

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF
JUSTICE - SUPERIOR COURT
DIVISION

**ORDER AUTHORIZING INSTALLATION AND MONITORING OF A PEN REGISTER
AND/OR A TRAP AND TRACE DEVICE AND FOR THE PRODUCTION OF
RECORDS AND OTHER INFORMATION PURSUANT TO 18 U.S.C. § 3123/2703(d)**

THIS MATTER came on for hearing on **15 October 2010** before the undersigned judicial official of the Superior Court of North Carolina upon the application of **INVESTIGATOR K. CRAIG** and supported by the sworn affidavit of **INVESTIGATOR K. CRAIG**. Based upon the aforementioned application and sworn affidavit an Order granting the installation and monitoring of a pen register and/or trap and trace device(s) and the production of records and other information pursuant to 18 U.S.C. § 2703(d) was issued on **15 October 2010** by the undersigned judicial official. Based on the foregoing there is probable cause to believe:

1. That **ADAM BAKER** is the subject of a criminal investigation being conducted by the Hickory Police Department and the Federal Bureau of Investigation, and there is probable cause to believe that **ZAHRA CLARE BAKER** is the victim of a **MURDER** and that **ADAM BAKER** has knowledge or information that would assist in this investigation. The crime of murder is set forth in N.C.G.S. 14-17 as predicate offense(s) for the installation and monitoring of a pen register and/or trap and trace device(s); and

2. That **ADAM BAKER** is using a cellular phone with assigned call number [REDACTED] issued by **T-MOBILE**, to further and facilitate the crime(s) of **MURDER**.

3. That the results of the installation and monitoring of a pen register and/or trap and trace device(s) will provide corroborating and collateral evidence which will be of material aid in determining whether **ADAM BAKER** committed the offense and the location(s) of critical evidence; and

4. That, in addition to authorizing the installation of a pen register and/or trap and trace device(s) and monitoring of those device(s) for the cellular telephone mentioned in the paragraph above, there are "reasonable grounds" to believe that "records, content or other information" will be sought related to [REDACTED] and other telephones, of whatever type, with which [REDACTED] communicates, associates with, or possesses and this information is "relevant and material" and will be of "material aid" to this ongoing criminal investigation; and

5. That the "records, content and other information" sought pursuant to 18 U.S.C. § 2703(d) for [REDACTED] and other telephones, of whatever type, with which [REDACTED] communicates, associates with, or possesses includes records such as all published and non published subscriber records for incoming calls received or outgoing numbers dialed, telephone

toll and direct connect records, cellular tower and originating cell site information to include towers, switches, Global Positioning Location (GPS), 3rd party GPS of other telephones, of whatever type, with which [REDACTED] communicates, real time call detail records with coordinating real time cell site location information, historical call detail records to include cell site location information, provide the last thirty days of historical records upon request, and any other relevant information pertaining to telephone numbers associated with the telephones, digital display devices; and mobile telephones utilized; and

6. That particular types of communications which are authorized to be intercepted are oral and electronic communication interception including text messaging, voicemail messaging, picture mail, video mail, email, and/or "short messaging service", and the Push-To-Talk/Direct Connect feature; and

7. That a court order, such as this, is not prohibited by state law, as set forth in 18 U.S.C. § 2703(d).

THEREFORE, IT IS HEREBY ORDERED PURSUANT TO 18 U.S.C. § 2703(d), 3122 - 3127 and N.C.G.S. § 14-17:

1. That the Hickory Police Department, the North Carolina State Bureau of Investigation, the United States Secret Service, the United States Marshals Service, and the Federal Bureau of Investigation are authorized to install and monitor a pen register and/or trap and trace device(s) without geographical limitations on the cellular telephone service being used by **ADAM BAKER** using telephone number [REDACTED]

2. That the authorization apply not only to the target telephone number(s) listed above, but also to any changed telephone number subsequently assigned to the same cellular/wireless telephone, and that should the cellular/wireless electronic serial number (ESN), international mobile subscriber identity (IMSI), or mobile subscriber identification (MSID) be changed by the subscriber during the course of this order that this order apply to any new ESN, IMSI, or MSID.

