

NCSC Practice Materials

Assessment Script for Simultaneous with Keywords

Ladies and gentlemen of the jury, in the opening statement I will tell you what the evidence will be. I will explain to you what we will prove throughout the course of this **trial**¹. We will demonstrate that the defendant, Nora Rosendale, is guilty of the charges against her. Nora Rosendale was considered part of the popular or “**cool**”² crowd of kids. She was a **senior**³ in high school with a **high-end**⁴ car and the latest in **name-brand**⁵ clothing. Additionally, she was a **cheerleader**⁶ for the varsity football team and dating the most popular boy in school—they were even voted king and queen of their senior **prom**⁷. In other words, she was **sailing through**⁸ life - she was, that is, until **April 15th, 2020**⁹.

Larry McCormick, **on the other hand**¹⁰, was not considered popular by any **stretch of the imagination**¹¹. His parents struggled to meet the yearly **tuition**¹² costs of **Hawthorne High School**¹³. Larry rode the bus to school and wore **hand-me-downs**¹⁴ from his older brother. Some kids might have a **chip on their shoulder**¹⁵ under similar circumstances, but by all accounts, Larry was a **thoughtful**¹⁶ and kind teenager who mostly **kept to himself**¹⁷.

On the morning of April 15th, 2020, Nora found some oxycodone hydrochloride, commonly referred to as **Oxycontin**¹⁸, in her father Hank Rosendale’s **medicine cabinet**¹⁹. Mr. Rosendale suffered then, and still suffers from, **terminal**²⁰ cancer. For those of us who are unaware, Oxycontin is a drug that you can only get with a **prescription**²¹ and is a **painkiller**²² typically used to help provide relief from severe pain. Unless you’ve been **living under a rock**²³ for the past **decade**²⁴, you know that, **unfortunately**²⁵, this drug is highly **abused**²⁶ in our country. You can barely scan the **headlines**²⁷ nowadays without reading about another person **falling victim**²⁸ to Oxycontin abuse—celebrities, **stay-at-home**²⁹ moms, **high-powered**³⁰ politicians, junkies—no one is **immune**³¹ to the opioid **epidemic**³² affecting our country and the rest of the world.

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That said, Nora would have been well **aware**³³ of the tragic **turn**³⁴ that taking these drugs without a prescription could take. Don't let anyone try and tell you **otherwise**³⁵. Despite this knowledge, later that same evening, Nora **pressured**³⁶ Larry McCormick into trying some of the Oxy at a party they were both attending—**teasing**³⁷ him in front of a group of **peers**³⁸ and repeatedly calling him a “**dumbass**³⁹” until he finally **caved**⁴⁰. Larry liked how the drugs made him feel—happy, almost **euphoric**⁴¹, and incredibly relaxed. He **chased that high**⁴² all night, eventually crushing and **snorting**⁴³ the pills as the night progressed, mixing everything with **alcohol**⁴⁴.

As you will learn from the **expert witnesses**⁴⁵ we will call throughout this case, the effects of this drug—the euphoria and pleasant feelings--can change in an instant to very low **blood pressure**⁴⁶, difficulty breathing, and even **unconsciousness**⁴⁷. It can severely limit your ability to **operate**⁴⁸ a vehicle, or any other type of equipment or **machinery**⁴⁹, for that matter. The sad fact of this **case**⁵⁰ is that Larry McCormick took this drug, after it was given to him by Nora Rosendale, the popular girl who pressured the unpopular kid into taking her father's medication. Then, when **he was riding**⁵¹ his bike home after a night of **partying**⁵², it made him **drowsy**⁵³. He passed out and drove his bike into **oncoming**⁵⁴ traffic and, most tragically, **ladies and gentlemen of the jury**⁵⁵, he died from injuries **sustained**⁵⁶ in that accident—all because he made the poor decision to take someone else's prescription medication.

Just the simple act of taking someone else's prescription drugs, **such as**⁵⁷ Larry taking Nora's father's Oxy that **fateful**⁵⁸ night, is illegal **possession**⁵⁹ of a drug. And Larry McCormick's bad **judgment**⁶⁰ led to the loss of his life. But he is not the only one who **exercised**⁶¹ poor judgment that night. If you sell or **distribute**⁶² someone else's prescription drugs to another, that constitutes the **offense**⁶³ of sale or distribution of a **controlled**⁶⁴ substance.

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And, if that illegal **act**⁶⁵ causes someone else's death, you can also be found **guilty**⁶⁶ of the separate offense of involuntary manslaughter. So, the other person who should be held responsible for Larry's death that night is the defendant, Nora Rosendale.

The most serious **charge**⁶⁷ against the defendant in this case is that she distributed an ultimately lethal **quantity**⁶⁸ of this controlled substance to Larry McCormick, causing his death. The **Court**⁶⁹ will instruct you at the end of this case as to what constitutes **involuntary manslaughter**⁷⁰ and the Court will go into great detail to make sure you understand the charge. But the most basic **elements**⁷¹ are that if a person, by **negligent**⁷² or unlawful conduct, causes another person to die, **even if**⁷³ the person didn't mean to, that person can be found guilty of involuntary manslaughter. After hearing all of the evidence, **you will agree**⁷⁴ that not only is Nora Rosendale guilty of possessing and distributing a controlled substance to Larry McCormick, she is also guilty of involuntary manslaughter in the **cause**⁷⁵ of his death. Thank you for your time.