

STATE OF NORTH CAROLINA  
CATAWBA COUNTY

FILED

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

IN THE MATTER OF  
CellCo Partnership dba Verizon Wireless

2010 DEC -7 P 3: 26

CATAWBA COUNTY, C.S.C.

BY \_\_\_\_\_

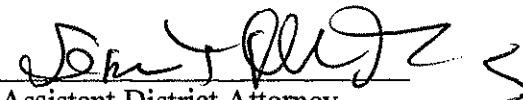
MOTION TO SEAL COURT ORDER,  
MOTION AND APPLICATION

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 court order, motion and application 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.
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 2<sup>nd</sup> day of November, 2010.

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

FILED

STATE OF NORTH CAROLINA  
CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
2010 DEC -7 P 3:26

IN THE MATTER OF  
CellCo Partnership dba Verizon Wireless  
[REDACTED]

CATAWBA COUNTY, C.S.C.

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 court order, motion and application and its return;

AND it appearing to the Court that the release of information contained in said court order, application, and motion 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 2<sup>nd</sup> day of November, 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:  
CellCo Partnership dba Verizon Wireless

MOTION


Now comes the State of North Carolina, by and through the below named District Attorney of the 25<sup>th</sup> Judicial District, and moves that the Court issue an **Order** directing CellCo Partnership dba Verizon Wireless Custodian of Records of 180 Washington Valley Rd, Bedminster, NJ 07921, (908) 306-7501 to provide to Investigator K. Craig of the Hickory Police Department information on telephone number [REDACTED] from September 1, 2010 to November 2, 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, application for service, change in cellular telephones, the incoming and outgoing call information, text messages and images.

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 kidnapping of a 10-year-old female.

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

Respectfully submitted this 2<sup>ND</sup> day of November, 2010

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

**STATE OF NORTH CAROLINA  
CATAWBA COUNTY**

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

**In the matter of:**  
CellCo Partnership dba Verizon Wireless  
[REDACTED]

**APPLICATION/AFFIDAVIT**

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 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.
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 [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 Police 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. Zahra Baker was not located at the residence.

STATE OF NORTH CAROLINA  
CATAWBA COUNTY

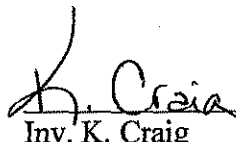
IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

In the matter of:  
CellCo Partnership dba Verizon Wireless  
[REDACTED]

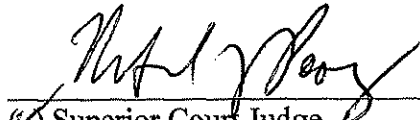
APPLICATION/AFFIDAVIT

9. The Hickory Police Department has changed the investigation of Zahra Baker from a missing person's case to a homicide investigation.
10. During the investigation it was discovered that Eljisa Baker has contacted [REDACTED]'s cellular telephone, which has also been used by [REDACTED]. The telephone number for [REDACTED]'s cellular telephone is [REDACTED].
11. On November 1, 2010 after searching [www.ussearch.com](http://www.ussearch.com), it was discovered that the cellular telephone number, [REDACTED] was assigned by service provider CellCo Partnership dba Verizon Wireless.
12. On November 2, 2010, Investigator K. Craig contacted CellCo Partnership dba Verizon Wireless and it was discovered that the cellular telephone number a prepaid cellular telephone from Starter Wireless, which is a part of CellCo Partnership dba Verizon Wireless.

It is this affiant's belief that having 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 cellular telephones, the incoming and outgoing call information, text messages and images from cellular telephone number [REDACTED]. The time frame of the information requested is from September 1, 2010 to November 2, 2010. This will assist with the homicide investigation of the 10 year-old female. It is requested the Court issue an Order.

  
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Inv. K. Craig  
Hickory Police Department

Sworn to and subscribed before me this 2<sup>nd</sup> day of November, 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:  
CellCo Partnership dba Verizon Wireless  
[REDACTED]

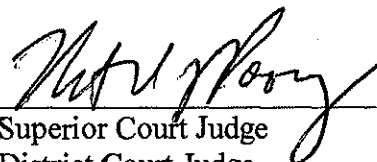
**ORDER**

It now appearing to the Court from the motion of James Gaither, District Attorney for the 25<sup>th</sup> 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 CellCo Partnership dba Verizon Wireless to provide Investigator K. Craig of the Hickory Police Department information including, but not limited to, 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 cellular telephones, the incoming and outgoing call information, text messages and images from telephone number [REDACTED]. The time frame of the information requested is from September 1, 2010 to November 2, 2010.

This 2<sup>nd</sup> day of November, 2010

The Honorable

  
\_\_\_\_\_  
 Superior Court Judge  
 District Court Judge