

STATE OF NORTH CAROLINA BY: McDonald, Jamaica IN THE GENERAL COURT OF JUSTICE
DURHAM COUNTY SUPERIOR COURT DIVISION
21CR054671-310

STATE OF NORTH CAROLINA)	
)	
v.)	DEFENDANT'S MOTION FOR
)	CERTIFICATE TO SECURE
)	ATTENDANCE OF
MIGUEL ENRIQUE SALGUERO)	OUT-OF-STATE MATERIAL WITNESS
OLIVARES)	KARENA ROSARIO
)	

NOW COMES the Defendant Miguel Enrique Salguero Olivares (“Defendant”), by and through undersigned counsel, and pursuant Article 43, Chapter 15A of the North Carolina General Statutes, the Uniform Act to Secure Attendance of Witnesses from Without a State in Criminal Proceedings, respectfully moves this Honorable Court to issue a Certificate to Secure the Attendance of Karena Lynn Rosario, a material witness currently residing in the State of New Jersey, and in support thereof shows the following:

I. Legal Authority

1. Pursuant to N.C. Gen. Stat. § 15A-813, Defendant hereby seeks a Certificate for the Attendance of an Out-Of-State Witness to be issued for the appearance and attendance of Karena Lynn Rosario at the trial in this matter.
2. Karena Lynn Rosario (“Karena”) is a resident of the State of New Jersey.
3. The State of New Jersey has made provision for commanding persons within its borders to attend and testify in criminal prosecutions outside of its borders in Article 6, Chapter 81, Subtitle 9, Title 2A of the Statutes of New Jersey, entitled the “Uniform Act to Secure the Attendance of Witnesses from Within or Without a State in Criminal Proceedings.”
4. For the reasons set forth below, Karena is a material and necessary witness in Defendant’s case.

II. September 6-7, 2012

5. Faith Danielle Hedgepeth (“Faith”) was killed on September 7, 2012.
6. At the time of her death, Faith had recently moved in with Karena at Karena’s one-bedroom apartment located at the Hawthorne at the View Apartment Complex in Durham County, North Carolina.
7. Faith moved in with Karena on July 31, 2012.
8. Faith planned to temporarily stay with Karena until Faith’s financial aid was secured for the fall semester.

9. Faith and Karena had previously been roommates, and both were students at UNC.
10. In the early morning hours on September 7, 2012, Karena and Faith both went to a local club in Chapel Hill called the Thrill, arriving at approximately 1:00 a.m.
11. While at the Thrill, Karena described having four shots of liquor and two red slushies made with Tequilla. Karena reported that Faith had two red slushies made with Tequilla.
12. Multiple other witnesses also described Faith as having little to drink that night.
13. Faith and Karena left the Thrill at approximately 2:20 a.m., as captured on security camera footage.
14. Karena stated that Faith's car was parked in a parking garage across the street from the Thrill.
15. According to Karena, Faith drove the two of them home because Faith only had two drinks and was not intoxicated. Karena says she and Faith left the parking garage in Faith's car at approximately 2:35 a.m.
16. The drive-time from the parking garage to Karena's apartment was approximately ten to twelve minutes.
17. According to Karena, she and Faith did not make any stops on the way home.
18. Karena reported arriving home with Faith at approximately 2:45 a.m. on September 7, 2012, and that they were alone in the apartment when they returned home.
19. Karena stated that once inside the apartment, Faith got Karena a trashcan and Karena vomited in the bedroom (into the trashcan) sometime before 3:05 a.m.
20. Then, Karena says she went into the bathroom at 3:05 a.m., sat on the floor by the bathroom door frame, and began to text multiple individuals, including Brandon Edwards ("Brandon") and Jordan McCrary ("Jordan").
21. Karena told law enforcement that from 3:05 a.m. to the time she left the apartment at approximately 4:25 a.m., she remained seated on the apartment's bathroom floor by the door frame.
22. In the apartment, the bathroom is located directly across the hallway from the bedroom.
23. The bathroom did not have a door and the bedroom door was open.
24. Therefore, by her own admission, Karena was sitting just a few feet away from where she stated Faith was in the bedroom, with no closed doors between them.
25. From 3:05 a.m. until she left the apartment at 4:25 a.m., Karena reported no disturbances or visitors in the apartment.

