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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-1086

Filed 7 October 2026

Carteret County, Nos. 22CR310215-150, 22CR337270-150, 23CR238913-150

STATE OF NORTH CAROLINA

v.

HUGH CRANDALL WILLIS, JR.

Appeal by defendant from judgments entered 21 April 2025 by Judge Augustus Willis in Carteret County Superior Court. Heard in the Court of Appeals 26 August 2026.

Attorney General Jeff Jackson, by Special Deputy Attorney General M. Denise Stanford, for the State.

Tharrington Smith, LLP, by Douglas E. Kingsbery and Lacy A. Hansen, for defendant-appellant.

ZACHARY, Judge.

Defendant Hugh Crandall Willis, Jr., appeals from the trial court's judgments entered upon a jury's verdicts finding him guilty of death by distribution, sale or delivery of a Schedule II controlled substance, and possession of a Schedule II controlled substance. On appeal, Defendant challenges only the death by distribution conviction, arguing that the trial court erred in denying his motion to dismiss because

there was insufficient evidence that (1) Defendant sold—rather than gave—the controlled substance to the victim that caused her death; (2) the controlled substance provided by Defendant was the actual cause of the victim’s death; and (3) Defendant’s delivery of the controlled substance was the proximate cause of the victim’s death. After careful review, we conclude that Defendant received a fair trial, free from error.

I. Background

Defendant and Bethany Styron dated for five or six years. Bethany had been childhood friends with Katelyn Wortham and the two reconnected in 2021. Defendant, Bethany, and Katelyn were all regular drug users.

As a child, Bethany was diagnosed with Hyper-IgE, which caused, *inter alia*, deep skin lesions over her body. From 20 to 27 July 2022, Bethany was hospitalized in Chapel Hill for a lesion treatment. Bethany’s mother could not be there, so Katelyn stayed at the hospital with Bethany. On 27 July 2022, Bethany’s mother picked Bethany and Katelyn up from the hospital and drove them home to Carteret County. On the way, they stopped in Kinston to pick up dinner. While Bethany’s mother was inside the restaurant, a local drug dealer sold the young women two to three grams of a tannish, light-brown powder.¹ Both took “a small bump” of the powder before Bethany’s mother returned to the car.

¹ No evidence was presented regarding the type of drug acquired in Kinston. At trial, Katelyn testified that fentanyl was white and heroin was brown. She admitted that she often “had no idea what was in any of the drugs.”

When they arrived at Bethany's house that evening, Bethany and Katelyn split the remaining drugs. Each snorted another small amount and went to bed.

Bethany and Katelyn snorted the powder periodically throughout the following day, 28 July 2022. In the evening, Defendant came over to Bethany's house. Katelyn gave Bethany \$20.00 to pay Defendant for drugs. Bethany sat in the truck with Defendant for five to ten minutes, during which time she paid Defendant and Defendant handed her two small bags of fentanyl. Bethany and Katelyn got into Bethany's mother's vehicle and mixed the drugs they received from Defendant into their bags of drugs from the previous day.

Katelyn did not see Bethany on 29 July 2022.

Late in the day on 30 July 2022, Bethany drove to Katelyn's house. The pair intended to purchase more drugs, but the drug dealer did not appear as planned. Because the car was running low on gas, they headed to a gas station. On the way, each did a "gagger," or a large snort, of drugs.

At the gas station, Katelyn lost consciousness. When Katelyn came to, Bethany had moved into the backseat and had her hand on Katelyn's shoulder. Bethany was blue. Katelyn yelled for help and called 911. A nearby man started CPR on Bethany but was unable to resuscitate her. At 7:06 p.m., an EMT pronounced Bethany dead.

Detective Joseph Corey Bishop of the Carteret County Sheriff's Office responded to the call and began his investigation. Katelyn, who had remained at the scene and whose mother had joined her, agreed to submit to questioning at the

Sheriff's Office. Before leaving, Katelyn went into the bathroom and snorted more of the drugs. When she and her mother arrived at the Sheriff's Office, Katelyn's mother told Detective Bishop that she suspected that Katelyn had taken some drugs. Detective Bishop testified that it was clear Katelyn was overdosing on some sort of opiate because her respiration was shallow, she was sweaty, and she had pinpoint pupils. NARCAN was administered and Katelyn was transported to the emergency department for treatment.

Bethany's body was transported to East Carolina University, where a forensic pathologist performed an autopsy. The chief toxicologist for the North Carolina Office of the Chief Medical Examiner received and analyzed urine and blood samples from Bethany's body. The chief toxicologist found that Bethany had 75 nanograms per milliliter of fentanyl in her system, which was "consistent with other cases that . . . have been attributed to fentanyl toxicity." The testing did not indicate that there was heroin in Bethany's system. The forensic pathologist determined that Bethany's cause of death was acute fentanyl toxicity.

Detective Bishop spoke with Defendant by phone on 1 August and 3 August 2022 and conducted recorded in-person interviews with him on 18 August and 4 October 2022. The recordings of these interviews were admitted at trial and published to the jury.

On 8 April 2024, a Carteret County grand jury indicted Defendant for the sale or delivery of a Schedule II controlled substance, felony possession of a Schedule II

controlled substance, and death by distribution.

