

6. The State's above-listed statement is exactly the kind of action capable of improperly tainting the jury pool that the State claims to fear from Defendant.
7. Indeed, the term "falsehood" is defined as (1) "an untrue statement : lie"; (2) "absence of truth or accuracy"; and (3) "the practice of lying : mendacity." *Falsehood*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/falsehoods> (last visited June 1, 2026).
8. The State lists no specifics to support these considerable allegations against defense counsel.
9. If the State's Motion to Seal were to be granted in this context, it would now be seen by the potential jury pool as the trial court's endorsement of the State's unsupported and unsubstantiated extra-judicial allegations against defense counsel.
10. To be sure, the potential jury pool has been exposed to a direct extra-judicial statement from the elected District Attorney impugning the credibility of defense counsel.
11. Defendant is materially prejudiced by this for a multitude of reasons.
12. The State made similar allegations at the Motions hearings and yet, when asked by the trial court if the State would like to be heard on its allegations, the State offered no evidence or specifics and did not ask to be heard further.
13. Several months later, on the heels of filing a motion to seal all pre-trial motions, the State has been heard further in the form of an extra-judicial statement to the press.
14. Thus, it is of the utmost importance that the fundamental constitutional guarantee of open courts, which "inheres in the very nature of a criminal trial under our system of justice," be fervently protected in this case, and that the Motion to Seal be denied. *Richmond Newspapers v. Virginia*, 448 U.S. 555, 573, 100 S. Ct. 2814, 2825 (1980). The legal authorities supporting this Objection are set forth more fully in Defendant's accompanying Memorandum of Law, filed contemporaneously herewith.

II. The presumption of openness governs the State's Motion, and it reaches the pretrial motions, hearings, and orders the State seeks to seal

15. The public-trial guarantee is among the oldest and most durable features of our system of justice, and it is, first and foremost, a protection for the accused. "[O]ur cases have uniformly recognized the public-trial guarantee as one created for the benefit of the defendant." *Waller v. Georgia*, 467 U.S. 39, 46, 104 S. Ct. 2210, 2215 (1984) (internal brackets, quotation marks, and citation omitted). Its purpose is to ensure "that the public may see [the accused] is fairly dealt with and not unjustly condemned, and that the presence of interested spectators may keep his triers keenly alive to a sense of their responsibility and to the importance of their functions." *In re Oliver*, 333 U.S. 257, 270, n. 25, 68 S. Ct. 499, 506 n. 25 (1948) (internal quotation marks and citation omitted).

16. That guarantee is not confined to the presentation of evidence to the jury. “[T]he Sixth Amendment right to a public trial extends beyond the actual proof at trial,” *Presley v. Georgia*, 558 U.S. 209, 212, 130 S. Ct. 721, 723 (2010), and it reaches the pretrial motions and hearings that govern how the trial itself will be conducted. In *Waller*, the United States Supreme Court held that the public-trial right applies to a pretrial suppression hearing because the interests served by openness (ensuring that judge and prosecutor discharge their duties responsibly, encouraging witnesses to come forward, and discouraging perjury) “are no less pressing” in such a hearing than at trial. *Waller*, 467 U.S. at 46, 104 S. Ct. at 2215.
17. The guarantee also reaches the written motions and orders that constitute and memorialize those proceedings. Sealing the filings that set forth the substance of a criminal proceeding, and the orders that resolve it, withholds the proceeding from public view more effectively than locking the courtroom door. The United States Supreme Court has accordingly treated access to the documents reflecting a proceeding as coextensive with access to the proceeding itself, analyzing the closure of jury voir dire and the suppression of its transcript under a single standard. See *Press-Enterprise Co. v. Superior Court of Cal.*, 464 U.S. 501, 513, 104 S. Ct. 819, 826 (1984) (“Press-Enterprise I”). It would be incongruous to demand a full constitutional showing before a courtroom may be cleared for a single hearing, yet permit the wholesale sealing of every pretrial motion and order, and, necessarily, the closure of every hearing on them, on some lesser standard.¹

III. The State bears the burden of satisfying each prong of the *Waller* test, and it cannot meet the first three

18. Because the public-trial right attaches, the State may not seek to seal the motions and orders in this case over Defendant’s objection unless it satisfies each part of the demanding four-part test North Carolina has adopted from *Waller*: “(1) the party seeking to close the hearing must advance an overriding interest that is likely to be prejudiced, (2) the closure must be no broader than necessary to protect that interest, (3) the trial court must consider reasonable alternatives to closing the proceeding, and (4) it must make findings adequate to support the closure.” *State v. Rollins*, 221 N.C. App. 572, 577, 729 S.E.2d 73, 77 (2012).

¹Although *Waller* analyzes closure of the courtroom during a hearing on a pre-trial motion to suppress, if granted the State’s Motion to Seal would result in a scenario identical to the situation in *Waller*, logically requiring the hearings on the sealed pre-trial motions to be closed to the public. Because *Waller* affirms the constitutional presumption that such pre-trial hearings be open to the public and sets forth the test for the limited circumstances in which the courtroom may be closed for such hearings, it would be illogical to conclude that a different standard could apply to the filings forming the basis of such pre-trial hearings and the resulting orders. “[O]penness is ongoing--a status rather than an event. At the heart of the Supreme Court’s right of access analysis is the conviction that the public should have access to information; the Court never has suggested that an open proceeding is only open to those who are able to be bodily present in the courtroom itself. True public access to a proceeding means access to knowledge of what occurred there. It is served not only by witnessing a proceeding firsthand, but also by learning about it through a secondary source. . . . Access to the documentation of an open proceeding, then, facilitates the openness of the proceeding itself by assuring the broadest dissemination.” *United States v. Antar*, 38 F.3d 1348, 1360 (3d Cir. 1994) (internal quotations marks and citation omitted).

19. The presumption of openness “may be overcome only by an overriding interest based on findings that closure is essential to preserve higher values and is narrowly tailored to serve that interest,” and that interest must be “articulated along with findings specific enough that a reviewing court can determine whether the closure order was properly entered.” *Press-Enterprise I*, 464 U.S. at 510, 104 S. Ct. at 824. The burden rests on the party seeking closure, and a failure on any single prong defeats the motion.
20. As set forth below, the State cannot satisfy the first three prongs. The fourth prong, the entry of findings adequate to support closure, lies within the control of this Court, but the Motion to Seal affords the Court no record on which such particularized, prong-by-prong findings could be made. Defendant’s accompanying Memorandum of Law develops the governing authorities in greater detail.

IV. First prong: the State has advanced no overriding interest that is likely to be prejudiced

21. The first prong requires the State to identify a specific, overriding interest that is likely to be prejudiced, supported by a record detailed enough to permit “findings specific enough that a reviewing court can determine whether the closure order was properly entered.” *Press-Enterprise I*, 464 U.S. at 510, 104 S. Ct. at 824. The State offers three asserted bases, and each is precisely the kind of generalized or speculative justification the controlling cases reject.
22. First, the State invokes the extensive media coverage of this case and a generalized concern for the jury pool. But an interest pitched at that level of generality is no interest at all under the first prong. It is one that “could be relied on to support an array of mandatory closure rules,” and that reliance runs “contrary to the very foundation of the right of access.” *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 610, 102 S. Ct. 2613, 2622 (1982) (internal quotation marks and citation omitted). The United States Supreme Court has held that the jury-taint rationale is “largely absent when a defendant makes an informed decision to object to the closing of the proceeding.” *Waller*, 467 U.S. at 47 n.6, 104 S. Ct. at 2216 n.6. Here it is the Defendant – the party for whose benefit the public-trial right exists – who objects and insists that the courtroom and the record remain open.
23. The contrast with the only published North Carolina decisions sustaining closure upon the application of the *Waller* test is decisive. In each, the trial court rested on a particularized, record-based threat: a child sexual-assault victim who became visibly distraught and began directly confronting the defendant (her father) from the stand, with many of her friends and family members in attendance in the courtroom, *State v. Spence*, 237 N.C. App. 367, 764 S.E.2d 670 (2014); a documented campaign by the defendant’s wife to intimidate a fragile minor victim, *State v. Comeaux*, 224 N.C. App. 595, 741 S.E.2d 346 (2012); a victim whose particular moral and emotional vulnerability flowing from deeply held religious beliefs was established on the record, *State v. Rollins*, 231 N.C. App. 451, 752 S.E.2d 230 (2013); and a first-degree-murder prosecution supported by concrete evidence of witness intimidation, including social-media posts foreshadowing a drive-by shooting beside a “Trial Date” countdown clock,

- together with an attendee who filmed a witness on the stand at a prior hearing and posted it online, *State v. Miller*, 298 N.C. App. 250, 913 S.E.2d 917 (2025). Here, the State offers nothing of the kind, only the ambient publicity that attends every case of public interest.
24. Second, the State speculates that future motions “will include information that is irrelevant and wholly inadmissible during the trial.” As to Defendant’s filings, that is conjecture about filings that do not yet exist. In addition, admissibility is a question to be resolved at trial, not a basis for sealing the entire record in advance. Moreover, inadmissible material in a pretrial motion is not an anomaly to be guarded against; it is the ordinary character of pretrial practice. In ruling on “the admissibility of evidence,” the trial court “is not bound by the rules of evidence except those with respect to privileges.” N.C. R. Evid. 104(a); *see also* N.C. R. Evid. 1101(b)(1).
 25. Indeed, some motions not only may, but must, rely on information that would be inadmissible at trial, because the relief they seek depends on it. The very material-witness motion the State faults is one of them. To obtain a certificate under N.C. Gen. Stat. § 15A-813, Defendant had to establish that Karena Rosario is a material and necessary witness, which is a showing that cannot be made without placing before the Court both the substance of what she knows and how she has presented in the experience of law enforcement. Investigator Rodney Matthews, for example, recounted multiple assessments of Rosario’s demeanor as she described the events of the night of the murder. Such assessments are precisely what makes them indispensable to the question of whether Karena Rosario should be compelled to appear and testify and whether the jury should have the opportunity to assess her in person.
 26. The detail the State complains of was, in other words, compelled by statute. To obtain the certificate, Defendant was required to establish that the witness is “material,” N.C. Gen. Stat. § 15A-813, and the out-of-state court must in turn find that the witness “is material and necessary” and that compelling her attendance will not work an “undue hardship,” *see* N.C. Gen. Stat. § 15A-812 (illustrating the parallel showing the receiving court must make). Whether a hardship is “undue” is directly correlated with how “material and necessary” the witness is. Furnishing less detail risked the failure of a critical witness to appear and testify at the trial of this case.
 27. Third, the accusation that the motion is “distorted and incomplete” remains, to this day, wholly unsupported. In the more than four months since the motion was filed, the State has never identified a single assertion in it that is allegedly false, distorted, or incomplete.
 28. In response to the State’s general and unspecified accusations, the Defendant has attached as Exhibit B an annotated copy of the Motion for Karena Rosario’s Attendance at Trial, with footnotes sourcing every factual assertion to law enforcement’s own investigative materials.
 29. Upon preparing Exhibit B, the Defendant found four minor corrections that in no way could be considered “falsehoods” but are listed here for ease of reference:

- a. In paragraph eleven of the motion, defense counsel asserts that “Karena reported that Faith had two red slushies made with tequila.” A review of the materials shows that the statement from Karena to Officer Matthews did describe Faith as having two drinks, but the two drinks were a red slushie and a shot of Hennessy, not two red slushies.
 - b. In paragraph forty-five of the motion, defense counsel alleges, “Pictures of this blood stain as it was documented on September 9, 2012 are attached hereto as Exhibit A. That allegation was based on the time-stamp superimposed onto Exhibit A (law enforcement’s camera had time stamps). Subsequently, defense counsel has determined that the timestamp superimposed onto Exhibit A was approximately twelve hours off, meaning that the photograph was actually taken on the morning of September 10, 2012.
 - c. In paragraph seventy-nine of the motion, defense counsel alleges that Brandon Edwards described Karena Rosario as having become “crazy possessive” back in 2011. In reviewing the transcript provided to Defendant from the State, the phrase used was “crazy and possessive.”
 - d. In paragraph eighty of the Motion, defense counsel alleges that Brandon Edwards described Karena Rosario as “emotionally unstable.” In reviewing the audio-interview from which this quotation was derived, Brandon Edwards uses the word “imbalanced” as opposed to “unstable” to describe his observation of how Karena was emotionally.
30. Finally, the relief the State seeks could not cure the interest it asserts even if that interest were sufficient. The State concedes more than a decade of saturation coverage. Sealing motions and orders going forward will not retract what is already public; it can only suppress Defendant’s filings while leaving the existing body of publicity undisturbed. A seal that cannot abate the asserted harm is not “likely” to prevent it.

