STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

CATAWBA COUNTY

2010 DEC -7 P 2:24

IN THE MATTER OF
Gaston County Department of Social Services
Juvenile Names: [redacted] and [redacted]

BY

MOTION TO SEAL COURT ORDER,
APPLICATION AND MOTION

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, application and motion 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 is has been changed to a homicide investigation.

5. The release of the information contained in the court order, application and motion 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, application and motion and its return until further order of the Court.

Respectfully submitted, this the 10th day of November, 2010.

Assistant District Attorney
25th Prosecutorial District

FILED

2010 DEC -7 P 3:25

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

CATAWBA COUNTY BY _____

IN THE MATTER OF
Gaston County Department of Social Services
Juvenile Names: [redacted], [redacted], and [redacted]
[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 court order, application and motion 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, application and motion and its return be sealed and not released to the public until further order of the Court.

This the 10th day of November, 2010.

Catawba County Superior Court Judge

STATE OF NORTH CAROLINA
CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

In the matter of:
Gaston County Department of Social Services
Juvenile Names: [redacted], [redacted] and [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 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"

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 took his daughter, Zahra Baker, W/F DOB 11/16/1999.

STATE OF NORTH CAROLINA
CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

In the matter of:
Gaston County Department of Social Services
Juvenile Names: [redacted], [redacted], and [redacted]

APPLICATION/AFFIDAVIT

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 investigation to a homicide investigation.

10. Elisa Baker is a suspect in the homicide of Zahra Baker.

11. It is this affiant's belief that it is necessary and relevant to obtain historical information from Department of Social Services on Elisa Baker's biological children. Elisa Baker's biological children are [redacted]

It is this affiant's belief that this information will assist with the homicide investigation of Zahra Baker, a 10 year-old female. It is requested the **Court** issue an **Order.**

K. Craig
Inv. K. Craig
Hickory Police Department

Sworn to and subscribed before me this 10th day of Nov, 2010

( ) Superior Court Judge
( ) District Court Judge

STATE OF NORTH CAROLINA
CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

In the matter of:
Gaston County Department of Social Services
Juvenile Names: [redacted] and [redacted]

MOTION

Now comes the State of North Carolina, by and through the below named District Attorney of the 25th Judicial District, and moves that the Court issue an **Order** directing Gaston County Department of Social Services, 330 N. Marietta St. Gastonia, NC 28052, (704) 862-7500, to provide to Investigator K. Craig of the Hickory Police Department information of the following juvenile Department of Social Services investigation(s): [redacted] The mother of the juveniles is Elisa Baker, and Baker's aliases include: Dawn Michelle Church, first name spellings- Elisa, Elesa, Eliza, Elsea, and Lisa; last names: Baker, Young, Proctor, Allred, Harris, Fairchild, Putnam, and Fullman. It is requested the information include, but not be limited to, all information pertaining to the investigation report(s) and all screenout report(s).

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.

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

Respectfully submitted this 10th day of November, 2010

( ) District Attorney
(X) Assistant District Attorney
25th Judicial District

STATE OF NORTH CAROLINA
CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

In the matter of:
Gaston County Department of Social Services
Juvenile Names: [redacted], [redacted] and [redacted]

ORDER

It now appearing to the Court from the motion of James Gaither, District Attorney for the 25th 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 Gaston County Department of Social Services provide the following juvenile investigation(s) pertaining to: [redacted] The mother of the juveniles is Elisa Baker, and Baker's aliases include: Dawn Michelle Church, first name spellings- Elisa, Elesa, Eliza, Elsea, and Lisa; last names: Baker, Young, Proctor, Allred, Harris, Fairchild, Putnam, and Fullman. It is requested the information include, but not be limited to, all information pertaining to the investigation report(s) and all screenout report(s).

This 10th day of Nov, 2010

The Honorable
(✓) Superior Court Judge
( ) District Court Judge