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 ABC11 Eyewitness News

NC law that punishes drug dealers not widely used despite increase in overdose deaths

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For three years, Logan Overcash and his family waited for answers and waited for justice.

"We've got closure, but it's not the closure that we want," Overcash said.

Overcash's brother-in-law Cory Moore went missing in September 2020; five months later police found his body in a wooded area in Sanford.

Overcash remembers Moore as a great guy who was full of funny stories.

"You could pretty much put him in any social environment and he would adapt. You know what I mean? Like, he could he can talk to anyone," Overcash remembered.

While Overcash said Moore battled some demons throughout his life, he was on the right path before his death.

"It was just kind of one of the things that, you know, we tried to protect him from it as much as we could, and I guess it just found its way back to him," Overcash said.

An investigation later uncovered that Moore died from an overdose. The Lee County Sheriff's Office went on to arrest the individual who they believed sold him the drugs with a charge called ' [death by distribution](#)

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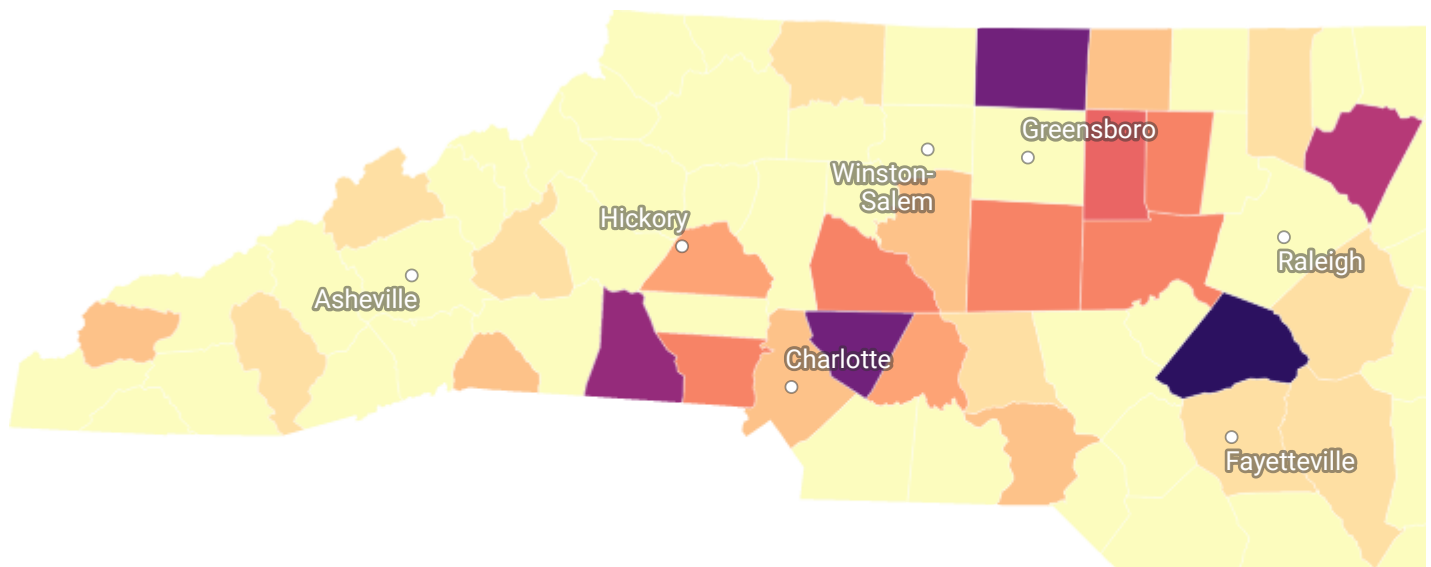
"I never heard of it before, overdose admitted. They called us and said it was a death by distribution and I had to go look it up."

The state law went into effect at the [end of 2019](#). The law gives district attorneys the ability to prosecute individuals who sell drugs that lead to an overdose. The charge aims to act as a deterrent for drug dealers. Leading up to the passage, the state saw its overdose rate creep up year after year. In 2019, an average of 24 people per every 100,000 residents in North Carolina was dying from an overdose; 10 more than in 2011.

"In our district, we have made these cases a priority," said Harnett and Lee County District Attorney Suzanne Matthews. "Our local law enforcement leaders have taken a fairly hard line on these cases.... they've really sort of changed the way that they're investigating them. Instead of looking at them as a drug case, they're really treating them as a homicide case, which they are a form of homicide."

State court data shows Matthews' office has filed around 12 death by distribution cases since 2019, but she said that number is now closer to 16. It's the most of any other county, according to data from the NC courts.