V. Second prong: a blanket, prospective seal of every motion and order is not narrowly tailored

31. Even had the State identified an overriding interest, the second prong requires that any closure be “narrowly tailored to serve that interest.” *Press-Enterprise I*, 464 U.S. at 510, 104 S. Ct. at 824. The State’s request is the antithesis of narrow tailoring. It seeks to seal “all pre-trial motions and orders,” including motions the State concedes it can only “anticipate,” whose subject matter and contents it does not and cannot describe.
32. A categorical seal of unidentified future filings necessarily sweeps in routine, plainly unobjectionable matters, none of which implicates any interest the State has asserted. An order cannot be narrowly tailored to an interest the movant has never specified, and findings that are “broad and general” will not support closure. *Waller*, 467 U.S. at 48, 104 S. Ct. at 2216. The State should be required to identify the specific information it

contends warrants protection and to show how the *Waller* test is satisfied as to that information.

VI. Third prong: the State has not addressed the reasonable alternatives the Court is required to consider

33. The third prong obligates the Court to consider reasonable alternatives to closure. This obligation so fundamental that the trial court must weigh alternatives “even when they are not offered by the parties.” *Presley*, 558 U.S. at 214, 130 S. Ct. at 724. Where, as here, the asserted concern is pretrial publicity, the available alternatives are the ordinary and well-established tools of trial management: voir dire, including individual voir dire, through which a court “can identify those jurors whose prior knowledge of the case would disable them from rendering an impartial verdict,” *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 15, 106 S. Ct. 2735, 2743 (1986); and instruction and, if warranted, sequestration of the empaneled jury. The existence of these targeted tools is itself proof that a blanket seal of everything is broader than necessary.
34. Defendant does not contend that no portion of any future filing could ever warrant protection. To the contrary, even before the State filed its Motion to Seal, Defendant anticipated requesting leave to file at least one specific pretrial motion under seal (and would file it publicly should the State object). But the prospect of a single, narrow, identified request, made on a developed record, does not justify a vast, unspecified, prospective closure of every other motion and order in the case. The strong presumption of openness should be applied to each filing on a case-by-case, fact-specific basis.

VII. The State’s own use of the media necessitates openness, not secrecy

35. As previously noted, the day after filing its Motion to Seal the District Attorney told the News & Observer that defense counsel’s “last group of filings” contained “a bunch of falsehoods . . .” *See* Ex. A.
36. That extrajudicial accusation, leveled publicly and without any supporting specification, is itself the kind of statement capable of prejudicing the very jury pool the State professes to protect.
37. By contrast, the defense has given no statements or interviews to the media. To date, Defendant has done nothing more than file motions in support of the relief he seeks from this Court.
38. Granting the seal in this posture would permit the State to brand Defendant’s filings as “falsehoods” before the public, which comprises the potential jury pool as well as known and potential witnesses, while foreclosing any public determination of whether the charge is true.
39. That is precisely the result the open-courts guarantee forbids. The remedy the law prescribes for one-sided publicity is more openness and the ordinary tools of jury selection, not suppression of the record.

VIII. An overbroad seal would risk structural error and is independently barred by Article I, Section 18 and by the statutory and common-law right of access

40. Three further considerations confirm that the Motion to Seal should be denied. First, the stakes of an over-inclusive seal are uniquely high. A violation of the right to a public trial is structural error, requiring automatic reversal without any showing of prejudice. *State v. Rollins*, 221 N.C. App. at 576, 729 S.E.2d at 77. An order that seals more than the Constitution permits therefore jeopardizes any judgment that follows, and that risk counsels strongly against the blanket relief the State requests and in favor of the narrow, particularized approach the law prefers.
41. Second, the North Carolina Constitution independently bars this relief. Article I, Section 18 commands that “[a]ll courts shall be open,” and that guarantee is at least as protective as its federal counterpart. In *Virmani v. Presbyterian Health Servs. Corp.*, the North Carolina Supreme Court held that even *civil* court records may be sealed only upon a particularized showing of a compelling countervailing interest, narrow tailoring, consideration of alternatives, and specific findings. 350 N.C. 449, 476-77, 515 S.E.2d 675, 693 (1999). Because the interest in open *criminal* proceedings is the foundational one, the standard the State must meet here is no lower than the demanding standard *Virmani* applied in the civil context.
42. Third, the filings the State seeks to seal are presumptively public under N.C. Gen. Stat. § 132-1 and the common-law right of access this State has recognized since 1887. *See Virmani*, 350 N.C. at 473, 515 S.E.2d at 691. The inherent judicial authority on which the State relies is, as *Virmani* makes clear, a power to “shield portions of court proceedings and records from the public” in the narrow circumstances “required in the interest of the proper and fair administration of justice.” It is not a basis to seek a standing, prospective order sealing every motion and order yet to be filed.

IX. Conclusion

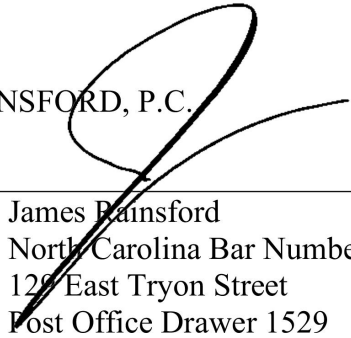
43. For the reasons set forth herein, and as developed more fully in Defendant’s accompanying Memorandum of Law, the State cannot satisfy the first three prongs of the *Waller* test, and its Motion to Seal affords this Court no record on which to enter the particularized, prong-by-prong findings the fourth prong requires. The constitutional presumption of openness controls, and the Motion to Seal should be denied.

(This space left intentionally blank. Signature of counsel on the following page.)

This the 1st day of June, 2026.

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

By: _____


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing DEFENDANT'S OBJECTION TO STATE'S MOTION TO SEAL PRE-TRIAL MOTIONS AND ORDERS was duly served upon counsel for the State by electronic mail addressed as follows:

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

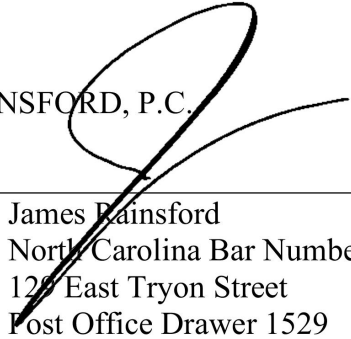
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North Carolina Conference of District Attorneys
Resource Prosecutor

This the 1st day of June, 2026.

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

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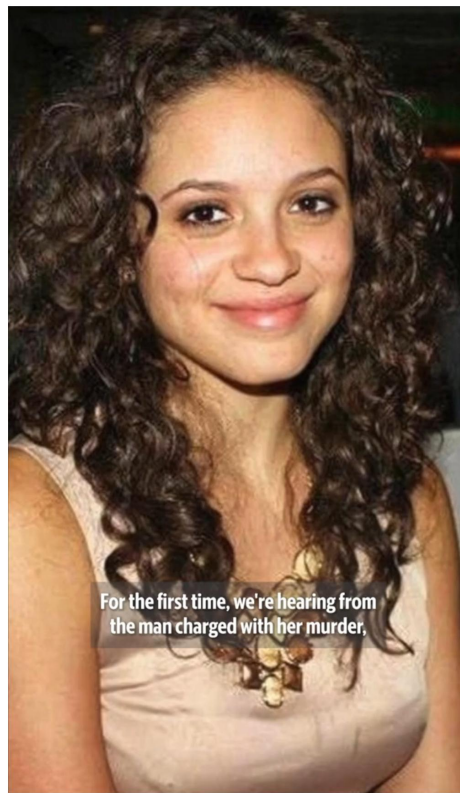
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CRIME

DA seeks to block pre-trial release of motions in Faith Hedgepeth murder case

By Virginia Bridges

Updated May 15, 2026 5:54 PM  Gift Article



News & Observer reporter Virginia Bridges discusses new filings in Faith Hedgepeth murder case claiming that Hedgepeth's roommate may have been present. By Virginia Bridges

🌟 Key Takeaways

AI-generated summary reviewed by our newsroom.

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The Durham County district attorney is asking a judge to seal future motions in the Faith Hedgepeth murder case, arguing that defense filings are distorting evidence in the 13-year-old slaying.

On Thursday, the office took the unusual step of filing a motion seeking to prevent all future motions and orders in the [high-profile](#) case from being released to the public before the trial, which [is currently set for Sept. 28](#).

“The last group of filings that they made had a bunch of falsehoods and allegations that were not true in them, and one of the things that I do not want to do is taint our jury pool,” District Attorney Satana Deberry told The News & Observer on Friday.

In September 2012, police found Hedgepeth’s body in a Chapel Hill apartment she shared with fellow UNC-Chapel Hill student Karena Rosario. Hedgepeth, a 19-year-old sophomore, planned to stay at the apartment in the first weeks of school while she awaited financial aid.

A man’s DNA was collected for a rape kit and found on a wine and liquor bottle and a note believed to be written by the killer, according to search warrants.



Karen Rosario, left, and slain UNC student Faith Hedgepeth, right. *Ronald Hedgepeth via Investigation Discovery*

Arrest in the Faith Hedgepeth case came 9 years after killing

The Chapel Hill Police Department did thousands of interviews and performed hundreds of DNA tests based on forensic evidence found at the apartment.

[In 2021, nine years after the killing](#), police charged Miguel Salguero Olivares with murder and placed him in the Durham County jail, where he remains.

In November 2024, prosecutors added burglary, rape and sexual offense charges, alleging Salguero Olivares broke into Hedgepeth's home and raped her.



Miguel Salguero Olivares, who is charged in the 2012 killing of UNC-Chapel Hill student Faith Hedgepeth, appears in Durham County court for a hearing on Thursday, Nov. 6, 2025. Salguero Olivares faces charges of first-degree murder, burglary, rape and sexual assault in Hedgepeth's death. Travis Long tlong@newsobserver.com

Filings raise questions about roommate

In court filings starting in July 2025, Salguero Olivares' attorneys questioned whether Rosario had been at the apartment at the time of the killing and why she had a drop of blood on her finger around the time of the killing.

Around midnight the night before the killing, Hedgepeth and Rosario went to The Thrill, a now-closed Chapel Hill nightclub on Rosemary Street. They left the club around 2:06 a.m. and returned to the apartment, according to court documents.

Rosario told police she left the apartment around 4:25 a.m., after she called Jordan McCrary, who she had seen at the club, to pick her up, according to court documents.

