

GASTON COUNTY

Families hope new NC law could bring justice for fentanyl deaths

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Posted: Nov 29, 2023 / 07:21 PM EST

Updated: Nov 30, 2023 / 10:29 AM EST

GASTONIA, N.C. ([QUEEN CITY NEWS](#)) — There are a lot of families hurting in North Carolina.

The state has seen 16,000 killed from fentanyl this year through July alone, according to the Fentanyl Victims Network of North Carolina.

That's 16,000 families missing a loved one because of a growing nationwide fentanyl epidemic. Tracy Sauderson-Ross wishes she would have been home back on Sept. 26, 2022, when her 16-year-old daughter, Abi, was dealing with leg pain and Abi's boyfriend tried to help.

"He decided to call a buddy of his to get a Percocet," described Sauderson-Ross. "She took half of the Percocet, it was a bar, and it was 36 nanograms of fentanyl, and she passed away in the middle of the night."

Marshall Abbott was out with friends on June 30, 2022, the day before his 30th birthday. A friend he was with bought something. The family still doesn't know what it was, but they know a loving father didn't wake up.

"Marshall had 72 nanograms of fentanyl in his system," said Elizabeth Abernathy. "He didn't stand a chance. He was gone before he even crawled into the bed."



Opioid deaths in North Carolina increased from 22.4 per 100,000 residents in 2019 to 36.9 in 2022.

In both cases, police worked with prosecutors and charged the person who sold the drugs with Death by Distribution. A North Carolina law was enacted in 2019 for the crime, but it's one that at times is tough to prove.

"To prove that a drug transaction has taken place and then identify that dealer and make charges against them," said Travis Page, Gaston County district attorney. "Hopefully that charge will stick in court."

Page knows identifying the financial exchange is a difficult task. Since the establishment of the law in 2019, there have been 123 DBD cases filed in the state of North Carolina. That same year, [state data shows](#) opioid deaths in North Carolina occurred at a rate of 22.4 per 100,000 residents. Just three years later, that figure jumped to 36.9 in 2022.

"We're looking for ways to take drug dealers off the streets," added Page.

Abi Saunderson's case is still being tried in Gaston County.

"She didn't know it was fentanyl," said Saunderson-Ross. "Her boyfriend didn't know it was fentanyl, they just thought it was just a Percocet."

Saunderson's boyfriend is serving time for his part in the fentanyl poisoning because he walked out to the car and paid for the pill. He also took a plea agreement, according to Saunderson-Ross. The dealer is still awaiting trial.

"I was excited that we found these guys, we got the evidence," added Saunderson-Ross, after talking about ways to help authorities. "We're going to put them in jail, and I'm going to get justice. Does it make me feel any better? Not really, because it's never going to bring my daughter back."



Abernathy is still waiting for the man charged in Marshall's death to go to trial in Cabarrus County, something she says is a painful process every time there is another delay.

"No one else can understand what it's like to lose someone to fentanyl, like somebody who has gone through it," said Abernathy.

But some will never get justice from the Death by Distribution law.

"I don't want another family to go through the grief journey I am on," said Barb Walsh, executive director of the Fentanyl Victims Network of North Carolina.

Walsh started the organization a year after her daughter Sophia died. She calls it fentanyl poisoning because she says her daughter, like many others, was not a substance abuser. "Overdose" has a stigma that many families feel is not a proper description of their loved ones.

Sophia was visiting someone on the way back to Charlotte after visiting friends in Boone.

"She grabbed a water bottle from his fridge and it contained 8 nanograms of diluted fentanyl," says Walsh. "She didn't know that. She died instantly and on his kitchen floor."

With no proof of a financial transaction, there was no DBD charge in Sophia's case.



Barb Walsh founded the Fentanyl Victims Network of North Carolina a year after her daughter Sophia died.

On Dec. 1, that will change in North Carolina. Lawmakers adjusted the law to say anyone providing certain drugs to a person who dies after taking them can be prosecuted for second-degree murder — whether they received money or shared the substance freely.

"For me the way I see this legislation," Page adds, "it's like trading out a hand-held screwdriver for a power drill."

South Carolina lawmakers are also working on a similar amendment to create a Drug-Induced Homicide offense. It's a charge that carries a possible maximum of 30 years in jail.

"Get some prosecutions, get these stories out there," says Walsh. "It will help the families to achieve justice for the death of their loved one."

Walsh knows she will never get that prosecution because the law won't be retroactive. But she will support other families and educate the public.



Gaston County District Attorney Travis Page calls the new N.C. law addressing death by distribution a “win-win.”

She adds having prosecutors like Gaston County’s Page will get the word out. The DA hopes drug dealers and families of the victims will take notice.

“It was a win-win for me,” says Page who also says he sees potential DBD cases on a monthly basis. “I can give value to this person’s life who passed away and at the same time I can take a drug dealer off the streets.”

The three families mentioned are just part of the thousands nationwide who have had a loved one die from fentanyl poisoning. Page says he has been working with Gaston County law enforcement to treat every call of an overdose as a homicide.

That means collecting phone records, looking at social media, and checking cameras of a business where a transaction may have taken place. All believe the change in the law will lead to more cases being filed and that could lead to more people thinking about pushing fentanyl-laced products in the area.

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