

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

CATAWBA COUNTY

IN THE MATTER OF  
21 21<sup>st</sup> Avenue Northwest  
Hickory, North Carolina 28601

BY \_\_\_\_\_  
CATAWBA CO., C.S.C.

10 - 3 PM 1:16

FILED

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 search warrant 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 search warrant and its return be sealed and not released to the public until further order of the Court.

This the 29<sup>th</sup> day of October, 2010.

  
Catawba County Superior Court Judge

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

CATAWBA COUNTY

**IN THE MATTER OF**

21 21<sup>st</sup> Avenue Northwest

Hickory, North Carolina 28601

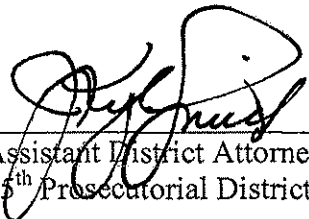
MOTION TO SEAL SEARCH WARRANT

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 approximately 2:00PM Zahra Baker was reported missing from 21 21<sup>st</sup> 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 21<sup>st</sup> 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 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.

This the 29<sup>th</sup> day of October, 2010.

  
Assistant District Attorney  
25<sup>th</sup> Prosecutorial District

File No.

# STATE OF NORTH CAROLINA

In The General Court Of Justice  
District/Superior Court Division

## SEARCH WARRANT

CATAWBA County

### IN THE MATTER OF

21 21ST Avenue Northwest Hickory, North Carolina

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

Date Issued 10/29/2010 Time Issued 3:38  AM  PM

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.

Name Of Applicant Inv. R.J. Falowski

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.

Name Of Additional Affiant

Name Of Additional Affiant

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.

### RETURN OF SERVICE

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

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

Date Received 10/29/2010 Time Received 3:38  AM  PM

Date Executed 10/31/10 Time Executed 2:00  AM  PM

I made a search of 21 21st Ave NW Hickory NC

Date 10/29/10 Signature [Signature]  Deputy CSC  Assistant CSC  CSC  Magistrate  District Ct. Judge  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 [Signature]

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

Department Of Agency Of Officer Hickory NC Police Department Incident Number 10-009014

Date 11-3-10 Time 12:30  AM  PM Signature [Signature]  Deputy CSC  Assistant CSC  Clerk Of Superior Court

## APPLICATION FOR SEARCH WARRANT

I, Inv. R.J. Falowski of the Hickory North Carolina Police Department

*(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 attachment.

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

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

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

See attachment.

*(and)*

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

*(and)*

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

*(and)*

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

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

See attachment.

**SWORN AND SUBSCRIBED TO BEFORE ME**

Date

10-29-10

Date

10-29-10

Signature of Applicant

Signature

Magistrate

Det. 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.*

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

IN THE MATTER OF

ATTACHMENT #1

21 21<sup>st</sup> Avenue Northwest  
Hickory, North Carolina 28601

**EVIDENCE TO BE SEIZED**

1. Blood, Body Fluids, Latent prints, trace hair and clothing fibers, physical layout of the residence, measurements of the residence, pictures, video, car cover, latex gloves, white trash bags, black velvet bag containing hearing aids, drain pipes, drain trap, general articles of clothing, bed linens, any documents showing ownership and /or occupancy of the residence to be searched, and any and all evidence that may relate to homicide of Zahra Claire Baker.

**STATEMENT OF PROBABLE CAUSE**

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


I, the undersigned, Investigator R.J. Falowski, have been a law enforcement officer for nineteen (19) years. I am employed with the Hickory Police Department. I am currently assigned to the Criminal Investigations Division. I attended and graduated from the North Carolina Criminal Investigators Academy. I have over two thousand hours of training and have been awarded my North Carolina Advanced Law Enforcement Certification. I have assisted and worked on numerous cases including, but not limited to, homicides, robberies, rapes, burglaries, larcenies, assaults, breaking and entering and drug investigations.