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Rosario returned around 11 a.m. the next day. She called 911 frantic, trying to explain that she had found an unresponsive Hedgepeth lying on her back.

“I think she fell off the bed because she is like off the bed,” Rosario told a 911 operator. “There is blood all over the pillows, like in the comforter. I just don’t know what happened.”

In the middle of the bed was a hand-scribbled note on a fast food bag, court documents state. “I’M NOT STUPID BITCH” “JEALOUS.” Police believe a Bacardi Peach Rum bottle, found beneath the comforter and marked with two bloody thumb prints, was the murder weapon, according to court documents.

The motions filed by Salguero Olivares’ attorneys sought to test certain evidence in the case and to ensure Rosario and McCrary would be available to testify at trial.

In the filing this week, a prosecutor asked a judge to set a hearing on the request to seal all future motions and hearings. Salguero Olivares’ attorneys haven’t responded to the motion nor to an email and phone message left by a reporter from The N&O on Friday.



Durham County District Attorney Satana Deberry poses in the Durham County Courthouse Wednesday, March 19, 2025.
Ethan Hyman ehyman@newsobserver.com

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Virginia Bridges covers what is and isn't working in North Carolina's criminal justice system for The News & Observer's and The Charlotte Observer's investigation team. She has worked for newspapers for more than 20 years. The N.C. State Bar Association awarded her the Media & Law Award for Best Series in 2018, 2020 and 2025.



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EXHIBIT B

Defendant’s Motion for Certificate to Secure Attendance of Out-of-State Material Witness
Karena Rosario with supporting citations added

STATE OF NORTH CAROLINA
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE
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 _____¹.
3. The _____² has made provision for commanding persons within its borders to attend and testify in criminal prosecutions outside of its borders in _____³ of the Statutes _____⁴, entitled the “_____.”⁵
4. For the reasons set forth below, Karena is a material and necessary witness in Defendant’s case.

II. September 6-7, 2012

¹ Although the Court ordered only the Certificate for Attendance of Out-Of-State Witness for Karena Rosario to be made confidential due to the inclusion of the witness’s address, and not this original motion, Defendant has omitted the State of residence and citation to legal authority from this State in this Exhibit B to reflect the spirit of the Court’s order as to the information in the Certificate.

² See footnote 1.

³ See footnote 1.

⁴ See footnote 1.

⁵ See footnote 1.

EXHIBIT B

Defendant's Motion for Certificate to Secure Attendance of Out-of-State Material Witness Karena Rosario with supporting citations added

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.⁶
7. Faith moved in with Karena on July 31, 2012.⁷
8. Faith planned to temporarily stay with Karena until Faith's financial aid was secured for the fall semester.⁸
9. Faith and Karena had previously been roommates, and both were students at UNC.⁹

⁶ *Chapel Hill Police Department ("CHPD") Report* (J.W. Britt) (from an interview of Marisol Rangel) ("Faith has been staying with Karena for about a month and was waiting for her financial aid to come through in order to get her own place on campus or an off campus apartment.");

CHPD Report (R.B. Kramer) ("On September 7, 2012 at 4:40pm I arrived at the scene of a death investigation at 5639 Old Chapel Hill Rd., Hawthorne at the View apartments, apartment 1502.").

⁷ *CHPD Report* (L. Bostelman) (from an interview with Patricia Locklear) ("She said that from May 2012-mid July 2012, her roommate Euna subleased their apartment at the Verge in Durham to Faith Hedgepeth.");

CHPD Report (J.W. Britt) (From an interview with Tyrone McNeil) ["Tyrone said that Faith used to live with Euna and Patricia at The Verge (possibly been renamed to Level 51?)"];]

CHPD Report (J.W. Britt) ("Sgt. Matthews asked that I go to Level 51 and requested a tenant list from May 15th to November 1st. Chambers and I went to Level 51 and spoke to one of their employees, Sam. ... Sam said that leases end July 31st.");

Forensic extraction of Faith Hedgepeth's cellular phone (text message from Faith to Euna Chavis, 7/30/12 at 10:06 a.m.): "I have to take karena to campus really quick and get her key. Alex is inside already. Packing the kitchen up still";

Forensic extraction of Faith Hedgepeth's cellular phone (text messages between Faith and Jordan Jaiquan), (8/1/12, 2:41 p.m. and 2:50 p.m.: Jordan Jaiquan: "Hey Faith! Did you get everything moved out and to karina's ok?" Faith: "Yepp! You back?").

⁸ *CHPD Report* (J.W. Britt) (from an interview of Marisol Rangel) ("Faith has been staying with Karena for about a month and was waiting for her financial aid to come through in order to get her own place on campus or an off campus apartment.");

CHPD Report (L.M. Evans) (from an interview with Christian Wilson) ("Christian knew where Faith was living and said that she had moved around a bit because she was waiting for money to get a stable place.");

CHPD Report (L.M. Evans) (from an interview with Euna Chavis) ("Faith had plans to move in with Euna and her roommate, Candace Bullard, who is an acquaintance of Faiths, as soon as Faith's financial aid came in.").

⁹ *CHPD Report* (N.L. Chambers) (from interview of Eriq Takoy Jones) ("Eriq stated that he and the deceased along with karena [sic] all lived together at Glenn Lennox apartments prior to him and Karena moving to Hawthorne on the Terrace.");

CHPD Report (J.W. Britt) (from an interview of Marisol Rangel) ("Marisol said that Faith was currently enrolled at UNC and should be in her sophomore or junior year. . . . Marisol said that Karena and Faith met through UNC.").

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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.¹⁰
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.¹¹
12. Multiple other witnesses also described Faith as having little to drink that night.¹²
13. Faith and Karena left the Thrill at approximately 2:20 a.m., as captured on security camera footage.¹³

¹⁰ *CHPD Report* (N.N. Wyatt) (“Inv. Chambers and I went to the Thrill to try and locate Mitch and Jon who both work as bouncers there. Johnnie Burks was standing outside the bar when we arrived.”);

CHPD Report (J.W. Britt) (from an interview with Johnnie Burks) (“Johnnie said that he and Terrance got to the bar around 12:30 am. He recalls Karena and Faith coming in around 1 am.”);

CHPD Report (R. W. Matthews) (from an interview with Karena Rosario) (“Rosario said that she and Faith entered Thrill around 01:00 and drank their first alcoholic beverage.”).

¹¹ *CHPD Report* (R.W. Matthews) (“I also gave Glover Karena Rosario’s weight, and alcoholic beverages that she claims she consumed that night which are as follows:” . . .”Shot of Hennessy ” Red slushy w/ Tequila ” Shot of brown liquor ” Shot of Tequila ” Red slushy w/ Tequila ” Shot of Hennessy”);

CHPD Report (R.W. Matthews) (from an interview with Karena Rosario) (“Rosario said that she and Faith entered Thrill around 01:00 and drank their first alcoholic beverage. I asked her what Faith had to drink, and she said she had a shot of Hennesey. . . . Rosario said that Faith took the shot, and then about ten minutes later, she and Faith went over to one of the bars to the ”slushy” machine where they both got a cup of red slushy drink. I asked Rosario what was in the drink, and she said it was a red slushy concoction that is mixed with tequila. I asked her how large the cups were, and she explained that they are about the size of a solo cup, except these cups are white with ridges. I then asked Rosario if she saw Faith drink anything else after the red slushy, and she said no. She then specifically stated that she asked Faith if she was going to have any other drinks, and Faith told her no, because she had to drive.”)

Note: the motion incorrectly lists the two alcoholic drinks Faith consumed at the Thrill as being two red slushy drinks, while investigative reports indicate the two alcoholic drinks were actually one shot of Hennessy and one red slushy drink.

¹² *CHPD Report* (J.W. Britt) (from interview with Scott Campbell) (“Campbell said that he spoke to Faith for a solid 20 minutes that evening at the club. . . . Campbell said that he didn’t even know that Faith drank and if we asked Karena, she would say the same thing (that Faith didn’t drink that night).”);

CHPD Report (T.A. Smith) (from interview with Ervin “Mitch” Mitchell) (“Mitch said Faith had not had a lot to drink at the Thrill on 9/7/12”);

CHPD Report (R.W. Matthews) (from interview with Jordan McCrary) (“McCrary said he talked to Karena and Faith at the club, and stated that he did not see Faith drinking, and said that she seemed normal.”);

CHPD Report (R.W. Matthews) (“It should be noted that Karena Rosario stated earlier in this investigation, and even recently, that Faith Hedgepeth was not consuming alcohol during the periods leading up to their visit to the Thrill.

¹³ *CHPD Report* (T.A. Smith) (“I showed him the video of Faith leaving at 02:07 . . .”);

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14. Karena stated that Faith's car was parked in a parking garage across the street from the Thrill.¹⁴
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.¹⁵
16. The drive-time from the parking garage to Karena's apartment was approximately ten to twelve minutes.¹⁶
17. According to Karena, she and Faith did not make any stops on the way home.¹⁷
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.¹⁸

CHPD Report (R.W. Matthews) (from interview with Karena Rosario) ("I asked Rosario what time they left the club, and she said security was making people clear the bar at around 02:15. She said they were outside club for a while, and then she and Faith made their way to the parking deck.").

¹⁴ *CHPD Report* (R.W. Matthews) (from interview with Karena Rosario) ("Karena said they parked in the parking deck across from Thrill and then went inside.").

¹⁵ *CHPD Report* (R.W. Matthews) (from interview with Karena Rosario) ("She then specifically stated that she asked Faith if she was going to have any other drinks, and Faith told her no, because she had to drive.");

CHPD Report (R.W. Matthews) (from interview with Karena Rosario) ("Rosario said that she remembers being in the car with Faith just before leaving the parking deck at approximately 02:35, because she accidentally called Charlton, then texted her friend Samone, who is Charlton's girlfriend. Rosario said that Faith drove the straight to the apartment, arriving at approximately 03:00.")

¹⁶ *CHPD Report* (R.W. Matthews) ("Later, I drove to various locations that we know Faith Hedgepeth traveled to during the evening of September 6th through the early morning hours of September 7th 2012. The purpose of this was to get time and distance measurements and compare them with the timeline that was created using witnesses accounts, phone call, text messages, surveillance footage etc. . . . I then drove from Hawthorn at the View to the parking deck where they would park and walk to Thrill. I then drove from the parking deck back to Hawthorn at the View . . .");

R.W. Matthews handwritten notes, page 40 of 107 "Oct. 11, 2012 Parking Deck to Victim Apartment" with one notation of "total 13 min." and another notation of "12 min." both circled).

¹⁷ *CHPD Report* (R.W. Matthews) (from interview with Karena Rosario) ("Karena said that she and Faith drove back to the apartment without making any stops along the way, arriving at around 3:00 on September 7th, 2012. . . . Rosario said that Faith drove the straight to the apartment, arriving at approximately 03:00.").

¹⁸ *R.W. Matthews recorded interview with Karena Rosario*, 1/28/13 ("I mean, I know we had left the Thrill at 2:38, 2:35, 2:38 from the parking lot because I had accidentally called Charlton. It takes like 7 to maybe 11, 12 minutes to get to the apartment. So that, by that time, its like, maybe around 12:50, no, 2:50." 33:45-34:14);

CHPD Report (R.W. Matthews) ("Later, I drove to various locations that we know Faith Hedgepeth traveled to during the evening of September 6th through the early morning hours of September 7th 2012. The purpose of this was to get time and distance measurements and compare them with the timeline that was created using witnesses accounts, phone call, text messages, surveillance footage etc. . . . I then drove from the parking deck back to Hawthorn at the View arriving at 02:45.").

