

## Why Trafficking Really Bites

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Drug trafficking offenses can lead to really long sentences, and not just because of the special minimums and maximums that apply to those crimes. Consider this example: My husband and I agree to grow marijuana. We grow and harvest 50 pounds of it. We then arrange to sell it to a street-level distributor. Finally, we drive it in a truck to the distributor, where we hand over the ganja in exchange for a pile of money. How many trafficking offenses have we committed?

The answer is SIX! They are:

- trafficking in marijuana by manufacturing
- trafficking in marijuana by sale
- trafficking in marijuana by delivery
- trafficking in marijuana by transporting
- trafficking in marijuana by possession
- and, the drum roll please . . . conspiracy to traffic in marijuana.

State v. Lyons, 330 N.C. 298 (1991); State v. Perry, 316 N.C. 87 (1986).

And that's not all! The conspiracy to traffic is punished at the same level as a completed trafficking offense, not one level lower as it typically the case for conspiracy. See, e.g., G.S. 90-95(h)(1) and (i). Now add in those special minimums and maximums for trafficking offenses, run them consecutively and my husband and I are looking at some very serious time apart in prison. And we haven't even gotten to the fines that apply to drug trafficking!

Compare that to plain old sale or delivery of a controlled substance. If I sell and deliver a controlled substance, it's just one offense. State v. Moore, 327 N.C. 378 (1990).

As I indicated at the outset, trafficking offenses can really bite.