Defendant's case came on for trial on 14 April 2025. On 21 April 2025, the jury returned verdicts finding Defendant guilty of all charges. That same day, the trial court arrested judgment on the sale or delivery of a Schedule II controlled substance conviction and entered judgments sentencing Defendant to 78 to 106 months in the custody of the North Carolina Department of Adult Correction for the death by distribution conviction and 36 months' probation for the possession of a Schedule II controlled substance conviction, to be served after his release from incarceration.

Defendant filed timely notice of appeal.

II. Discussion

On appeal, Defendant argues that the trial court erred by denying his motion to dismiss the charge of death by distribution because there was insufficient evidence that (1) Defendant sold, rather than gave, the controlled substance to the victim that caused her death; (2) the controlled substance provided by Defendant was the actual cause of the victim's death; and (3) Defendant's delivery of the controlled substance was the proximate cause of the victim's death.

A. Standard of Review

"The question for a court on a motion to dismiss for insufficient evidence is whether there is substantial evidence (1) of each essential element of the offense charged, or of a lesser offense included therein, and (2) of defendant's being the perpetrator of such offense." *State v. Tucker*, 380 N.C. 234, 236, 867 S.E.2d 924, 927

(2022) (extraneity omitted).

“Substantial evidence is the amount necessary to persuade a rational juror to accept a conclusion.” *State v. Ditenhafer*, 373 N.C. 116, 125, 834 S.E.2d 392, 399 (2019) (extraneity omitted). “Our courts have established that a substantial evidence inquiry examines the sufficiency of the evidence presented *but not its weight*, which is a matter for the jury.” *State v. McNeill*, 243 N.C. App. 762, 770, 778 S.E.2d 457, 463 (2015) (extraneity omitted), *disc. review denied*, 368 N.C. 689, 781 S.E.2d 482 (2016).

“[I]f the record developed at trial contains substantial evidence, whether direct or circumstantial, or a combination, to support a finding that the offense charged has been committed and that the defendant committed it, the case is for the jury and the motion to dismiss should be denied.” *State v. Fraley*, 299 N.C. App. 463, 469, 918 S.E.2d 910, 916 (2025) (extraneity omitted). “In making its determination, the trial court must consider all evidence admitted . . . in the light most favorable to the State, giving the State the benefit of every reasonable inference and resolving any contradictions in its favor.” *State v. Sharpe*, 289 N.C. App. 84, 87, 887 S.E.2d 116, 119 (2023).

“This Court reviews the trial court’s denial of a motion to dismiss de novo. Under a de novo review, this Court considers the matter anew and freely substitutes its own judgment for that of the lower tribunal.” *Fraley*, 299 N.C. App. at 469, 918 S.E.2d at 915 (extraneity omitted).

B. Death by Distribution

The offense of death by distribution is codified at N.C. Gen. Stat. § 14-18.4(b).

The version of this statute in effect at the time of Bethany's death provided:

A person is guilty of death by distribution of certain controlled substances if all of the following requirements are met:

- (1) The person unlawfully sells at least one certain controlled substance.
- (2) The ingestion of the certain controlled substance or substances causes the death of the user.
- (3) The commission of the offense in subdivision (1) of this subsection was the proximate cause of the victim's death.
- (4) The person did not act with malice.

N.C. Gen. Stat. § 14-18.4(b) (2022).

Defendant's Sale of Fentanyl

First, Defendant argues that “there was no evidence that [Bethany] ingested fentanyl *sold* by [Defendant]” because Defendant only sold fentanyl to Katelyn, and there is no evidence that Bethany ingested the drugs that Defendant sold to Katelyn. We disagree.

Here, the State presented substantial evidence from which the jury could reasonably infer that Defendant sold fentanyl to both Bethany and Katelyn. Bethany received \$20.00 from Katelyn, went outside, got in Defendant's truck, and handed him the money. In return, Defendant handed Bethany two small bags of drugs.

During the 18 August 2022 interview, Detective Bishop asked Defendant if Bethany and Katelyn had paid \$20.00 for \$40.00 worth of drugs, to which Defendant replied, “they just gave me \$20.00.”

During that interview, Defendant also stated that he handed the drugs to Bethany and Bethany gave to half to Katelyn. While this does not align with Katelyn’s trial testimony that Defendant gave her the drugs directly, “any contradictions and discrepancies are to be resolved in favor of the State.” *State v. Reynolds*, 253 N.C. App. 359, 364, 800 S.E.2d 702, 706 (2017), *disc. review denied*, 370 N.C. 693, 811 S.E.2d 159 (2018).

Thus, viewed in the light most favorable to the State, there is sufficient evidence “tending to prove the fact in issue”—that Defendant sold fentanyl to Bethany—and, as such, the trial court did not err by denying Defendant’s motion to dismiss this charge on this ground. *State v. Chisolm*, 288 N.C. App. 601, 610, 886 S.E.2d 908, 916 (citation omitted), *disc. review denied*, 385 N.C. 317, 891 S.E.2d 269 (2023).