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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.¹⁹
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").²⁰
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.²¹
22. In the apartment, the bathroom is located directly across the hallway from the bedroom.²²
23. The bathroom did not have a door and the bedroom door was open.²³

¹⁹ *CHPD Report* (M.K. Sabanosh) (from interview with Karena Rosario) ("Rosario admits to being very intoxicated and when home, began vomiting. She states Faith assisted her and Rosario called her friend 'Jordan.'");

CHPD Report (R.W. Matthews): ("I also recall the statement that Rosario wrote for me in the parking lot outside of her apartment on the evening of September 7, 2012, which states: 'We got in the car and went to the apartment. I remember Faith trying to help me because I threw up. Faith was in the bedroom and I went into the bathroom and sat on the floor crying.'")

²⁰ *CHPD Report* (R.W. Matthews) (from interview with Karena Rosario) ("She said she got up after vomiting and went to the bathroom. She said she was leaning against the wall in the bathroom crying and remembers trying to call Brandon Edwards, but he wasn't responding. She also said she called Jordan McCrary and talked and texted him before finally telling him good night.");

CHPD Report (R.W. Matthews) ("[S]he remembered vomiting and starting remembering things again at around 03:05."); Karena Rosario text messages show texts to the phone number for Brandon Edwards and Jordan McCrary.

²¹ *R.W. Matthew's recorded interview of Karena Rosario, 9/20/12* (Matthews: "So, ok, so do you remember about what time you got up to go out of the bathroom?" Karena: "It had to be around, right at, right after I got off the phone. I think I got off the phone at like 4:15 4:20." 1:19:47 – 1:20:00) (Matthews: "So once you got up and left the bedroom where Faith was at, and she was in bed sitting up, texting, whatever, you went into the bathroom and started your texting and you stayed there until you made the last text with Jordan, and, uh, that is when you got up to leave, and you didn't ever go back out of the bathroom for any purpose except for to leave the apartment?" Karena: "Right." 1:20:23 – 1:20:54).

²² *CHPD Report* (L. Bostelman) (from interview with Marisol Rangel) ("[T]he bathroom door is missing so they could see into the bathroom.");

R.W. Matthew's recorded interview of Karena Rosario, 9/20/12 (Matthews: "The bathroom door is off the hinges because Takoy took it off." Karena: "Yeah and the bedroom door was open." 1:24:24 – 1:24:31).

²³ *CHPD Report* (L. Bostelman) (from interview with Marisol Rangel) ("the bathroom door is missing so they could see into the bathroom.");

CHPD Report (J.W. Britt 9/7/12 walk-through): describes bedroom door "that appeared to have been forcibly removed from its hinges that was leaning against the wall directly across from the bedroom."

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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.²⁴
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.²⁵
26. At approximately 3:05 a.m., Karena texted Jordan, stating, in part "...I've been hit for no fucking reason."²⁶
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."²⁷
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.²⁸
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.²⁹

²⁴ Based upon location of the bathroom in relation to the bedroom as seen in CHPD's crime scene photos, and in the illustrated layout of Apartment 1502 in slide 21 of the PowerPoint slideshow entitled "The Faith Hedgepeth Homicide Investigation" presented jointly by Sergeant J. Britt, Sergeant R. Matthews, Lieutenant T. Smith, Special Agent P. Stevens, and Special Agent J. Heinrich.

²⁵ *R.W. Matthew's recorded interview of Karena Rosario, 9/13/12* (Matthews: "So are you comfortable in saying that you're, there was nobody in the house?" Karena: "I am comfortable saying that." Matthews: "From the time that you guys arrived until the time that you left?" Karena: "Yes." Matthews: "There's no way?" Karena: "There's no way." 2:27:50 – 2:28:04).

²⁶ *CHPD Report* (J.W. Britt) ("The following is an exchange of texts and phone calls between Karena and Jordan: . . . 3:04 am: "I'm going thru a lot right now an [sic] he's a friend. You don't know how it feels to be emotionally and physically abused. I've been fucking hit for no reason (Karena to Jordan).");

R.W. Matthew's recorded interview of Jordan McCrary, 9/8/12 (Matthews: "So when she got in your car, what happened?" Jordan: "Um, right after she got in the car, I just put it in reverse, started driving off, out, out. And um, I remember I, it was an early on conversation. She had like looked at her finger and it was like, a small like, smudge, just a small smudge of blood. And she was like, I don't know why I have blood on my finger. I said, yeah, why do you have that on your finger? And she just goes, I don't know. So then, like in my mind, like I didn't really register anything. I just remember the text from her earlier saying she got hit. So I was like, maybe that could have been it." 25:07-25:42)

²⁷ *CHPD Report* (J.W. Britt) ("4:04 am: Karena called Jordan and they spoke for 3 minutes. 4:08 am: Karena sent Jordan a text message with her address and 'Please come'").

²⁸ *CHPD Report* (J.W. Britt) ("4:12 am: Karena called to see where Jordan was (30 sec.) 4:18 am: Karena called Jordan again to see where he was (21 sec.) 4:21 am: Jordan called her to check on the directions to the apartment (4 min.)").

²⁹ *R.W. Matthew's recorded interview of Jordan McCrary, 9/8/12* (Matthews: "Now, let me ask you, when, when you spoke with her on the phone, um, did she seem like she was in distress or anything?" Jordan: "No, she didn't." Matthews: "Seem like she was upset?" Jordan: "Like, well, I guess distress, yeah. But [inaudible]. Yeah she seemed

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30. Karena left without taking anything with her other than her cell phone.³⁰
31. Karena says that she did not lock the door and did not take the apartment key with her.³¹
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.³²
33. When Jordan arrived at the apartment at about 4:25 a.m., Karena was already waiting for him in the parking lot.³³
34. When Karena got in Jordan's car, they both noticed that Karena had blood on her finger.³⁴

like she was upset and like, I didn't hear like crying though, but she seemed like upset and like really, like, frantic, dramatic." 18:28-18:52).

³⁰ *CHPD Report* (R.W. Matthews) (from interview with Karena Rosario) ("She said she literally walked out the door, no key, no identification, just what was in her back pocket. Karena said she took her phone and was sure the apartment was not locked when she left.").

³¹ See footnote 25.

³² *CHPD Report* (N.N. Wyatt) (from interview with Karena Rosario) ("I was asked by Sgt. Matthews to find out from Karena what she was wearing the night at the club. When asked Karena stated she was wearing a tube top type shirt that was off white/cream with black polka dots and she left it at Jordan's house. She stated she was currently wearing the shorts and shoes she wore that night.");

R.W. Matthew's recorded interview of Jordan McCrary, 9/8/12 (Jordan: "So I just pulled into the parking spot, and she just got in the car." Matthews: "Ok. And what was she wearing at that time? Do you remember?" Jordan: "A uh holster top, or it was a holster, or a tube top. [inaudible] It was like a white, like black striped one, and uh jean shorts." Matthews: "So it was a white ..." Jordan: "And like black, like striped, like this way (*gesturing around midsection*).") 23:16-23:53)

³³ *CHPD Report* (R.W. Matthews) (from interview with Jordan McCrary) ("Jordan McCrary estimated that he arrived at the apartment complex at approximately 04:20, and when he arrived at the apartment building, Karena was already outside and walking towards his car.").

³⁴ *R.W. Matthew's recorded interview of Jordan McCrary, 9/8/12* (Matthews: "So when she got in your car, what happened?" Jordan: "Um, right after she got in the car, I just put it in reverse, started off, out, out. And um, I remember I, it was an early on conversation. She had like looked at her finger and it was like, a small like, smudge, just a small smudge of blood. And she was like, I don't know why I have blood on my finger. I said, yeah, why do you have that on your finger? And she just goes, I don't know. So then, like in my mind, like I didn't really register anything. I just remember the text from her earlier saying she got hit. So I was like, maybe that could have been it." 25:07-25:42);

CHPD Report (R.W. Matthews) (from interview with Jordan McCrary) ("McCrary said Karena got into the passenger side front seat of the car, and as they were pulling off to leave, he saw her looking at her finger and rubbing what appeared to be a small smudge of blood on her right hand/ index finger area. McCrary stated that Rosario said "I don't know why I have blood on my finger." To which McCrary replied "Why do you have blood on your finger?" To which Rosario replied "I don't know."").

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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.³⁵
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".³⁶
37. Jordan drove Karena to Jordan's house where they stayed until Jordan left for class at approximately 8:30 a.m.³⁷
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.³⁸
39. When they arrived at Karena's apartment, Karena and Marisol went inside and found Faith's body in the apartment's only bedroom.³⁹
40. Karena called 911 because Marisol was too emotional to do so.⁴⁰
41. Officers from CHPD arrived a few minutes later and, upon entering the bedroom, it was instantly clear to them that Faith was dead.⁴¹

³⁵ See footnote 29.

³⁶ See footnote 29.

³⁷ *Handwritten Statement of Karena Rosario*, 9/7/12 ("I spent the night there and woke up at around 8:30 am because Jordan was [sic] had class early.").

³⁸ *Handwritten Statement of Karena Rosario*, 9/7/12 ("I call Marisol back again at around 10 am and asked if she could come get me. Marisol picks me up at 10:27 am and we ride back to my apartment.").

³⁹ *CHPD Report* (L. Bostelman) (from interview of Marisol Rangel) ("They walked in the front door and both said Faith's name. They could tell she was not in there, because the apartment is small and the bathroom door is missing so they could see into the bathroom. She followed Karena into the bedroom. . . . Faith [was] laying between the bed and the desk.").

⁴⁰ *CHPD Report* (L. Bostelman) (from interview of Marisol Rangel) ("Marisol said she saw that Faith had black eyes, so she tried to call 911, but froze. Karena called 911.").

⁴¹ *CHPD Report* (L. Bostelman) ("On 9-7-12, at 1135 . . . We walked into the bedroom. I observed a large amount of blood on two pillows at the top of the bed, blood spatter across the wall above the headboard, and blood spatter across the closet doors.");

CHPD Report (R.C. Ennis) ("I stepped up to the body and with a gloved hand felt the side of her neck and she was cold and stiff to the touch.").

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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.⁴²
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.⁴³
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..⁴⁴
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.⁴⁵

⁴² *R.W. Matthews recorded interview of Jordan McCrary, 9/7/12* (Jordan: "Like, it was later on the day, I had called her, I was talking to her on the phone, because I remember I was asking her about like, what happened?" 19:38-19:46).

⁴³ *CHPD Report* (R.W. Matthews) (from interview with Jordan McCrary) ("McCrary also said that Karena told him that they got home around 3:00 a.m. and that Faith went to bed while she was in the bathroom.");

R.W. Matthews recorded interview of Jordan McCrary, 9/7/12 (Jordan: "She said she was home by like three, and that Faith went to bed while she was in the bathroom because she wasn't feeling well. So then I was like, okay, so, like, did you not hear anything, or what, what, what happened? She said that there was nothing going on, it was quiet. She would have noticed something if something happened, but there was nothing. And then when I came, she said she just came outside." 20:15-20:41).

