STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

CATAWBA COUNTY

IN THE MATTER OF
T-Mobile
Telephone Number [redacted]

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 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, Zahra Baker, was changed to a homicide investigation, which is still on-going.

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.

6. It is further requested that this search warrant be sealed for 90 (ninety) days from the date that the search warrant was issued.

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 30th day of November, 2010.

Assistant District Attorney
25th Prosecutorial District

STATE OF NORTH CAROLINA

CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

IN THE MATTER OF
T-Mobile
Telephone Number [redacted]

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 further requested that this search warrant be sealed for 90 (ninety) days from the date that the search warrant was issued.

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.~~ 30 days from the entry of this order, pursuant to the local Administrative Order entered 10/1/10, unless that time is extended or shortened by a Superior Court Judge.

This the 30th day of November, 2010.

Catawba County Superior Court Judge

STATE OF NORTH CAROLINA

File No.

Catawba County

In The General Court Of Jus
☐ District ☒ Superior Court Di

IN THE MATTER OF:

Name
T-Mobile
Telephone Number [redacted]

INVENTORY OF ITEMS SEIZED PURSUANT TO SEARCH

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

I, the undersigned officer, executed a search of:

Person, Premises Or Vehicle Searched	Date Of Search
T-Mobile Telephone Number [redacted]	11/30/2010

This search was made pursuant to

☒ 1. a search warrant issued by: Superior Court Judge Poovey

☐ 2. consent to search given by:

☐ 3. other legal justification for the search:

The following items were seized:

records for telephone number [redacted]

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(Over)

Original - File Copy - Person Whose Property Seized

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:

- ☐ 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

T-Mobile Attn. Law Enforcement Relations
4 Sylvan Way, Parsippany, NJ 07054 fax number: 973-292-866

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

SWORN AND SUBSCRIBED TO BEFORE ME	*Signature Of Law Enforcement Officer* Kim Craig
Date 12-07-2010	*Title Of Law Enforcement Officer* Investigator
Signature E. J. Alle	*Name And Address Of Agency* Hickory Police Dept. 347 2nd Av SW Hickory, NC 28602
☐ *Deputy CSC* ☐ *Assistant CSC* ☐ *Clerk Of Superior Court* ☒ *Magistrate*	

ACKNOWLEDGMENT OF RECEIPT

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

Date	*Signature of Person Receiving Inventory*

AOC-CR-206, Side Two, Rev. 5/98
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File No.

SEARCH WARRANT

IN THE MATTER OF

T-Mobile, Telephone Number (828) 781-8536

Date Issued	Time Issued
11/30/2010	12:32 ☐ AM ☑ PM

Name Of Applicant: Investigator K. Craig

Name Of Additional Affiant:

Name Of Additional Affiant:

RETURN OF SERVICE

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

Date Received	Time Received
11/30/2010	12:32 ☐ AM ☒ PM
Date Executed	**Time Executed**
11/30/2010	1:47 ☐ AM ☒ PM

☒ I made a search of T-Mobile

Telephone Number [redacted]

_____ 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: K. Craig

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

STATE OF NORTH CAROLINA

Catawba County 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.

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	Signature	
11/30/10	[signature]	☐ Deputy CSC ☐ Assistant CSC ☐ CSC ☐ Magistrate ☐ District Ct. Judge ☑ Superior Ct. Judge

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

Date	Time	Signature	
12-07-2010	02:20 ☐ AM ☒ PM	E. J. Allen	☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

Magistrate

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(Over)

APPLICATION FOR SEARCH WARRANT

I, Investigator K. Craig, Hickory Police Department, Hickory, North Carolina,
(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)* Murder

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

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

(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)*

See Attachment

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 11/30/2010
Date 11-30-10	Signature of Applicant K. Craig
Signature	
☐ Magistrate ☐ Dep. 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.*

AOC-CR-119, Rev. 9/02
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STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

ATTACHMENT # 1

IN THE MATTER OF:

T-Mobile
Telephone Number [redacted]

PREMISE TO BE SEARCHED:

T-Mobile, Telephone Number [redacted]

EVIDENCE TO BE SEIZED:

Information including 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, GPS location and or cell tower location of mobile device, information on Precision Location of Mobile Device (GPS) for the telephone number [redacted] from September 1, 2010 to October 11, 2010.

SWORN AND SUBSCRIBED BEFORE ME
THIS 30th DAY OF Nov. 2010

( ) MAGISTRATE
( ) DISTRICT COURT JUDGE
(✓) SUPERIOR COURT JUDGE

K. Craig
INVESTIGATOR
HICKORY POLICE DEPARTMENT

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

ATTACHMENT # 2

IN THE MATTER OF:

T-Mobile
Telephone Number [redacted]

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, Investigator K. Craig, am presently employed by the Hickory Police Department as a Criminal Investigator. I have been employed with the Hickory Police Department for eight years and five months. I have a Bachelor of Science Degree in Criminal Justice with a minor in Sociology from Appalachian State University and an Intermediate Law Enforcement Certificate issued by the North Carolina Criminal Justice Education and Training Standards Commission. I am currently assigned to the Criminal Investigations Division and have been so assigned since November 16, 2008. During the time I have been employed at the Hickory Police Department, I have been involved in the investigations of a wide variety of cases including, but not limited to, the following: homicides, arsons, rapes, robberies, burglaries, assaults, larcenies, and drug cases.

