



## 2012 Mock Trial Case:

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**WITNESSES**

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Bailey Brown

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Avery Abbott

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**ARREST WARRANT NUMBER**

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DIRECT INDICTMENT

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**ACTION OF GRAND JURY**

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TRUE BILL

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*Brynn Forsyth*

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*Foreperson of Grand Jury*

*Date: October 1, 2011*

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**VERDICT**

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*Foreperson of Grand Jury*

*Date:*

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**DOCKET NO. 2012-GS-46-2695**

**The State of North Carolina**

**County of Dog Wood**

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**COURT OF GENERAL SESSIONS**

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**THE STATE OF NORTH CAROLINA**

**vs.**

**DREW DeLANEY**

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**INDICTMENT FOR**

**NC Code: § 14-18**

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STATE OF NORTH CAROLINA        )  
  )  
COUNTY OF DOG WOOD            )

INDICTMENT

At a Court of General Sessions, convened on October 1, 2012, the Grand Jurors of Dog Wood County present upon their oath:

**INVOLUNTARY MANSLAUGHTER NC CODE § 14-18**

That Drew DeLaney, in Dog Wood County, on or about August 5, 2011, committed the crime of Involuntary Manslaughter in that the Defendant, Drew DeLaney, did unlawfully, with criminal negligence and reckless disregard for the safety of others, London Abbott, to wit: by depriving the victim of fluids and otherwise conducting an unsafe track practice.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

David W. Miller

DAVID W. MILLER, SOLICITOR

STATE OF NORTH CAROLINA	)	SEVENTEENTH JUDICIAL CIRCUIT
	)	
COUNTY OF DOGWOOD	)	COURT OF GENERAL SESSIONS
	)	
STATE OF NORTH CAROLINA,	)	2012-GS-46-2695
	)	
Prosecution,	)	
vs.	)	
	)	
DREW DeLANEY,	)	
	)	
Defendant.	)	<b>DEMAND FOR JURY TRIAL</b>
	)	

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The State of North Carolina filed one indictment against Defendant Drew DeLaney. The indictment was true billed by the Grand Jury on October 1, 2012. Defendant pleads not guilty.

I, the undersigned, do hereby demand a jury trial in the above matter.

Dated: October 1, 2012

Signed: Drew DeLaney  
Drew DeLaney, Defendant

STATE OF NORTH CAROLINA	)	SEVENTEENTH JUDICIAL CIRCUIT
	)	
COUNTY OF DOG WOOD	)	COURT OF GENERAL SESSIONS
	)	
STATE OF NORTH CAROLINA,	)	2012-GS-46-2695
	)	
Prosecution,	)	
vs.	)	
	)	
DREW DeLANEY,	)	
	)	
Defendant.	)	
	)	

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**Pre-Trial Order**

On this the 7<sup>th</sup> day of January 2012, the above-captioned matter came before the undersigned judge for pretrial conference. The parties, appearing through their counsel, indicated their agreement to, and approval of, the terms of this Order, and requested that it be made the Order of this Court. The terms of this order, accordingly, shall not be altered, except upon a showing of good cause.

**I. Statement of Case**

The State of North Carolina charged the Defendant, Drew DeLaney, with one count of Involuntary Manslaughter in violation of North Carolina Code Annotated § 14-18, alleging that on August 5, 2011, defendant unlawfully caused the death of London Abbott, to-wit: the death occurred when defendant allegedly deprived the victim of fluids and otherwise conducted an unsafe track practice, contrary to the laws of the State of North Carolina, and the good order, peace and dignity thereof. Upon arraignment, Drew DeLaney pled not guilty to all charges.

**II. Stipulations of the Parties**

The parties have entered into the following stipulations, which shall not be contradicted or challenged:

1. The death of London Abbott occurred on the evening of August 5, 2011.
2. London Abbott was 17 as of August 5, 2011.
3. The family medical history is not in dispute.
4. All exhibits listed are authentic and accurate in all respects.

5. The chain of custody for evidence is not in dispute.
6. The signatures on the witness statements and all other documents are authentic.
7. All witnesses who were questioned by law enforcement were properly advised of their Miranda rights.
8. The transcript of the 911 phone call is admissible as a substitute for the actual recording and accurately reflects the contents of the recording. The caller's voice on the recording is identified as Bailey Brown.
9. Exhibit #8 fairly and accurately reflects the scene, view, or geography they purport to depict.
10. All names, medications, schools, school rules, and businesses contained herein are fictional for the purposes of this Mock Trial case.
11. All students at Cardinal High School submitted medical release forms prior to joining the track team. Both parties agree that Strenaxal was not listed on London Abbott's medical release form.
12. Both medical experts are qualified to use and comment on the coroner's findings.
13. Exhibit #4 (the five day forecast) is admissible.
14. The following words shall be pronounced as indicated below.

Strenaxal ..... Stren·ax·al  
 Hypothalamus .....Hy·po·thal·a·mus  
 Hyponatremia .....Hy·po·na·tre·mia  
 Amphetamines..... Am·fet·uh·meen  
 Svenson.....Sven·son

## **NORTH CAROLINA CRIMINAL STATUTES**

### **NC Code § 14-18. Involuntary Manslaughter; “criminal negligence” defined.**

Involuntary manslaughter is a common law offense that occurs when a person kills another living human being by criminal negligence. Criminal negligence is a carelessness or recklessness that shows a thoughtless disregard of consequences or a heedless indifference to the safety and rights of others.

**Punishment for manslaughter.** - Voluntary manslaughter shall be punishable as a Class D felony, and involuntary manslaughter shall be punishable as a Class F felony.

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	)	
Prosecution,	)	
vs.	)	
	)	
DREW DeLANEY,	)	
	)	
Defendant.	)	
	)	

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**Appendix A**

**JURY VERDICT FORM**

We, the jury, empanelled and sworn in the above-entitled cause, do, upon our oaths, find as follows:

Defendant is:

**COUNT 1 – Involuntary Manslaughter**

\_\_\_\_\_ Guilty  
 \_\_\_\_\_ Not Guilty

\_\_\_\_\_  
 Foreperson

STATE OF NORTH CAROLINA	)	SEVENTEENTH JUDICIAL CIRCUIT
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COUNTY OF DOG WOOD	)	COURT OF GENERAL SESSIONS
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	)	
STATE OF NORTH CAROLINA,	)	2012-GS-46-2695
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	)	
DREW DeLANEY,	)	
	)	
Defendant.	)	<b>JURY CHARGE</b>
	)	

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The defendant is charged with Involuntary Manslaughter. To prove Involuntary Manslaughter, the State must prove beyond a reasonable doubt that the defendant unintentionally killed the victim without malice, while engaged in a lawful activity with reckless disregard for the safety of others.

Unintentional means that the defendant did not intend for anyone to be killed or seriously injured.

Reckless disregard for the safety of others is more than mere negligence or carelessness. Mere negligence or carelessness is the failure to use the care that a person of ordinary reason would use under the same circumstances. Recklessness is a conscious failure to use ordinary care.

Reckless disregard for the safety of others means that you are not interested in the consequences of your acts or the rights and safety of others.

The State must also prove beyond a reasonable doubt that the defendant's act was the proximate cause of death.

Proximate cause is the direct cause; it is the immediate cause; it is the efficient cause; it is that cause without which the death of the victim would not have resulted. There must be a chain of causation from the time of the injury inflicted by the defendant until the time of the victim's death. Proximate cause does not necessarily mean that it occurred immediately prior to death.

There may be more than one proximate cause. The acts of two or more persons may combine together to be a proximate cause of the death of a person. The defendant's act may be regarded as the proximate cause if it is a contributing cause of the death of the victim. The fact that other causes also contribute to the death of the victim does not relieve the defendant from responsibility. The defendant's act need not be the sole cause of death, but must be a proximate cause contributing to the death of the victim. Negligence on the part of someone else would not relieve the defendant from liability if the injury was the proximate cause of the victim's death.

**WITNESSES  
and  
AFFIDAVITS**

## WITNESS LISTING

PROSECUTION	
Bailey Brown	Assistant Coach
Avery Abbott	Parent
Chandler Covington	Medical Expert

DEFENSE	
Drew DeLaney	Coach / Defendant
Frankie Fulton	Track Teammate
Emery Erickson	Medical Expert

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	)	
Prosecution,	)	
vs.	)	
	)	
DREW DeLANEY,	)	
	)	
Defendant.	)	<b>AFFIDAVIT OF</b>
	)	<b>BAILEY BROWN</b>

---

COMES NOW THE AFFIANT SWORN AND STATES THE FOLLOWING:

1           1.       My name is Bailey Brown. I was the assistant coach to Coach Drew DeLaney at  
2 Cardinal High School from 2006 until August 2011. I also assisted with the summer  
3 conditioning program. Since Coach DeLaney’s suspension, I have been the acting head coach  
4 at Cardinal High School. I had the utmost respect for Coach DeLaney, but I think the athletes  
5 were pushed too hard. There is a line when pushing becomes counter-productive. Coach  
6 DeLaney liked to push and, unfortunately, crossed the line this time, causing a really bad result.

7  
8           2.       I remember August 5, 2011, as a really hot day. It was probably the hottest day  
9 of the summer. We were practicing for a regional exhibition meet that Saturday. The two hour  
10 practice started promptly at 5pm. This was an important meet because it was going to help the  
11 coaches determine team assignments for the upcoming season. Things were tense because  
12 our times were off and everyone seemed to be sliding backwards with their training. As usual,  
13 Coach DeLaney was focused on the relay teams, always seeming to push the relay teams extra  
14 hard. I remember two relay runners, London Abbott and Frankie Fulton, were having problems  
15 dropping the baton at practice. They seemed to have had more difficulty than usual for some  
16 reason.

17           3.       Coach DeLaney decided to “sweat the drops out of them.” Coach DeLaney  
18 usually made the team run relay suicides only to the 50 yard line, but this time London Abbott,  
19 Frankie Fulton, Gray Goodwin, and Hayes Hamilton all were made to run suicides as a team  
20 between the end zones. What that means is the coach starts the relay runners by having them  
21 sprint from the closest end zone, touch the ten yard line and then sprint back to the starting  
22 spot. They touch that line, and then sprint out to the next ten yard marker and so on, until they  
23 cover the entire length of the hundred yard football field. Essentially, it means they cover 1,100  
24 yards of running, which is not easy.

25  
26           4.       I told Coach DeLaney the players needed to take more water breaks, but s/he  
27 said they had to finish their drills first. I also told Coach DeLaney the relay runners looked like  
28 they were having problems with the heat, but Coach DeLaney did not say anything to that.  
29 Usually Coach DeLaney had me supervise the individual groups, but I distinctly remember that  
30 on that day Coach DeLaney was in charge of everything. I know Coach DeLaney saw London  
31 stumbling toward the end of the first set of suicide runs because Coach DeLaney told me it  
32 looked like London’s heart was not in it that day and expressed concerns about whether London  
33 should stay on the relay team. Either way, Coach DeLaney did not let the relay team stop  
34 running those suicides. About the time the relay team was coming back from the opposite 20  
35 yard line, Frankie and Hayes were helping London run. Coach DeLaney told them to let London  
36 run without assistance. Frankie yelled they needed a break, but Coach DeLaney told them to  
37 run a second set of suicides. Coach DeLaney told Frankie to quit complaining. I did not see  
38 how well they ran the second round of suicides because Coach DeLaney and I were timing  
39 other parts of the team. I do know that between the two sets of suicide sprints, the top relay  
40 team ran over a mile. This does not include the warm up suicides all the runners did to the 30  
41 yard line. I think it was another ten to fifteen minutes later that I saw Frankie and Hayes half  
42 carrying London off the field and then dousing London with water. By the time I got there

43 someone had pulled the hose connected to the sideline water station and started shooting water  
44 directly on London. I got Hayes to bring some ice from the concession shack, which we put on  
45 London's neck and under the arms.