26. At approximately 3:05 a.m., Karena texted Jordan, stating, in part "...I've been hit for no fucking reason."
27. At approximately 4:04 a.m., Karena called Jordan to come pick her up from the apartment. Four minutes later, Karena texted Jordan her address and wrote "please come."
28. At 4:12 a.m., 4:18 a.m., and 4:21 a.m., Karena called Jordan to see where he was and ensure he was coming to get her.
29. Jordan told investigators from the Chapel Hill Police Department ("CHPD") that Karena sounded really upset and "dramatic" during these calls she made to him asking him to come get her.
30. Karena left without taking anything with her other than her cell phone.
31. Karena says that she did not lock the door and did not take the apartment key with her.
32. Karena said that when she left the apartment at approximately 4:25 a.m. to go with Jordan, she was wearing the same clothes that she had worn to the Thrill. However, Karena described the shirt she had worn to the Thrill as having black polka dots, and Jordan described the shirt Karena was wearing when he picked her up as having black stripes. This discrepancy will be discussed in detail in a separate section of this pleading.
33. When Jordan arrived at the apartment at about 4:25 a.m., Karena was already waiting for him in the parking lot.
34. When Karena got in Jordan's car, they both noticed that Karena had blood on her finger.
35. When Jordan asked why Karena had blood on her hand, Karena confirmed that it was blood. Jordan recounted Karena looking down at her hand, saying "I don't know why I have blood on my finger." Karena had no clear answer about why it was there.
36. Jordan stated that he thought Karena had blood on her hand resulting from Karena being in an altercation at the apartment, because Karena had texted Jordan at 3:05 a.m. that Karena had "been hit for no fucking reason".
37. Jordan drove Karena to Jordan's house where they stayed until Jordan left for class at approximately 8:30 a.m.
38. Karena told investigators that she stayed at Jordan's until approximately 10:30 a.m., at which time Karena's friend Marisol Rangel ("Marisol") picked Karena up and drove Karena back to Karena's apartment.
39. When they arrived at Karena's apartment, Karena and Marisol went inside and found Faith's body in the apartment's only bedroom.
40. Karena called 911 because Marisol was too emotional to do so.

41. Officers from CHPD arrived a few minutes later and, upon entering the bedroom, it was instantly clear to them that Faith was dead.
42. On the afternoon of September 7, 2012, after Faith had been reported deceased, Karena and Jordan spoke on the phone and Jordan asked Karena what had happened before Karena left the apartment when Jordan picked her up.
43. Karena told Jordan (as she also told investigators) that she had been sitting in the bathroom of their apartment before leaving with him because she was not feeling well, while Faith had been in the bedroom.
44. At the time Jordan was interviewed by CHPD on September 8, 2012, neither Jordan nor CHPD were aware that a blood stain was on the interior bathroom door frame in Karena's apartment in the exact area where Karena told both Jordan and CHPD that she had been sitting on September 7, 2012 from 3:05 a.m. until the time she stood up and walked out of the apartment to wait for Jordan in the parking lot at approximately 4:25 a.m..
45. Pictures of this blood stain as it was documented on September 9, 2012 are attached hereto as Exhibit A.
46. CHPD also observed reddish stains in the bathroom around the sink. Two swabs collected from the sink area gave a presumptive positive indication for blood when tested with phenolphthalein, but no DNA profile was able to be developed from these samples.
47. Sergeant Matthews with CHPD questioned Karena as to whether she had any cuts on her hands to determine if the blood Jordan and Karena observed on Karena's hand when she got in Jordan's car was her own blood.
48. Karena had no cuts on her hands, or any other injury that would have caused her to bleed.
49. CHPD also examined and photographed Karena's hands to determine if there was any reason she may have been bleeding when she got into Jordan's car. No visible cut or injury that would have caused her to bleed was seen.
50. CHPD immediately requested that the North Carolina State Bureau of Investigation ("SBI") test the car that Jordan was driving to see if there was blood on the passenger side interior where Karena had been sitting.
51. The SBI identified a reddish-brown smudge similar in appearance to blood which was located above the passenger-side window control panel.
52. This reddish-brown smudge was tested by the SBI and generated a presumptively positive indication for blood when tested with phenolphthalein.

