

THE STATE OF TEXAS

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AFFIDAVIT

COUNTY OF HARRIS

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I, your affiant, J. Varela am a certified peace officer in the State of Texas. I am employed with the Houston Police Department. I do solemnly swear that I have reason to believe and do believe that **Mark Anthony Aguirre, date of birth 4/29/1957, TDL 09031527** did commit the felony offense of AGGRAVATED ASSAULT WITH A DEADLY WEAPON in Harris County, Texas on or about October 19th, 2020.

MY BELIEF IS BASED UPON THE FOLLOWING FACTS:

I, the affiant, J. Varela, am a certified peace officer in the State of Texas. I am employed as a senior police officer with the Major Offenders Division Threat Investigative Unit of the Houston Police Department (HPD). I have been assigned the investigation of an aggravated assault that occurred in Houston, Harris County, Texas on or about 10/19/2020. The incident is documented in HPD offense report # 1387349-20.

Affiant was called out to the scene of 1356 Almeda Genoa Rd, Houston, Harris County, Texas on October 19, 2020 at approximately 0800 hours. Affiant identified the complainant as an adult male who will be referred to herein as DL. Affiant learned that Houston Police Department Officer Torres had already conducted an audio recorded interview with DL and found DL to be a credible and reliable person. DL stated to Officer Torres that he was driving his box truck in or about the 1300 block of Almeda Genoa Rd. on October 19, 2020 at approximately 5:30 A.M. when he noticed the driver of a black S.U.V. pull into his lane and almost strike his vehicle. DL said a few seconds later the driver of the black S.U.V, who was later identified as the defendant Mark Aguirre, pulled into his lane and struck the back of his vehicle with the defendant's vehicle. DL said he immediately pulled over and walked back to check on the welfare of the defendant who was driving the black S.U.V. DL said the defendant exited the black S.U.V. and pointed a pistol at him. DL said that he feared for his life as the defendant demanded that he get on the ground. DL went on to say that he laid on the ground and the defendant held a gun to him and then the defendant placed his knee on his back. DL stated that two other vehicles pulled up to the scene with additional suspects as the defendant held him on the ground with his knee on his back. DL said the defendant ordered a second suspect to search his box truck as the defendant continued to detain him on the ground. DL said that he heard a second suspect report to the defendant that the box truck was clear. DL stated that while the defendant held him on the ground at gunpoint, one of the other people with the defendant drove DL's truck away without his permission. DL said he was laying on the ground and the defendant had his knee on his back when the first police officer arrived. DL said the first police officer on the scene ordered the defendant to let him off the ground. DL stated that he believed he was being robbed and was in fear for his life.

HPD Officers located DL's box truck abandoned a few blocks away in the 13400 block of Anagnot Street

approximately 30 minutes after the first officers arrived on the scene.

Affiant interviewed the defendant at the scene. The defendant's interview was audio recorded. Affiant verified the defendant's identity as Mark Anthony Aguirre, date of birth 04/29/1957, at the scene using defendant's Texas Driver's license, # 09031527. The defendant stated that he is part of a group of private citizens that call themselves "Liberty Center." The defendant stated that they are investigating a voter fraud ballot harvesting conspiracy that DL is operating out of DL's home and a shed behind DL's home in a nearby mobile home community. The defendant stated that he and his friends have set up a "command post" at the Springfield Suites Marriott located at 1820 Country Place, Pearland, Brazoria County, Texas. The defendant stated that he and his friends have been conducting 24 hour surveillance on DL's home for the past four days. The defendant stated that he knew that DL had fraudulent ballots in his truck and in his home. The defendant stated that DL has approximately seven hundred and fifty thousand fraudulent mail ballots and is using Hispanic children to sign the ballots because the children's fingerprints would not appear in any databases. The defendant stated that Mark Zuckerberg had given \$9.37 million dollars for ballot harvesting. The defendant admitted that he followed DL from DL's home that morning and accidentally crashed into DL's truck. The defendant admitted that he pointed a firearm at DL and held DL on the ground at gunpoint. The defendant refused to provide the names of the other people that were conducting the surveillance with him. The Defendant changed his story and said that he was not part of the surveillance team that morning but that he was called to the location after DL left his mobile home. The defendant then claimed that he did not know who was on the surveillance team and he did not know who moved DL's box truck. The defendant told Affiant that Affiant can be a hero or part of the problem. The defendant told Affiant, "I just hope you're a patriot." The defendant stated that he had already contacted the Texas Rangers, Ken Paxton, and the regional director of the Texas Department of Public Safety for assistance with his investigation but had not received any help. The defendant agreed to take Affiant to the location that the defendant had been surveilling.