46

47 5. While all this was going on, Coach DeLaney was talking to the rest of the team.  
48 I didn't think s/he knew what happened, so I ran over to personally tell Coach DeLaney what  
49 happened to London. Coach DeLaney finally came over to check on our fallen runner. After  
50 looking at London, Coach DeLaney ordered everyone to take water. I think that may have been  
51 the first time that day Coach DeLaney actually told the team to drink water. Coach DeLaney  
52 then went back to talk with the rest of the team who were sitting in the home stands, while I  
53 stayed with London.

54

55 6. London started to look worse. I was concerned, so I called 911 on my cell  
56 phone. I think Gray Goodwin went to get some wet towels. I told the 911 dispatcher London  
57 looked pretty bad and was in and out of consciousness. The dispatcher asked if I knew why,  
58 and I said London seemed to be overheated. We put more water on London, but we got no  
59 response and London had a rapid pulse. We were trying to keep London awake. London's  
60 eyes were partially open, but they were rolled back in his/her head. We kept talking to London,  
61 but there was no real response. London kept making deep moaning noises when exhaling.  
62 Sometime after all of this the paramedics showed up. They checked London's airway, loaded  
63 London on a stretcher, and were quickly gone.

64

65 7. I think Coach DeLaney has done great things for the sport of track. However,  
66 Coach DeLaney pushed the team too far that day. Although Coach DeLaney may deny it,  
67 I recall Coach DeLaney repeatedly denying players water during the August 5<sup>th</sup> practice.  
68 I knew it was a hot day, but I did not realize just how hot it was. I checked the weather channel

69 later that evening. I learned that London collapsed when it was 94 degrees outside. The heat  
70 index made it even hotter. It was the hottest that afternoon, but it was still hot at practice  
71 somewhere in the 100s. It was well beyond what was needed to activate the school's athletic  
72 guidelines requiring water breaks at least every 30 minutes. I know Coach DeLaney received  
73 extensive training in the dangers of heat-related illnesses, because we attended training on this  
74 every year and it is drilled into our heads.

75

76 8. Coach DeLaney made the relay team run extra suicides as punishment for not  
77 practicing hard enough. Coach DeLaney threatened to make them keep running until someone  
78 quit. To me, dropping a baton does not justify requiring suicide runs ultimately causing London  
79 Abbott's death. In my opinion, Coach DeLaney was aware the relay team was fatigued at the  
80 practice, but still ordered them to continue with the suicides as punishment. I hate to say it, but  
81 I think Coach DeLaney cared more for winning races than for the athletes. I wish I had stepped  
82 up sooner, but I did not want Coach DeLaney to yell at me either. Of course the team kept on  
83 running – they are star struck by Coach DeLaney's resume. They were also frightened by the  
84 insults and the challenges Coach DeLaney would make on the team insisting they run until  
85 someone quit. It was Coach DeLaney's practice to set water breaks every forty minutes, but  
86 that day I don't recall taking that many water breaks because Coach DeLaney was obviously  
87 distracted. The water breaks every forty minutes works during the regular season when it is  
88 cooler in the spring with temperatures hovering around 60 to 70 degrees. During the summer;  
89 however, Coach DeLaney would yell at the players who tried to take an unscheduled water  
90 break, calling them weak, and threatening to drop them from the team.

91

92 9. I never saw Coach DeLaney at the hospital attempting to visit London. I also  
93 refused to read about Coach DeLaney on the Internet. It sickens me that some people have so  
94 much need for hero worship that they continue to idolize Coach DeLaney despite an obvious

95 drive to win, even at the sacrifice of some great young athletes. There was not much  
96 worshiping of Coach DeLaney that Saturday -- all of us coaches including Coach DeLaney and  
97 the school made a joint decision not to compete in the regional exhibition that day. Besides, the  
98 team as a whole was too upset to compete with the loss of their fellow teammate. I was glad  
99 that following Monday when the school district suspended Coach DeLaney for what happened  
100 to London. Coach DeLaney should be held accountable for reckless disregard for the safety of  
101 our team's athletes.

**WITNESS ADDENDUM**

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Bailey Brown

Bailey Brown

SIGNED AND SWORN to me before 8:00a.m. on the day of this round of the 2012 Justice Iredell Middle School Mock Trial Tournament.

Anthony Roberts

Anthony Roberts, Notary Public

State of North Carolina

My Commission Expires: 10/24/15

STATE OF NORTH CAROLINA	)	SEVENTEENTH JUDICIAL CIRCUIT
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COUNTY OF DOG WOOD	)	COURT OF GENERAL SESSIONS
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	)	
DREW DeLANEY,	)	
	)	
Defendant.	)	<b>AFFIDAVIT OF</b>
	)	<b>AVERY ABBOTT</b>

---

COMES NOW THE AFFIANT SWORN AND STATES THE FOLLOWING:

1           1.       My name is Avery Abbott. I lost my child, London Abbott, to the recklessness of  
2 Coach Drew DeLaney. London’s death was inexcusable, but it will not be in vain. I do not want  
3 this to happen again to anyone else’s child. How does a parent describe a loss like this? All  
4 I can say is that I am completely crushed. London was going to do great things. Track was  
5 becoming a large part of London’s identity and future plans. I now have this complete void in my  
6 life. Everything reminds me of London – songs on the radio, favorite foods, movies we loved to  
7 watch together, places we went, and the track field I drive by everyday on the way to work. All  
8 that is left is London’s empty room with a shelf of track trophies and ribbons. Perhaps London’s  
9 death will serve as a warning for coaches across the nation to be mindful of their responsibility  
10 to protect young athletes while they are in their care.

11  
12           2.       I do not know who was more excited that London was on the relay team – me or  
13 London. Track was my thing and I stuck with it all the way from middle school to college. I was  
14 the one in school who had the records everyone wanted to beat. It only makes sense that  
15 London was destined to be good at running.

16           3.       Knowing what it takes to be the best athlete possible, I was constantly drilling into  
17 London about practicing above and beyond what was required, how to stay conditioned, what to  
18 eat and not to eat, getting enough protein, why it was important to stay hydrated without over  
19 hydrating, and why not to skip out on getting a good night's rest. London and I did everything we  
20 could to prepare for track meets. London was in the best shape possible. I bought all organic  
21 foods. We ate lots of fruits and vegetables. I hired a personal trainer to work on conditioning and  
22 speed circuit training. While training individually, London always drank enough water to remain  
23 hydrated.

24

25           4.       The only drug I knew London took regularly was an over the counter pain  
26 medication. London sometimes got nervous preparing for meets or academic tests and took  
27 Strenaxal for anxiety off-and-on only when it was needed. In the last year or so London did not  
28 appear to need to take the Strenaxal at all. At one point we thought London would have to take  
29 the drug every day. When London took it, London was very focused as it took the edge off.  
30 London was always responsible with the prescription and never abused it. London only used a  
31 little bit of the three month prescription we filled in February. I forgot to list the Strenaxal on the  
32 medical release form because London really wasn't taking it. One of the side affects was  
33 nausea and the last thing London wanted to do was to take Strenaxal just before track practice  
34 feeling sick.

35

36           5.       I was at what would be London's last practice on Thursday, August 5, 2011.  
37 I was going to be out of town for business that coming Saturday, so I thought I would get off  
38 work a little early to beat the five o'clock traffic and sit in on London's practice. I was really  
39 excited to learn that London was likely to be picked as the relay team anchor. It was down to  
40 Frankie or London for the anchor position. I was an anchor back in my day. An anchor on the  
41 track team is the fastest runner. The fast runners either start the first leg or anchor the fourth

42 leg. The competition for these slots was usually between London and London's friend Frankie  
43 Fulton. They had been competing for positions like the relay anchor for as long as I have known  
44 Frankie. I recall many races where London edged out Frankie by fractions – even hundredths –  
45 of a second. I was really hoping London would get selected to be an anchor, because anchors  
46 tend to get better noticed by college scouts. I believe there were going to be college scouts at  
47 the meet since it was a regional exhibition meet and many of the runners were seniors. I don't  
48 think you can ever get noticed too early by a college scout.

49

50           6.       When I arrived at the practice and walked over to sit in the visitor stands, the  
51 relay runners were not running around the track. Instead, they were running suicides up and  
52 down the football field. I asked one of the other parents why they were not practicing relays and  
53 was told Coach DeLaney was upset with the relay team because they were not hustling, or  
54 something like that. I remember running those suicides, but we never did them as punishment.

55

56           7.       I remember that day was especially hot. It turned out it was one of the hottest  
57 days of the year. People joke that it is not the heat in North Carolina that kills you, but the  
58 humidity. That really is no joke! I remember it felt like I was swimming through the air that  
59 afternoon. All the parents there that day including myself were soaking wet from sweat and all  
60 we were doing was just sitting there. One of the few details still fresh in my memory at the  
61 hospital—later that day—was hearing the evening news while I was in the waiting room. The  
62 weather person reporting the heat index on that Thursday made it feel like it was 114 degrees.  
63 It was so hot that the shade seemed to evaporate away. Now that's hot!

64

65           8.       While I was watching the relay team run suicides, it did not look like London felt  
66 well. London seemed to be sluggish, running slower than usual, and stumbling a little. As a  
67 former track runner and a parent, I felt for London. But, there was nothing I could do. Coach

68 DeLaney had very strict rules about parents not being allowed on the field, coaching from the  
69 sidelines, or talking to any of the track members or coaches during practices or meets. My child  
70 was not a quitter and if Coach DeLaney said to do suicides, I knew London would not have  
71 stopped until Coach DeLaney said to stop. With some help from the other relay runners, London  
72 started to pick it up a bit, so I began talking with some of the other parents to see if they would  
73 take pictures of London and record his/her times at Saturday's exhibition since I was going to be  
74 out of town. I lost track of London on the field for a little bit with sprints, hurdles, and relays all  
75 taking place at once. I do not remember what time it was, but I think it was about fifteen  
76 minutes later when I heard some commotion and saw London's relay team rushing off the field. I  
77 heard someone shout that a runner collapsed from dehydration. I did not know who it was at  
78 the time, but like any parent I was worried. I ran down to the area beside the bleachers where a  
79 few of the relay racers who had finished their suicides were gathered near the water station. I  
80 was looking for London at the same time, but did not see London. As a parent, I feared the  
81 worst.

82

83           9.       I pushed my way in and saw my child passed out on the ground. I could hear  
84 London making these loud, wheezing noises when exhaling. I noticed London was very  
85 clammy, pale, had heavy breathing, and seemed to be shivering; which seemed strange  
86 considering how hot it was. By the time some runners ran and returned to the sidelines with  
87 some water, London's coloring changed to a pale-blue, London's mouth was gaped open, and  
88 London just moaned.

