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**PRESS RELEASE**

March 21, 2024

Re: Owasso High School Investigation

The death of Dagney Benedict, also known as Nex Benedict, is a tragedy. It is a tragedy for the family who is grieving over the loss of a life they loved. The reasons why any person commits suicide do not provide answers to those who are left behind. Mostly, we are left with questions about what any one of us could have done to prevent the tragedy from happening in the first place. Many of those questions may never be answered to the satisfaction of the people affected by suicide. Suicide is sad, and our country is beset by far too many instances where insufficient resources are allocated to combat this growing crisis.

My office received and reviewed reports from law enforcement<sup>1</sup> for two separate incidents related to Benedict. The first was a fight on February 7, 2024 involving two groups of students in a bathroom who were attending the “In School Suspension” (ISP) class at the west campus of the Owasso High School. It appears from the reports that neither group of students was familiar with the other group prior to attending the ISP class. However, the reports indicate that those involved in the fight were antagonizing each other in the days leading up to the fight. None of the students reported this to school administrators or teachers. According to witnesses, the fight was less than one minute in duration after Benedict poured water over two girls while they were in the bathroom. Apparently, comments were directed about how Benedict laughed, which was followed by the water pouring incident.

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<sup>1</sup> The Owasso Police Department provided a packet which consisted of an investigative report of 26 pages together with a cover sheet. Interviews were conducted with a total of six cooperative high school aged children and one high school aged child who was not a direct fact witness. There were two children whose parents either declined to allow an interview or who were in the process of consulting with an attorney. Interviews were also conducted with six Owasso High School Staff / Administrative personnel. This office also received a certified copy of the Report of the Medical Examiner which consisted of 12 total pages to include a toxicology report. A thumb drive was also provided by the Owasso Police Department which contained a number of documents and recordings to include: a 31-page case detail report of responding officer reports, multiple video recorded interviews, school nursing notes, a call service detail report and an incident report.

The following day, February 8, 2024, the Owasso Police Department was called upon to investigate the death of Benedict. So too was the Office of the Chief Medical Examiner for the State of Oklahoma. The Medical Examiner's Office determined that the manner of death was suicide, and the cause of death was an overdose of diphenhydramine and fluoxetine combined toxicity (in other words, a combination of Benadryl and Prozac). These drugs are not illegal, and they were legally available within the home where Benedict resided. The Medical Examiner's report noted that superficial injuries (consistent with the fight) were externally visible during the death examination, but none of which caused or resulted in death. The autopsy of Benedict did not uncover any evidence of an internal injury (blunt force / trauma related) which caused or resulted in death.

An important part of the Owasso Police Department's investigation was the discovery of some brief notes, written by Benedict, which appeared to be related to the suicide. Although the notes do not make any reference to the earlier fight or difficulties at school, the parents indicated that Benedict reported being picked upon for various reasons while at school. The precise contents of the suicide note are a personal matter in which the family will have to address within the privacy of their own lives.

Justice obligates us to respect the rights of each other. It should be our obligation as human beings existing on this planet to live in harmony, to seek equity for all and for the common good. But I have learned words and practice all too often diverge depending upon what a person's interest may be in the outcome. In many instances, prosecutors are called upon to analyze a situation and determine whether an individual's conduct crossed the threshold into criminality. Prosecutors are bound to determine whether a crime was committed, and whether there is sufficient evidence to secure a conviction using the "beyond a reasonable doubt" standard of proof. In the civil realm, where damages may be sought for wrongful conduct, the burden of proof is significantly less.

Fighting takes place at schools everyday across this nation. Fighting takes place in our homes and in our neighborhoods. Some of these fights are emotional. Some of these fights are physical. Some of these fights never see the light of day. Some of these fights are reported to administrative officials. Some of these fights are reported to law enforcement agencies. Each fight involves different facts and circumstances. Some fights may be justified. Some fights may be mutual combat. Some fights may be unjustified. When I review a report and make a decision to file a charge I must be convinced – as is every prosecutor – that a crime was committed and that I have a reasonable belief that a judge or a jury would be convinced beyond a reasonable doubt that a crime was committed.

Regarding the fight which took place at the Owasso High School, the combatants were all under 18 years of age. Consequently, if charges were justified, those charges would be handled as a delinquent child cause of action in a juvenile court of law. Based upon the investigation of the Owasso Police Department,<sup>2</sup> I am in agreement with their assessment that the filing of juvenile charges is not warranted. From all of the evidence gathered, this fight was an instance of mutual combat. I do not have a reasonable belief that the State of Oklahoma could sustain its burden of proof beyond a reasonable doubt if charges were presented for prosecution.

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<sup>2</sup> The Owasso Police Department sent its reports to the District Attorney's Office for review only, and not with an attached affidavit requesting charges to be filed. The investigation was thorough and comprehensive. Despite enormous external pressure to rush to a decision, the Owasso Police Department did exactly what should be expected in circumstances such as this. I commend the Owasso Police Department for the thoroughness of its investigation and the professionalism they displayed during this difficult time in their community.

Finally, whether or not individuals may choose to seek legal counsel for remedies in the civil realm of the court system is a decision best left to them. The scope of those inquiries are not as limited as the question of criminal / delinquent conduct which I was asked to address in this case.

A handwritten signature in blue ink that reads "Steve Kunzweiler". The signature is written in a cursive, flowing style.

Stephen A. Kunzweiler  
District Attorney, Tulsa County