

N.C.P.I.—Crim. 206.70

DEATH BY DISTRIBUTION THROUGH UNLAWFUL SALE OF CERTAIN  
CONTROLLED SUBSTANCES—LESSER INCLUDED OFFENSE. FELONY.  
GENERAL CRIMINAL VOLUME  
REPLACEMENT MARCH 2024  
N.C. Gen. Stat. § 14-18.4(b)  
-----

206.70 DEATH BY DISTRIBUTION THROUGH UNLAWFUL SALE OF CERTAIN  
CONTROLLED SUBSTANCES—LESSER INCLUDED OFFENSE. FELONY.

*NOTE WELL: N.C. Gen. Stat. § 14-18.4(f) provides that nothing in this section shall be construed to restrict or interfere with the rights and immunities provided under the Samaritan Protection in N.C. Gen. Stat. 90-96.2. N.C. Gen. Stat. § 14-18.4(g) provides that this section does not apply to lawful distribution pursuant to a valid prescription.*

The defendant has been charged with death by distribution through unlawful sale of certain controlled substances.<sup>1</sup>

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant unlawfully sold<sup>2</sup> (a) controlled substance(s).<sup>3</sup> (Name controlled substance(s)) [is a] [are] controlled substance(s).

Second, that the ingestion of (that) (these) controlled substance(s) caused the death of the user.

And Third, that the defendant's unlawful selling of (the) controlled substance(s) was the proximate cause of the user's death. A proximate cause is a real cause, a cause without which the user's death would not have occurred, and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause, nor the nearest cause. It is sufficient if it occurred in combination with some other cause, acting at the same time, that caused the death of the user).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant unlawfully sold (a) controlled substance(s), (name controlled substance(s)) [is a] [are] controlled substance(s), that the ingestion of (that) (these) controlled substance(s)

N.C.P.I.—Crim. 206.70

DEATH BY DISTRIBUTION THROUGH UNLAWFUL SALE OF CERTAIN  
CONTROLLED SUBSTANCES—LESSER INCLUDED OFFENSE. FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT MARCH 2024

N.C. Gen. Stat. § 14-18.4(b)

-----  
caused the death of the user, that the defendant's unlawful selling of the controlled substance(s) was the proximate cause of the user's death, it would be your duty to return a verdict of guilty of death by distribution through unlawful sale of (a) certain controlled substance(s). If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

---

1. "Certain Controlled Substances" is defined under N.C. Gen. Stat. § 14-18.4 as any opium, opiate, or opioid; any synthetic or natural salt, compound, derivative, or preparation of opium, opiate, or opioid; cocaine or any other substance described in G.S. 90-90(1)(d); methamphetamine; a depressant described in G.S. 90-92(a)(1); or a mixture of one or more of these substances.

2. For purposes of the Controlled Substance Act, a sale is a "transfer of property for a specified price payable in money" or a "transfer[]" for other forms of consideration." *State v. Carr*, 145 N.C. App. 335, 344-45, 549 S.E.2d 897, 903 (2001).

3. If the sale of more than one controlled substance is alleged, then edit this element accordingly.