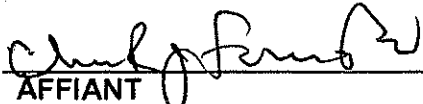
Based upon **AFFIANT'S** training, experience, and participation in investigations involving robberies, homicides, rapes, burglaries and assaults, **AFFIANT** believes that the following facts provide probable cause to believe that a crime of kidnapping and assaults leave a transfer of blood and other bodily fluids and that the items listed to be seized is relevant to the prosecution of these crimes.

**AFFIANT** prays unto the court that a search warrant be issued for the aforementioned residence.

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 21<sup>st</sup> 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 21<sup>st</sup> 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.

Sworn and Subscribed Before Me  
on the 29<sup>th</sup> Day of October 2010

  
\_\_\_\_\_  
MAGISTRATE/JUDGE  
State of North Carolina  
County of Catawba

  
\_\_\_\_\_  
AFFIANT  
Investigator R.J. Falowski  
Hickory Police Department  
Hickory, North Carolina

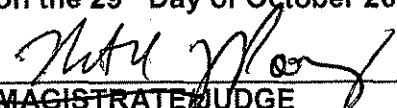
STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

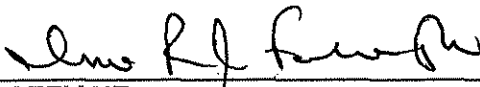
IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

**Continuation to Attachment #1 in the Matter of:  
21 21<sup>st</sup> Avenue Northwest Hickory, North Carolina 28601**

3. Officer R. Rollins advised that the fireman advised that the passenger side doors of a silver in color 1996 Chevrolet Tahoe bearing North Carolina registration [REDACTED] 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 [REDACTED]
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, [REDACTED] 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 Fire Department left the residence of 21 21<sup>st</sup> 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 21<sup>st</sup> 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 21<sup>st</sup> Avenue Northwest Hickory, North Carolina and searched the residence with consent from Adam Baker and Elisa Baker and did not locate Zahra Baker.
9. On 10/10/2010 at approximately 1245 hrs, Maria Claxton of the South Carolina Search and rescue Dog Association responded to the residence of 21 21<sup>st</sup> Avenue Northwest Hickory, North Carolina at the request of the Hickory Police Department and Special Agent M. White of the FBI.
10. [REDACTED] with The South Carolina Search and Rescue Dog Association specializes in providing canines trained in the recovery of persons and bodies.

Sworn and Subscribed Before Me  
on the 29<sup>th</sup> Day of October 2010

  
\_\_\_\_\_  
MAGISTRATE JUDGE  
State of North Carolina  
County of Catawba

  
\_\_\_\_\_  
AFFIANT  
Investigator R. J. Falowski  
Hickory Police Department  
Hickory, North Carolina

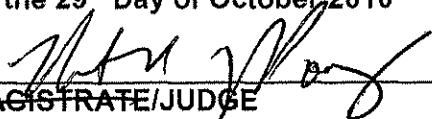
STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

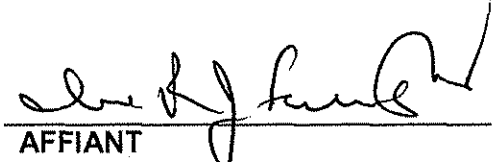
IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