⁴⁴ *R.W. Matthews recorded interview of Karena Rosario, 9/13/12* (Matthews: "Where were you, where were you sitting at in the bathroom?" Karena: "So, like, if this was the bathroom door [*gestures to her left side with her left hand*], I would have sitting against the wall right next to the door. . . . Matthews: "Like, right next to the frame?" Karena: "Right next to the, yeah, right next to the frame." 2:34:57-2:36:14);

CHPD Report (T.N. Price) ("[9/10/12] 09:49- Investigator Wright Quick and irrived [sic] at Hawthorne apartment Bldg 5630 Apt 1502 with E.T. Wright-Quick . Wright Quick advised me of a blood sample on the inside frame of the bathroom door .");

⁴⁵ *CHPD Report* (T.N. Price) ("9/10/12 @ 8:50- Sgt Matthews advised of additional processing of the apartment and that Special Agent C.A. Page had processed the bathroom sink with luminol . The results revealed a presumptive positive for blood .");

North Carolina State Crime Laboratory, Laboratory Report, Second Report, Crime Lab No. R201215817, 10/22/12 ("No DNA profile was obtained from the swabs from bathroom sink").

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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.⁴⁶
48. Karena had no cuts on her hands, or any other injury that would have caused her to bleed.⁴⁷
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.⁴⁸
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.⁴⁹
51. The SBI identified a reddish-brown smudge similar in appearance to blood which was located above the passenger-side window control panel.⁵⁰
52. This reddish-brown smudge was tested by the SBI and generated a presumptively positive indication for blood when tested with phenolphthalein.⁵¹

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

⁴⁶ *R.W. Matthews recorded interview of Karena Rosario, 9/8/12* (Matthews: "Had you been injured?" Karena: "I don't think so [inaudible]." Matthews: "Do you have any injuries on you now?" Karena: "No." 34:58-35:06.).

⁴⁷ See footnote 41.

⁴⁸ *Notes from Comprehensive Case Review of Faith Danielle Hedgepeth homicide presented to NCMEC, Washington, D.C. (Dec. 2014)* ("Was Rosario photographed that morning?[:] Yes, no injuries") (emphasis in original).

⁴⁹ *CHPD Report* (L.M. Evans) ("09-08-2012 @ 12:00 hrs. I arrived for work at the police department and Lt. T. Smith asked me to meet Sgt. R. Matthews and Inv. Chambers out at Public Works to watch the car that Jordan McCrary picked Karena Rosario up in early Friday morning. Sgt. S. Falise came out and opened a bay door in the main servicing space so that Inv. Chambers could drive the car into the bay. I then stood by with the car until an agent from the SBI could arrive to process the car.").

⁵⁰ *CHPD Report* (L.M. Evans) ("Carolyn Page, Special Agent with the SBI, arrived and swabbed the area around the passenger seat, doing a presumptive test for blood, where Karena had sat while riding to Jordan's house. Agent Page swabbed all areas where Karena would have sat or touched. She found a small amount of what may have been blood on the pull bar of the inside of the passenger door.");

CHPD Report (R.W. Matthews) ("I met with Carolyn Page, S.B.I., at the police department. Page . . . reported that she saw a reddish brown stain on the passenger side door above the window controls. Page said she swabbed the stain, and then performed a test which showed a positive indication for blood.")

⁵¹ See footnote 45.

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53. Karena, by her own admission, was alone with Faith in the apartment before, during, and after the likely time of Faith's death.⁵²
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").⁵³
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, 2012.⁵⁴
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 0.02.⁵⁵
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, 2012.⁵⁶

⁵² *CHPD Report* (R.W. Matthews) (from interview with Karena Rosario) ("Rosario said that Faith drove the straight to the apartment, arriving at approximately 03:00.");

R.W. Matthew's recorded interview of Karena Rosario, 9/20/12 (Matthews: "So, ok, so do you remember about what time you got up to go out of the bathroom?" Karena: "It had to be around, right at, right after I got off the phone. I think I got off the phone at like 4:15 4:20." 1:19:47 – 1:20:00; Matthews: "So once you got up and left the bedroom where Faith was at, and she was in bed sitting up, texting, whatever, you went into the bathroom and started your texting and you stayed there until you made the last text with Jordan, and, uh, that is when you got up to leave, and you didn't ever go back out of the bathroom for any purpose except for to leave the apartment?" Karena: "Right." 1:20:23 – 1:20:54).

⁵³ *Toxicology Report*, Office of the Chief Medical Examiner, 9/13/12;

CHPD Report (R.W. Matthews) ("I called the Medical Examiner's Office and spoke with Dr. Radisch. . . . The blood alcohol content was 20 milligrams per deciliter, which she said is about a .02, . . .").

⁵⁴ *CHPD Report* (R.W. Matthews) ("Dr. Radish [sic] stated that the time and amount of alcohol that a person typically eliminates per hour is .02. So, given those facts, and comparing Rosario's statement about the two drinking at the bar, and the victim only having a few drinks, the victim died not long after arriving at the apartment.").

⁵⁵ *CHPD Report* (R.W. Matthews) ("10/5/2012 . . . I received a call from Paul Glover. I spoke with him briefly about this case and asked if he could offer some assistance. Glover agreed to help out.").

⁵⁶ *CHPD Report* (R.W. Matthews) ("10/10/12 . . . I spoke with Paul Glover who stated that he had completed his report and could deliver it later today. Later, Glover and I met and he went over his report. According to Grovers report, Faith Hedgepeth's BAC would have been 0.02gm./100ml of whole blood at approximately 02:51 a.m. on September 7, 2012.").

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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.⁵⁷

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.⁵⁸
60. In 2014, CHPD requested that the National Center for Missing and Exploited Children ("NCMEC") perform a comprehensive case analysis of Faith's case.⁵⁹
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.⁶⁰
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.⁶¹

⁵⁷ *R.W. Matthews recorded interview of Karena Rosario, 1/28/13* (Matthews: "You know, again, there is a couple of things I had issues with today that I need some further explanation out of you so that I can help, so that I can understand why some of the things that you said earlier on were different than what they were told today. Um, the other thing too is, a lot of things have happened with this investigation since you've been gone, okay? And one thing I feel confident in saying here tonight is that, I am very confident that before 4:20 came and you left, Faith was dead. . . . I'm telling you I am confident that she was dead before 4:20 when you left out with Jordan." 24:30-25:58).

⁵⁸ *CHPD Report* (T.A. Smith) ("Sgt. Matthews requested the victim's cell phone and we went to Investigators Britt's car in the parking lot in order to plug it in. Her roommate, Karena Rosario, had provided the password to the phone and I retrieved the code from Investigator Bostelman.").

⁵⁹ *Email from Richard Leonard, Senior Forensic Case Manager with NCMEC, to Johnnie Britt, 7/15/14* ("Johnnie, I have attached a form that we would need signed to do a comprehensive case review at NCMEC for your UNC case. It spells out what is required and would need a supervisors approval. I have dates available the week of September 22-26 if that would work for you all. Can you check with SA Stevens as well and see if those dates would work? We cover all expenses for two LE folks to come up to do a presentation on the case for the group and it covers two days. You would need to put together a power point presentation to use for the review. Let me know if this works or if you would prefer later dates towards the end of the year.").

⁶⁰ *Email from R.W. Matthews to Chief of Police Chris Blue, T. Smith, and J. Britt, 12/18/2014* ("Per our recent conversation, Lt. Smith, Sgt. Britt, SA Stevens, SA Heinrich and I traveled to Alexandria, Virginia last week where we presented the Faith Hedgepeth case to a group of law enforcement professionals at the National Center for Missing and Exploited Children. After presenting all of the information regarding the case, each attendee provided us with their thoughts and recommendations.").

⁶¹ *Notes from Comprehensive Case Review of Faith Danielle Hedgepeth homicide presented to NCMEC, Washington, D.C. (Dec. 2014)* ("There were only a few text messages that weren't consistent with normal conversations from the victim. Abnormal conversations/text messages (3): [(1)] Victim sends Edwards Text stating 'Karena needs you' . . . [(2)] Victim sends text to Ty McNeil professing love[;] Last message before she was killed[;] Unsure if it came

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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"⁶²
64. According to the notes from the NCMEC presentation, investigators concluded the last text was “uncharacteristic” for Faith.⁶³
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.”⁶⁴
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.⁶⁵
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.⁶⁶
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.

from the victim[;] Atypical for victim to send [(3)] Rosario's concern about the victim's whereabouts[;] Hounding text messages . . . Panic in messages that is atypical previously).

⁶² *Forensic extraction of Faith Hedgepeth's cellular phone.*

⁶³ *Notes from Comprehensive Case Review of Faith Danielle Hedgepeth homicide presented to NCMEC*, Washington, D.C. (Dec. 2014) (“Uncharacteristic message to McNeil from the victim.”)

⁶⁴ *Notes from Comprehensive Case Review of Faith Danielle Hedgepeth homicide presented to NCMEC*, Washington, D.C. (Dec. 2014) (“Could Rosario have taken the victim's phone and sent the message to Edwards, playing as Faith? [;] Believe that Rosario is writing the message as the victim is texting McNeil . . . Potential cross over between the phones; question whether Rosario has both phones going with two people; “than” and “thanks” [;] Could Rosario have meant to write “thanks” to McCrary, but wrote “than” to Edwards from the victim’s phone [;] Odd that the victim “invites” Edwards – invite left open”) (emphasis in original).

⁶⁵ *Forensic extraction of Faith Hedgepeth's cellular phone.*

⁶⁶ *Forensic extractions of Faith Hedgepeth's and Karena Rosario's cellular phones.*

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- 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.⁶⁷
69. As previously stated, the recipient of the last text was Tyrone Michael McNeil ("Ty").⁶⁸
70. Ty and Faith had been in a dating relationship about two years prior to her death.⁶⁹
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.⁷⁰
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."

⁶⁷ *Forensic extractions of Faith Hedgepeth's and Karena Rosario's cellular phones.*

⁶⁸ *Forensic extraction of Faith Hedgepeth's cellular phone.*

⁶⁹ *CHPD Report (J.W. Britt) ("He told Braja that he was Faith's ex-boyfriend and that they dated for two years.").*

⁷⁰ See footnote 66.

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- 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."⁷¹
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"⁷²
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 programmed into her cell phone contacts.⁷³
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.⁷⁴
76. When Sergeant Matthews asked Karena who Brandon was during their recorded interview on September 8, 2012, Karena answered:

⁷¹ *J.W. Britt recorded interview with Tyrone McNeil, 9/8/12 (6:48-6:54; 7:03-7:07; 12:01-12:38).*

⁷² *Notes from Comprehensive Case Review of Faith Danielle Hedgepeth homicide presented to NCMEC, Washington, D.C. (Dec. 2014) ("Could Rosario have taken the victim's phone and sent the message to Edwards, playing as Faith?[:] Believe that Rosario is writing the message as the victim is texting McNeil . . . Potential cross over between the phones; question whether Rosario has both phones going with two people; "than" and "thanks"[:] Could Rosario have meant to write "thanks" to McCrary, but wrote "than" to Edwards from the victim's phone[:] Odd that the victim "invites" Edwards – invite left open . . . ") (emphasis in original);*

Forensic extraction of Faith Hedgepeth's cellular phone.

⁷³ *Notes from Comprehensive Case Review of Faith Danielle Hedgepeth homicide presented to NCMEC, Washington, D.C. (Dec. 2014) ("The victim has only texted Edwards one other time in June"; "Victim didn't have Edwards' phone number stored in her phone").*

⁷⁴ *Notes from Comprehensive Case Review of Faith Danielle Hedgepeth homicide presented to NCMEC, Washington, D.C. (Dec. 2014) ("Victim sends Edwards Text stating "Karena needs you"[:] Odd because Rosario was texting Edwards at the same time");*

Forensic extractions of Faith Hedgepeth's and Karena Rosario's cellular phones (showing one minute differential).