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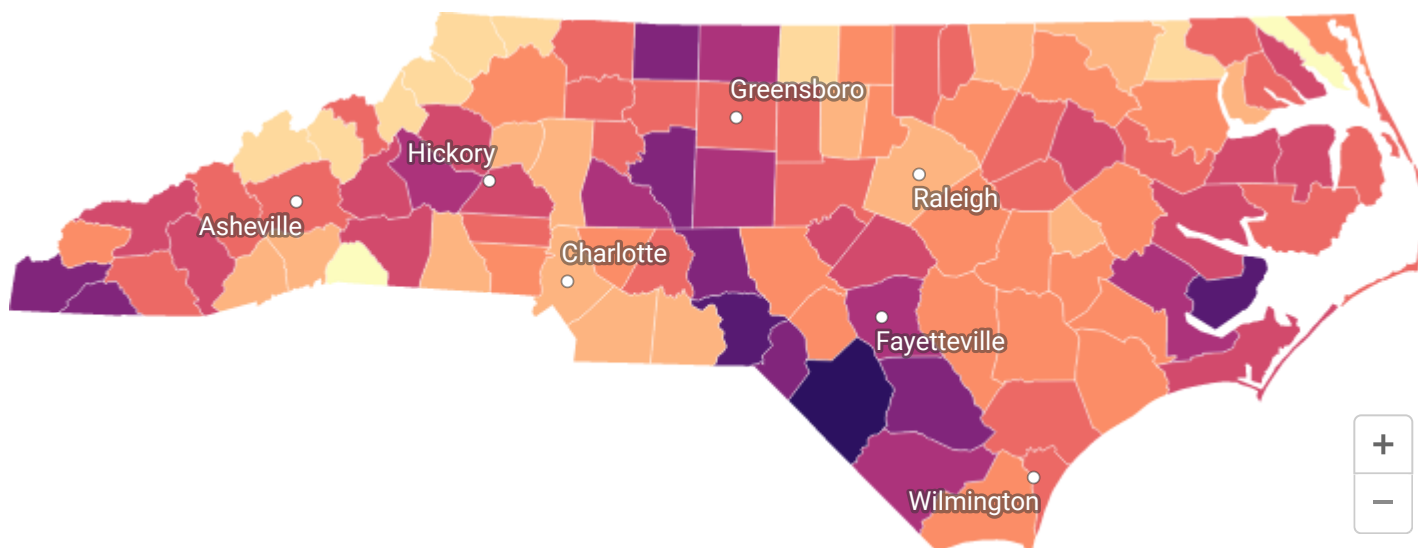


Statewide 143 cases have been filed in superior and district court over the past three years.

Rockingham, Cabarrus and Franklin counties also reported a higher number of death by distribution cases than a majority of the state.

Meanwhile, in the Triangle, Wake and Durham Counties each only have a single case filed since 2019. In fact, a majority of the state has never utilized the charge. Even in the top 25 counties reporting the highest overdose rates, data shows an average of fewer than two cases filed per county.

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Map: Samantha Kummerer • Source: NCDHHS • [Get the data](#) • Created with [Datawrapper](#)

Since the death-by-distribution law was passed, the rate of overdoses in the state has increased by 70% between 2019 and 2021. Even the counties, utilizing the law the most, saw dramatic increases in overdose rates. And the handful of counties that saw a slight decrease in overdose rates between 2019-2021, a majority never filed a death by distribution case.

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"Unfortunately, I wish I could say that we have seen a reduction and that's not the case. You know, we continuously see increases in overdose. We continuously see an overabundance of fentanyl traveling into our country," said State Senator Michael Lazzara (R). "But we can't stop. We have to continue to really find ways to hopefully send the proper messages."

In Harnett and Lee County, the rate of overdoses has more than doubled over the last three years, despite Matthew's efforts to apply the law.

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...were initially charged when the law was newer. On the books, these cases are now coming to a point of disposition, and that's when I think we're going to start to see the impact because the follow-through is happening."

Matthews said these cases can be difficult because they require proof of sale and courts often have to fight the stigma associated with people who overdose.

In Moore's case, Overcash said the family supported the charge.

"The whole family was wanting someone to get some justice for this," he said. "Me, personally, I wanted this to maybe lead to a stop of even more drugs that are sold in that area."

Earlier this month, Moore's family was alerted that the dealer in Moore's death pleaded down to involuntary manslaughter and pled guilty to multiple charges related to selling drugs. An outcome that meant the individual would face 36 months of probation.

"We've waited for going on almost three years for the outcome to be that someone got 36 months probation and served no jail time. It doesn't sit right with us," Overcash said.

He would like to see this law used more and also have more teeth behind it.

"Now that I've seen what this law is, I think it's definitely something that every county should really be throwing the book at just to try to get this problem fixed. If you cut the supply off and you start arresting these people, maybe it helps them," he said.

State senator Michael Lazzara filed a bill this session that would strengthen the death by distribution law. If passed, Senate Bill 189, would increase the number of people able to be prosecuted with the charge by expanding it to anyone who distributed a fatal substance rather than sold one. It also adds stricter punishments.

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person may think about the consequences, Lazzara said.

The bill has passed the Senate and still needs to be voted on by the House.

While Lazzara admits the death by distribution law hasn't dramatically reduced fatal overdoses, he said he's not giving up.

"We have communities that are literally being destroyed by this by this chemical, and we just can't sit by and not do anything about it," Lazzara said.

Both he and Matthews said targeting drug dealers is only one part of the solution.

"At the end of the day, we can't prosecute away, we can't arrest away, we can't legislate away this epidemic," Matthews said. "It is a multifaceted approach. We have to have law enforcement. We have to have prosecution. We have to have an education. We have to have treatment options. There's no silver bullet to get rid of the epidemic and to fix the problem. It's much bigger than just the criminal justice system."

Lazzara echoed the need for more resources to aid with mental health challenges and funding for recovery spaces and treatment options.

Families, like Overcash, hope the impact of these approaches start to pay off soon to help one less family grieve a loved one.

"Now that I see things on the news about people overdosing, it obviously it hits differently now because now you know exactly what the family's going through, what everybody's going through," Overcash said.

While Overcash's family didn't get the justice or closure they were seeking, they are working to keep Moore's memory alive daily as they work to cope with his loss.

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