89

90           10.       It was at least ten to fifteen minutes after London collapsed when Coach  
91 DeLaney finally came over to check on London. I did not even notice Coach DeLaney had  
92 come over until after someone called for the ambulance. Coach DeLaney did not actually come  
93 all the way over, but just stood about ten yards away surveying the situation. Coach DeLaney

94 was trained in what to do in these situations. Why didn't Coach DeLaney do anything to help my  
95 child? Coach DeLaney simply talked with another student and looked at London as if this was  
96 entertainment or as if it was an imposition to alter from the schedule. Who knows what Coach  
97 DeLaney was thinking, but it clearly was not about taking care of London.

98

99           11.     Honestly, I do not recall much of anything else that day. I know that I rode with  
100 London in the ambulance to the hospital and I sat in the waiting room for a really long time  
101 before I was allowed into the room. The heat took a terrible toll on London and it was too late to  
102 recover from its damages. London died later that night. London never recovered or regained  
103 consciousness in the hospital. My child never heard me say goodbye. London never saw his/her  
104 eighteenth birthday on August 25<sup>th</sup>. I met many well wishers and friends of London at the  
105 hospital and the funeral, but I never saw Coach DeLaney.

106

107           12.     I really wanted to support Coach DeLaney and the other coaches. Some of the  
108 assistant coaches were the parents of London's friends. However, in the days and months after  
109 London died, I was compelled to learn exactly what happened. Then, the Grand Jury found  
110 Coach DeLaney liable. I was not the only one who felt betrayed by Coach DeLaney. Clearly,  
111 the State found enough evidence to prosecute Coach DeLaney. I want Coach DeLaney to be  
112 prosecuted. This has to be a lesson to other coaches. North Carolina is not getting any cooler.  
113 All coaches need to know the proper strategies to practice during hot days. The coaches need  
114 to do a better job enforcing the policies that govern how athletes should be treated on hot and  
115 humid days. The prosecution of Coach DeLaney demonstrates there are consequences for  
116 irresponsible supervision. I am absolutely dumbfounded by the complete lack of urgency Coach  
117 DeLaney displayed in seeking medical help for my child. London and many other kids looked  
118 up to Coach DeLaney. We now know that although Coach DeLaney can help our youth run  
119 faster, it comes at a price. It came at the ultimate price for London.

120           13.     Other parents have been very supportive as my family struggles with London's  
121 death. We have to find a new normal, because life will never be the same. At least some good  
122 might come out of this horrible loss. Coach DeLaney should be an example to all other coaches  
123 and assistant coaches in the nation to properly care for their athletes.

**WITNESS ADDENDUM**

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Avery Abbott

Avery Abbott

SIGNED AND SWORN to me before 8:00a.m. on the day of this round of the 2012 Justice Iredell Middle School Mock Trial Tournament.

William Smith

William Smith, Notary Public  
State of North Carolina  
My Commission Expires: 12/08/15

STATE OF NORTH CAROLINA	)	SEVENTEENTH JUDICIAL CIRCUIT
	)	
COUNTY OF DOG WOOD	)	COURT OF GENERAL SESSIONS
	)	
STATE OF NORTH CAROLINA,	)	2012-GS-46-2695
	)	
Prosecution,	)	
vs.	)	
	)	
DREW DeLANEY,	)	
	)	
Defendant.	)	<b>AFFIDAVIT OF</b>
	)	<b>CHANDLER COVINGTON</b>

---

COMES NOW THE AFFIANT SWORN AND STATES THE FOLLOWING:

1           1.       My name is Chandler Covington. I am a board certified physician and  
2 pathologist. I grew up in North Cheraw, North Carolina. I graduated from Arizona University.  
3 I then started medical school at NC College of Medicine to start somewhere fresh and new. I did  
4 some field research in Central American and completed my studies at the Medical University of  
5 North Carolina (MUNC). Following my residency, I worked for the Duke University Medical  
6 School conducting clinical trials on various new drugs. After that I felt the desire to return home  
7 to North Carolina. Fortunately, there was a vacancy in the Sand Hills General Hospital in the  
8 pathology unit. I have always had an interest in discovering what causes the end of life, and I  
9 have been there ever since. For the last 13 years I have been the primary pathologist  
10 conducting autopsies for the Coroner's Office.

11  
12           2.       My life changed while volunteering at a clinic during medical school. One day, a  
13 patient came in with a heat stroke. Heat strokes were pretty common with the high  
14 temperatures in Arizona, but this case in particular amazed me. I remember the patient was on  
15 the brink of death when he came into the hospital, but we were able to save his life. That  
16 incident led to my interest with the effects of heat and humidity. It affected me so much  
17 I decided to focus my studies on the effects of excessively high temperatures in tropical climates

18 by working in clinics throughout Central America. I then returned to the United States and  
19 finished my training at MUNC.

20

21 3. I frequently assist the police with their investigations, because of the nature of  
22 what I do. I have testified in hundreds of cases over the years, usually testifying about  
23 toxicological findings in driving under the influence cases, domestic violence cases, and  
24 occasionally in homicides. I am proud to say that with the assistance of my testimony, the  
25 solicitor has a ninety percent conviction rate. Since I conducted the autopsy of London Abbott  
26 as work for the Coroner's office, I am considered to be employed by the state and I am not  
27 reimbursed for my time working on cases like this one. However, I do get a mileage check,  
28 which I think will be around ten dollars.

29

30 4. In my opinion, to a reasonable degree of medical certainty, the victim, London  
31 Abbott, died as a result of dehydration caused by excessive strenuous exercise in hot weather.  
32 It is clear from the medical records as to the cause of the death—a cause, that could and should  
33 have been avoided. I reviewed all the records to reach my conclusions. The victim was  
34 severely dehydrated. Dehydration is generally described as a dangerous loss of fluids.  
35 "Dehydration" is a Greek word that is translated as the removal of water from an object. There  
36 are three primary types of dehydration: hypotonic, hypertonic, and isotonic. In lay terms, if  
37 someone is dehydrated, they lose electrolytes, like sodium; the loss of water; and the loss of  
38 both electrolytes and water. In truth, the loss of fluids is from all parts of the body. As everyone  
39 knows, the body is about sixty percent to seventy percent water. The loss of too many fluids  
40 from the body is dangerous. If someone becomes severely dehydrated, there is no longer  
41 enough fluid in the body to carry blood to vital organs. As a result, shock can develop quickly.

42           5.       Generally, the dehydration and the damage from the heat is a continuum of  
43 problems to the human body. Internal changes to the human body are similar to the  
44 progressive changes in a boiling egg. At some indefinite point in time the continuum of heat  
45 damage becomes irreversible and past that point when little can be done. Therefore, it is  
46 important that dehydration and heat stroke is acted on quickly. Abbott's highest body  
47 temperature was 106 degrees at the hospital and that was after being removed from the heat.  
48 Abbott's body temperature never should have gotten that high. In my opinion, had the  
49 defendant been paying even slight attention to the victim's condition during practice, appropriate  
50 hydration could have been administered and the death would have been avoided.

51  
52           6.       One of the key factors showing the victim was dehydrated is confirmed through a  
53 urinalysis test. A urine specimen is taken to measure specific gravity. This indicator measures  
54 the relative ion concentration of the urine. With dehydration, healthy kidneys can concentrate  
55 the urine, which causes a high specific gravity. The specific gravity of pure water is 1.000. The  
56 specific gravity is normally in the range of 1.006 and 1.030. The higher the number the more  
57 concentrated the specimen. In the morning, after hours without any food or water, the urine will  
58 be more concentrated, with a specific gravity greater than 1.025. In this case, the medical  
59 records show a specific gravity of the urine at the end of the day of 1.024. Again, a reading of  
60 1.000 is equivalent to water, which shows a hydrated person. A dehydrated person would have  
61 a higher number because less fluids would be in the system.

62  
63           7.       I was asked about the defendant's theory in the case. The link to Strenaxal is  
64 weak. There is no support for the theory. While there have been reports of heat-stroke deaths  
65 caused by amphetamines, these occurred in people taking excessive amounts of the drug, for  
66 example, for weight control or other reasons. I was a contributing consultant—although not  
67 named in the article—on a news piece from 2006 where we explained the fears of Strenaxal

68 appeared to be unfounded. Simply concluding the victim was not dehydrated is inaccurate.  
69 The records take into account the fact that the victim was provided additional fluids en route to  
70 the hospital and more upon arrival in the emergency room.

71

72 8. The dosage for Strenaxal for the victim was 20 mg. This is not enough to cause  
73 an adverse reaction. The autopsy results do not cite Strenaxal as a cause or contributing factor  
74 in the death. The cause of death is listed as “total organ failure as a result of severe  
75 dehydration.” The victim was a track athlete—five feet eight inches tall and 165 pounds.

76

77 9. I have done some research on the drug Strenaxal. The literature from the drug  
78 company says it is safe. I also received an e-mail from Svenson Barker, a spokesperson for the  
79 drug company that manufactures Strenaxal, which states there is no data to support Strenaxal,  
80 when used according to approved labeling, causes or contributes to heat stroke. I have seen no  
81 studies calling Strenaxal’s safety into question. In my experience, the drug companies produce  
82 information in their product literature and advertising is at least more accurate than not.  
83 Besides, the U.S. Food and Drug Administration has taken no action against the Strenaxal drug  
84 manufacturer, noting that 30 million prescriptions were issued over the past ten years for  
85 Strenaxal, and the number of sudden deaths among users was no greater than would be  
86 expected among a similar number of adults and children not taking the drug. We can assume  
87 Strenaxal is widely used by the student population. I do not believe the school district has  
88 required students using the drug to stay off the field in hot weather.

89

90 10. Moreover, the defendant was properly indicted by the grand jury for causing the  
91 death of London Abbott. The only cause of death was the defendant’s lack of appropriate care

92 and supervision of the student athletes, including failure to ensure they were consuming  
93 sufficient amounts of water to avoid dehydration.

**WITNESS ADDENDUM**

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Chandler Covington

Chandler Covington

SIGNED AND SWORN to me before 8:00a.m. on the day of this round of the 2012 Justice Iredell Middle School Mock Trial Tournament.

C.H. Gallant

C.H. Gallant, Notary Public

State of North Carolina

My Commission Expires: 12/5/14

STATE OF NORTH CAROLINA	)	SEVENTEENTH JUDICIAL CIRCUIT
	)	
COUNTY OF DOG WOOD	)	COURT OF GENERAL SESSIONS
	)	
	)	
STATE OF NORTH CAROLINA,	)	2012-GS-46-2695
	)	
Prosecution,	)	
vs.	)	
	)	
DREW DeLANEY,	)	
	)	
	)	<b>AFFIDAVIT OF</b>
Defendant.	)	<b>DREW DeLANEY</b>
	)	

---

COMES NOW THE AFFIANT SWORN AND STATES THE FOLLOWING:

1           1.       My name is Drew DeLaney. I am the head track coach for Cardinal High School.  
2       My specialty is the relay, which consists of the 4x100 meter and the 4x400 meter. The relay is  
3       where the individual sprinters act as a team. Four individuals each run their 100 meter sprint or  
4       a 400 meter run and pass a baton in a relay format. Both are very elegant races in their own  
5       right. I should know. I was the first alternate for the gold winning 4x400 meter relay team in the  
6       1996 Olympics in Atlanta. I have been back to the Olympics once so far. You have probably  
7       read about me.