**III. Karena was alone in the apartment
with Faith at her time of death, as calculated by law enforcement**

53. Karena, by her own admission, was alone with Faith in the apartment before, during, and after the likely time of Faith's death.
54. Dr. Deborah L. Radisch with the Office of the Chief Medical Examiner performed a toxicology analysis as part of Faith's autopsy, revealing that Faith's blood alcohol content ("BAC") at the time of her death was 0.02 grams per 100 milliliters of whole blood ("0.02").
55. On October 3, 2012, Investigators J. Britt and Matthews met with Dr. Radisch to review the information learned in the autopsy. Based upon the known facts and typical rate of alcohol elimination, Dr. Radisch believed that Faith likely died not long after arriving at the apartment on September 7, 2012.
56. Around this same time, CHPD contacted Paul Glover, who was a Research Scientist and Branch Head of the Forensic Tests for Alcohol Branch of the North Carolina Department of Health and Human Services. Mr. Glover was asked, in part, to assist in determining the time at which Faith's BAC would have been 0.02.
57. In his written findings and conclusions dated October 11, 2012, Mr. Glover provided his opinion that Faith's BAC would have been 0.02 at 2:51 a.m. on September 7, 2012.
58. Based on this information, CHPD investigators concluded that Karena was inside the apartment when Faith was killed at or around 2:51 a.m.

**IV. The final text messages from Faith's
phone were more likely written and sent by Karena**

59. Faith's phone was protected by a passcode, but CHPD confirmed on September 7, 2012 that Karena knew the passcode to Faith's phone, as Karena was the person that provided investigators with the passcode to access Faith's phone.
60. In 2014, CHPD requested that the National Center for Missing and Exploited Children ("NCMEC") perform a comprehensive case analysis of Faith's case.
61. Investigators from CHPD and the SBI travelled to Washington D.C. to give a presentation to NCMEC to receive input and ideas from NCMEC for the investigation.
62. As evidenced in the detailed notes taken from the presentation, part of the focus of both the presentation and questions of attendees related to certain abnormalities in the last text messages sent from Faith's phone.
63. The last text message ("the last text") from Faith's cell phone was to Tyrone Michael McNeil at 3:51 a.m. and states:

"I know youre probably sleeping but i just wanted to let you know that I love you. Not a day goes by that you don't cross my mind. I know it will be like this rest if my life because of what we've been through together. Besides that i still feel the same and still love you

the same. Sorry for being in my feelings. But hey without feelings we wouldn't have life...sometimes i feel like you are my life”