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“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’...”⁷⁵

77. Yet Faith’s cell phone showed that Faith had not texted Brandon any messages remotely similar to this.⁷⁶
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.⁷⁷
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.”⁷⁸
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.”⁷⁹

⁷⁵ R.W. Matthews recorded interview of Karena Rosario, 9/8/12 (18:28-19:05).

⁷⁶ Forensic extraction of Faith Hedgepeth’s cellular phone (there were only two other prior texts in Faith’s phone sent to the phone number to which the 3:40 a.m. text was sent on September 7, 2012; both previous texts were sent on July 7, 2012, stating “You ready to leave fool?” and “how much does it cost to get in?”).

⁷⁷ J.W. Britt recorded interview of Brandon Edwards, 9/10/12 (Brandon: “A text came from her phone at like 4:12 p.m., and I was just like, and I didn’t pay no mind until I got the call, and then I looked and I was like, man who’s, and I immediately thought, oh, Lord, somebody, I was like, yo who’s this?” . . . Britt: “So you didn’t get that message that night?” Brandon: “The message, the time stamp, the time stamp was 4:12 p.m.” Britt: “Wow” Brandon: “P.M. on Friday.” Britt: “Okay.” Brandon: “But it, but what, but what it said, it didn’t, cause all she was like, yeah, Karena just needs to talk to you.” 38:46-39:29).

⁷⁸ J.W. Britt recorded interview of Brandon Edwards, 9/10/12 (Britt: “Um, what was your relationship with Faith?” Brandon: “I was a really good friend. A really good friend of mine.” Britt: “Okay. Elaborate a little bit for me, if you would.” Brandon: “Uh, [hissing exhale] well, I was a senior in college, and she was just coming in, she was a freshman, and we met through mutual friends, and we, like, hit it off really, really well, and I used to like, honestly, that was, like, my third home, because her, Karena, and then her other, her former roommate, they just kind of welcomed me in. I would just, I would be over there all summer.” Britt: “Okay. Gotcha. Like, all this past summer? Is that what you mean?” Brandon: “Not this past summer, the summer before that.” 2:34-3:15);

Transcript of private investigator’s recorded interview with Brandon Edwards, (“Speaker 1[previously identified as Brandon Edwards]: Nobody’s having any problems. Everybody’s cool... And then something happened. I got a girlfriend. No, I didn’t get a girlfriend. Something happened where Karena got all crazy and possessive. Speaker 2: Over you? Speaker: 1: Yeah.”) (note: counsel for Defendant has not been provided audio of this interview between the private investigator and Brandon Edwards, only the transcript which was found in C. Lehew’s investigatory materials).

⁷⁹ CHPD Report (R.W. Matthews) (“Rosario stated that that [sic] she and her boyfriend/ friend Brandon went out together on Wednesday, September 5th, and stayed out until the early morning hours of Sept. 6, 2012. . . . Rosario further Rosario further explained that she and Brandon came home together Sept. 6th, and that Brandon slept on the couch. She said she did not have class Thursday, Sept. 6, so she slept until about 17:00-18:00.”);

Southeastern Consulting and Investigations, LLC recorded interview with Brandon Edwards, 7/3/17 (Chris Corcione and Alex H. Thompsen) (Thompsen: “4:30 in the morning she calls a guy, and she’s waiting outside at

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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.⁸⁰
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.⁸¹ 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.⁸²

4:30 in the morning in a parking lot." Brandon: "She, once again, she is so emotionally and hormonally imbalanced at this present moment, that I could believe she'd do something stupid like that. Women do stupid things when they're being hormonal. Do very stupid things. Is that a, is that a guideline to just look past what's in front of you? No. But women do very stupid things when they're being hormonal." 1:01:24-1:02:08).

⁸⁰ *CHPD Report* (C.J. Lehw) ("8/29/16 Travelled to NJ to meet with Karena prior to 20/20 release in case relationship strained after show 20/20 airs and completes editorial on her. Interview not recorded, failed on iPhone to capture recorded interview."); there had been no other known indication of any interaction between law enforcement and Karena after this interview);

20/20 Special, Love, Hope, and Faith; aired 9/23/16 (Host: "Karena Rosario. Now, she has never been a suspect, police have made that clear to us.").

⁸¹ *CHPD Report* (J.W. Britt) ("September 9, 2012 . . . Brandon told me that he was out of town. I asked him where he was and Brandon said that he was in Raleigh. I asked him to meet me at the police department sometime today. Brandon said that he would be at CHPD by 10 pm. . . I called Brandon at 614-2818 and asked him where he was. Brandon said that he was still in the North Hills area and was waiting on his ride, though it did not sound likely that his ride was actually going to come pick him up. I told Sgt. Matthews about this conversation with Brandon. Matthews told me to call him back and get an address so that I could pick him up in Raleigh. 2212 hours: I called Brandon back at 614-2818. I asked Brandon for the address where he was so that I could come pick him up. Brandon said that he did know Karena and Faith. He said, "Am I a suspect, why do you want to talk to me." I asked him again to give me his address. Brandon said that he didn't feel comfortable with me coming out there to pick him up. Brandon agreed to come to the police department at 10 am tomorrow morning. I clarified and asked again if he was refusing to cooperate and he would not provide his location.");

CHPD Report (T.A. Smith) ("Investigator Britt advised Brandon Edwards did not show up for a scheduled meeting and when offered refused to allow her to come pick him up. . . . then spoke with Sgt. Matthews and based on Brandon Edwards appearing to be avoiding talking with us we decided to have an officer watch his apartment in case he returned home.").

⁸² *CHPD Report* (J.W. Britt) ("September 10, 2012 . . . Sometime on Friday afternoon, Brandon met up with Karena, Scott, Marisol, and Christian at The Thrill and watched their surveillance video.");

Call records, 6/1/12 through 11/17/12 (after Karena's first recorded interview with CHPD on 9/8/12, and before Brandon's first interview with CHPD on 9/10/12 at 10:00 a.m., there was an approximately 10-minute phone call

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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.⁸³
84. Karena says during this time in the bathroom, she was making calls and texting people.⁸⁴
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.⁸⁵
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.⁸⁶

between Brandon's and Karena's phones on 9/9/12 at 8:16 p.m. and an approximately 3-minute phone call on 9/10/12 at 9:47 a.m., just minutes prior to Brandon's arrival at the police department for his interview).

⁸³ *Handwritten Statement of Karena Rosario, 9/7/12* ("I remember Faith trying to help me because I threw up. Faith was in the bedroom and I went into the bathroom and sat on the floor crying. It was around 3:30 am when I was on the floor and I texted my friend Brandon. He didn't answer so I called him a few times and he didn't respond. So I was texting my friend Jordan McCrary and just crying and telling him about my problems. I then called him around 4:00 am and asked him if he could come pick me up because I wanted to talk and needed the company. He called me at 4:21 am to say he was out in the apartment complex. I got off the floor, didn't go back in the bedroom just said Jordan was picking me up while I was walking out and closed the door and left Jordan took me back to his place at 103 West Longview in Chapel Hill.");

R.W. Matthews recorded interview with Karena Rosario, 9/8/12 (Karena: "I said, so me and Jordan were texting from 3:00 to 3:45, and I was like, good night, hopefully I'll see you tomorrow. He said, alright, and I was still in bathroom floor, and I started to call Brandon. Brandon wasn't picking up. And I was like, I really don't want to stay here right now. So I called Jordan. And I guess I asked him to come and get me." . . . Matthews: "Let's go back to the, um, apartment, you're in the apartment before Jordan came to you. You said you were in the bathroom." Karena: "Right." 19:11 – 19:34; 28:33 – 28:43);

R.W. Matthew's recorded interview of Karena Rosario, 9/20/12 (Matthews: "So once you got up and left the bedroom where Faith was at, and she was in bed sitting up, texting, whatever, you went into the bathroom and started your texting and you stayed there until you made the last text with Jordan, and, uh, that is when you got up to leave, and you didn't ever go back out of the bathroom for any purpose except for to leave the apartment?" Karena: "Right." 1:20:23 – 1:20:54).

⁸⁴ *R. W. Matthews recorded interview with Karena Rosario, 9/13/12* (Karena: "So, I'm texting, I texted Mitch back. I'm texting Jordan. Trying to call Brandon. Brandon's not picking up. I told Jordan, um, goodnight hopefully I'll see you tomorrow. He said goodnight. After that," Matthews: "This is while you're in the bathroom?" Karena: "While I'm in the bathroom." 1:14:57 – 1:15:17).

⁸⁵ *Forensic extraction of Karena Rosario's cellular phone*, showing eight (8) sent text messages and three unanswered outgoing phone calls to Brandon Edwards, with durations of 33 seconds, 38 seconds, and 37 seconds, from approximately 3:05 a.m. to 4:04 a.m., at which time Karena called Jordan McCrary to come get her.

⁸⁶ *Forensic extraction of Karena Rosario's cellular phone*.

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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).⁸⁷
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.⁸⁸
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.⁸⁹
90. There is no evidence of internet usage on Karena's phone during this fifty-nine minute time frame.⁹⁰
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.⁹¹
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.⁹²
94. Karena told CHPD investigators she knew "for a fact" that she left the shirt she was wearing at the Thrill at Jordan house.⁹³

⁸⁷ *Forensic extraction of Karena Rosario's cellular phone.*

⁸⁸ *Forensic extraction of Karena Rosario's cellular phone.*

⁸⁹ *Forensic extraction of Karena Rosario's cellular phone.*

⁹⁰ *Forensic extraction of Karena Rosario's cellular phone.*

⁹¹ *CHPD Report* (R.W. Matthews) ("Rosario has maintained through three different interviews with me that she left that shirt on the floor at McCrary's house and wore a purple shirt when she left the house that morning with Marisol Rangel. . . . We made two attempts to find that shirt at Jordan's house, but never found it.").

⁹² *CHPD Report* (N.N. Wyatt) ("When asked Karena stated she was wearing a tube top type shirt that was off white/cream with black polka dots and she left it at Jordan's house.").

⁹³ *CHPD Report* (R.W. Matthews) ("Rosario said she knows for a fact that she left the shirt there and wore a purple shirt back to the apartment with Rangel.").

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95. CHPD searched Jordan's house several times trying to locate the shirt based on Karena's statements but were unable to find it.⁹⁴
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.⁹⁵
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, 2012.⁹⁶
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.⁹⁷
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.⁹⁸
100. When CHPD made this discovery, they confronted Karena with this information.⁹⁹
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

⁹⁴ *CHPD Report* (R.W. Matthews) (“We made two attempts to find that shirt at Jordan's house, but never found it.”).

⁹⁵ *CHPD Report* (R.W. Matthews) (“1/28/13 . . . While Investigator Britt asked Rosario questions, I looked through the crime scene photos on my computer and located what I believe to be the shirt that Karena Rosario described as wearing from the time she left her apartment with Faith for Thrill, until the time she arrived at Jordan McCrary's house where she removed it and placed it on the floor by his bed with her other clothes. . . . Rosario has now identified the shirt found inside the crime scene near Faith's body as being the shirt she wore that night and doesn't know how it got there.”).

⁹⁶ *CHPD Crime Scene Photos, 9/7/12* (DSCN0137.JPG, DSCN0152.JPG, DSCN0115.JPG, DSCN0168.JPG, DSCN0184.JPG, DSCN0194.JPG, DSCN0195.JPG).