**Continuation to Attachment #1 in the Matter of:  
21 21<sup>st</sup> Avenue Northwest Hickory, North Carolina 28601**

11. Upon [REDACTED]'s arrival, she 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.
12. On 10/09/10, Elisa Baker stated that Zahra Baker (missing person), Adam Baker and Elisa Baker went to October Fest in Hickory, North Carolina on 10/08/2010 between the hours of 7:00 PM and 9:00 PM, they then went home and Zahra Baker went to bed. At approximately 02:30 AM Elisa Baker stated that she had gotten out of bed and checked on Zahra Baker, then Elisa Baker went back to bed. At approximately 05:20 AM on 10/09/10 Elisa Baker had gotten out of bed and saw the small fire listed prior and reported to police.
13. Elisa Baker stated that Zahra Baker had to be taken when the small grass fire occurred in the rear of the residence on 10/09/2010. Elisa Baker stated that the fire must have been a ruse to get them out of the house.
14. On 10/09/10, Adam Baker was being interviewed by Major C. Deal and Capt. T. Whisnant of the Hickory Police Department, during this interview, Adam Baker stated that he has not seen his daughter, Zahra Baker since Wednesday.
15. Special agents with the NC SBI and the FBI are assisting Investigators with the Hickory Police Department in processing the residence for latent evidence.
16. That this investigation has been changed from a missing person to a homicide.
17. That on October 26<sup>th</sup>, 2010 this AFFIANT and Sgt. Brett Porter, Supervisor of the Criminal Investigations Division of the Hickory Police Department, met with Attorney Lisa Dubbs, Legal Counsel for Elisa Baker along with Private Investigator Steve Ehlers. It was agreed that Elisa Baker would ride with this AFFIANT, Sgt. Porter, Attorney Lisa Dubbs and Private Investigator Steve Ehlers to show us locations where items of evidence were disposed of.

Sworn and Subscribed Before Me  
on the 29<sup>th</sup> Day of October 2010

  
\_\_\_\_\_  
MAGISTRATE/JUDGE  
State of North Carolina  
County of Catawba

  
\_\_\_\_\_  
AFFIANT  
Investigator R. J. Falowski  
Hickory Police Department  
Hickory, North Carolina

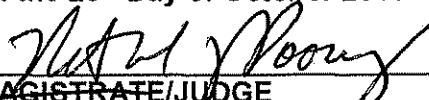
STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

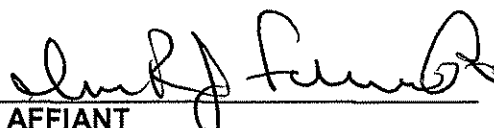
IN THE GENERAL COURT OF JUSTICE  
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**Continuation to Attachment #1 in the Matter of:  
21 21<sup>st</sup> Avenue Northwest Hickory, North Carolina 28601**

18. The first location shown to this Affiant was a dumpster located at Fox Ridge Apartments, 1445 4<sup>th</sup> St Dr NW, Hickory, NC 28601. Elisa Baker communicated through Attorney Lisa Dubbs that Elisa and Adam Baker threw Zahra's prosthetic leg into the dumpster located at this location. The prosthetic leg was wrapped in a white trash bag according to information passed from Elisa Baker through Lisa Dubbs.
19. AFFIANT was then directed the location of 6 Congress St, Granite Falls North Carolina. It was communicated from Elisa Baker through Attorney Lisa Dubbs that Elisa and Adam Baker dumped a mattress and box spring that belonged to Zahra Baker at a trash dump located at the back of this location.
20. AFFIANT was then directed to a dumpster located behind Fair Value Grocery Store, 128 Fairway Shopping Center Hudson, North Carolina, 28638. It was relayed from Elisa Baker through Attorney Lisa Dubbs that a car cover and a bed comforter used to conceal and transport the body parts of Zahra Baker were thrown into this dumpster.
21. Attorney Lisa Dubbs told this AFFIANT that latex gloves were used while the body of Zahra Baker was dismembered. Dubbs also advised that the box of gloves should be located in the bathroom of the residence and the white trash bags used to store the body parts (Lowes Brand trash bags) should be located in the kitchen cabinet. Dubbs further advised that according to Elisa Baker, a small black velvet bag stored in a jewelry box contains a set of Zahra's hearing aids.
22. AFFIANT knows according to statements communicated from Elisa Baker through her attorney, Lisa Dubbs, that the body of Zahra Baker was dismembered. That blood, body fluids and pieces of bone may be located in the drain trap of the bathtub.
23. AFFIANT knows that persons involved in homicides may conceal the body and / or body parts and those parts of Zahra Baker may be located at the residence of 21 21<sup>st</sup> Avenue Northwest, Hickory, NC and may be concealed on or about the curtilage.