64. According to the notes from the NCMEC presentation, investigators concluded the last text was “uncharacteristic” for Faith.
65. The notes from this presentation also indicate there were questions as to “whether Rosario ha[d] both phones going” and recognition that the usage of Faith’s and Karena’s phones “seems to fit that Rosario has [Faith’s] phone while on the phone with [Jordan] McCrary.
66. CHPD recovered text messages from both Faith’s and Karena’s cell phones. Messages retrieved from Faith’s phone only dated back to June 16, 2012, approximately three months prior to Faith’s death, while messages retrieved from Karena’s phone dated further back in time.
67. When comparing messages from Faith’s and Karena’s phone sent during the same period of time, from June 16, 2012 to September 7, 2012, numerous characteristics contained in the last text from Faith’s phone conflict with Faith’s usual text messages, while being more consistent with Karena’s text messages.
68. Specifically:
 - a. The length of the last text sent from Faith’s phone contained eighty-two words, which is the longest message ever sent from Faith’s phone.
 - b. In all of Faith’s other messages, the average word count is approximately seven point six words per message, and the median word count is six words per message.
 - c. The phrase “i feel like” appears in the last text message sent from Faith’s phone.
 - i. In all the other messages on Faith’s phone from June 16, 2012, to September 7, 2012, Faith had never used this phrase.
 - ii. Within that same period of time, Karena had used this phrase in four of her messages.
 - d. The phrase “sorry for being” appears in the last text sent from Faith’s phone:
 - i. In all the other messages on Faith’s phone from June 16, 2012, to September 7, 2012, Faith had never used this phrase.
 - ii. Within that same period of time, Karena had used this phrase two times.
 - e. The phrase “the same” appears in the last text sent from Faith’s phone:
 - i. In all the other messages on Faith’s phone from June 16, 2012, to September 7, 2012, Faith had never used this phrase.

- ii. Within that same period of time, Karena used this phrase four times.
69. As previously stated, the recipient of the last text was Tyrone Michael McNeil ("Ty").
70. Ty and Faith had been in a dating relationship about two years prior to her death.
71. Ty described the last text as being out of the ordinary. Ty was unable to explain what could have led to Faith sending such a message.
72. Ty stated the following to investigators:
- a. "I haven't really heard anything like that from her [Faith] since, um, we were together."
 - b. "My response is just like, wow, you know, I never, I never knew you felt that way."
 - c. "I texted her at six, um, that day. Um, I honestly can't really, it just doesn't seem like she, she wasn't replying to my message, it was more like she was just texting me, like, because she was thinking about me, not, not letting me, because she really didn't acknowledge that I had texted her earlier than the day. She just, like, sent me that message [the last text], and that is, like, three pages long, you know, I don't, I can't really even comprehend why, you know, what led her to send that, you know, she was, you know, just thinking about me, and I'm not really sure, I don't know."
73. CHPD and SBI also paid close attention to another abnormal text message ("text to Brandon") sent from Faith's phone to Brandon Edwards ("Brandon") at approximately 3:40 a.m. on September 7, 2012, which stated as follows:
- "Hey b. Can you come over here please. Karena needs you more aha. You know. Please let her know you care"
74. Investigators noted that Faith had only texted Brandon one other time, in June of 2012. Furthermore, Faith did not have Brandon's telephone number programed into her cell phone contacts.
75. In addition to Faith not having Brandon's number stored as a contact and having only texted him one other time in 2012, investigators also thought this text to Brandon was odd because Karena had also texted Brandon just one minute prior, yet Karena was insistent that she was in the bathroom alone and not communicating with Faith.
76. When Sergeant Matthews asked Karena who Brandon was during their recorded interview on September 8, 2012, Karena answered:
- "Brandon Edwards. He's a good friend of me and Faith's...she [Faith] would always, she would text him sometimes and be like 'hey Karena needs you right now' or like 'I know you love her'..."**
77. Yet Faith's cell phone showed that Faith had not texted Brandon any messages remotely similar to this.

78. Brandon also told investigators that the text message he received from Faith's phone sounded off and that she had never previously texted him a message like this.
79. Brandon knew Faith's manner of speaking from when Brandon, Faith, and Karena had spent considerable time together in 2011. Brandon had said that everything was fine between the three of them until Karena became "crazy possessive."
80. Brandon had stayed with Karena and Faith at Karena's apartment in the days leading up to Faith's death, including the night of September 5, 2012. Brandon said that leading up to the time Faith was killed, Karena was "emotionally unstable."
81. It is unclear if investigators have asked Karena about Brandon's statements, as it appears that law enforcement's last interaction with Karena occurred in September of 2016, just before the airing of an ABC 20/20 special about Faith's death. The majority of the factual material in this pleading was not included in the 20/20 special, and it is unclear if law enforcement provided this information to the show's producers prior to the show being aired.
82. Among other reasons, Karena is a necessary witness as she should be questioned as to Brandon's statements about her. In addition, she should be questioned about whether Brandon was in contact with her in the days following Faith's death, because after Faith's death Brandon avoided law enforcement for several days. Specifically, Brandon avoided law enforcement until: (1) he knew Karena had given a recorded interview with law enforcement, and (2) he and Karena had an opportunity to visit the Thrill around 6:00 p.m. on September 7, 2012, without law enforcement to review security footage from the night in question.

