

File No. _____

SEARCH WARRANT

IN THE MATTER OF

21 2i ST Avenue Northwest Hickory, North Carolina

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

Name Of Applicant: Inv. R.J. Falowski

Name Of Additional Affiant: _____

Name Of Additional Officer: _____

STATE OF NORTH CAROLINA

CATAWBA 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.

RETURN OF SERVICE

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

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 2i ST NW NW Hickory NC
2400

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.

_____ 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.

Date: 10/29/10 Signature: *Rafael Lopez*

Deputy CSC Assistant CSC CSC
 Magistrate District Ct. Judge Superior Ct. Judge

Signature Of Officer Making Return: *Rafael Lopez*

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

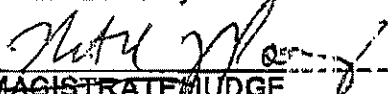
STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

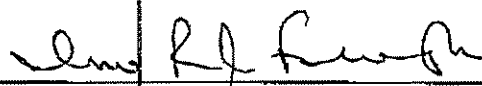
Continuation to Attachment #1 in the Matter of:
21 21st Avenue Northwest Hickory, North Carolina 28601

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 w/c 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 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 boss's 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 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 21st 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 29th 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

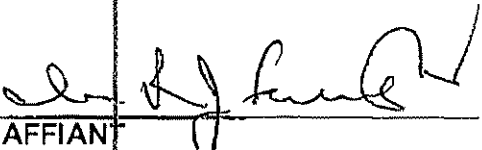
**Continuation to Attachment #1 in the Matter of:
21 21st Avenue North Hickory, North Carolina 28601**

- 11. Upon Maria Claxton'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 23rd, 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 29th 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 21st Avenue Northwest Hickory, North Carolina 28601

- 18. The first location shown to this Affiant was a dumpster located at Fox Ridge Apartments, 1445 4th 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 Hickory, 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 21st Avenue Northwest, Hickory, NC and may be concealed on or about the curtilage.

Sworn and Subscribed Before Me
on the 29th 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 21st Avenue Northwest Hickory, North Carolina 28601*

- 24. That on October 27th, 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.

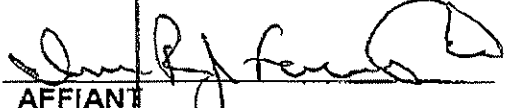
This AFFIANT believes that the following facts provide probable cause to believe that the items listed to be seized are relevant to the investigation into the homicide of Zahra Claire Baker.

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 29th 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.
<u>Catawba</u> County		In The General Court Of Justice <input type="checkbox"/> District <input checked="" type="checkbox"/> Superior Court Division
IN THE MATTER OF: Name <u>21 21st Av NW Hickory, NC 27601</u>		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: <u>21 21st Av NW Hickory, NC 27601</u>		Date Of Search <u>10-31-10 / 11-1-10</u>
This search was made pursuant to <input checked="" type="checkbox"/> 1. a search warrant issued by: <u>Judge Peavy.</u> <input type="checkbox"/> 2. consent to search given by: <input type="checkbox"/> 3. other legal justification for the search:		
The following items were seized: <u>33 blood swabs, hair and tissue, tissue scrapings from wall, cut section of floor, cut section of wall, cut section of roof frame, carpet fibers, latex gloves, hearing aid parts, knife w sheath, loams of paint, notebook w/writings, assorted receipts, assorted certificates/cards for tank, shotgun, 5 cell phones, kodak disposable camera, sonyo digital camera w/memory card, photo cd w/negatives, photo of zebra, red towel, 2 empty pill bottles, 2 pill bottles w/pills, set of crutches, TV/PC combo.</u>		

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.

Inventory not left search warrant. was seized pursuant to court order.

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

[Empty box for name and address]

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

SWORN AND SUBSCRIBED TO BEFORE ME

Signature Of Law Enforcement Officer

[Signature]

Date

11-3-10

Title Of Law Enforcement Officer

Investigator

Signature

[Signature]

Name And Address Of Agency

*Hickory Police Department
247 2nd St SW
Hickory, NC 27641*

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