8  
9           2.       I believe I am a very good track coach. My record speaks for itself. Like any  
10       good athlete, much of what I have become and much of my success comes from my own past  
11       coaches. I ran track most of my life. I started running when I was in high school when I joined a  
12       summer track team through the local YMCA. I was almost ready to quit after the first season,  
13       but I did not because my coach kept pushing and pushing me to work harder and harder.  
14       Coach Thorpe was a retired Marine drill sergeant and the part-time track coach for the local high  
15       school where I graduated. Coach Thorpe did not cut me any slack. I still recall him barking the  
16       four D's of track: Discipline, Dedication, Direction, and enDurance. He used to run me until  
17       I would collapse and then run me some more. In my second summer of track, I was winning

18 nearly every race. When I got to high school, I lettered in track all four years and I won first  
19 place in the 4x100 meter and 4x400 meter as well as the 100 meter and 400 meter individual  
20 races at the state track meet in both my junior and senior years. I was just as successful at the  
21 collegiate tournaments while attending Northern North Carolina University (NNCU). My greatest  
22 personal achievement came my senior year of college when I made the 1996 Olympic track  
23 team.

24

25           3.       After the Atlanta Olympics, I was invited back to my hometown to coach the track  
26 team at Cardinal High School (CHS) in the fall of 1996. The CHS track team has been a great  
27 success under my coaching. My relay teams have finished in the top three of every track meet  
28 they have competed in since August of 1999. I always expect nothing less from year to year. I  
29 was also hired by the US Olympic Team to coach the 4x400 meter relay team that won the gold  
30 medal in Athens back in 2004.

31

32           4.       I remember Thursday, August 5<sup>th</sup> was a busy practice because the team was  
33 training for a regional exhibition meet that coming Saturday. Most of the team was putting in  
34 100% necessary to get ready for the meet. However, my top relay team was not trying hard  
35 enough. They kept dropping the baton and stepping out of their lanes. They were being lazy.  
36 Those types of mistakes can be devastating! The relay team, consisting of Frankie Fulton,  
37 London Abbott, Gray Goodwin, and Hayes Hamilton, were complaining of being tired. I could  
38 tell, from my years of experience, they were simply not trying hard enough. My coach at the  
39 Atlanta Olympics used to tell us that he would “sweat-out our lollygagging” and then make us  
40 run laps. That is what I thought Frankie, London, Gray, and Hayes needed. I know now I might  
41 have pushed a little hard wanting the relay team to do better, but that is what coaches do –  
42 MOTIVATE.

43           5.       I told the top relay team to start running “suicides.” Suicides are a series of  
44 sprints running between certain marks in the field touching each mark before running to the next  
45 mark, back and forth until every mark on the field is tagged. Since we were practicing on a track  
46 around the football field, the relay team was running between the end zones and touching every  
47 ten yard line. The total distance is a little more than a half a mile. Since the relay team was  
48 otherwise a good bunch of runners, I knew if I told them to run suicides, they would run them.  
49 So I directed my attention to my other runners. As usual, my assistant coach, Bailey Brown,  
50 was in charge of making sure the relay team completed their suicides. As such, Bailey was  
51 directly supervising their activities, and should have seen if they were cramping up, stumbling,  
52 etc.

53  
54           6.       Coach Brown came to me and said London Abbott was complaining. I saw  
55 London running slowly when they were almost finished with the first set of suicides – when they  
56 were returning from the opposite 20 yard line. London was not trying, which I had seen all too  
57 often in runners before. As usual, Frankie being the fastest runner was in front of the rest of  
58 them. So, I told the relay team to start another set of suicides. To push them, since they  
59 needed it, I may have told the relay team they would continue running until one of them quit the  
60 team. I do not remember anyone asking for water. I had regularly scheduled water breaks  
61 every hour. Consumption of water more frequently than that causes cramps in sprinters.  
62 Although the athletes were informed of this water break schedule from this first day of practice,  
63 they were always encouraged to get water whenever they needed it. Sometimes lazy athletes  
64 use “I’m thirsty” as an excuse to slack off. Part of my job as a coach is to distinguish between  
65 an actual need for hydration and wimping out.

66  
67           7.       When I last saw London, London was walking upright, without assistance,  
68 breathing normally, and looking like a track runner that had been conditioned. After starting the

69 top relay team on their second round of suicides, I went back to working with the other two relay  
70 teams. I was coaching the other runners at the northwest corner of the track. I was timing them  
71 out of their starting blocks, you know those yellow wedges the runners use to start from. I was  
72 very busy with timing their best times, keeping them organized, motivating, them, etc. We had  
73 our hands full that day. What is it with some of the runners these days? They do not push  
74 themselves hard enough. Where is their internal drive?

75

76 8. Before practice was to end at 7pm, I called the team to come together and join  
77 me for an “inspirational” meeting as they finished their drills. I motioned for the meeting to take  
78 place over at the home stands, since those stands were already in the shade by 6pm. After  
79 London’s relay team finished their suicides, they were supposed to join the rest of the team in  
80 the home stands. Nobody said, “Hey Coach, something is going on.” I conducted the team  
81 meeting on the west side of the field with my back to the field. I did not see that London was  
82 helped off the field.

83

84 9. Coach Brown notified me London stumbled when finishing the second round of  
85 suicides. I went over to see how London was doing. As soon as I realized how serious the  
86 situation was, I instructed Coach Brown to call 911. I did not know why 911 had not been called  
87 before then. This is all part of our school district general emergency plan that we train on every  
88 year. Someone had gotten some wet towels and ice for London. Avery Abbot was assisting  
89 his/her child, so I ordered the rest of the team to go get something to drink and go back over to  
90 the home stands to cool down.

91

92 10. London was taken to the hospital by ambulance. I went to visit London in the  
93 hospital, but the hospital staff would only allow family members in to see London so I left.  
94 London apparently never regained consciousness. I learned of London’s death the following

95 morning. Given the circumstances, I discussed with the school and our coaching staff the  
96 circumstances and we mutually agreed the students were not to compete in the regional  
97 exhibition planned for that Saturday. On Monday, August 9, 2011, the school district  
98 “encouraged” me to take a leave of absence from teaching and coaching, pending the  
99 investigation into the death of London Abbott. The school district has not made a final decision  
100 on my return until all of the facts and the present lawsuit are resolved. All of this hit me really  
101 hard. You know, to lose one of my star runners.

102

103           11. I asked Coach Brown sometime over that weekend about the scheduled water  
104 breaks for the team. Coach Brown confirmed the team was given at least two scheduled water  
105 breaks -- every 40 minutes -- at the August 5th practice. Coach Brown also told me, later, that  
106 during practice the temperature reached 94 degrees, but over 100 with the heat index. I still do  
107 not see how that is accurate. It certainly did not feel that hot to me. I am fully aware of the  
108 Cardinal High School Guidelines on Heat Stress and Athletic Participation; however, those are  
109 guidelines only. Every sport is different. Every athlete is different. If I allowed my sprinters to  
110 drink water every 20 minutes, they would not be able to run. In any event, the team was split up  
111 into two groups so each group was running only about 35 minutes consecutively in time and the  
112 other half of the team was resting. All of the team ran some suicides to the 30-yard line that day  
113 for a warm up.

114

115           12. I apologized to London’s family even though I do not think I did anything wrong.  
116 I will strive in the future to make sure something like this does not happen again. I am  
117 sympathetic to London’s parents, but I also would like to reiterate I lost one of my top runners on  
118 the field that day. These runners are like my children. I lost a child that day too! I kept driving  
119 London because s/he could have been a star athlete. Any coach would have pushed London,  
120 because London had star athlete potential. The bottom line is that I delegated responsibility for

121 the relay team to Coach Brown. Coach Brown should have reported to me immediately if s/he  
122 thought there was a problem with any of my runners. If Coach Brown would have done his/her  
123 job, London would be here today and would be breaking high school records left and right as we  
124 speak.

**WITNESS ADDENDUM**

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Drew DeLaney

Drew DeLaney

SIGNED AND SWORN to me before 8:00a.m. on the day of this round of the 2012 Justice Iredell Middle School Mock Trial Tournament.

Michala Watson

Michala Watson, Notary Public  
State of North Carolina  
My Commission Expires: 4/3/19

STATE OF NORTH CAROLINA	)	SEVENTEENTH JUDICIAL CIRCUIT
	)	
COUNTY OF DOG WOOD	)	COURT OF GENERAL SESSIONS
	)	
STATE OF NORTH CAROLINA,	)	2012-GS-46-2695
	)	
Prosecution,	)	
vs.	)	
	)	
DREW DeLANEY,	)	
	)	
Defendant.	)	<b>AFFIDAVIT OF</b>
	)	<b>FRANKIE FULTON</b>

---

COMES NOW THE AFFIANT SWORN AND STATES THE FOLLOWING:

1           1.       My name is Frankie Fulton. I am a rising senior at Cardinal High School. I have  
2       been running track since fifth grade. My favorite track team is, of course, the U.S. National  
3       Team. I hope to go to college at the University of Kansas so I can one day run in the Olympics.  
4       I would love the opportunity to work with Coach Drew DeLaney, you know, Coach “D” on the  
5       Olympic team. I have been following Coach D’s career, it seems, all my life. That is why I was  
6       so excited to join the team at Cardinal High School where Coach D was coaching.

7  
8           2.       I am pretty fast. Just from working with Coach D, I shaved nearly a second off  
9       my 100 meter time. That is quite an accomplishment, if I do say so myself! Since I was getting  
10      faster, Coach D had me try out for one of the relay teams. The relay teams are where Coach D  
11      finds track stars! You know, Coach D has coached most of the Olympic relay runners in the last  
12      ten years. Just imagine—that could be me.

13  
14          3.       Coach D usually had me running first or last on the top relay team. This means  
15      that I was one of the fastest runners on the team. My favorite position was the anchor so that  
16      I could be the one that crosses the line and wins it for the team. If another runner had a better  
17      time than me at the practices, I would lose my anchor position from one meet to the next. It

18 seems like London's time and my time were always really close, which added a whole extra  
19 layer of competition for us. The friendly competition we had between us was just that, "friendly."  
20 I used to joke London only beat me because his/her nose was five-hundredths of an inch longer  
21 than mine. It did bother me some that London barely beat me about 55% of the time. London's  
22 mom/dad was real big with college track back in the day and set quite a few amazing school  
23 records – one or two still have not been broken to this day. London told me on several  
24 occasions s/he could never live up to his/her parent's expectations. The pressure would have  
25 rattled the best of us. London was really stressed and was constantly taking some medicine to  
26 calm down. London seemed to be more nervous if Mr./Mrs. Abbott was going to be at a practice  
27 or a meet. London commented before practice on August 5<sup>th</sup> Mr./Mrs. Abbott was going to be at  
28 practice that day since s/he was going to be out of town over the weekend. I really felt bad for all  
29 that extra pressure on London, but that didn't stop me from wanting to anchor the top relay team  
30 in the next meet.

31

32 4. London and I are both natural runners. I cannot help but wonder if London really  
33 liked being on the team. I really had to work hard at being the best with London around.  
34 I especially had to work on my baton passing. Baton passing is much harder than it looks. You  
35 have to run as fast as you can while trying to pass a small 30 centimeter aluminum tube by  
36 reaching forward and placing the baton in the next runner's hand, and that runner is receiving  
37 the baton blindly. Most importantly, you must not drop the baton. No matter how much  
38 I practice, I still have trouble with getting the pass correct. Believe it or not, I am better at the  
39 down sweep hand-off than the up sweep handoff. This is where as the runner; you place the  
40 baton in a downward motion into the waiting runner's upturned hand. The upsweep handoff is  
41 especially tricky with speed, balance, and timing.