V. Karena conducted minimal phone activity during the time she claimed to be sitting in the apartment bathroom sending texts and making calls

83. Karena told CHPD on multiple occasions that she was sitting on the bathroom floor of the apartment from 3:05 a.m. until approximately 4:25 a.m. when she left the apartment to go to Jordan's house.
84. Karena says during this time in the bathroom, she was making calls and texting people.
85. A closer examination of the evidence demonstrates that Karena's calls and texts from the bathroom would have taken a few minutes at most, leaving close to an hour of unaccounted for time that Karena was in the apartment alone with Faith.
86. After 3:05 a.m., the first occasion Karena spoke on the phone was with Jordan at 4:04 a.m. This was when Karena called Jordan to come pick her up, and the call only lasted approximately three minutes and eighteen seconds.
87. Karena called Jordan three more times at 4:11 a.m. (forty-two seconds), 4:18 a.m. (thirty-two seconds), and 4:21 a.m. (four minutes and thirty-nine seconds).

88. Karena's phone records show that she also made four phone calls to Brandon at 3:44 a.m., 3:52 a.m., 3:55 a.m., and 4:14 a.m. However, all four calls went to voicemail, and so, at most, these calls lasted collectively under three minutes.
89. Karena texted Jordan at 3:05 a.m., 3:26 a.m., 3:43 a.m., 3:51 a.m., and 4:10 a.m. (twice); Karena texted Brandon at 3:39 a.m. Karena texted Ervin Mitchell at 3:09 a.m. and 3:23 a.m., with a correction to a typo from a previous text at sent at 3:26 a.m.
90. There is no evidence of internet usage on Karena's phone during this fifty-nine minute time frame.
91. What Karena was doing with the remainder of this time is a question that is material to this case and that needs to be addressed.

VI. The shirt Karena wore to the Thrill was found next to Faith's body, despite Karena's repeated statements that Karena left the shirt at Jordan's house

92. CHPD questioned Karena multiple times about the shirt that she wore to the Thrill on September 7, 2012, which Karena says was the same shirt Karena wore to Jordan's house. CHPD questioned Karena many times about this because law enforcement had been unable to locate the shirt Karena said she wore to the Thrill, back home to the apartment, and to Jordan's house.
93. Karena described that shirt as being an off-white/cream colored tube top with black polka dots. She was adamant that she left it at Jordan's house.
94. Karena told CHPD investigators she knew "for a fact" that she left the shirt she was wearing at the Thrill at Jordan house.
95. CHPD searched Jordan's house several times trying to locate the shirt based on Karena's statements but were unable to find it.
96. Eventually, CHPD discovered why they had been unable to find the shirt at Jordan's house. The shirt had already been located. It had been found in the apartment on September 7, 2012 upon the initial discovery of Faith's death.
97. The shirt was within a just few feet of Faith's body, partially tucked underneath the comforter that was wrapped around Faith's body. The shirt can be seen in the initial crime scene photographs taken the morning of September 7, 2012.
98. CHPD did not connect the fact that this shirt was Karena's missing shirt because they had relied on what Karena had repeatedly told them – the shirt was at Jordan's house.
99. In fact, it was months later during an interview with Karena when CHPD reviewed the crime scene photos and made the connection that the shirt was actually on the bed near Faith's body.
100. When CHPD made this discovery, they confronted Karena with this information.

