FILED
DATE: September 29, 2026
TIME: 4:32:50 PM
DURHAM COUNTY
CLERK OF SUPERIOR COURT
BY: McDonald, Jamacia

STATE OF NORTH CAROLINA
COUNTY OF DURHAM

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 21CR054671-310

STATE OF NORTH CAROLINA

v.

MIGUEL ENRIQUE SALGUERO OLIVARES,
DEFENDANT.

ORDER GRANTING STATE'S MOTION CONCERNING IMPLICATION OF GUILT OF ANOTHER PERSON

THIS MATTER came on to be heard during the September 21, 2026, session of Durham County Superior Court before the Honorable Keith O. Gregory upon the State's Motion in Limine Concerning Implication of Guilt of Another Person. The State was represented by Special Prosecutor Lisa Coltrain, and Assistant District Attorneys Angela Garcia-Lamarca and Brooks Stone. The defendant, Miguel Enrique Salguero Olivares, was present and represented by the defense counsel, James Rainsford, Christopher Barnes, and Jason Murphy.

After reviewing the State's written motion, considering the evidence presented, hearing oral arguments from both the prosecution and defense counsel, and reviewing the record and applicable statutory and case law, the Court finds the following:

1. The alleged victim in the above-captioned case is Faith Hedgepeth, and the offenses in this case are alleged to have occurred on the morning of September 7, 2012.

2. Counsel for the defense made a proffer of evidence that included a PowerPoint presentation which is incorporated herein as Defendant's Exhibit A.

3. Defendant's proffer included matters, statements, and information from discovery materials that defense counsel intended on eliciting through testimony and exhibits during trial, to wit:

    a. Karena Rosario had a red spot on her hand, as reported by Jordan McCrary, and she made statements about it;

    b. There was an area in the car that Jordan McCrary was driving in the early morning hours of September 7, 2012 that tested presumptively positive for blood;

    c. There was a blood stain on the bathroom doorframe inside the apartment where Faith Hedgepeth was found that tested presumptively positive for blood;

    d. A tube top shirt was found inside the bedroom where Faith Hedgepeth was found, and that shirt was purported to have been worn by Karena Rosario when she left the apartment in the early morning hours of September 7, 2012;

    e. The theory that Karena Rosario wrote or was responsible for text messages sent from

Faith Hedgepeth's phone during the early morning hours of September 7, 2012; an opinion that those texts messages were unusual or unexpected; and the history, pattern, or the nature of cell phone contacts or communications of Faith Hedgpeth prior to September 6, 2012;

f. A downstairs neighbor, Joy Barker, heard thumps coming from upstairs between 3:00-4:00 a.m. on September 7, 2012;

g. Some possible witnesses, including some law enforcement officers, had opinions that Karena Rosario was acting unusually, that her behavior was different than expected, or that she knew more about Faith Hedgepeth's murder than she was telling law enforcement;

h. On the morning of September 7, 2012, the fuel door on Faith Hedgepeth's car was open and the gas cap was removed;

i. The theory that Karena Rosario wrote or was responsible for the writing on a bag that was found inside the bedroom where Faith Hedgepeth was found, and the fact that Karena Rosario made various statements to law enforcement which included some phrasing of "I'm not stupid;" and

j. Law enforcement contemplated theories that someone other than the defendant was involved in the crimes, including the possibility that the crime scene was staged.

4. That the State of North Carolina, by and through the above-referenced prosecutors, acknowledged that certain matters proffered by the defense are so intrinsically tied to the facts of the case and the events of September 7, 2012, that those matters could be properly admitted, regardless of whether they potentially implicate the guilt of a third party, to wit:

a. That Karena Rosario had a red spot on her hand, as reported by Jordan McCrary, and she made statements about it;

b. There was an area in the car that Jordan McCrary was driving in the early morning hours of September 7, 2012 that tested presumptively positive for blood;

c. There was a blood stain on the bathroom doorframe inside the apartment where Faith Hedgepeth was found that tested presumptively positive for blood;

d. A tube top shirt was found inside the bedroom where Faith Hedgepeth was found, and that shirt was purported to have been worn by Karena Rosario when she left the apartment in the early morning hours of September 7, 2012;

f. A downstairs neighbor, Joy Barker, heard thumps coming from upstairs between 3:00-4:00 a.m. on September 7, 2012; and

h. On the morning of September 7, 2012, the fuel door on Faith Hedgepeth's car was open and the gas cap was removed.

5. The State, however, argued that the other matters proffered by the defense were improper evidence implicating the guilt of a third party, to wit:

e. The theory that Karena Rosario wrote or was responsible for text messages sent from Faith Hedgepeth's phone during the early morning hours of September 7, 2012; an opinion that those texts messages were unusual or unexpected; and the history, pattern, or the nature of cell phone contacts or communications of Faith Hedgpeth prior to September 6, 2012;

g. Some possible witnesses, including some law enforcement officers, had opinions that Karena Rosario was acting unusually, that her behavior was different than expected, or that she knew more about Faith Hedgepeth's murder than she was telling law enforcement;

i. The theory that Karena Rosario wrote or was responsible for the writing on a bag that was found inside the bedroom where Faith Hedgepeth was found, and the fact that Karena Rosario made various statements to law enforcement which included some phrasing of "I'm not stupid;" and

j. Law enforcement contemplated theories that someone other than the defendant was involved in the crimes, including the possibility that the crime scene was staged.