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 30th DAY OF Nov. 2010

( ) MAGISTRATE
( ) DISTRICT COURT JUDGE
(✓) SUPERIOR COURT JUDGE

K. Craig
INVESTIGATOR
HICKORY POLICE DEPARTMENT

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

ATTACHMENT # 2

(STATEMENT OF PROBABLE CAUSE CONTINUATION)

IN THE MATTER OF:

T-Mobile
Telephone Number [redacted]

This investigation involves probable cause to believe that Zahra Baker, a white female having a DOB of 11/16/1999, was kidnapped from her residence, which is located at 21 21st Avenue Northwest, Hickory, North Carolina.

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 [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"

SWORN AND SUBSCRIBED BEFORE ME
THIS 30th DAY OF Nov. 2010

( ) MAGISTRATE
( ) DISTRICT COURT JUDGE
(✓) SUPERIOR COURT JUDGE

K. Craig
INVESTIGATOR
HICKORY POLICE DEPARTMENT

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

ATTACHMENT # 2

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
(STATEMENT OF PROBABLE CAUSE CONTINUATION)

IN THE MATTER OF:

T-Mobile
Telephone Number (828) 781-8536

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 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 [the suspect(s)] 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.

9. The Hickory Police Department has changed the investigation of Zahra Baker from a missing person's case to a homicide investigation.

10. On October 11, 2010, Elisa Baker was interviewed by SBI Agent McBride and Sgt. Porter with the Hickory Police Department interviewed Elisa Baker at the Catawba County Detention Facility. Elisa Baker confessed to writing the ransom note.

SWORN AND SUBSCRIBED BEFORE ME
THIS 30th DAY OF Nov. 2010

( ) MAGISTRATE
( ) DISTRICT COURT JUDGE
(✓) SUPERIOR COURT JUDGE

INVESTIGATOR
HICKORY POLICE DEPARTMENT

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

ATTACHMENT # 2

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

(STATEMENT OF PROBABLE CAUSE CONTINUATION)

IN THE MATTER OF:

T-Mobile
Telephone Number (828) 781-8536

11. On October 25, 2010, Elisa Baker was driven around various locations in Caldwell County by SBI Agent McBride and Sgt Porter with the Hickory Police Department. Elisa Baker pointed out location where Zahra Baker's dismembered body parts were disposed. Officers with the Hickory Police Department later located human bones, which were consistent with bones of a juvenile at two of the locations that Elisa Baker pointed out.

12. On November 1, 2010, pursuant to a search warrant of Elisa, Adam and Zahra Baker's residence, which is located at 21 21st Av NW, Hickory, the cellular telephone was seized and entered into evidence.

13. Captain Whisnant with the Hickory Police Department downloaded the information stored on the cellular telephone that included the telephone number of the cellular telephone. The telephone number was discovered to be [redacted] According to the text message content stored in the cellular telephone, it indicated that Elisa Baker was the sender or receiver of the text messages.

14. On November 29, 2010, it was discovered that the cellular telephone number, [redacted], was assigned by service provider T-Mobile. Investigator K. Craig with the Hickory Police Department contacted T-Mobile and confirmed the telephone number provider to be T-Mobile.

15. Due to the facts of Elisa Baker's confession of writing the ransom note and where Zahra Baker's dismembered body parts were disposed of, obtaining the telephone records, toll records, subscriber information, text message content, GPS location and

SWORN AND SUBSCRIBED BEFORE ME
THIS 30th DAY OF Nov. 2010

( ) MAGISTRATE
( ) DISTRICT COURT JUDGE
(✓) SUPERIOR COURT JUDGE

K. Craig
INVESTIGATOR
HICKORY POLICE DEPARTMENT

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

ATTACHMENT # 2

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

(STATEMENT OF PROBABLE CAUSE CONTINUATION)

IN THE MATTER OF:

T-Mobile
Telephone Number [redacted]

cell tower location of telephone number [redacted] will likely provide information substantially related to this homicide investigation.

I, Investigator K. Craig, believe that the above stated facts provide probable cause that Zahra Baker is the victim of a homicide. Based on the above information, this affiant prays unto the court that a search warrant be issued commanding the premise, above described to be searched for the property described above, and if the property is found, seized as evidence for further Court action and disposition.

SWORN AND SUBSCRIBED BEFORE ME
THIS 30th DAY OF Nov. 2010

( ) MAGISTRATE
( ) DISTRICT COURT JUDGE
(✓) SUPERIOR COURT JUDGE

INVESTIGATOR
HICKORY POLICE DEPARTMENT