42           5.       Coach D saw me drop the baton too many times in practice and started calling  
43 me “butterfingers.” Coach D gave everyone on the top relay team a nickname, but mostly called  
44 us “babies” if we complained we were running too hard or if we said our hands were too sweaty  
45 to hold the baton. We were called other names as well, but it was only to motivate us to run  
46 faster. We knew Coach D’s intentions and it worked for us!

47

48           6.       I remember August 5<sup>th</sup> was a very hot day. It seemed like the sun was two-feet  
49 away from the track. Coach D always insisted we wear light colored clothing because the dark  
50 colors would absorb heat more. I do not think it would have mattered what color we wore that  
51 day. It was hot. On that particular day, London Abbott, Gray Goodwin, Hayes Hamilton, and  
52 I were having problems with the baton again. I recall London made a joke that we only dropped  
53 the baton because it was the blue one and we never dropped the lucky red baton. We were  
54 having a good laugh about it and that is when Coach D told us to start running suicides. I do not  
55 like running suicides on the football field because there are too many lines on the field. You  
56 know, the ten, the twenty, the thirty, and so on. At least Coach D did not make us run to every  
57 5-yard line, which would have made it running back and forth between every five yards instead  
58 of every ten yards.

59

60           7.       While London, Gray, Hayes, and I ran the suicides, Coach D was working with  
61 the other relay teams on their baton passing. Coach Brown was working with the sprinters on  
62 the visitors’ side of the track with their dashes. Dashes are just a bunch of short sprints—only  
63 40 meters and 100 meters —to work on speed. I am pretty sure they were warming up to mark  
64 their times in preparation for our meet that Saturday. I heard some of the other runners  
65 complaining that it was too hot and they were not getting their best times. I also heard several  
66 say they needed a water break, but the coaches said everyone had to finish their drills first. We

67 only break when the coaches say we can take a break. We asked Coach Brown for a water  
68 break, who said Coach D wanted us to finish our second set of suicides first.

69  
70 8. As usual, I was running next to London, who seemed to be running slower than  
71 normal. We were almost finished with the first round of suicides when Coach D yelled at us,  
72 saying we were not trying hard enough. We were ordered to run another full set of suicides.  
73 Coach D said if we kept complaining, we would have to run all of the lines—the five, the ten, the  
74 fifteen, etc. Coach D said we were to run until one of us quit so someone's grandmother could  
75 join the team.

76  
77 9. Just as we were almost done with the second round of suicides, London  
78 collapsed at the 30 yard line at the south end of the field. I know London collapsed around  
79 6:45pm, because I remember glancing at my watch just before it happened. It was really hot  
80 and I remember thinking we had only fifteen minutes left running in the heat. I did not know  
81 what happened to London. London was really cold, sweaty to the touch, and did not look right.  
82 London was mumbling and did not make sense, so we took London to the side of the track.  
83 One of the first adults I remember getting to us was Mr./Mrs. Abbott, who stayed with London  
84 while I ran and got some water. I stayed with London waiting for the ambulance to come.  
85 I remember Coach D came over at some point and asked me what was going on and seemed  
86 really mad and bothered. I told Coach D London had fallen down and that is when Coach D told  
87 everyone to take a break and get some water. I saw Coach Brown call 911 at some point.

88  
89 10. The ambulance quickly loaded London and went to the hospital. Several of us  
90 went up to the hospital that night, but they only let family in. I was in the waiting room when  
91 I learned that London died. I guess Coach D was right that s/he would run us until someone quit  
92 the team. The next day, Hayes said s/he was quitting the team. I am not sure if Hayes quit as a

93 result of London's death because, a week later, Hayes and his/her family moved to Wyoming.  
94 I have not heard or seen Hayes since. I heard Hayes quit running track altogether because of  
95 Coach D, but I do not think it is a fair thing to say.

96  
97 11. Anyway, I do not think Coach D did anything wrong. In fact, I helped to organize  
98 a rally in support of Coach D. Approximately 150 current and former runners who were trained  
99 by Coach D showed up at the rally. We held it on Coach D's lawn on August 25<sup>th</sup>, but it turned  
100 out Coach D was not home. It was nice to see the demonstration of support. The point of the  
101 rally was to help Coach D, not to point any fingers or pass the blame. Several of the track  
102 players wore their team jerseys letting Coach D know they still wanted to be a part of Coach D's  
103 team. There was clapping and cheering. We chanted, "We want Coach D."

104  
105 12. After a while, we realized Coach D was not home. I think if Coach D was home,  
106 Coach D would have spoken to us saying his/her heart was broken. Coach D would be holding  
107 back tears when speaking about no longer being able to teach or coach. I know Coach D is  
108 sorry about London. I know I miss London too. However, persecuting a coach who only wanted  
109 to drive the team to be the best is not the solution. It is not fair to anyone.

#### WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Frankie Fulton

Frankie Fulton

SIGNED AND SWORN to me before 8:00a.m. on the day of this round of the 2012 Justice Iredell Middle School Mock Trial Tournament.

Miriam Wrenn

Miriam Wrenn, Notary Public  
State of North Carolina  
My Commission Expires: 12/08/15

STATE OF NORTH CAROLINA	)	SEVENTEENTH JUDICIAL CIRCUIT
	)	
COUNTY OF DOG WOOD	)	COURT OF GENERAL SESSIONS
	)	
	)	
STATE OF NORTH CAROLINA,	)	2012-GS-46-2695
	)	
Prosecution,	)	
vs.	)	
	)	
DREW DeLANEY,	)	
	)	
	)	<b>AFFIDAVIT OF</b>
Defendant.	)	<b>EMERY ERICKSON</b>
	)	

---

COMES NOW THE AFFIANT SWORN AND STATES THE FOLLOWING:

1           1.       My name is Emery Erickson. I am a former pathologist with the  
2 Savannah Regional Hospital in Savannah, Georgia. I started working at the hospital in  
3 2003, which is right after I graduated second in my class from the Medical University of  
4 North Carolina (MUNC). I have always wanted to work in medicine. When I was  
5 attending college at the College of Wilmington I worked part time as a drug sales  
6 representative. My job was to discuss my drug company's products with doctors,  
7 provide samples, and answer any questions. The best received product was a pain killer  
8 that was usually prescribed to patients recovering from surgery. For full disclosure,  
9 I never sold any drugs manufactured by Big Drug Company. In any event, my prior  
10 experience with drug sales gives me an important perspective with the present  
11 proceedings.

12

13           2.       Savannah Regional is the city hospital, so the majority of crime victims  
14 are investigated there. Since the hospital had a high volume of deaths merely due to our  
15 location, I performed hundreds of autopsies during my tenure there. After five years  
16 working at Savannah Regional, I decided to start my own consulting business. I started  
17 Emery Erickson Consulting Services in 2008. My typical clients are defendants in

18 criminal cases. My fee is \$750.00 per hour. I have worked 20 hours in preparation for  
19 testimony in this case on behalf of the defendant, Drew DeLaney. When I am involved  
20 in the case, my client is found guilty only ten percent of the time.

21

22 3. I was contacted by the legal team for Coach Drew Delaney to review the  
23 medical records and autopsy of the deceased, London Abbott. I was provided copies of  
24 the pertinent documents. It is clear the prosecution's expert, Dr. Chandler Covington, is  
25 wrong. The prosecution stops its investigation at merely declaring the deceased  
26 suffered from dehydration. To me, the prosecution's expert stopped at an overly simple  
27 explanation because discovering the truth was too difficult for them. Dr. Covington  
28 ignores the clear evidence of the actual and tragic cause of death.

29

30 4. In my opinion, to a reasonable degree of medical certainty, the cause of  
31 death was heat stroke brought about by exposure to heat while taking Strenaxal.  
32 Although Strenaxal is a commonly prescribed medication, it has significant side effects  
33 that can be exacerbated in certain circumstances. One of the triggers to causing the  
34 severe side effects is extreme exertion on the body. Therefore, I believe persons like  
35 student athletes are at a higher risk of developing the adverse side effects. We know in  
36 this case, the deceased clearly suffered from one or more of the published side effects  
37 for Strenaxal. Therefore, we know the deceased should not have been allowed to play  
38 sports in the first place, and certainly not a sport as demanding as track.

39

40 5. The deceased was taking the prescribed amphetamine, Strenaxal, a drug  
41 used to treat anxiety. Strenaxal is taken by millions of people to help them with their  
42 anxiety and for ADHD. It has proven to be extremely helpful only when appropriately  
43 administered for short attention spans, anxiety, including panic attacks, chest pains,

44 sweating, choking, nausea, etc. Anxiety affects the mouth, stomach, skin, sleep, sight,  
45 and even touch. The manufacturer has spent millions of dollars trying to convince  
46 everyone—including the FDA—that Strenaxal is a safe drug. Unfortunately, in this case,  
47 the prescribed anxiety drug the deceased was taking most likely triggered the heat  
48 stroke that resulted in death. Strenaxal contains an amphetamine that can cause the  
49 body to overheat. It is a stimulant that, just like diet pills and caffeine, can itself make  
50 someone much more susceptible to heat stroke. We have learned in the course of  
51 discovery the deceased was self-medicating with Strenaxal or at least choosing when  
52 and how much of the drug to take. Dosage recommendations should be followed.

53

54           6.       I believe there is no indication the deceased was dehydrated. Generally,  
55 dehydration is a condition where one loses excessive water from their system. The  
56 records show the deceased was hydrated when brought to the local emergency room.  
57 This is demonstrated by the results of the urinalysis test combined with other  
58 examinations showing there was sufficient water – i.e., normal -- in the body upon arrival  
59 at the hospital. The records show urine output with the assistance of a catheter in the  
60 hospital. A urine specimen is taken to measure specific gravity. This indicator measures  
61 the relative ion concentration of the urine. With dehydration, healthy kidneys can  
62 concentrate the urine. This causes a high specific gravity. The specific gravity of pure  
63 water is 1.000. The specific gravity is normally in the range of 1.006 and 1.030. The  
64 higher the number the more concentrated the specimen. But a high specific gravity  
65 reading does not necessarily translate into a fatal dehydration state. For example, in the  
66 morning, after hours without any food or water, urine is naturally more concentrated, with  
67 a specific gravity greater than 1.025. In this case, the medical records show a specific  
68 gravity of the urine of 1.024. This is in the tolerable, normal range of hydration, which  
69 means the deceased was not dehydrated.

70           7.       It is significant that the deceased was the only athlete who collapsed on  
71 August 5, 2011. All of the other athletes were under the same conditions for heat,  
72 exertion, and fluid intake. The deceased was the only person noted in the emergency  
73 room records to have suffered a heat related injury that day.

74

75           8.       I have read the drug information on Strenaxal. Heat stroke is not a listed  
76 side effect for the drug. However, since the drug contains amphetamines, it can interfere  
77 with the operation of the hypothalamus, causing core body temperatures to rise. The  
78 drug warnings do state that the drug is known to cause sudden death in patients. I do  
79 not know how many deaths have been reported, but the tragic death of London Abbott is  
80 enough. This just goes to show how our society wants a quick fix to everything and to  
81 blame others for their own problems. It is amazing how many people have either over  
82 medicated themselves or their children all for the purposes of defeating anxiety at the  
83 extreme cost of potential death. To me, that is not an even trade off. The drug  
84 companies should be more responsible.