⁹⁷ *R.W. Matthews recorded interview with Karena Rosario, 9/8/12* (Matthews: “Where are they at now?” Karena: “They have it.” Matthews: “Who?” Karena: “The police.” Matthews: “They do? Do they have the shirt?” Karena: “I don't know they said they were looking for it at Jordan's cause I, in the morning, I woke up, I had left the purple shirt at Jordan's before, so I didn't want to wear the tube top out. So I put on the purple shirt and left the tube top.” 52:36 – 52:59);

CHPD Report (R.W. Matthews) (“Rosario has maintained through three different interviews with me that she left that shirt on the floor at McCrary's house and wore a purple shirt when she left the house that morning with Marisol Rangel. . . . We made two attempts to find that shirt at Jordan's house, but never found it.”).

⁹⁸ *CHPD Report* (Matthews 1/28/13) (“During questioning with Investigator Britt . . . I maximized the photo of the shirt found inside of the crime scene on the corner of the bed and asked if that was the shirt she was wearing and she said yes.”).

⁹⁹ See footnote 95.

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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.”¹⁰⁰

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).¹⁰¹

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.¹⁰²
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.¹⁰³
105. This particular phrase, “I’m not stupid,” was used multiple times by Karena during her initial interviews with CHPD:

¹⁰⁰ *R.W. Matthews recorded interview with Karena Rosario, 1/28/13* (Karena: “The thing is I don’t remember bringing that shirt back with me, but I know that’s the shirt I left in.” Matthews: “Right.” Karena: “But the only person that could have brought it back was me. The only person.” . . . Matthews: “So how do we, how do you explain how it got from there to there?” Karena: “I had to have brought it. I asked Marisol though, because you kept asking me, y’all kept asking me about the shirt, it bothered me, so I asked her. Did I bring the shirt back with me? She told me no. Maybe she wasn’t fully paying attention, but. . . . Matthews: “The thing, the thing I have an issue with is how did it get from there to inside the crime scene?” Karena: “I had to have brought it. I have to have brought it. I mean logically,” Matthews: “Did you bring it? Are you 100% sure,” Karena: “No I’m not 100% sure.” Matthews: “,that you brought it? And why are you not 100% sure?” Karena: “Because I don’t remember. Logically though, I had to have brought it. Logically, like, there is no other way that shirt, it doesn’t just jump from one place to the next.” 18:29 – 20:14).

¹⁰¹ *CHPD Report* (R.W. Matthews) (“I recall Rosario describing in an earlier interview where she was at in the room when she and Marisol Rangel discovered Faith’s body. She told me that she was near the bottom corner of the bed where the shirt was found. I also remember looking at this shirt once we discovered it and finding 2-3 small red spots on it which to the untrained eye could look like blood. Investigator Quick tested these spots and they did not reveal a positive indication for blood. I believe that it’s possible that Rosario saw those spots on the shirt the next morning, thought it was blood, and then perhaps realized that if the shirt was found anywhere other than inside the crime scene there would be a problem. If Rosario did in fact take the shirt back with her to the apartment and placed it on the bed, this would suggest that she knew before going back to the apartment that Faith was hurt badly or dead when she left the apartment to be with Jordan McCrary.”).

¹⁰² *CHPD Report* (S.W. Quick) (“There was a white bag on the bed along with the remote control for the television. A closer examination of the bag revealed it to have writing on it that said ‘Not Stupid Bitch Jealous’ . . .”).

¹⁰³ *CHPD Crime Scene Photos, 9/7/12* (DSCN0189.JPG).

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"I could not have seen someone being in there and me being in there and not knowing. **I'm not stupid.**"¹⁰⁴

"Like, yeah, I was drunk, but **I'm not stupid.**"¹⁰⁵

"I mean I was drunk, but I'm not like, I'm not, like I said, **I'm not stupid.**"¹⁰⁶

"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."¹⁰⁷

"Like I'm not, **I'm not stupid**, I'm really not"¹⁰⁸

106. This phrase does not appear to have been used by any of the other individuals who gave recorded statements to law enforcement.¹⁰⁹
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 death¹¹⁰

¹⁰⁴ Karena's Recorded Interview with Sgt. Matthews of CHPD, September 13, 2012 (2:19:48-2:19:55).

¹⁰⁵ Karena's Recorded Interview with Sgt. Matthews of CHPD, September 13, 2012 (2:26:12-2:26:15).

¹⁰⁶ Karena's Recorded Interview with Sgt. Matthews of CHPD, September 13, 2012 (5:10:13-5:10:17).

¹⁰⁷ Karena's Recorded Interview with Sgt. Matthews of CHPD, September 20, 2012 (48:18-48:26).

¹⁰⁸ Karena's Recorded Interview with Sgt. Matthews of CHPD, January 28, 2013 (1:10:46-1:10:49).

¹⁰⁹ Defense review of recorded witness interviews.

¹¹⁰ *CHPD Report* (R.W. Matthews) ("As we were talking just outside of the bedroom door, I was also looking for a response out of Karena. 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.");

CHPD Report (R.W. Matthews) ("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.");

CHPD Report (R.W. Matthews) (from interview with Joy Baker) ("Baker then told me that she was outside of the apartment the day that Karena Rosario and Marisol Rangel found Faith Hedgepeth dead. Baker said that she saw both of them outside of the apartment not long after they found Faith and said that Karena wasn't even crying . . .");

CHPD Report (J.W. Britt) ("September 30, 2013 I attended a meeting with the SBI held at CHPD. At this meeting, I used a prepared outline to give a case summary to the agents present. See outline below: Crime Scene/Hawthorne, Apartment 1502 . . . Starting to notice Karena's odd behavior, unemotional/fake crying.");

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108. Sergeant Matthews' first recorded interview with Karena took place on September 8, 2012.¹¹¹
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, 2012.¹¹²
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."¹¹³

111. Based on his initial conversations with Karena and his first interview of Karena, Sergeant Matthews 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."¹¹⁴

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, 2012.¹¹⁵

¹¹¹ *R.W. Matthews recorded interview of Karena Rosario, 9/8/12.*

¹¹² See footnote 107.

¹¹³ *CHPD Report* (R.W. Matthews) ("Karena had previously mentioned going through the apartment with me, suggesting that she could point out things that may be out of place, or missing. I thought this was a good idea, so I asked her if she would still be willing to go through the apartment. She agreed to do so, and the interview ended. . . . As we were talking just outside of the bedroom door, I was also looking for a response out of Karena.").

¹¹⁴ *CHPD Report* (R.W. Matthews).

¹¹⁵ *R.W. Matthews recorded interviews with Karena Rosario, 9/8/12, 9/13/12, and 9/20/12.*

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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, 2012.¹¹⁶
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.¹¹⁷
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.”¹¹⁸
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

¹¹⁶ *CHPD Report* (R.W. Matthews) (“1/28/13 . . . Rosario changed her story regarding her arrival at the apartment complex. Rosario . . . [said] that her last memory of Faith and actually seeing her was in the parking deck near Thrill, and sometime on the way back to the apartment. Rosario further stated that she doesn't remember arriving at the apartment complex, how she got inside, or what happened prior to her vomiting. She also said for all she knew Faith may have walked up to the apartment without her and she may have come up later. Rosario then . . . [said] that she remembers vomiting and starting remembering things again at around 03:05. She . . . [said] that she remembered everything after 03:05 and specifically . . . [said] that she doesn't remember seeing Faith in the apartment at all when they got back. Rosario changed her story about what happened when she first arrived at the apartment and has told me consistently on numerous occasions that she does remember going inside and specifically remembers Faith helping her while she vomited. I also recall the statement that Rosario wrote for me in the parking lot outside of her apartment on the evening of September 7, 2012, which states “We got in the car and went to the apartment. I remember Faith trying to help me because I threw up. Faith was in the bedroom and I went into the bathroom and sat on the floor crying.””).

¹¹⁷ *R.W. Matthews recorded interview with Karena Rosario, 1/28/13* (Matthews: “Please try to explain to me how all this happened and how in the end when you ended up out there with Jordan the stuff was on your hands, cause it really doesn't look good.” Karena: “It doesn't.” 1:21:30-1:21:47).

¹¹⁸ *CHPD Report* (R.W. Matthews) (“I told Rosario that I knew Faith was dead before she left the apartment that morning and pleaded with her to tell me who was there and what happened. She claims that she doesn't remember anybody being there and wishes that she could remember the 10 minutes prior to 03:05.”);

R.W. Matthews recorded interview of Karena Rosario, 1/28/13 (Matthews: “You know, again, there is a couple of things I had issues with today that I need some further explanation out of you so that I can help, so that I can understand why some of the things that you said earlier on were different than what they were told today. Um, the other thing too is, a lot of things have happened with this investigation since you've been gone, okay? And one thing I feel confident in saying here tonight is that, I am very confident that before 4:20 came and you left, Faith was dead. . . . I'm telling you I am confident that she was dead before 4:20 when you left out with Jordan.” 24:30-25:58).

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that night. Karena said, "for all I know is, she [Faith] had dropped me off at the side of my apartment and left."¹¹⁹

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.**"¹²⁰

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."¹²¹

¹¹⁹ *CHPD Report* (R.W. Mathews) ("1/28/13 . . . Rosario changed her story regarding her arrival at the apartment complex. Rosario . . . [said] that her last memory of Faith and actually seeing her was in the parking deck near Thrill, and sometime on the way back to the apartment. Rosario further stated that she doesn't remember arriving at the apartment complex, how she got inside, or what happened prior to her vomiting. She also said for all she knew Faith may have walked up to the apartment without her and she may have come up later. Rosario then . . . [said] that she remembers vomiting and starting remembering things again at around 03:05. She . . . [said] that she remembered everything after 03:05 and specifically . . . [said] that she doesn't remember seeing Faith in the apartment at all when they got back. Rosario changed her story about what happened when she first arrived at the apartment and has told me consistently on numerous occasions that she does remember going inside and specifically remembers Faith helping her while she vomited. I also recall the statement that Rosario wrote for me in the parking lot outside of her apartment on the evening of September 7, 2012, which states "We got in the car and went to the apartment. I remember Faith trying to help me because I threw up. Faith was in the bedroom and I went into the bathroom and sat on the floor crying.""); *R.W. Mathews recorded interview of Karena Rosario, 1/28/13 (7:46-7:50)*.

¹²⁰ *R.W. Mathews recorded interview of Karena Rosario, 1/28/13 (21:20-21:46)*.

¹²¹ *R.W. Mathews recorded interview of Karena Rosario, 1/28/13* (Mathews: "What if I told you that it was indeed blood on your hand?" Karena: "It couldn't have been. It really couldn't have been blood. It couldn't." Mathews: "But I'm telling you right now," Karena: "I know." Mathews: " , that's what, that's what was on your hand." Karena: "That doesn't make sense. Because if that was blood on my hand, then I had to have been in that room. I don't remember being in that room when that happened." 47:30-48:19).

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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,"¹²² 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."¹²³
 - b. "If Takoy knew me and Brandon had had sex, he would have flipped – probably knock on my door and do something crazy."¹²⁴
 - 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.¹²⁵

¹²² *R.W. Matthews recorded interview of Karena Rosario, 9/13/12* (Matthews: "What I'm hearing from you is, I think you feel like he [Takoy] definitely had something to do with this." Karena: "I do, I mean, I don't want to think that." Matthews: "I know you don't want to." Karena: "But I do." Matthews: "How much do you think he is involved in it? And for that matter, done it?" Karena: "I think he is completely involved in it." 3:40:19-3:40:57).

