons to possess or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, as stated in Title 18 United States Code, Section 922(g)(1):

- b.) That it is unlawful for a person who has been convicted of a violent felony to purchase, own or possess body armor, as stated in Title 18 United States Code, Section 931.

The information contained in this affidavit was developed during an investigation conducted by ATF Special Agent Paul A. White of the Omaha Field Office regarding Michael WAGNER. The following information was provided by Special Agent Paul A. White

- A) S/A White was contacted on 7/14/2004, and responded to the Iowa State Patrol Headquarters office located in Pottawattamie County, Iowa. Investigation revealed that at approximately 0915hrs on 7/14/2004, Iowa State Trooper Haas stopped a blue 1997 Ford Explorer at mile marker 16 on E.B. I 80 in the county of Pottawattamie, Iowa. The vehicle was bearing California license plate #4FSE590. The trooper observed that the driver was not wearing a seatbelt. The trooper in running the registration on the vehicle concluded that the plates came back suspicious. In stopping the vehicle and making contact with the driver, it was determined that the driver had no ID or Drivers License. The driver identified himself as Cornell Black. The trooper while issuing summons under the name of Cornell Black, called for a drug canine unit to respond to his location. The dog was taken through the vehicle and alerted to a small quantity of residue of marijuana in the ashtray of the vehicle. The driver then identified himself as Michael Wagner, b/m, dob: 1/24/60, SS# 288-56-2562 which was determined to have a felony conviction in 1988 for Lude and Lascivious Acts w/Child Under 14 out of San Diego.
- B) Due to the false information provided to the Trooper Haas and no proper identification of the subject. WAGNER was taken into custody as to properly identify him. Incident to arrest, the troopers searched the vehicle. In searching the vehicle, the troopers located a Ruger

9mm pistol with two full magazines, a bag of approx. 150+ rounds of ammunition, three bullet proof vests, Night vision goggles, night vision scope for a rifle, numerous airplane pilot training manuals, a telescope, and numerous pages of literature and documents with Arabic printing. Some of these items were hidden in a hollowed out computer CPU. Also located in the passenger seat was passenger and acclaimed wife of WAGNER who was identified as Linda Marie Maguire, w/f, dob: 12/29/1965, SS# 560-11-9129, residing at 9032 Demont Ln. Santee, California 90270. Both subjects were taken into custody on several Iowa state charges.

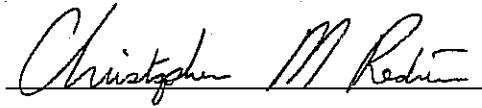
- C) At the Iowa State Patrol Headquarters, troopers viewed the videotape of the stop from the trooper's vehicle. While WAGNER and Maguire were placed in the rear seat of the troopers vehicle, WAGNER made several comments to Maguire, including, telling her to make sure she tells the officers that the firearm, night vision devices and other items were hers and that she got the scope for her 16 yr old son. WAGNER made comments on two occasions indicating first that Maguire was chicken and that she should have gotten the pistol and shot both officers and they could be on their way. He then made the comment that he should have gotten the pistol himself and shot the officers. WAGNER then tried to talk Maguire into climbing over into the driver's seat of the trooper's patrol car and run the officers over.
- D) S/A White and several members of the JTTF interviewed WAGNER and Maguire. The following information was received while interviewing the subjects:
- a. Maguire stated that both were enroute to Cleveland, Ohio from Santee, California and left on Monday 7/12/2004. They were going to Cleveland where the family of WAGNER resides.
 - b. Maguire stated that the firearm found in the vehicle belonged to her and that she purchased it for protection approximately two years ago. She stated that approx. 6-7 years ago her house was broken into and

she bought the firearm for her safety. Maguire indicated that she and WAGNER have been living together for 12-13 years and have a 9 yr old child together. Maguire stated the firearm is kept hidden in the closet of their bedroom out of reach of the children and has been wanting to get a lock for it to lock it up, however has not done so as of yet. Maguire indicated that the firearm is accessible to WAGNER if he needed it for his protection. WAGNER indicated that as long as the firearm was in Maguire's name and the vehicle they were in was in Maguire's name then the firearm could not be associated with him even though he was also in the vehicle or house and could have access to it.

- c. Maguire indicated that she purchased the three bulletproof vests 6-7 years ago through the Calibers magazine for her and her family's protection. WAGNER later indicated that he purchased two of the vests from the Internet himself after 9/11 to use for protection.
- d. After leaving the location of the Iowa State Headquarters located in Council Bluffs, Agents of the JTTF were contacted in the evening by troopers indicating that WAGNER wanted to talk to the federal agents in reference to his knowledge of people and groups tied to Al-Qaeda and the Taliban and of terrorist activities that he was aware of. S/A White along with several agents from the JTTF responded back the same location to talk to WAGNER. WAGNER indicated he knew of things in the Muslim communities of San Diego that would be of concern to federal agencies. When agents arrived to talk to WAGNER, he wasn't very cooperative and wanted to be released from custody immediately along with his wife if he provided information. Eventually, his wife Maguire was released and WAGNER provided a little bit of information to the agents. Later in the night, another JTTF agent was contacted by Iowa State Police indicating WAGNER wanted to talk about information about persons planning to shoot at trams and trains in the San Diego area.

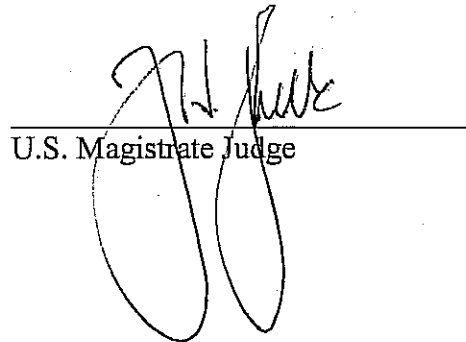
E) Your affiant respectfully submits that there is probable cause to believe that Michael WAGNER was in possession of a firearm and ammunition along with several bullet proof vests while being a convicted felon, in violation of Title 18, United States Code, Section 922(g)(1) and Section 931.

Dated the 15th of July 2004.



Christoper M. Redies
Special Agent, Bureau of
Alcohol, Tobacco, Firearms and
Explosives

Subscribed and sworn before me this 15th day of July 2004.



U.S. Magistrate Judge