85

86           9.       This is an unfortunate circumstance that could have been avoided. The  
87 deceased should have known not to play sports while taking Strenaxal. Coach Drew  
88 DeLaney obviously did not know about the deceased taking Strenaxal. It would be  
89 unreasonable to believe Coach DeLaney would have failed to intervene had s/he known  
90 the deceased was self medicating with Strenaxal. I do not see how Coach DeLaney  
91 could have any criminal liability in this case.

***[Emery Erickson's signature on the next page applies to this affidavit.]***

**WITNESS ADDENDUM**

I have reviewed this statement, and I have nothing of significance to add at this time.  
The material facts are true and correct.

Signed,

Emery Erickson

Emery Erickson

SIGNED AND SWORN to me before 8:00a.m. on the day of this round of the 2012  
Justice Iredell Middle School Mock Trial Tournament.

A.G. Molli

A.G. Molli, Notary Public

State of North Carolina

My Commission Expires: 12/15/15

# EXHIBITS



### EXHIBITS AVAILABLE TO BOTH PARTIES

The parties have stipulated to the authenticity of the trial exhibits listed below. The Court will, therefore, not entertain objections to authenticity of these trial exhibits. The parties have reserved any objections to the admissibility of any of these exhibits until the trial of the above-captioned matter. The trial exhibits may be introduced by either party, subject to the Rules of Evidence and the stipulations of the parties contained in the materials.

EXHIBIT #	EXHIBIT DESCRIPTION
1	911 Transcript – August 5, 2011
2	E-Mail Regarding Use of Strenaxal
3	Fitness 101: Beat the Heat Before It Beats You
4	Five Day Forecast (August 3 – 7, 2011)
5	Hospital Report on London Abbott
6	Drug Information on Strenaxal
7	Medication Suspected of Causing Fatal Heart Problems Article
8	Aerial View of Track / Football Field and Track Practice Locations on 8/5/11
9	Autopsy Report on London Abbott
10	Cardinal High School Guidelines on Heat Stress and Athletic Participation

The parties reserve the right to dispute any other legal or factual conclusions based on these items and to make objections to these items based on other evidentiary issues.

## **Exhibit #1: 911 Transcript – August 5, 2011**

August 5, 2010

**6:57 pm** Call received

**Dispatch:** 911. What is your emergency?

**Caller:** We have a student collapsed from the heat.

**Dispatch:** Please state your location.

**Caller:** We're at the Cardinal High School track on Palmer Road.

**Dispatch:** Are you in need of EMS?

**Caller:** Yes. London collapsed from being overheated. We've got water and ice on London right now. London seems to be responding, but the pulse is real fast.

**Dispatch:** (Dispatch to EMS Unit #24. Heat stroke. 9000 Palmer Road - Cardinal High School track. Over.)

**Dispatch:** Is there anyone else that needs assistance from EMS when they arrive?

**EMS:** Unit 24 responding. En route to 9000 Palmer Road - Cardinal High School track.

**Caller:** I don't think so. London seems to be awake, but groggy. London's not making any sense. We're trying to get London to keep his/her eyes open. (Yelling) Hayes, go get some more ice.

**Muffled,**  
**From Caller:** Come on get those eyes open...keep your eyes open...there you go...get those eyes all the way up...get those eyes open...there you go.

**Dispatch:** The ambulance is en route and is approximately two minutes away.

**Caller:** Good. Please tell them to hurry. London seems to be in and out.

**Dispatch:** Don't worry. I will stay on the line with you until EMS arrives.

**Background**  
**Noise:** Muffled, undeterminable speaking

**EMS:** Unit 24 arriving on scene at 9000 Palmer Road. Designate this as Palmer Command.

**Caller:** I see the ambulance. They're here.

**Dispatch:** Good. They will take over.

**Caller:** Thanks! (Phone cuts off.)

**7:00 pm** Call ended.

## Exhibit #2: E-Mail Regarding Use of Strenaxal

Chandler Covington

---

**From:** Svenson Barker [sbarker@bigdrugcompany.org]  
**Sent:** Saturday, November 20, 2012 2:48 PM  
**To:** Chandler Covington  
**Subject:** RE: Strenaxal Side Effects

Doctor,

I received your inquiry about one of our popular drugs, Strenaxal. We at Big Drug Company are happy to assist the medical community. Strenaxal has proven to be a very safe and effective drug for all types of persons to whom it is prescribed. We believe the drug is safer than aspirin. Please note there is no credible data to support that Strenaxal, when used according to approved labeling, causes or contributes to heat stroke. This has been shown in clinical trials as well as by product surveys.

Thank you again for your inquiry. Please send me your complete address and I will forward you some samples of Strenaxal you may find useful.

- S.B.

---

**From:** Chandler Covington <ChandlerCovington@abc123.com>  
**Date:** Fri., 19 Nov 2012 10:08:33 AM  
**To:** <[bigdrugcompany.org](mailto:sbarker@bigdrugcompany.org)>  
**Subject:** Strenaxal Side Effects

I have an inquiry about Strenaxal. I had a patient who suffered from heat stoke at a track practice. Patient presented at the track fine, but an hour and a half later was suffering from heat exhaustion. Lost consciousness. Never regained consciousness. Was taking Strenaxal. I have read your literature and wanted to know the health risks.

Dr. Chandler Covington  
Doctor of Pathology  
Midlands General Hospital  
North Carolina

## Exhibit #3: Fitness 101: Beat the Heat Before it Beats You

# Fitness 101<sup>1</sup>

## Beat The Heat Before It Beats You

### Keeping Your Cool When It's Hot

It's summertime and you head out for a run. Before you even finish the first mile, your body feels as though it might ignite from the heat.

It's not your imagination. Fifteen minutes into your run and your body temperature could be as high as 5°F above normal. If you were to continue at this pace, fatigue and heat illness would no doubt take over. By following some simple rules, you can prevent heat exhaustion.

### Top 10 Tips to Protect Yourself from Heat Illness

- Reduce the intensity of your workout, particularly the first few times you are exposed to higher temperatures.
- Use the [heat stress index table](#) to determine the risk of exercising at various combinations of temperature and humidity.
- When the [heat stress index](#) rises above 90°F, consider postponing your exercise session until later in the day.
- Beat the day's heat by working out early in the morning.
- Wear minimal clothing to provide greater skin surface area for heat dissipation.
- Wear lightweight, loose fitting, light colored clothing to reflect the sun's rays.
- Wear clothing made of a material that absorbs water, such as cotton.
- Drink before, during, and after exercising. (Drink six to eight ounces of fluid every 15 to 20 minutes during exercise).
- Consume more fluids than you think you need before and after exercise.
- Know when to say 'no' to exercise. Use common sense to prevent heat stress when it gets hot out.

### Heat sensation risk of heat injury

Temperature	Risk
90°F - 105°F	Possibility of heat cramps.
105°F - 130°F	Heat cramps or heat exhaustion likely. Heat stroke possible.
130°F+	Heat stroke a definite risk

[Check the heat index.](#)

Source: [American Council on Exercise](#)

## Exhibit #4: Five Day Forecast (August 3 - 7, 2011)

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<sup>1</sup> Fit Facts found in the article, Fitness 101: Beat the Heat Before It Beats You, is courtesy of the American Council on Exercise® (ACE®). - [www.acefitness.org](http://www.acefitness.org)). The article may be found at [http://www.weather.com/activities/health/fitness/fitness101\\_beatheat.html](http://www.weather.com/activities/health/fitness/fitness101_beatheat.html).

# August 3 – 7, 2011

Dog Wood County, NC

	Tuesday August 3	Wednesday August 4	Thursday August 5	Friday August 6	Saturday August 7
					
	<b>High: 90°</b> <b>Low: 68°</b> Mostly Sunny	<b>High: 92°</b> <b>Low: 76°</b> Morning T-Storms	<b>High: 94°</b> <b>Low: 78°</b> Sunny	<b>High: 96°</b> <b>Low: 79°</b> Sunny	<b>High: 94°</b> <b>Low: 70°</b> Partly Cloudy
Chance of Rain	0%	40%	0%	10%	10%
Relative Humidity	60	45	65	50	45
Heat Index / Feels Like	100° at 3:45pm	96° at 4pm	114° at 4pm	108° at 4pm	100° at 4pm

## Exhibit #5: Hospital Report on London Abbott

	<h1 style="color: green;">Midlands General Hospital</h1>
<b>PATIENT NAME:</b> London Abbott <b>TIME OF ARRIVAL:</b> 7:06pm	<b>DATE:</b> August 5, 2011 <b>TIME OF TREATMENT:</b> 7:06pm
<b>INSURANCE COMPANY and Policy Number:</b> To Be Provided by Parent <b>IF UNDER AGE OF 18, GUARDIAN NAME:</b> Avery Abbott	
<b>History:</b>	
<p>17 year old patient with no known past medical history presents via EMS after collapsing at track practice. Patient was outside running laps, suicides drills, etc. and became progressively sluggish, weak and altered consciousness. 911 was called and it was reported that the patient was clammy, pale and had a rapid heart rate. When EMS arrived systolic blood pressure was 78/48, heart rate 136 and telemetry strip revealed a narrow complex supraventricular tachycardia (heart rhythm disorder) which appears to be sinus tachycardia (heart rhythm with elevated rate). IV access was obtained and 1 liter of normal saline (NS) was infused on transport.</p> <p>On arrival, patient was unable to give additional review of systems.</p>	
<b>Past Medical History:</b>	
Attention Deficit Hyperactivity Disorder	
<b>Social History:</b>	
High school student, family denies significant alcohol nor tobacco abuse	
<b>Family History:</b>	
No history of arrhythmias nor sudden cardiac death	
<b>Drug Allergies:</b>	
No known drug allergies	
<b>MEDICATION(S):</b>	
Strenaxal 20mg per day	
<b>Physical Exam:</b>	
<b>General</b> .....depressed level of consciousness, Temp 106°, Heart Rate: 139, Blood Pressure: 80/50 <b>Head, Ears, Eyes, Nose, Throat</b> ...inside of mouth dry, pupils equally round and reactive to light <b>Lungs</b> .....clear in both lungs <b>Cardiovascular</b> .....excessively rapid heartbeat, no significant murmurs heard; clammy and dry <b>Abdominal</b> .....soft, insensitive to pressure, normally active bowel sounds <b>Extremities</b> .....warm and clammy to touch <b>Neurological</b> .....not following commands but withdraws to pain, reflexes intact	
<b>Electrocardiogram (EKG):</b>	
sinus tachycardia (heart rate elevated)	
<b>Foley Catheter:</b>	
10 cc urine	
<b>Significant Labs:</b>	
Urinalysis: .....specific gravity 1.024, ketones positive Urine Drug Screen: .....positive for amphetamines Sodium: .....119 Glucose: .....42 Creatinine Kinase: .....449 (enzyme found in heart)	
<b>Impression:</b>	
Acute intravascular volume depletion (dehydration) with severe hyponatremia (low concentration of sodium in the blood)	
<b>Plan:</b>	
Aggressive volume resuscitation with Normal Saline administered en route to hospital and more upon arrival in the emergency room. Catheter placed in patient. Admitted to Medical ICU. Patient died 8/5/11 at 10:23pm. Body will undergo an autopsy.	

## Exhibit #6: Drug Information on Strenaxal

# STRENAXAL

### Strenaxal (Stren-ax'al)

#### Highlights of Prescribing Information:

These highlights do not include all the information needed to use Strenaxal safely and effectively. (See full prescribing information for Strenaxal.)

