

STATE OF NORTH CAROLINA
CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
File No.

IN THE MATTER OF:

Myspace Account:

Myspace URL: www.myspace.com/gotbicfairy6668

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 9, 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

Myspace URL: www.myspace.com/gothicfairy6668

Date Issued 10/14/2010	Time Issued 1:36	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
Name Of Applicant Investigator Heather Cash		
Name Of Additional Affiant		
Name Of Additional Affiant		

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.

RETURN OF SERVICE

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

Date Received 10/14/2010	Time Received 1:38	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
Date Executed 10/14/10	Time Executed 1:53	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM

I made a search of
Myspace URL: www.myspace.com/
gothicfairy6668

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.

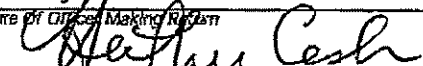
Date 10-14-10	Signature 	<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> CSC
		<input checked="" type="checkbox"/> Magistrate	<input type="checkbox"/> District Ct. Judge	<input type="checkbox"/> Superior Ct. Judge

_____ 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


Department Or Agency Or Officer Hickory Police Department	Incident Number 10-009014
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This Search Warrant was returned to me on the date and time shown below.

Date 10-14-10	Time 2:29	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Signature 	<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC
				<input type="checkbox"/> Clerk Of Superior Court	

STATE OF NORTH CAROLINA
COUNTY OF CATAWHA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

ATTACHMENT # 1

IN THE MATTER OF:

Missing / Endangered Person
MySpace Account
MySpace URL: www.myspace.com/gothicfairy6668

PREMISE TO BE SEARCHED:

MySpace URL: www.myspace.com/gothicfairy6668

EVIDENCE TO BE SEIZED:

Records concerning the identity of the user with the user id of "gothicfairy6668" and an email address of [REDACTED] consisting of name, postal code, country, email 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

[Signature]
 MAGISTRATE
 DISTRICT COURT JUDGE
 SUPERIOR COURT JUDGE

[Signature]
OFFICER / INVESTIGATOR
HICKORY POLICE DEPARTMENT

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

ATTACHMENT # 2

IN THE MATTER OF:

Missing / Endangered Person
MySpace Account
MySpace URL: www.myspace.com/gothicfairy6668

STATEMENT OF PROBABLE CAUSE:

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

I, the undersigned AFFIANT, Investigator Heather S. Cash, have 7 years and 9 months of law enforcement experience. This AFFIANT successfully completed Basic Law Enforcement Training through Western Piedmont Community College in 2002. AFFIANT presently works in the Criminal Investigations Division of the Hickory Police Department and has been in Investigations for 6 1/2 years. Prior to working in investigations, AFFIANT worked as a patrol officer with Hickory for 15 months. This AFFIANT has successfully completed Sexual Assault Response Team Training for 2003 through 2008 and has worked on various sexual assault cases and child sexual assault cases with other investigators with Hickory Police Department as well as with Catawba County Department of Social Services. This AFFIANT has received certification in Forensic Child Interviewing, Forensic Computer Analysis and has been a member of the Catawba County Multi-Disciplinary Team from 2005 through 2010. AFFIANT has completed training at the Lake Junaluska Annual Symposium on Child Abuse and Neglect for 2005 through 2010. AFFIANT completed National ICAC Training in both 2007 and 2008 and is currently investigating child sexual crimes at Hickory Police Department. AFFIANT have also been involved in the investigations of a wide variety of other cases including, but not limited to, the following: homicides, arsons, rapes, robberies, burglaries, assaults, larcenies, and drug cases over the course of the past 6 years as a law enforcement officer with the Hickory Police Department.

The information related to this affidavit is based upon personal knowledge of the investigators and officers investigating, information received from personal knowledge, observation, and interviews during the course of this investigation. Citizens interviewed appear to be credible and truthful in relating whatever information they had relevant to this investigation. Citizens interviewed have no apparent motive to be untruthful.

SWORN AND SUBSCRIBED BEFORE ME
THIS 14 DAY OF Oct 2010

- MAGISTRATE
- DISTRICT COURT JUDGE
- SUPERIOR COURT JUDGE


OFFICER / INVESTIGATOR
HICKORY POLICE DEPARTMENT

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

ATTACHMENT #2:

(STATEMENT OF PROBABLE CAUSE
CONTINUATION)

IN THE MATTER OF:

Missing / Endangered Person

MySpace Account

MySpace URL: www.myspace.com/gothicfairy6668

This investigation involves probable cause to believe that the victim in this case is in fact missing and endangered and that the items listed to be seized are relevant to successfully locating this victim.

Affiant prays unto the court that a search warrant be issued for the aforementioned premise.