101. Karena could not explain why the shirt was found by Faith's body (and partially under the comforter) as opposed to at Jordan's house like she had repeatedly insisted. After being pressed by investigators, Karena claimed "the only way it [the shirt] could have been there is if I had put it there when I had came in."
102. CHPD believed Karena had lied about the shirt because Karena believed the shirt had blood on it – a fact Karena would not be able to explain, just as she could not explain the blood on her finger when she got in the car with Jordan. The shirt had two red spots on it that Sergeant Matthews wrote "could look like blood" to the untrained eye (although these spots tested negative for blood when tested for phenolphthalein).

**VII. The phrase "IM NOT STUPID" is written on
a white bag found on the bed next to Faith's body,
a phrase used by Karena multiple times during her recorded interviews**

103. When law enforcement first arrived at Karena's apartment on September 7, 2012, they identified a white bag in the middle of Karena's bed that had block-print writing on it.
104. The first three words written on the bag were "IM NOT STUPID." Under that phrase the word "BITCH" was written. Underneath that, the word "JEALOUS" was written.
105. This particular phrase, "I'm not stupid," was used multiple times by Karena during her initial interviews with CHPD:

"I could not have seen someone being in there and me being in there and not knowing. **I'm not stupid.**"¹

"Like, yeah, I was drunk, but **I'm not stupid.**"²

"I mean I was drunk, but I'm not like, I'm not, like I said, **I'm not stupid.**"³

"Well the thing is, it's like, you hear about it and you're like, oh, that'll never be me, **I'm not stupid**, I know the signs."⁴

"Like I'm not, **I'm not stupid**, I'm really not"⁵

106. This phrase does not appear to have been used by any of the other individuals who gave recorded statements to law enforcement.

¹ Karena's Recorded Interview with Sgt. Matthews of CHPD, September 13, 2012 (2:19:48-2:19:55).

² Karena's Recorded Interview with Sgt. Matthews of CHPD, September 13, 2012 (2:26:12-2:26:15)

³ Karena's Recorded Interview with Sgt. Matthews of CHPD, September 13, 2012 (5:10:13-5:10:17)

⁴ Karena's Recorded Interview with Sgt. Matthews of CHPD, September 20, 2012 (48:18-48:26)

⁵ Karena's Recorded Interview with Sgt. Matthews of CHPD, January 28, 2013 (1:10:46-1:10:49)

107. Karena's frequent use of the phrase "I'm not stupid" in her everyday speech patterns is something about which the defense should be able to question Karena at the trial of this matter.

VIII. Karena lacked visible emotion about Faith's death

108. Sergeant Matthews' first recorded interview with Karena took place on September 8, 2012.
109. During this interview, Karena offered to return to the apartment with Sergeant Matthews to see if she could determine if anything was out of place. Sergeant Matthews agreed to Karena's suggestion, and they went to the apartment on the evening of September 8, 2012.
110. While in the apartment, Karena looked into the bedroom. Sergeant Matthews asked her not to enter. Sergeant Matthews wrote in his report that he was not only listening for what Karena believed might be out of place. He was also looking for Karena's emotional response to being in the apartment. Sergeant Matthews documented his observations as follows:

"The bloody mattress was still in the room and visible from where we were standing. I saw Karena look at the mattress several times and noticed that she showed absolutely no emotion. She never got upset about what she was seeing and just looked at the mattress like it was any other irrelevant object. Her behavior inside the apartment really concerned me, as I felt like the sight of the bloody mattress in the bedroom would disturb most people, especially a person who recently found their best friend dead."

111. Based on his initial conversations with Karena and his first interview of Karena, Sergeant Mathews further wrote in his report that "Karena seems to have tried to be emotional at times, but it seems fake to me. She seems to whine a lot but never cries or sheds a tear."