#### WARNING -- POTENTIAL FOR ABUSE:

- Amphetamines have a high potential for abuse; prolonged administration may lead to dependencies.
- Misuse of amphetamines may cause sudden death and serious cardiovascular adverse reactions.

#### INDICATIONS AND USAGE:

Strenaxal, a stimulant, is indicated for the treatment of anxiety and Attention Defecate Hypertension Disorder (ADHD).

#### DOSAGE AND ADMINISTRATION:

**Pediatric patients (ages 6-17):** 10 mg once daily in the morning.

Maximum dose for children 6-12 is 30 mg once daily.

**Adult patients:** 20 mg once daily in the morning

#### DOSAGE FORMS AND STRENGTHS:

**Capsules:** 5mg, 10mg, 15mg, 20mg, 25mg, 30mg

#### REASONS NOT TO USE THIS DRUG:

- Symptomatic cardiovascular disease
- Moderate to severe hypertension
- Hyperthyroidism
- Glaucoma
- Agitated Status
- History of drug abuse
- During or within 14 days following the administration of monoamine oxidase inhibitor or MAOI antidepressant drugs.

#### WARNINGS AND PRECAUTIONS:

- **Serious Cardiovascular Events:** Sudden death has been reported with usual doses of amphetamines in children and adolescents with structural cardiac abnormalities or other serious heart problems; sudden death, stroke, and myocardial infarction have been reported.
- **Avoid Extreme Exertion:** To avoid extreme exertion, consult your personal physician first.
- **Increase in Blood Pressure:** Monitor blood pressure and pulse at appropriate intervals.
- **Psychiatric Adverse Events:** Medication may cause increased psychiatric symptoms in patients with no prior history. Monitor for aggressive behavior.

- **Long-Term Suppression of Growth:** Monitor height and weight at appropriate intervals.
- **Strenaxal contains an amphetamine that can cause the body to overheat.** It is a stimulant that makes patients much more susceptible to heat stroke. (Amphetamines have a high potential for abuse; prolonged administration may lead to dependencies. In addition, misuse of amphetamines may cause sudden death and serious cardiovascular adverse reactions.)

#### ADVERSE REACTIONS

- **Children (ages 6 to 12):** Most common adverse reactions are (with a higher incidence than a placebo) were loss of appetite, insomnia, abdominal pain, weight loss, nervousness, nausea, and fever.
- **Adolescents (ages 13 to 17):** Most common adverse reactions are (with a higher than a placebo): were loss of appetite, insomnia, abdominal pain, weight loss, nausea, and nervousness.
- **Adults:** Most common adverse reactions (with a higher than a placebo): were loss of appetite, insomnia, headache, dizziness, weight loss, nausea, abdominal pain, weight loss, anxiety, agitation, and urinary tract infection.

#### MEDICATION GUIDE:

Read the Medication Guide that comes with Strenaxal before taking the medication or getting a refill as there may be new information. This Medication Guide does not take the place of talking to your doctor about you or your child's treatment with this medication.

Strenaxal is taken once daily. It is used for the treatment of anxiety. Strenaxal may help with creating calmness and better ability to cope with situations around them.

#### Most Important Information to know about Strenaxal:

- 1) **Heart-Related Problems:** Can cause heart related problems, sudden death in patients who have heart problems or heart defects, cause stroke and heart attacks in adults, and may increase blood pressure.
- 2) **Mental Problems:** Can cause new or worse behavior and thought problems, new or worse aggressive behavior or hostility, hearing voices, believing things that are not true, and/or become suspicious.
- 3) Don't take Strenaxal if you are taking MAOIs medications.
- 4) Prolonged administration may lead to dependencies.

#### DO NOT START TAKING STRENAXAL WITHOUT TALKING TO YOUR DOCTOR FIRST.

#### How To Take Strenaxal:

- Take Strenaxal exactly as prescribed. Your doctor may adjust the dose until it is right for you or your child.
- Take once daily with or without food.
- If you or child takes too much Strenaxal or overdoses, call your doctor or poison control center right away, or get emergency treatment.

#### Common Side Effects Include:

- Loss of Appetite
- Insomnia
- Abdominal Pain
- Weight Loss
- Nausea
- Fever
- Headache
- Agitation
- Nervousness
- Dizziness

## **Exhibit #7: Medication Suspected of Causing Fatal Heart Problems Article**

**Midlands** Newspaper.com

 [Print This Document](#)

### **Medication Suspected of Causing Fatal Heart Problems**

Patients want to know if medication for anxiety causes heart attacks.

**By MG Harper, Midlands Newspaper.com staff writer**

October 15, 2006: 3:23 PM EST

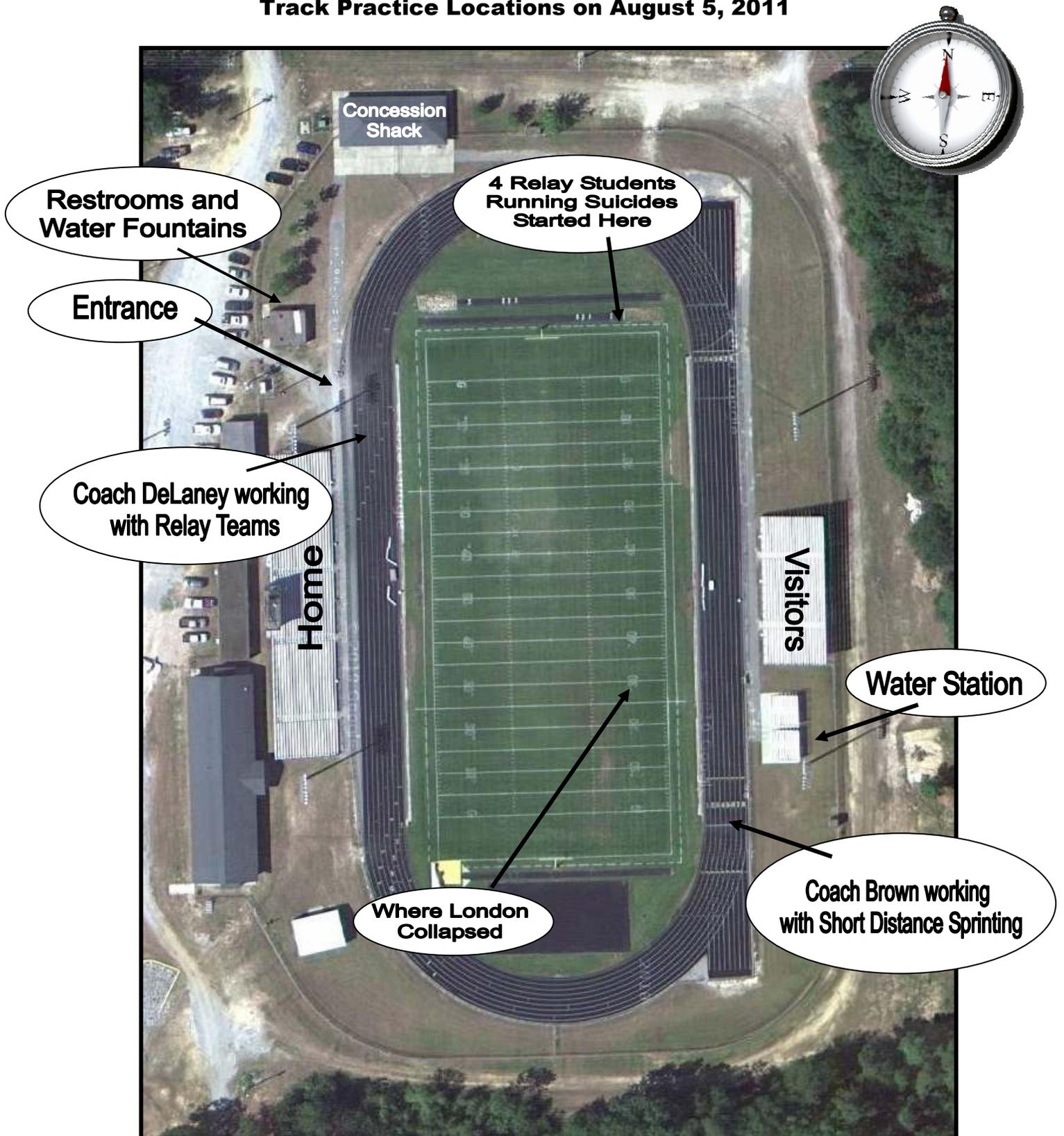
Recent reports indicate Strenaxal may be closely linked to causing heart problems and even death. The use of Strenaxal has been temporarily suspended until further studies on the long term heart risks associated with the medication can be confirmed.

News of such reports as medication causing death can be alarming; however, there is no current proof the medication causes fatal heart attacks or contributes to heart related injuries. Strenaxal has been on the market for thirty years giving enough data to show patients taking Strenaxal as young children today would be in their 40s and 50s with no significant problems tied directly to the use of this medication reported.

The alert is being made about the use of Strenaxal after the FDA received reports of unexplained death in individuals taking the medication. The Strenaxal medication label provides a warning for potential abuse indicating amphetamines have a high potential for abuse; prolonged administration may lead to dependencies. In addition, misuse of amphetamines may cause sudden death and serious cardiovascular adverse reactions.

Strenaxal is an amphetamine primarily used for treating ADHD and anxiety in children and in adults. The medication is also available in a generic form by various companies.

**Exhibit #8: Aerial View of Track/Football Field and Track Practice Locations on August 5, 2011**



## Exhibit #9: Autopsy Report on London Abbott

### STATE OF NORTH CAROLINA - NORTH CAROLINA BUREAU OF INVESTIGATIONS DIVISION OF FORENSIC SCIENCES - RECORD OF CORONER

<b>Name of Deceased</b>	London Abbott	<b>County</b>	Dog Wood
<b>Age</b>	17	<b>Date of Birth</b>	08/25/1993
<b>Height</b>	68"	<b>Date of Death</b>	08/05/2011
<b>Weight</b>	165 lbs.	<b>Time of Death</b>	10:23pm

#### MANNER OF DEATH

<input type="checkbox"/> Natural	<input type="checkbox"/> Homicide	<input type="checkbox"/> Suicide	<input type="checkbox"/> Accident	<input checked="" type="checkbox"/> Undetermined	<input type="checkbox"/> Other
----------------------------------	-----------------------------------	----------------------------------	-----------------------------------	--	--------------------------------

#### PURPOSE OF REPORT

<input checked="" type="checkbox"/> Autopsy	<input type="checkbox"/> Limited Dissection	<input type="checkbox"/> External Exam	<input type="checkbox"/> History Review		
<b>PERFORMED BY</b>	Chandler Covington, M.D.	<b>Date</b>	08/06/11	<b>Hour</b>	12:05pm
<b>SIGNED</b>	Chandler Covington, M.D.	<b>Date</b>	08/07/11		
<b>APPROVED</b>	Stephan Bonner, M.D.	<b>Date</b>	08/13/11		

#### CAUSE OF DEATH

##### External Examination:

The body is that of a juvenile, approximately 68" in height, and weighing 165 lbs., consistent with the stated age of 17 years.

##### Internal Examination:

The following excludes the described injuries. The soft tissues and typically positioned viscera lack unusual odor or atypical color. The soft tissues have normal appearance with minimal decomposition.

