STATE OF NORTH CAROLINA

CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
File No. 10 CR 56768

IN THE MATTER OF:
America Online
Email Account: [redacted]

MOTION TO SEAL SEARCH WARRANT

Now comes the State by and through the undersigned Assistant District Attorney and moves the Court pursuant to N.C.G.S. 132-1.4(e), (k) to seal the above-referenced search warrant and its return, and in support thereof, alleges:

1. On October 09, 2010 at approximately 2:00 pm, Zahra Baker was reported missing from 21 21st Avenue Northwest in Hickory, North Carolina.

2. The investigation by the Hickory Police Department and other state and federal law enforcement agencies indicates that the missing person, Zahra Baker, was last seen at the residence of 21 21st Avenue Northwest, Hickory, North Carolina 28601.

3. The investigation of the missing person is ongoing.

4. The release of the information contained in the search warrant would jeopardize the right of the State to prosecute a defendant or defendants, or jeopardize the right of a defendant or defendants to receive a fair trial, or undermine an ongoing or future investigation.

WHEREFORE, The State of North Carolina respectfully moves the Court to seal this search warrant and its return until further order of the Court.

Respectfully submitted, this the 14th day of October, 2010.

Assistant District Attorney
25th Prosecutorial District

File No.

SEARCH WARRANT

IN THE MATTER OF

America Online Email Account: fairygirl6668@aol.com

Date Issued: 10/14/2010 | Time Issued: 1:36 ☐ AM ☒ PM

Name Of Applicant: Investigator Heather Cash

Name Of Additional Affiant:

Name Of Additional Affiant:

RETURN OF SERVICE

I certify that this Search Warrant was received and executed as follows:

Date Received: 10/14/2010 | Time Received: 1:38 ☐ AM ☒ PM

Date Executed: 10-14-10 | Time Executed: 1:56 ☐ AM ☒ PM

☒ I made a search of

America Online account:

[redacted]

as commanded.

☐ I seized the items listed on the attached inventory.

☒ I did not seize any items.

☐ This Warrant WAS NOT executed within forty-eight (48) hours of the date of issuance and I hereby return it not executed.

Signature Of Officer Making Return: Heather Cash

Department Or Agency Of Officer: Hickory Police Department | Incident Number: 10-009014

AOC-CR-119, Rev. 9/02
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STATE OF NORTH CAROLINA

CATAWBA County

in The General Court Of Justice
District/Superior Court Division

To any officer with authority and jurisdiction to conduct the search authorized by this Search Warrant:

I, the undersigned, find that there is probable cause to believe that the property and person described in the application on the reverse side and related to the commission of a crime is located as described in the application.

You are commanded to search the premises, vehicle, person and other place or item described in the application for the property and person in question. If the property and/or person are found, make the seizure and keep the property subject to Court Order and process the person according to law.

You are directed to execute this Search Warrant within forty-eight (48) hours from the time indicated on this Warrant and make due return to the Clerk of the Issuing Court.

This Search Warrant is issued upon information furnished under oath by the person(s) shown.

Date: 10/14/10 | Signature: [signature] | ☐ Deputy CSC ☐ Assistant CSC ☐ CSC ☒ Magistrate ☐ District Ct. Judge ☐ Superior Ct. Judge

This Search Warrant was returned to me on the date and time shown below.

Date: 10/14/10 | Time: 2:29 ☐ AM ☒ PM | Signature: [signature] | ☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

(Over)

APPLICATION FOR SEARCH WARRANT

I, Investigator Heather Cash of the Hickory Police Department CID,
(Insert name and address; or if law enforcement officer, name, rank and agency)

being duly sworn, request that the Court issue a warrant to search the person, place, vehicle, and other items described in this application and to find and seize the property and person described in this application. There is probable cause to believe that *(Describe property to be seized; or if search warrant is to be used for searching a place to serve an arrest warrant or other process, name person to be arrested)*

SEE ATTACHMENTS #01 AND #02

constitutes evidence of a crime and the identity of a person participating in a crime, *(Name crime)* MISSING / ENDANGERED PERSON

and is located *(Check appropriate box(es) and fill-in specified information)*

☒ in the following premises *(Give address and, if useful, describe premises)*

SEE ATTACHMENTS #01 AND #02

(and)

☒ on the following person(s) *(Give name(s) and, if useful, describe person(s))*

SEE ATTACHMENTS #01 AND #02

(and)

☒ in the following vehicle(s) *(Describe vehicle(s))*

SEE ATTACHMENTS #01 AND #02

(and)

☒ *(Name and/or describe other places or items to be searched, if applicable)*

SEE ATTACHMENTS #01 AND #02

The applicant swears to the following facts to establish probable cause for the issuance of a search warrant:

SEE ATTACHMENTS #01 AND #02

SWORN AND SUBSCRIBED TO BEFORE ME	Date 10/14/10
Date 10/14/10	Signature of Applicant Heather Cash
Signature	

☒ Magistrate ☐ Dep. CSC ☐ Asst. CSC ☐ Clerk of Superior Court ☐ Judge

☐ In addition to the affidavit included above, this application is supported by additional affidavits, attached, made by

☐ In addition to the affidavit included above, this application is supported by sworn testimony, given by

This testimony has been *(check appropriate box)* ☐ reduced to writing ☐ tape recorded and I have filed each with the clerk.

NOTE: *If more space is needed for any section, continue the statement on an attached sheet of paper with a notation saying "see attachment." Date the continuation and include on it the signatures of applicant and issuing official.*

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STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

ATTACHMENT # 1

IN THE MATTER OF:

Missing / Endangered Person
America Online
Email Account: [redacted]

PREMISE TO BE SEARCHED:

Email Account: [redacted]

EVIDENCE TO BE SEIZED:

Records concerning the identity of the user with the user id [redacted] consisting of name, postal code, country, e-mail address, date of account creation, IP address at account sign-up, logs showing IP address and date stamps for account accesses, stored user files including photographs, videos, blogs and classifieds, and the contents of private messages in the user's inbox, sent mail and trash folders.

SWORN AND SUBSCRIBED BEFORE ME
THIS 14 DAY OF Oct 2010

(X) MAGISTRATE
( ) DISTRICT COURT JUDGE
( ) SUPERIOR COURT JUDGE

OFFICER / INVESTIGATOR
HICKORY POLICE DEPARTMENT