VIII. Karena substantially changed her story months after Faith's death, and agreed it was reasonable to think she knows more than she is saying

112. Sergeant Matthews conducted recorded interviews with Karena three times in 2012: September 8, 2012, September 13, 2012, and September 20, 2012.
113. On January 28, 2013, Karena was again interviewed, but this time she was interviewed by a Special Agent with the FBI, and again by Sergeant Matthews. During these interviews, Karena substantially changed her story about what happened on September 6-7, 2012.
114. Sergeant Matthews confronted Karena with the obvious fact that the blood on Karena's hand and Karena's statements about the shirt being at Jordan's house did not look good in terms of answering whether Karena participated in Faith's death.
115. Sergeant Matthews also specifically confronted Karena with Faith's time of death, stating:

“And one thing I feel confident in saying tonight is that, I am very confident that before 4:20 came and you left, Faith was dead. ... Based on the facts of the case and science, I’m telling you I am confident that she was dead before 4:20 when you left out with Jordan.”

116. Despite Karena previously describing in repeated detail the events that took place when she and Faith arrived back at the apartment from the Thrill on September 7, 2012, in January of 2013 Karena claimed she could no longer be completely sure what happened that night. Karena said, “for all I know is, she [Faith] had dropped me off at the side of my apartment and left.”
117. The following exchange occurred in the recorded interview between Karena and Sergeant Mathews in January of 2013:
- Mathews: “So if you were in my shoes right now what would you think? Seriously, I mean, what would you think?”
- Karena: “You would think I know more than I do. I mean, you would think I know more than I’m telling you. **I would think that.**”
- Mathews: “So that’s not unreasonable?”
- Karena: “**No, not unreasonable at all. Not unreasonable.**”
118. For purposes of determining that she is a material witness, Karena herself has stated it was not unreasonable to believe that she knows more than she was telling law enforcement, and that she would think the same thing if she were in the investigator’s shoes.
119. Karena then added the following information:
- a. “Because if that was blood on my hand, then I had to have been in that room. And I don’t remember being in that room when that happened.”

IX. As the evidence mounted against her, Karena started to accuse Eriq Takoy Jones, III of being responsible for Faith’s death

120. As Karena’s story changed, she began to speak frequently of her belief that her ex-boyfriend, Eriq Takoy Jones, III (“Takoy”) is “completely involved in it,” and she also provided seemingly incriminating information about Takoy, including but not limited to the following:
- a. “I do have possibilities, like I do think it is Takoy. I do. I think he has something to do with it. That’s my opinion, like, I can’t see anybody else wanting to hurt her, I can’t see anybody else even remotely hating her or remotely even being upset with her or angry or wanting to go to my apartment in the middle of the night or early in the morning. Because Takoy like he used to pop up on me early in the morning.”

- b. “If Takoy knew me and Brandon had had sex, he would have flipped – probably knock on my door and do something crazy.”
- c. Karena told CHPD that Takoy had previously broken into her Hawthorne apartment and placed a condom wrapper and handwritten note on the bed to accuse Karena of having sex with people other than him.
- d. Karena stated that Takoy had previously put some hospital-type gloves in her trashcan. According to Karena, when she asked Takoy what the hospital gloves were for, Takoy replied “don’t worry, I’ll dispose of them later.”
- e. Karena stated that Takoy was unpredictable, very unstable, up all hours of the night, and had physically and emotionally abused Karena during their relationship.
- f. Karena described how Faith was scared of Takoy.
- g. Karena described how Faith had recently started using some speakers that Takoy had left behind in the apartment and that if Takoy knew about that he would have confronted Faith. Karena also wonders “if [Takoy] touched” these speakers, although the speakers were not fingerprinted by CHPD.
- h. Karena told CHPD that Takoy was allegedly involved in another killing.