**Cardiovascular:** The heart is normal size and weight for patient's age and appears structurally normal.

**Respiratory:** The lungs appear to be normal size and weight. Tissue appears to be normal.

**Hepatobiliary:** The liver appears to be normal.

**Gastrointestinal:** The typically formed tongue, esophagus, gastroesophageal junction, serosal stomach and gastric mucosa are without note. The stomach, large bowels, and small bowels appear normal.

**Toxicology:** Strenaxal found in the blood stream.

##### Other Procedures:

1. Documentary photographs are obtained.
2. Blood, urine, bile, and vitreous are submitted for toxicological analysis.
3. Blood is submitted for serological analysis, if necessary.
4. Head and body hair is submitted.
5. Clothing is submitted for volatile determination.

**Autopsy Findings:** At the time of death, this was an otherwise healthy 17 year old showing no evidence of trauma.

**Cause of Death:** Total organ failure as a result of severe dehydration.

## **Exhibit #10: Cardinal High School Guidelines on Heat Stress and Athletic Participation**

### **Cardinal High School Guidelines on Heat Stress and Athletic Participation**

**There are no excuses for heatstroke deaths if proper precautions are taken. Consider the following:**

- Heat cramps, weakness, fatigue, exhaustion (water depletion or salt depletion), stroke.
- Remember, the temperature may appear warmer than the stated temperature. When applicable, use the heat index rather than the actual temperature when evaluating conditions for a practice, game, etc.”
- If heat index exceeds 100, take proper precautions.

#### **Precautions to be taken:**

- Every athlete should have a physical examination with a medical history when first entering a school sport related program and an annual health history update.
- Athletes should be in their best possible physical condition.
- Acclimate players to the heat gradually.
- Players must have access to water and be readily available at all times with unlimited quantities. It is recommended that a minimum 10-minute water break be scheduled every twenty minutes of activity in hot conditions.
- Water breaks two or three times every hour are better than one break an hour. (Best to let athlete drink when needed.)

#### **Trouble Signs of Problems Related to Heat:**

- Cramps
- Weakness / Fatigue
- Exhaustion (from water depletion, salt depletion, over eager athletes)
- Vomiting
- Weak Rapid Pulse
- Visual Disturbance
- Unsteadiness

#### **Action Steps for Victims of Heat:**

- Do **NOT** Delay – delays can be fatal!
- Know First Aid
- Have access to a phone to call 911 immediately
- Immerse victim in ice/cold water.
- If cannot immerse victim, apply ice packs in armpits, groin, and neck areas and continue until EMS arrives.
- Give fluids if athlete is able to swallow and is conscious.

**2012  
FORMS and  
SUPPORTING INFORMATION**

# Bailiff Script

---

## Opening Court for Civil Case:

“ALL RISE!!

The Court of Common Pleas  
Seventeenth Judicial Circuit is now in session.

The Honorable \_\_\_\_\_ is presiding.”

## Opening Court for Criminal Case:

“ALL RISE!!

The Court of General Sessions  
Seventeenth Judicial Circuit is now in session.

The Honorable \_\_\_\_\_ is presiding.”

## Swearing in of Witness:

“Do you promise the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the mock trial competition?”

A card (see below) will be given to the bailiff prior to the beginning of court with presiding judge’s name on it.

**Opening Court:**

“ALL RISE!! The Court of \_\_\_\_\_  
Seventeenth Judicial Circuit is now in session.

**The Honorable**

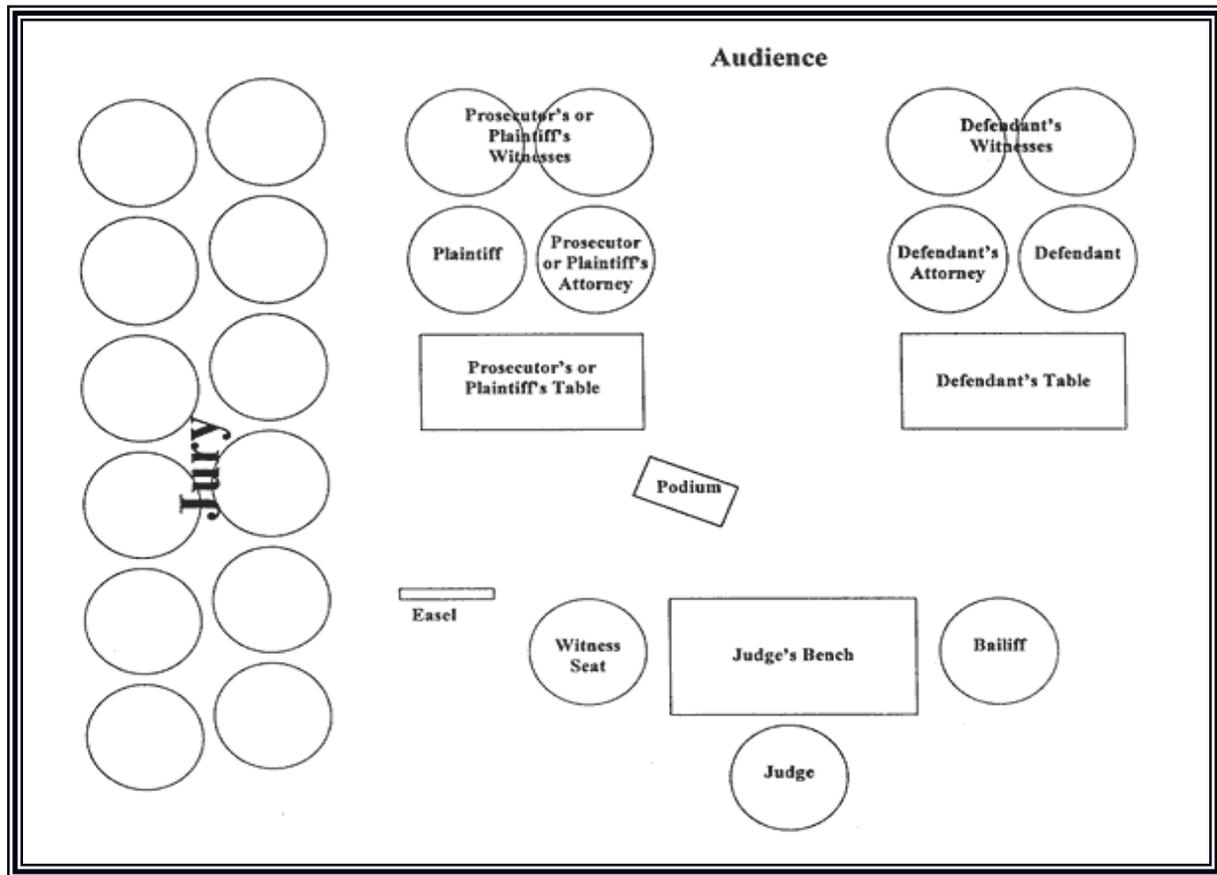
(Presiding Judge’s name inserted here.)

is presiding.”

**Swearing in of Witness:**

“Do you promise the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the mock trial competition?”

# COURTROOM LAYOUT



## NOTE:

The Plaintiff / Prosecution team sits on the same side as the jury box. In some courtrooms the jury box may be on the opposite side of the room, which in turn means side presentation will change so that Prosecution/Plaintiff will be next to the jury box.

# HELPFUL INFORMATION FOR TIMEKEEPERS

## Timekeeping Aids Provided by NC Bar:

Time cards, timesheets, scratch paper, calculator (shared), clipboard and pencil.

## Timekeeping Aids Provided by Teams:

2 stopwatches (NC Bar will have backups if one malfunctions.)

## Before the Trial

- Enter the courtroom and sit where the timekeeping aids are located. A team may request to move timekeepers slightly, but they must always be seated together and can never sit behind the scoring judges.
- Complete the top portion of the timesheet with the date, your team code, the two team codes competing in that round, write your name, sign your name, and circle round number being performed.
- Prosecution/Plaintiff timekeeper will be the official timekeeper of the two timekeepers. Timekeepers are responsible for fairly and accurately keeping and reporting the time during the trial presentation.

## During the Trial

- **Administering the Oath:** not timed
- **Opening Statements:**
  - Begins when the attorney starts speaking.
  - Introduction of counsel or witnesses prior to opening statement is not included in time allotted.
  - If introductions take place after the opening statement has started, then it is included in the time allotted.
  - Prosecution/Plaintiff gives the opening first.
- **Direct/Cross Examinations:**
  - Begins when the attorney starts speaking. Time stops only for objections, responses to objections, and questioning from the judge.
  - Time does not stop for introduction of exhibits or for attorneys to confer with co-counsel.
- **Closing Arguments:**
  - Begins when the attorney starts speaking.
  - Don't forget that the presiding judge may have approved for the Prosecution/Plaintiff to use their remaining time from their opening in their closing.
- Attorneys may ask the presiding judge permission to ask the timekeeper how much time is remaining.
- The presiding judge can stop the clock for any reason.
- Timekeepers simultaneously and silently display "Time Remaining" cards to the attorneys, witnesses and presiding judge.
- Timekeepers cannot verbalize or use any hand gestures other than raising the time cards.
- If an attorney secures a time extension from the presiding judge before time has expired, no penalty for a time overrun will be made against the team requesting the extension, so long as that team does not exceed the extension.
- At the end of each portion during the trial presentation (i.e. after both opening statements, at the end of each witness's examination (direct and cross), and at the end of the closing arguments), timekeepers will record and confer the total amount of time used by both sides. If there is more than a 15 second time discrepancy between the teams' timekeepers, the timekeepers must notify the presiding judge of the discrepancy at that moment.
- Time discrepancies are not ruled on at the end of the trial, unless it concerns a time discrepancy with the closing argument.
- After a time discrepancy ruling, the timekeepers will synchronize their stopwatches accordingly and the trial will continue.

### **Example on Defense's Direct Examination:**

	<b>Defense's Direct Examination</b> (25 minutes per side)
<b>#1</b>	7:56
<b>#2</b>	7:01
<b>#3</b>	8:30
<b>Total Time</b>	22:87 >>>>>>> 23:27

- 1) Add the minutes column first and get 22 minutes. Add the seconds column next and get 87 seconds.
- 2) Because 87 seconds exceeds 60 seconds, do the following:

$$\begin{array}{r} 87 \text{ seconds} \\ - 60 \text{ seconds} = 1 \text{ minute} \\ \hline 27 \text{ seconds remaining} \end{array}$$

Result = 1 minute and 27 seconds, So, 22 minutes + 1 minute and 27 seconds = 23:27

### **Timekeeping Discrepancies**

- At the end of each phase of the trial (i.e., at the end of both openings, at the end of each direct examination, at the end of each cross examination, and at the end of both closing arguments), if there is a timing discrepancy of **15 seconds or more** between the Prosecution/Plaintiff and Defense teams' Timekeepers, the following rules will apply.
  - **Less than 15 seconds** time discrepancy between timekeepers WILL NOT be considered a timing discrepancy.
  - **A 15 seconds or more** time discrepancy between timekeepers needs to be reported to the presiding judge right then.
- Timekeepers may raise timing discrepancies ONLY at the end of each phase of the trial presentation as outlined above.
- The presiding judge will rule on any timing discrepancy before the trial continues. Timekeepers will then reset stop watches and begin timing the next phase.

### **After the Trial**

- Give the timesheet to the presiding judge to show any time overages.
- Reset your stopwatch to zero.
- Leave all timekeeping aids provided by the NC Bar in the courtroom.

# THE END