6. The abundant and long-standing case law in North Carolina is clear that if "evidence is proffered to show that someone other than the defendant committed the crime charged, admission of the evidence must do more than create mere conjecture of another's guilt in order to be relevant. Such evidence must (1) point directly to the guilt of some specific person, and (2) be inconsistent with the defendant's guilt." *State v. May*, 354 N.C. 172 (2001). Put simply, the proffered "evidence must simultaneously implicate another and exculpate the defendant." *State v. Miles*, 222 N.C. App. 593 (2012).

7. "In order to be competent, evidence that the crime was committed by another person must point unerringly to the other person's guilt…Evidence which tends to show nothing more than conjecture or suspicion that someone other than the defendant had an opportunity to commit the crime without tending to show that the other person actually did commit the crime and that therefore the defendant did not do so, is too remote to be relevant and should be excluded." *State v. Williams*, 90 N.C. App. 614 (1988).

8. Law enforcement officer's opinions, beliefs, and theories as to the involvement of a person or persons other than the defendant are not proper evidence to be put before the jury. See *State v. Williams*, 90 N.C. App. 614 (1988) and *State v. Rose*, 339 N.C. 172 (1994).

9. Where a defendant's proffered evidence is "weak…speculative and uncertain…it [does] not possess sufficient probative value to justify receiving it in evidence." *State v. Allen*, 80 N.C. App. 549 (1986).

10. The defendant's proffered evidence as outlined in above subsection (e)—that there is a possibility that Karena wrote or was responsible for text messages sent from Faith Hedgepeth's phone during the early morning hours of September 7, 2012—is not supported by any direct evidence and merely creates an inference or speculation of another's guilt.

11. The defendant's proffered evidence as outlined in above subsection (g)—that some law enforcement officers had opinions that Karena Rosario was acting unusually and that she knew more than she was telling law enforcement—is inadmissible opinion evidence and merely creates an inference or speculation of another's guilt.

12. The defendant's proffered evidence as outlined in above subsection (i)—the theory that Karena Rosario wrote or was responsible for writing on a bag that was found inside the bedroom where Faith Hedgepeth was found, based upon the fact that Karena Rosario made various statements to law enforcement which included some phrasing of "I'm not stupid,"—is too speculative and remote to be admissible because the purported inference is mere speculation of another's guilt.

13. The defendant's proffered evidence as outlined in above subsection (j)—that law enforcement contemplated various theories of the case, to include considering there might be the possibility of the crime scene where Faith Hedgepeth was found being staged—is inadmissible opinion evidence, not relevant as to the defendant's guilt, and merely creates an inference or speculation of another's guilt.

14. In addition to above referenced subsections (e)(g)(i) and (j) merely creating conjecture and speculation that someone other than the defendant had an opportunity to commit the crime without tending to show that the other person actually did commit the crime, the proffered evidence is not inconsistent with the defendant's guilt, and thus the proffered evidence failed the two-prong test outlined in *State v. May*.

15. Therefore, the proffered evidence in the above subsections (e)(g)(i) and (j) is irrelevant and inadmissible at trial.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. The State's Motion in Limine is granted.

2. Apart from the evidence listed in paragraph 4 (subsections (a)(b)(c)(d)(f) and (h)), the defendant is prohibited from eliciting, proffering, or attempting to elicit or proffer any testimony or other evidence implying or suggesting the guilt of anyone other than the defendant, unless and until new, unanticipated circumstances arise concerning evidence of third party guilt, and the defendant satisfies both prongs of the test articulated in *State v. May* during a *voir dire* hearing outside the presence of the jury.

3. The defendant's proffered evidence as outlined in the above subsections (e)(g)(i) and (j) is excluded from evidence in the trial of this case because the proffered evidence merely creates conjecture and speculation that someone other than the defendant had an opportunity to commit the crime without tending to show that the other person actually did commit the crime.

4. The defendant's proffered evidence as outlined in the above subsections (e)(g)(i) and (j) is excluded from evidence in the trial of this case because the proffered evidence is not inconsistent with the defendant's guilt, and therefore it is too remote to be relevant.

5. Thus, the proffered evidence in subsections (e)(g)(i) and (j) fails the two-prong test outlined in *State v. May* and is excluded from evidence in the trial of this case.

6. Neither party shall offer any evidence of, or in any way refer to, the defendant's proffered evidence as outlined in the above subsections (e)(g)(i) and (j). This shall include any questioning or designs to elicit such evidence.

7. Both parties shall advise all witnesses as to the substance of this Order so that witnesses will be on notice not to violate the terms of the Order.

8. If circumstances arise during the course of the trial that either party believes makes the proffered evidence newly relevant, the party shall, outside the presence of the jury, alert the Court so that the matter may be addressed and ruled upon in a *voir dire* hearing outside the presence of the jury.

9. Should either party or any witnesses violate the terms of this Order, the Court shall consider all available sanctions and remedies as needed.

9/29/2026 4:14:55 PM



Honorable Keith O. Gregory Superior Court Judge Presiding