Sworn and Subscribed Before Me  
on the 29<sup>th</sup> Day of October 2010

  
\_\_\_\_\_  
MAGISTRATE/JUDGE  
State of North Carolina  
County of Catawba

  
\_\_\_\_\_  
AFFIANT  
Investigator R. J. Falowski  
Hickory Police Department  
Hickory, North Carolina



STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

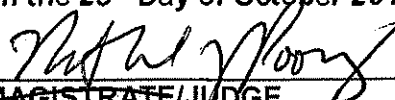
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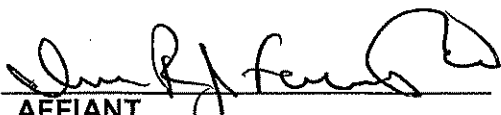
24. That on October 27<sup>th</sup>, 2010 a search warrant was applied for and issued by this AFFIANT for the aforementioned residence to be searched.
25. That during the execution and subsequent search of the residence possible blood evidence was located.
26. AFFIANT feels that the possible blood evidence needs to be examined by a blood stain pattern expert at the aforementioned residence to be searched.
27. AFFIANT requests that access to the aforementioned residence to be searched be granted to Stuart H. James, Forensic Scientist of James and Associates Forensic Consultants Inc.

This AFFIANT believes that the following facts provide probable cause to believe that the items listed to be seized are relevant to the investigation into the homicide of Zahra Claire Baker.

AFFIANT prays unto the court that a search warrant be issued for the aforementioned residence to be searched.

Sworn and Subscribed Before Me  
on the 29<sup>th</sup> Day of October 2010

  
\_\_\_\_\_  
MAGISTRATE/JUDGE  
State of North Carolina  
County of Catawba

  
\_\_\_\_\_  
AFFIANT  
Investigator R.J. Falowski  
Hickory Police Department  
Hickory, North Carolina

STATE OF NORTH CAROLINA

File No.

Catawba County

In The General Court Of Justice  
 District  Superior Court Division

IN THE MATTER OF:

Name

21 21st Av NW  
Hickory, NC 22601

INVENTORY OF ITEMS SEIZED  
PURSUANT TO SEARCH

G.S. 15A-223, 15A-254. -257

I, the undersigned officer, executed a search of:

Person, Premises Or Vehicle Searched

21 21st Av NW  
Hickory, NC 22601

Date Of Search

10-31-10 / 11-1-10

This search was made pursuant to

- 1. a search warrant issued by: Judge Poony.
- 2. consent to search given by: \_\_\_\_\_
- 3. other legal justification for the search: \_\_\_\_\_

The following items were seized: 33 blood swabs, Hair and tissue, tissue scrapings from wall, cut section of floor, cut section of wall, cut section of door frame, carpet fibers, 3 latex gloves, Hearing Aid parts, Knife w sheath, cans of paint, notebook w/writings, Assorted receipts, Assorted certificates/cards for Zuhra, stungun, 5 cell phones, Kodak disposable camera, Sanyo digital camera w/memory card, photo cd w/negatives, photo of Zuhra, red towel, 8 empty pill bottles, 2 pill bottles w/pills, set of crutches, TV/UCR combo.

Items Seized Continued:

1. I left a copy of this inventory with the person named below, who is:

- a. the owner of the premises searched.
- b. the owner of the vehicle searched.
- c. the person in apparent control of the premises searched.
- d. the person in apparent control of the vehicle searched.
- e. the person from whom the items were taken.

2. As no person was present, I left a copy of this inventory:

*In inventory not left search warrant was seized pursuant to court order.*

- a. in the premises searched, identified on the reverse.
- b. in the vehicle searched, identified on the reverse.

Name And Address Of Person To Whom A Copy Of This Inventory Was Delivered, If Any

The law enforcement agency identified below will hold the seized property subject to court order.

<b>SWORN AND SUBSCRIBED TO BEFORE ME</b>	Signature Of Law Enforcement Officer <i>R. J. Fawcett</i>
Date <i>11-3-10</i>	Title Of Law Enforcement Officer <i>Investigator</i>
Signature <i>[Signature]</i>	Name And Address Of Agency <i>Hickory Police Department 247 2nd Ave SW Hickory, NC 28601</i>
<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Magistrate	

**ACKNOWLEDGMENT OF RECEIPT**

I, the undersigned, received a copy of this inventory.

Date	Signature of Person Receiving Inventory
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