3. That Cingular Wireless, AT&T, Nextel Telephone Company, Nextel Boost Mobile, Alltel Communications, Cricket Communications, T-Mobile, Sprint Spectrum, Sprint PCS, Sprint/Nextel, Carolina Telephone and Telegraph, Sprint Mid Atlantic, Embarq Inc., Verizon South Inc., Cellco Partnership dba Verizon Wireless, Bell South Telecommunications, U.S. Cellular, Triton PCS/SunCom, TracFone Wireless, Hand Wireless, Alamosa Holdings, Pacific Bell Inc., Atlantic Telephone and Telegraph, Southwestern Bell Telecommunications, and any other provider of electronic communications services as defined pursuant to N.C.G.S. § 15A-286(9) or 18 U.S.C. § 2519(15) shall disclose to the Hickory Police Department, the North Carolina State Bureau of Investigation, the United States Marshals Service, and the Federal Bureau of Investigation or other applying officer all published and non published subscriber records for incoming calls received or outgoing numbers dialed, telephone toll and direct connect records, cellular tower and originating cell site information to include towers, switches, Global Positioning Location (GPS), real time call detail records with coordinating real time cell site location information, historical call detail records to include cell site location information, provide the last thirty days of historical records upon request, and other information

relevant to [REDACTED] and other telephones of whatever type with which [REDACTED] communicates, which may be requested in furtherance of this investigation, within forty-eight (48) hours of said request.

4. That the service provider provide information consistent with, but not limited to, CALEA standards concerning numbers dialed, incoming numbers, call durations, speed dial memory numbers, special calling services, signaling information, and cell site activation.

5. That the service provider provide information concerning cell site tower location by latitude and longitude and the directional orientation of the tower faces in a Microsoft Excel spreadsheet format.

6. That Cingular Wireless, AT&T, Nextel Telephone Company, Nextel Boost Mobile, Alltel Communications, Cricket Communications, T-Mobile, Sprint Spectrum, Sprint PCS, Carolina Telephone and Telegraph, Sprint Mid Atlantic, Emharq Inc., Verizon-South Inc., Cellco Partnership dba Verizon Wireless, Bell South Telecommunications, U.S. Cellular, Triton PCS Operating Co. LLC dba SunCom Wireless, TracFone Wireless, Hand Wireless, Alamosa Holdings, Pacific Bell Inc., Atlantic Telephone and Telegraph, Southwestern Bell Telecommunications, and any other provider of electronic communications services as defined pursuant to N.C.O.S. § ISA-286(9) or 18 U.S.C. § 2519(15) shall provide to the Hickory Police Department, the North Carolina State Bureau of Investigation, the United States Secret Service, the United States Marshals Service, and the Federal Bureau of Investigation any and all information, facilities, and technical assistance necessary to accomplish this installation unobtrusively and with minimum interference to the subscriber telephone service, and that the normal operation of the subscriber service shall not be interrupted, pursuant to 18 U.S.C. § 3124 and N.C.G.S. § ISA-263(b)(2).

7. That the service provider is to be compensated by the requesting party for reasonable expenses incurred in the installation of the pen register and/or trap and trace device(s) and for securing such "records and/or information" as provided.

8. That this ORDER authorizing the installation and monitoring of the pen register and/or trap and trace device(s) and the furnishing of said "records, content and/or information" shall become effective on the date of installation, but no later than ten (10) days from today's date and shall terminate thirty (30) days from the installation of the pen register and/or trap and trace device(s). It is requested that the date of installation go back to October 11, 2010 and go thru thirty (30) days from this date.

9. That this APPLICATION and ORDER are to be sealed except for service upon members that have a need to know of the Hickory Police Department, the North Carolina State Bureau of Investigation, the United States Marshals Service, the Federal Bureau of Investigation, the District Attorney's Office, and the electronic communications service provider being requested to provide installation assistance and "records, contents or other information" to avoid prejudice to the criminal investigation, and that the electronic service provider and its agents, employees, contractors, or subcontractors shall not disclose or cause to be disclosed the existence of this ORDER or the request for assistance or the existence of this investigation to any person

other than those of its agents, employees, contractors, or subcontractors who require this information to accomplish the services, records, or information hereby ordered, unless and until otherwise ordered by this judicial official. In particular, no such disclosure may be made to a lessee, telephone subscriber, or any intercepted party or participant in the intercepted communications.

This the 15th, of October, 2010.