Affiant traveled with the defendant to the mobile home community where DL lives in Harris County, Texas. The defendant pointed out where he would park his car to conduct surveillance and the residence and shed. Affiant confirmed that the residence and shed belong to DL. DL granted Affiant consent to search his vehicle, home, and storage shed. Affiant and other HPD officers searched DL's mobile home, shed, and vehicle and found no evidence of voter fraud or ballot harvesting. Affiant found DL's box truck to contain equipment consistent with DL's occupation as an air conditioning repair technician. Affiant found DL's home to be appropriately furnished as a family home. Affiant found DL's shed to be filled with ordinary household items.

Affiant received a phone call from Lieutenant Wayne Rubio with the Texas Attorney General's Office. Lt. Rubio stated that the defendant contacted him on October 16, 2020 to request that the Attorney General's office conduct a traffic stop for the defendant's "investigation." Lt. Rubio told the defendant that he could not assign a police unit to conduct a traffic stop. The defendant then told Lt. Rubio that he would conduct the traffic stop himself and make a citizen's arrest. Lt. Rubio then stated that he received another call from the defendant on October 19, 2020 and that the defendant told Lt. Rubio that the

defendant was in a motor vehicle accident with a voter fraud suspect and that the defendant pulled a gun on the individual.

Affiant received a follow up email from Lt. Rubio in which Lt. Rubio stated that he had been concerned by the defendant's original call on October 16, 2020. Lt. Rubio stated that the defendant seemed upset that the Department of Public Safety could not stop and detain an individual based solely on the defendant's uncorroborated accusations. Lt. Rubio was further concerned by the defendant's statement that he would do it himself. Lt. Rubio stated that he notified his supervisor about the defendant's call and threatened actions at the time of the call.

Affiant viewed HPD Officer Taylor's (employee #166156) body worn camera recording. Officer Taylor was the first officer on scene when he drove by and saw the incident in progress. Affiant noticed the defendant detaining DL on the ground with the defendant's knee on DL's back as Officer Taylor pulled up to the scene.

Affiant viewed HPD Officer Perez's (employee #165651) body worn camera recording and Officer Perez asked the defendant where DL's box truck was parked and the Defendant said, "We moved it here," as he pointed to a parking lot. The defendant appeared to be confused because the box truck was not parked where he was pointing. Officer Perez asked the defendant if he had a weapon and the defendant said he had two pistols on his body. Officer Perez took custody of the defendant's pistols and confirmed that they are firearms.

Affiant contacted the Harris County District Attorney's Office Public Corruption Division for assistance in following up on the defendant's other allegations. Affiant reviewed grand jury subpoena returns from Marriott that show that the defendant rented two rooms from October 17, 2020 through October 21, 2020 at the Spring Hill Suites by Marriott located at 1820 Country Place Parkway, Pearland, Texas 77584.

Affiant reviewed grand jury subpoena returns from the defendant's banking institution, the Houston Police Department Federal Credit Union. The records reflect that the defendant received wire transfers totaling \$266,400 from an account owned by an organization called Liberty Center for God and Country in the month preceding the aggravated assault and immediately after the offense. The money came in three payments. An initial payment of \$25,000 was deposited on September 22, 2020, a second payment of \$25,000 was deposited on October 9, 2020, and the defendant received a third payment of \$211,400 on October 20, 2020, the day after the aggravated assault.

Wherefore, premises considered, your affiant believes that **Mark Anthony Aguirre, date of birth 4/29/1957, TDL 09031527** committed the felony offense of AGGRAVATED ASSAULT WITH A DEADLY WEAPON and respectfully requests that a warrant issue authorizing the arrest of **Mark Anthony Aguirre, date of birth 4/29/1957, TDL 09031527** for the felony offense of AGGRAVATED ASSAULT WITH A DEADLY WEAPON

AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS THE 10 OF December,
2020.

MAGISTRATE/JUDGE
HARRIS COUNTY, TEXAS