¹²³ *R.W. Matthews recorded interview of Karena Rosario, 1/28/13* (8:40-9:08)

¹²⁴ *R.W. Matthews recorded interview of Karena Rosario, 9/8/12* (1:03:22-1:03:32)

¹²⁵ *R.W. Matthews recorded interview of Karena Rosario, 9/13/12* (Karena: "And then I was like, you know what? I have to man up. That's my apartment. I went back to my apartment and that's when everything else happened. That's when he became physical." Matthews: "What'd he do to you?" Karena: "He, well, he first." Matthews: "And I need you to tell me everything that he's done to you, okay?" Karena: "So, that was when he had left the note cards from around the apartment that night." Karena: "I walk in, and I'm like, you know what? I'm just going to stay here tonight, I'm going to lock my bedroom door. He's not going to come in if I lock the door. So I lock the door. I go to sleep. I wake up to pounding at my bedroom door. He finally just pounds it open. He walks in. And I'm scared. And I'm like, and he's just yelling at me. He was like, how could you do that? You had other people in this apartment. Like, who are you fucking, like, just going off? And then." Matthews: "And is this, is this shortly after he left those notes for you?" Karena: "That was the night before." Matthews: "Was it the index cards?" Karena: "Yeah." Matthews: "Before you go any further with that, tell me a little bit more about that. And tell me, tell me about when this happened again. Was it," Karena: "I can't even tell you the day." Matthews: "Well, just, just the month." Karena: ". . . So we were already, like, over June, it happened. Um, Brandon and AP came over. . . . I didn't think they were going to come into my apartment, I thought they were just going to pick me up . . . And I'm like, we can't, can we go somewhere? Can we please go? And um, Brandon left something in my apartment. I think it was a lighter that he left, like, on top of my kitchen thing. And we left the apartment. . . . I go back to my apartment later that night and I find note cards. There's a note card next to the lighter, and it said, like, who's been in this apartment? Like, what guy have you had in here? He puts another note card on my bed just going off about a spot on my bed cause he thought it was, like, me having sex with someone in the bed." Matthews: "He had it laying on the bed?" Karena: "Yeah, the note card." Matthews: "Like, where at on the bed?" Karena: "On my side. Like, the right side of the bed. Because I always sleep on the right. He even wanted to sleep with me. . . . And he was, like, hey, have you been

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- 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."¹²⁶
- 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.¹²⁷
- f. Karena described how Faith was scared of Takoy.¹²⁸
- 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

having sex in this bed? . . . And then I find a condom wrapper on the floor. And he puts a note card next to it, like, my mom knows about this. Like, she's so mad at you. Like, how could you be fucking someone in our own bedroom? I had never seen that condom wrapper in my entire life. He had obviously put it there." 3:51:53-3:55:20).

¹²⁶ *R.W. Matthews recorded interview of Karena Rosario, 9/13/12* (Karena: "I remember one time, he came back to my apartment, and he threw like these blue gloves in my trash can. And I was like, what are those for? He's like, don't worry about them, dispose of them later." Matthews: "Blue gloves?" Karena: "Yeah." Matthews: "What kind of gloves?" Karena: "Just like hospital type gloves. Like, plastic ones." 4:38:40-4:39:10).

¹²⁷ *R.W. Matthews recorded interview of Karena Rosario, 9/8/12* (Karena: "Because at that time, after me and Takoy had broken up, I didn't have the restraining order, so he would just pop up whenever he wanted to, even though he was staying at his mom's. And I told him, I was like, I can't stay here. Like, we need to leave. Like, I was literally shaking." 1:09:53-1:10:08);

R.W. Matthews recorded interview of Karena Rosario, 9/8/12 (Karena: "I mean, he's so unstable one day, he's sorry, and he cares about me, and then the next day I'm a bitch, and I'm a slut, and I'm not worth anything." 1:21:53-1:22:0);

R.W. Matthews recorded interview of Karena Rosario, 9/13/12 (Karena: "The thing is, Takoy, he comes and goes a lot, even in the middle of the night. Um, he'll be out really late, come back to his mom's, sometimes won't stay there, sometimes he will stay there. Sometimes he'll be sitting in his car late at night, um." Matthews: "Just hanging out?" Karena: "Just hanging out, I don't know why." 1:10:34- 1:10:55; Karena: "She didn't know that Takoy had hit me or that I was emotionally abused." 3:18:32-3:18:35).

¹²⁸ *R.W. Matthews recorded interview of Karena Rosario, 9/13/12* (Matthews: "Where were y'all [Karena and Takoy] living at at the time?" Karena: "The new apartment." Matthews: "Where you're at now?" Karena: "Mm-hmm." Matthews: "Okay. So y'all broke up when you were living there?" Karena: "Mm-hmm." Matthews: "Okay, and what happened? What?" Karena: "What made us break up?" Matthews: "Yeah, what made you break up?" Karena: "Because of Brandon. We were at Pulse nightclub and, um, he found out Brandon was in the club. And we were sitting in the booth and he starts yelling at me, and he's like, did you know he was here? Did you talk to him? Like, he's just in my face, like, just yelling at me. I start crying and Brandon's friend sees me crying and he comes up to the table, and he's like, Karena, are you okay? And I'm like, I'm fine, just go away, because, like, I knew Takoy was going to get even more mad. And he's like, and Takoy's like, did you fuck him? Did you, like, and then starts going off trying to get at him. . . . And then a fight, like, it just broke out into a big fight. Um, one of my friends took me out of the club . . . And then I called Faith, and I was like, Faith, can you come pick me up? Like, this is a mess. Like, I really need you right now. And Faith came, she pulled in, I get in the car, and Takoy finally pulls up and he's trying to, like, come at her car. And we just pull off and we leave, and we were scared. Faith was scared out of her mind. She was like, you can't go back to your apartment, I'm scared, like, we need to go somewhere where she, where he doesn't know where to stay because he's going to try and come and find us. So we go to Marisol's old apartment. We park all the way on the other side of the apartment complex just so that, if he went by and checked, he wouldn't see her car. And we slept on the floor. Faith was more scared than I was scared." 3:49:35-3:51:46).

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confronted Faith. Karena also wonders "if [Takoy] touched" these speakers, although the speakers were not fingerprinted by CHPD.¹²⁹

h. Karena told CHPD that Takoy was allegedly involved in another killing.¹³⁰

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.¹³¹
122. The notes from the NCMEC presentation in Washington, D.C. specifically describe law enforcements' observations from this interview of Karena.¹³²
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."¹³³

¹²⁹ *R.W. Matthews recorded interview of Karena Rosario, 9/13/12* (Matthews: "Can you think of anything else?" Karena: "I have one question, were those speakers in the apartment? I can't remember if there were speakers in there." Matthews: "Speakers?" Karena: "Like, near the hallway, like, plugged in, kind of by the bedroom, kind of by the bathroom." Matthews: "I don't know right off, I'd have to go back and look at the, uh, photos. Why?" Karena: "Because those are his speakers. Faith was like, let's just take them out, I don't care, he's not here. He did so much to you, might as well just use the speakers. Um, I could see him seeing those and getting mad. Like, why are they have my speakers out?" Matthews: "Where would they have been?" Karena: "They would have been on the way to the bedroom. Like, if, if you look at the picture, [pointing at paper on the desk], they would be right here." Matthews: "Just out in the hallway?" Karena: "Yeah." Matthews: "When did y'all put them out there?" Karena: "Mmmm, last weekend." Matthews: "So would, they would have been out there the night that this happened?" Karena: "Mm-hmm. I could see him seeing those and feeling a little pissed off about it." Matthews: "Would he have taken them?" Karena: "I don't know if he would have taken them, especially if he had done that to her, because then I would have noticed. But I wonder if he touched them." 4:35:04-4:36-29).

¹³⁰ *R.W. Matthews recorded interview of Karena Rosario, 9/13/12* (Karena: "I mean, I don't know about the blue gloves, that was around the time when his phone apparently got stolen at the bowling alley and he said he was stuck up. That actually makes me wonder, there was a time when he told me that him and his friends were taking care of some guys or whatever and they left them out in the woods. Did you hear anything about that? [Matthews shakes head no] No?" Matthews: "Mm-mm [no]." Karena: "Okay, maybe it's not true." Matthews: "Did he say where at?" Karena: "No, I don't know." 4:41:03-4:41:46).

¹³¹ This information was obtained through a discussion with a former SBI official who interviewed Karena in 2014. It is unclear from the discovery in this case which law enforcement officials from the listed agencies observed Karena being interviewed.

¹³² *Notes from Comprehensive Case Review of Faith Danielle Hedgepeth homicide presented to NCMEC, Washington, D.C. (Dec. 2014).*

¹³³ See footnote 128.

EXHIBIT B

Defendant's Motion for Certificate to Secure Attendance of Out-of-State Material Witness Karena Rosario with supporting citations added

124. Karena “nodded the entire time with the agent as he was telling her this.”¹³⁴
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.”¹³⁵
126. “The event” was Faith’s death.¹³⁶
127. In response to this information, Karena did not deny that she should have a clear memory of “the event.”¹³⁷
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.”¹³⁸
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.”¹³⁹
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.¹⁴⁰

¹³⁴ *Notes from Comprehensive Case Review of Faith Danielle Hedgepeth homicide presented to NCMEC*, Washington, D.C. (Dec. 2014) (“SBI talked about the alcohol test, “you should remember, you weren’t drunk during this time”, “you remember what happened”, she nodded the entire time with the agent as he was telling this to her”).

¹³⁵ *NC SBI Report*, April 22, 2014 (“Rosario had a very clear memory of things prior to the incident and after the incident, but none of the incident. Rosario claims to have no memory of the incident whatsoever. When questioned as to why she could remember things prior to the incident and after the incident but nothing about the incident she could offer no explanation other than alcohol consumption. . . . [The agent] went on to explain to Rosario that it was not common for someone to remember things before such an event and after such an event, but nothing about the event. Rosario blamed her lack of memory on her alcohol consumption prior to the incident.”).

¹³⁶ See footnote 129.

¹³⁷ See footnote 129.

¹³⁸ *Notes from Comprehensive Case Review of Faith Danielle Hedgepeth homicide presented to NCMEC*, Washington, D.C. (Dec. 2014).

¹³⁹ *Notes from Comprehensive Case Review of Faith Danielle Hedgepeth homicide presented to NCMEC*, Washington, D.C. (Dec. 2014) (“Believe a confession was really close . . . *What made you think she was going to give up information?;* Hung her head[;] Quiet[;] . . . [Interviewer] was implying her involvement, she never defended herself, never gave an anger reaction and took the “accusations” that was being dealt out towards her[;] SBI believed she was “close to breaking””) (emphasis in original).

¹⁴⁰ Defense review of the investigative record (CHPD case file).

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Defendant's Motion for Certificate to Secure Attendance of Out-of-State Material Witness Karena Rosario with supporting citations added

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.¹⁴¹

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: _____


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¹⁴¹ *CHPD Crime Scene Photos*, time stamped 9/9/12 (DSCN0218.JPG – DSCN0222.JPG).

EXHIBIT B

Defendant's Motion for Certificate to Secure Attendance of Out-of-State Material Witness
Karena Rosario with supporting citations added

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

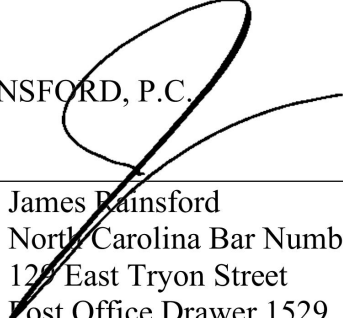
Angela W. Garcia-Lamarca
Email: Angela.w.garcia-
lamarca@nccourts.org
Assistant District Attorney

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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