The Actual Cause of Death

Next, Defendant asserts that “the State failed to present substantial evidence that ingestion of the controlled substance [Bethany] received from [Defendant]

caused her death.”² We disagree.

In the present case, the State presented substantial evidence from which the jury could reasonably infer that the drugs sold by Defendant caused Bethany’s death. The forensic pathologist who performed Bethany’s autopsy determined the cause of death to be acute fentanyl toxicity. The toxicologist found that Bethany had 75 nanograms per milliliter of fentanyl in her blood, which was consistent with death as a result of fentanyl toxicity. Defendant admitted to Detective Bishop that he supplied Bethany with fentanyl. Furthermore, as the State points out, Bethany and Katelyn both used the drugs bought in Kinston for an entire day without incident.

Accordingly, when viewed in the light most favorable to the State, this evidence is sufficient to support a finding that Bethany’s ingestion of the drugs sold by Defendant actually caused her death. The trial court did not err in denying Defendant’s motion to dismiss the charge of death by distribution on this basis.

The Proximate Cause of Death

² Defendant cites *Burrage v. United States*, 571 U.S. 204, 187 L. Ed. 2d 715 (2014), to support his argument that when “the decedent dies from the ingestion of drugs—only a portion of which was provided by the defendant,” the State can prove causation by “expert medical testimony that the portion provided by the defendant was independently sufficient to cause the decedent’s death, regardless of the decedent’s ingestion of other drugs.” Thus, Defendant contends that, in the present case, “the prosecution could not establish that ingestion of the drug sold by [D]efendant had caused [Bethany’s] death” because the State did not present such evidence. This argument is not persuasive.

Burrage is a federal case interpreting a federal statute. Under North Carolina law, the State is not required to prove that Bethany’s ingestion of Defendant’s drugs was the *only* cause of death. See N.C. Gen. Stat. § 14-18.4(b); see also *State v. McCrorey*, 291 N.C. App. 650, 655–56, 896 S.E.2d 309, 314 (2023) (“While the evidence does not foreclose the possibility that fentanyl may not have been the sole cause of [the decedent’s] death, there is ample evidence to support a conclusion that it was, in fact, fentanyl that killed [her].”).

Finally, Defendant argues that “the State failed to present substantial evidence that [Defendant’s] delivery of a controlled substance was the proximate cause of [Bethany’s] death.” We disagree.

“Foreseeability is an essential element of proximate cause. This does not mean that the defendant must have foreseen the injury in the exact form in which it occurred, but that, in the exercise of reasonable care, the defendant might have foreseen that some injury would result from his act” *State v. McCrorey*, 291 N.C. App. 650, 656, 896 S.E.2d 309, 315 (2023).

“The act of the accused need not be the immediate cause of death. He is legally accountable if the direct cause is the natural result of the criminal act.” *State v. Parlee*, 209 N.C. App. 144, 148, 703 S.E.2d 866, 870, *disc. review denied*, 365 N.C. 197, 710 S.E.2d 34 (2011). “There may be more than one proximate cause and criminal responsibility arises when the act complained of caused or directly contributed to the death.” *Id.*

“The question of whether a defendant’s conduct was the proximate cause of death is a question for the jury.” *McCrorey*, 291 N.C. App. at 656, 896 S.E.2d at 315 (extraneity omitted).

Here, Defendant contends that it was not foreseeable that Bethany would (1) acquire a much larger quantity of drugs from elsewhere, and (2) “then do a ‘gagger’ of the mixture, which would kill her.”

To begin, substantial evidence was presented to support a finding that it was

foreseeable to Defendant that Bethany would “acquire a much larger . . . quantity of drugs” from elsewhere. Indeed, Defendant told Detective Bishop that “I can just about promise you they—they went and got something else.” This argument is without merit.

Additionally, this Court has previously rejected the argument “that [decendent’s] consumption of all the drugs she had purchased from him was not reasonably foreseeable.” *Id.* In *McCrorey*, the defendant argued that the decedent’s “decision to consume, at once, all of the drugs she had purchased, broke the causal chain.” *Id.* at 656, 896 S.E.2d at 314. This Court held that there was enough evidence presented by the State to survive a motion to dismiss where the record revealed that the victim “had obtained drugs sold by [the d]efendant, . . . had ingested drugs sold by [the d]efendant, and [the d]efendant knew the drugs he was selling” would be shared between the decedent and her friend. *Id.* at 656, 896 S.E.2d at 315.

In the case at bar, the State “present[ed] the evidence necessary to persuade a rational juror” that Defendant’s sale of the fentanyl was the proximate cause of Bethany’s death. *Id.* (extraneity omitted). Defendant received money from Bethany, gave Bethany two bags of fentanyl, and Bethany ingested that fentanyl. Thus, the “evidence is enough to survive a motion to dismiss” the charge of death by distribution on this basis and to “submit the question of proximate cause to the jury.” *Id.*

III. Conclusion

For the foregoing reasons, we conclude that the trial court did not err in

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denying Defendant's motion to dismiss the charge of death by distribution. Defendant received a fair trial, free from error.

NO ERROR.

Judges COLLINS and HAMPSON concur.

Report per Rule 30(e).