1. On 10/09/2010 at approximately 1400 hrs, the Hickory Police Department responded to the residence of 21 21st Avenue NW, Hickory, North Carolina after receiving a call from Adam Baker stating that on the night of 10/08/2010, someone had poured gasoline in his car and left a note stating that they had his boss, Mr. Coffey's daughter. Adam Baker believed that the persons responsible for the note and the gasoline on his vehicle also took his daughter, Zahra Baker, W/F DOB 11/16/1999.
2. An officer of the Hickory Police Department responded to the residence of 21 21st Avenue NW, Hickory, North Carolina and searched the residence with consent from Adam Baker and his wife, Elisa Baker. Zahra Baker was not located.

SWORN AND SUBSCRIBED BEFORE ME
THIS 19 DAY OF Oct 2010

[Signature]
 MAGISTRATE
 DISTRICT COURT JUDGE
 SUPERIOR COURT JUDGE

[Signature]
OFFICER / INVESTIGATOR
HICKORY POLICE DEPARTMENT

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

ATTACHMENT #2

(STATEMENT OF PROBABLE CAUSE
CONTINUATION)

IN THE MATTER OF:

Missing / Endangered Person
MySpace Account
MySpace URL: www.myspace.com/gothicfairy6668

3. It was discovered when officers went to the residence of 21 21st Avenue NW, Hickory, North Carolina that the Hickory Fire Department had been to the same residence on 10/09/2010 early in the morning and had called Hickory Police Department to have an officer respond in reference to a note left on a vehicle located at this address. There was also information that the fire had been on a small mulch pile and the vehicle, a silver in color 1996 Chevrolet Tahoe bearing North Carolina registration [REDACTED] had the passenger door opened and smelled as if gasoline had been poured in the vehicle.
4. On 10/09/2010 at approximately 0530 hrs, Mark David Coffey and his only daughter, [REDACTED] were at the residence and they were both observed by Officer R. Rojins to be fine.
5. On 10/10/2010 at approximately 1245 hrs, [REDACTED] of the SC Search and Rescue Dog Association responded to the residence of 21 21st Avenue NW, Hickory, North Carolina at the request of the Hickory Police Department and FBI Special Agent M. White. [REDACTED] deployed a search and rescue dog in and around the premises and vehicles located on the property. At approximately 1300 hrs, [REDACTED]'s canine gave a positive alert for the presence of human remains in or on both vehicles, the silver in color Chevrolet Tahoe bearing North Carolina Registration [REDACTED] VIN # [REDACTED] and the burgundy in color Toyota Camry bearing North Carolina registration [REDACTED] VIN # [REDACTED] which were both present on the property.

SWORN AND SUBSCRIBED BEFORE ME
THIS 14 DAY OF Oct, 2010

[Signature]
 MAGISTRATE
 DISTRICT COURT JUDGE
 SUPERIOR COURT JUDGE

[Signature]
OFFICER / INVESTIGATOR
HICKORY POLICE DEPARTMENT

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

ATTACHMENT #2:

(STATEMENT OF PROBABLE CAUSE
CONTINUATION)

IN THE MATTER OF:

Missing / Endangered Person

MySpace Account

MySpace URL: www.myspace.com/gothicfairy6668

- 6. Investigators with the Hickory Police Department are currently in care of and control of both vehicles and both vehicles were transported to the Hickory Police Department. A search warrant was obtained and executed for both vehicles and Special agents with the NC SBI and the FBI are assisting Investigators with the Hickory Police Department processed both vehicles for evidence.
- 7. On 10/10/2010, Investigators Wike and Burwell interviewed [REDACTED], who is the ex-mother-in-law of Elisa Baker. [REDACTED]'s husband, [REDACTED], recently received a threatening e-mail via Alvin Comstock's MySpace account, from Elisa Baker.
- 8. On 10/09/2010, Lt. S Hildebrand conducted a polygraph with Elisa Baker regarding the missing person investigation on her step-daughter, Zahra Baker. Elisa Baker was asked three relevant questions to include: Did you hurt Zahra?; Do you know if anyone has done harm to that child?; and Do you know the person that wrote that ransom note? After the polygraph was concluded the results were that Elisa Baker showed deception on all three relevant questions.
- 9. On 10/10/2010 during an interview with Sgt. Porter and Sgt. Clark, Elisa Baker disclosed that she had a Myspace account as well as a Facebook account. Elisa Baker advised investigators during that interview that her user name for the Facebook account was fairygirl6668. She also disclosed that her password was [REDACTED]

SWORN AND SUBSCRIBED BEFORE ME
THIS 14 DAY OF Oct 2010

[Signature]
 MAGISTRATE
 DISTRICT COURT JUDGE
 SUPERIOR COURT JUDGE

[Signature]
OFFICER / INVESTIGATOR
HICKORY POLICE DEPARTMENT