

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

CATAWBA COUNTY

DISTRICT COURT DIVISION

File No.

IN THE MATTER OF
Charter Communications

2010 OCT -7 P 3 27

03100 CATAWBA, N.C.

BY _____

MOTION TO SEAL COURT ORDER

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 approximately 2:00PM 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 and has been changed to a homicide investigation.
5. The release of the information contained in the court order, motion and application 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 court order, motion and application and its return until further order of the Court.

Respectfully submitted, this the 28th day of October, 2010.

[Handwritten Signature]
Assistant District Attorney
25th Prosecutorial District

FILED

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
2010 DEC -7 P 3:45 DISTRICT COURT DIVISION
CATAWBA COUNTY File No.

CATAWBA COUNTY, C.S.C.

IN THE MATTER OF
Charter Communications
[REDACTED]

BY _____

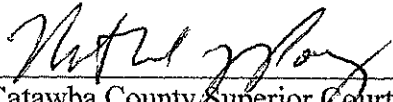
ORDER

THIS CAUSE coming on to be heard and being heard by the undersigned Superior Court Judge, upon motion by the State to seal a certain search warrant and its return;

AND it appearing to the Court that the release of information contained in said court order, motion and application and its return will potentially undermine an ongoing investigation or 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,

IT IS THEREFORE ORDERED that this court order, motion and application and its return be sealed and not released to the public until further order of the Court.

This the 28th day of October, 2010.



Catawba County Superior Court Judge

STATE OF NORTH CAROLINA
CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

In the matter of:
Charter Communications
[REDACTED]

MOTION

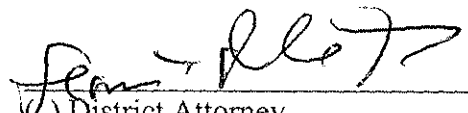
Now comes the State of North Carolina, by and through the below named District Attorney of the 25th Judicial District, and moves that the Court issue an **Order** directing Charter Communications Law Enforcement Response Team of 12405 Powerscourt Dr., St. Louis, MO, 63131 (866) 894-0103 to provide to Investigator K. Craig of the Hickory Police Department information for the telephone number [REDACTED] from September 1, 2010 to October 10, 2010. It is requested the information include, but not be limited to, the full name of the owner/user, address, date of birth, business information, social security number, any other telephone numbers issued to this customer, application for service, change in telephone number, the incoming and outgoing call information.

In support of this motion, the State shows unto the Court the information contained in the Application/Affidavit filed herein, to show purpose for which this information is sought and that said information is relevant to a legitimate government inquiry. The State is moving on behalf of the Hickory Police Department and the District Attorney's Office, Newton, NC.

The requested records are relevant to the investigation of a homicide of a 10-year-old female.

Wherefore, the State of North Carolina prays the Court for the relief set forth above.

Respectfully submitted this 29th day of October, 2010


 District Attorney
 Assistant District Attorney
25th Judicial District

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**STATE OF NORTH CAROLINA
CATAWBA COUNTY**

**IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION**

In the matter of:
Charter Communications

APPLICATION/AFFIDAVIT

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This affiant, Investigator K. Craig, of the Hickory Police Department being a duly sworn law enforcement officer states the following facts:

1. On 10/09/2010 at approximately 0520 hrs, the Hickory Police Department was requested by the Hickory Fire Department to respond to the residence of 21 21st Avenue Northwest Hickory, North Carolina in reference to a small grass fire.
2. On 10/09/2010 at approximately 0530 hrs, Officer R. Rollins of the Hickory Police Department arrived at the residence of 21 21st Avenue Northwest Hickory, North Carolina. Upon his arrival, Officer R. Rollins was approached by a Hickory Firefighter and was advised that they had responded in reference to a fire on a mulch pile behind the residence.
3. Officer R. Rollins advised that the firefighter advised the passenger side doors of a silver in color 1996 Chevrolet Tahoe bearing North Carolina registration █ located at the residence were open and a Duke Power envelope with handwriting was located on the front windshield. Officer R. Rollins approached the silver in color Chevrolet Tahoe and smelled the odor of gasoline emitting from inside the silver in color Chevrolet Tahoe bearing North Carolina registration █.
4. The Duke Power envelope had the following information handwritten on it: "Mr. Coffey, you like being in control now who is in control we have your daughter and your pot smoking red head son is next unless you do what is asked 1,000,000 unmarked will be in touch soon." The note also has written on the top right and bottom right "no cops"
5. On 10/09/2010 at approximately 0530 hrs, Mark David Coffey and his only daughter, █ was at the residence and observed by Officer R. Rollins to be fine.
6. On 10/09/2010 at approximately 0641 hrs, Officer R. Rollins and the Hickory Police Department left the residence of 21 21st Avenue Northwest hickory, North Carolina after investigating the small grass fire reference to arson.
7. On 10/09/2010 at approximately 1400 hrs, the Hickory Police Department responded to the residence of 21 21st Avenue Northwest Hickory, North Carolina after receiving a call from Adam Baker stating that last night someone had poured gas in Adam Baker's car and left a note stating that they had his bosses' daughter. Adam Baker believes they took his daughter, Zahra Baker, W/F DOB 11/16/1999.
8. An officer of the Hickory Police Department responded to the residence of 21 21st Avenue Northwest Hickory, North Carolina and searched the residence with consent from Adam Baker and Elisa Baker. Zahra Baker was not located at the residence.

STATE OF NORTH CAROLINA
CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE
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APPLICATION/AFFIDAVIT


9. Court Orders were completed and executed for the records of Adam Baker's cellular telephone, [REDACTED], and Elisa Baker's cellular telephone, [REDACTED]. After examination of the Baker's cellular telephones, it was discovered that both Baker's cellular telephones have contacted telephone number [REDACTED].
10. It was discovered that the telephone number [REDACTED] was a landline telephone number issued by Charter Communications.

It is this affiant's belief that having the toll records for the telephone number [REDACTED] and/or, the full name of the owner/user, address, date of birth, business information, social security number, any other telephone numbers, application for service, change in telephone numbers, the incoming and outgoing call information, text messages and images from September 1, 2010 to October 10, 2010 will assist with the homicide investigation of a 10 year-old female. It is requested the **Court** issue an **Order**.



Inv. K. Craig
Hickory Police Department

Sworn to and subscribed before me this 29th day of October, 2010



 Superior Court Judge
 District Court Judge

STATE OF NORTH CAROLINA
CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

In the matter of:
Charter Communications
[REDACTED]

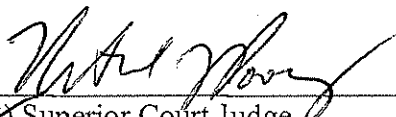
ORDER

It now appearing to the Court from the motion of James Gaither, District Attorney for the 25th Judicial District of North Carolina, or his duly authorized representative; upon presentation of Application/Affidavit by Investigator K. Craig of the Hickory Police Department; and the Court finding as fact that it is in the best interest of justice that the information requested be made available.

It is therefore Ordered, Adjudged and Decreed that Charter Communications Law Enforcement Response Team to provide Investigator K. Craig of the Hickory Police Department information including, but not be limited to, the full name of the owner/user, address, date of birth, business information, social security number, any other telephone numbers issued to this customer, application for service, any changes in telephone number, the incoming and outgoing call information of telephone number [REDACTED] from September 1, 2010 to October 10, 2010.

This 29th day of October, 2010

The Honorable



 Superior Court Judge
 District Court Judge