SUPERIOR COURT JUDGE


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STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

IN THE GENERAL COURT OF
JUSTICE - SUPERIOR COURT
DIVISION

**APPLICATION FOR ORDER AUTHORIZING INSTALLATION
AND MONITORING OF A PEN REGISTER AND/OR TRAP AND TRACE DEVICE
AND FOR THE PRODUCTION OF RECORDS AND OTHER INFORMATION,
PURSUANT TO 18 USC § 3123/2703(d)**

Now comes **INVESTIGATOR K. CRAIG**, with the Hickory Police Department, and petitions the Court to authorize the installation and monitoring of a pen register and/or trap and trace device(s) by officers and agents of the Charlotte-Mecklenburg Police Department, the North Carolina State Bureau of Investigation, the United States Marshals Service, and the Federal Bureau of Investigation on the telephone service being used by **ADAM BAKER** with assigned call number [REDACTED] pursuant to N.C.G.S. § 15A- 260 - 264.

In support of this application, the following facts are presented:

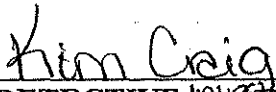
1. That there is probable cause to believe that a felony has been committed. The nature of the criminal offense is as follows: **MURDER**, which is in violation of North Carolina General Statute(s) 14-17 and is punishable by more than one (1) year in the State's prison.
2. That **ADAM BAKER** is the subject of an ongoing criminal investigation being conducted by the Hickory Police Department and the Federal Bureau of Investigation and there is probable cause to believe that **ZAHRA CLARE BAKER** is the victim of a **MURDER** and that **ADAM BAKER** has knowledge or information that would assist in this investigation based upon the following: on October 9th 2010, **ADAM BAKER** and Elisa Baker reported a fire on their property and a ransom note was found indicating that Mark Coffey's (Adam Baker's employer) daughter was kidnapped. Mark Coffey's daughter was not kidnapped. Later, **ADAM BAKER** and Elisa Baker reported to the Hickory Police Department that their daughter, Zahra Clare Baker, was missing. Upon further investigation, it was discovered that Elisa Baker, the step-mother of Zahra Baker, had written the ransom note. A massive investigation and search has been conducted and **ZAHRA CLARE BAKER** has not been located. The investigation continues and has been changed to a homicide investigation. **ADAM BAKER** has been interviewed multiple times and has not been ruled out as a suspect based upon inconsistent information he has provided.
3. That **ADAM BAKER** is using telephone service with assigned call number [REDACTED] issued by **T-MOBILE**, and it is believed that this telephone service is being used in the operation of a criminal enterprise, to aid in the commission of the criminal offense set out in paragraph above, and in a manner which would provide evidence of the criminal offense.
4. That the results of the procedures involved and the records and other information provided are relevant and will be of material aid in this investigation, which **ADAM BAKER** is suspected to be involved.

5. That there is probable cause to believe that **ADAM BAKER** has been using this cellular phone number as his primary means of telephone communication.


6. THAT IN THE INTEREST OF JUSTICE and the enforcement of the laws of the State of North Carolina, it is necessary to place a pen register and/or trap and trace device(s) on the telephone service being used by **ADAM BAKER** with assigned call number [REDACTED], in furtherance of this investigation. Such installation and monitoring of a pen register and/or trap and trace device(s) by law enforcement is pursuant to 18 U.S.C. § 3123 and N.C.G.S. § 15A-263, and the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by the Hickory Police Department and the Federal Bureau of Investigation.

7. That should the existence of this investigation, application, or any subsequent orders of the Court become known by the subscriber or any other persons, it could jeopardize this investigation and obstruct the enforcement of the laws of the State of North Carolina. For the reasons stated above, it is respectfully requested: That the Hickory Police Department, the North Carolina State Bureau of Investigation, the United States Marshals Service, and the Federal Bureau of Investigation be authorized to install and monitor a pen register and/or trap and trace device(s) on the telephone service being used by of **ADAM BAKER** bearing assigned call number [REDACTED]

RESPECTFULLY SUBMITTED THIS THE 15th OF OCTOBER, 2010.



DETECTIVE Investigator

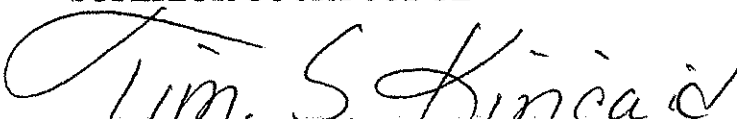


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SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 15th OF OCTOBER 2010.



SUPERIOR COURT JUDGE



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