X. In 2014, Karena is described as being close to giving a confession to the SBI

- 121. On April 22, 2014, CHPD investigators and SBI agents observed Karena being interviewed by an SBI investigator.
- 122. The notes from the NCMEC presentation in Washington, D.C. specifically describe law enforcements’ observations from this interview of Karena.
- 123. Karena was confronted with the evaluation of Paul Glover as to Karena’s BAC on September 7, 2012 after returning back from the Thrill, which supported the conclusions that she wasn’t “drunk” during the time of Faith’s death and she should “remember what happened.”
- 124. Karena “nodded the entire time with the agent as he was telling her this.”
- 125. During this interview, the SBI Investigator told Karena that since she had a clear memory of facts before “the event” and a clear memory of the facts after “the event,” then she should remember “the event.”
- 126. “The event” was Faith’s death.
- 127. In response to this information, Karena did not deny that she should have a clear memory of “the event.”

128. The notes from the NCMEC presentation describe that Karena indicated that she remembered “looking down and thinking she had blood on her” when she was texting in the bathroom, and that she “got up and looked in the mirror to see if she was cut.” It is further noted that Karena remembered “talking to [Jordan] about the spot of blood.”
129. The notes from the NCMEC presentation also say that during the 2014 interview with the SBI, law enforcement’s observations of Karena supported the inference that “a confession was really close.”
130. Unfortunately, law enforcement has never confronted Karena with the evidence that there was blood found on the door frame where she was sitting in the bathroom while she was at the apartment alone with Faith.
131. As seen in the photograph of the bathroom doorframe, the blood stain is located in an area lower to the floor where you would expect someone’s hand to be if they were sitting on the floor beside the doorframe.

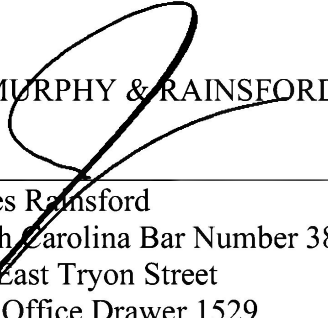
For the reasons set forth herein, Defendant respectfully prays this Court as follows:

1. To issue a Certificate for Attendance of Karena Lynn Rosario, an out-of-state witness residing in the State of New Jersey, requesting that the Courts of New Jersey issue a summons to be served upon Karena Lynn Rosario to appear and attend the trial of this case;
2. That the Certificate indicate a minimum of five (5) days of required presence and attendance;
3. That the Court identified the specific dates of Karena Lynn Rosario’s attendance at a time that will ensure that Defendant may have sufficient time to call and question her in Defendant’s case-in-chief; and,
4. That Defendant have and receive any further and additional relief as is just and proper.

This the 22nd day of January, 2026.

COLEMAN, MERRITT, MURPHY & RAINSFORD, P.C.

By: _____


James Rainsford
North Carolina Bar Number 38696
129 East Tryon Street
Post Office Drawer 1529
Hillsborough, North Carolina
Telephone (919) 732-2196
Facsimile (919) 732-7997
jrainsford@hillsboroughncclaw.com

CERTIFICATE OF SERVICE

I, James Rainsford, certify that a copy of the foregoing DEFENDANT'S MOTION FOR CERTIFICATE TO SECURE ATTENDANCE OF OUT-OF-STATE MATERIAL WITNESS KARENA ROSARIO was duly served upon the Durham County District Attorney's office by electronic mail addressed to the following:

Brooks B. Stone
Email: brooks.b.stone@nccourts.org
Assistant District Attorney

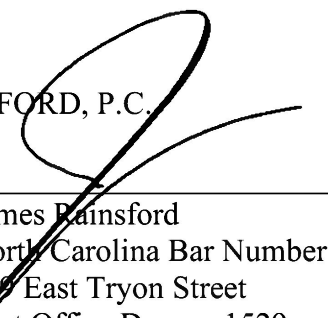
Angela W. Garcia-Lamarca
Email: Angela.w.garcia-lamarca@nccourts.org
Assistant District Attorney

Lisa Coltrain
Email: Lisa.M.Coltrain@nccourts.org
North Carolina Conference of District Attorneys
Resource Prosecutor

This the 22nd day of January, 2026.

COLEMAN, MERRITT, MURPHY & RAINSFORD, P.C.

By: _____



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DEFENDANT'S
EXHIBIT
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