

STATE OF NORTH CAROLINA  
CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
File No.

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.
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.

Respectfully submitted, this the 11<sup>th</sup> day of October, 2010.

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

Original

File No.

STATE OF NORTH CAROLINA

Catawba County

In The General Court Of Justice District/Superior Court Division

SEARCH WARRANT

IN THE MATTER OF

21 21st Avenue Northwest Hickory, North Carolina 28601

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

Date Issued 10/11/2010 Time Issued 6:40 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 Sergeant P. L. Clark

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 Issuing Officer

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.

Name Of Jurisdiction Attorney

RETURN OF SERVICE

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

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

Date Received 10/11/2010 Time Received 6:40 AM PM

Date Executed 10/11/2010 Time Executed 11:13 AM PM

I made a search of 21 21st Ave NW Hickory, NC 28601

Jan. C. Walker

Date 10-11-10 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.

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

Signature Of Officer Making Return [Signature]

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

Date 10/18/10 Time 3:47 AM PM Signature [Signature] Deputy CSC Assistant CSC Clerk Of Superior Court

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, any and all evidence that may relate to the missing person 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, Sergeant P. L. Clark, have been a law enforcement officer for ten (10) years and nine (9) months with the Hickory Police Department. I am currently assigned to the Criminal Investigations Narcotics Division and have been so for over seven (7) years. I graduated in 1992 with an Associates Degree in Criminal Justice from Western Piedmont Community College in Morganton, North Carolina. In 1999 I graduated with my Basic Law Enforcement Certification from Caldwell Community College with over 580hrs of training. In 2009 I was awarded my North Carolina Advance Law Enforcement Certification. I have completed numerous training hours in investigation and legal training. During my time as a patrol officer and in the Criminal Investigations Division, 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 your 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,

Sworn and Subscribed Before Me  
on the 11 October 2010

  
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MAGISTRATE/JUDGE  
State of North Carolina  
County of Catawba

  
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AFFIANT  
Sergeant P. L. Clark  
Hickory Police Department  
Hickory, North Carolina

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

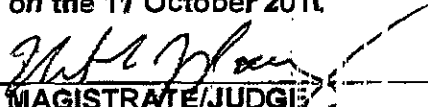
IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION


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

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 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, [REDACTED] 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.

Sworn and Subscribed Before Me  
on the 11 October 2010

  
MAGISTRATE/JUDGE  
State of North Carolina  
County of Catawba

  
AFFIANT  
Sergeant P. L. Clark  
Hickory Police Department  
Hickory North Carolina


STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

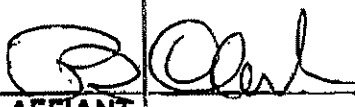
IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

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

- 10. [REDACTED] and The South Carolina Search and Rescue Dog Association specializes in providing canines trained in the recovery of persons and bodies.
- 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 and are currently awaiting issuance of a search warrant.

Sworn and Subscribed Before Me  
on the 11 October 2010

  
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 MAGISTRATE/JUDGE  
 State of North Carolina  
 County of Catawba

  
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 AFFIANT  
 Sergeant P. L. Clark  
 Hickory Police Department  
 Hickory, North Carolina

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

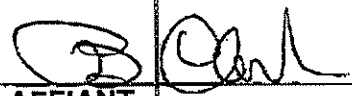
*Continuation to Attachment #1 in the Matter of:  
21 21<sup>st</sup> Avenue Northwest Hickory, North Carolina 28601*

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 reported missing person of Zahra Claire Baker.

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

Sworn and Subscribed Before Me  
on the 11 October 2010

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

  
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AFFIANT  
Sergeant P. L. Clark  
Hickory Police Department  
Hickory, North Carolina

STATE OF NORTH CAROLINA

Catawba County

File No.

in The General Court of Justice
District Superior Court Division

IN THE MATTER OF:

Name

21 21st Ave NW Hickory, NC 28601

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 Ave NW Hickory, NC 28601

Date Of Search

10/11/10

This search was made pursuant to

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

The following items were seized:

Pair of Starkey Hearing Aids, Assorted School

work + note books, Assorted documents, (2) Birthday cards

From Zahra, Assorted school papers, notebook marked grades

and attendance. Cutting from mattress, [signature]

NOTHING FOLLOWS