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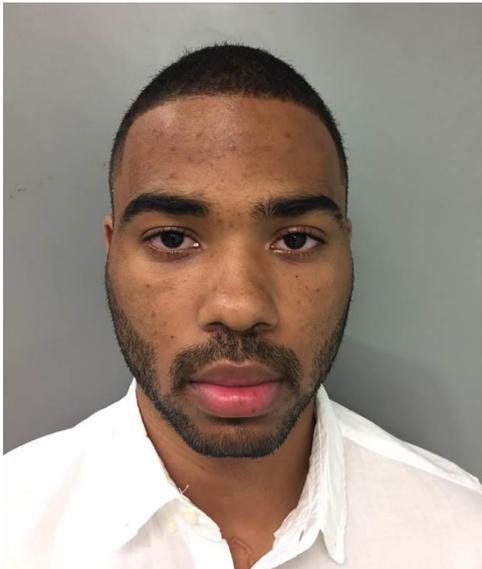
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ANDRE GARY OF BEAR, DEL. CHARGED WITH “DRUG DELIVERY RESULTING IN DEATH” IN ABINGTON FATAL OVERDOSE



NORRISTOWN, Pa. (June 30, 2017) — Montgomery County District Attorney Kevin R. Steele, Abington Township Police Chief John A. Livingood and Lower Merion Superintendent of Police Michael J. McGrath announce the arrest of Andre Franchot Gary, 23, of Bear, Del., on the criminal homicide charge of Drug Delivery Resulting in Death in the June 1, 2017, overdose death of Jacqueline Hearn, 58, of Abington.

Abington Police arrived at 3:09 p.m., Thursday, June 1, 2017, to an apartment on Easton Road to find a family member performing CPR on Ms. Hearn. She was later pronounced dead at Abington Hospital. Ms. Hearn was found with 12 blue wax paper bags and six red Ziploc bags with no stamp or markings on them. This packaging is the type commonly used for packaging heroin. A white dinner plate with a white powdery substance and a rolled-up dollar bill was also recovered.

The ensuing investigation by Abington Township Police and the Montgomery County Detective Bureau revealed that earlier in the day, at approximately 1:38 p.m., the defendant delivered a bundle of purported heroin to Ms. Hearn and her daughter outside of their apartment. The drug buy and delivery from Philadelphia by Gary were arranged by text message beforehand.

On June 2, 2017, detectives arranged for Gary to deliver more drugs to the apartment. When the defendant arrived at the Easton Road address, he was found to be in possession of 11 clear ziploc bags containing blue wax packets and one red ziploc bag containing a blue wax packet, which were similar to those found by the deceased.

National Medical Services Labs tested the bags and white dinner plate found by Ms. Hearn's body and found them to be acetyl fentanyl and fentanyl, both synthetic opioids more than 50 times stronger than street-level heroin.

An autopsy by the Montgomery County Coroner's Office's Dr. Erica Williams determined that the cause of Ms. Hearn's death was a combination of drugs that included fentanyl. Dr. Williams opined that if not for the fentanyl in Ms. Hearn's system she would be alive.

Gary is charged with Drug Delivery Resulting in Death, which is a felony criminal homicide charge that could result in a sentence of up to 40 years—a similar penalty to third-degree murder—as well as possession with intent to deliver, criminal use of a communication facility, recklessly endangering another person and other charges.

“Jacqueline Hearn died from being poisoned. Dealers bringing their poison into Montgomery County—often delivering right to the victim's door—and preying upon those suffering from the disease of addiction should think twice about coming over our borders,” said Steele. “I want to be loud and clear with this message: if you deal drugs like pills, heroin or fentanyl and we can prove that the drugs you sold caused someone's death, you will be charged with homicide—Drug Delivery Resulting in Death. This is our third arrest for this charge in 2017, and more arrests are in the works. Our law enforcement agencies are working together to combat this terrible epidemic, and we are committed to stemming the tide of the pain, suffering, addiction and death that those who traffic poison are raining down on our county and bringing into all of our lives.”

Gary was arraigned today before Magisterial District Judge John D. Kessler. Bail was denied, and the defendant was remanded to the Montgomery County Correctional Facility. A preliminary hearing was set for 1:30 p.m., July 13, 2017, before Magisterial District Judge Kessler.

The case will be prosecuted by Assistant District Attorney Tonya Lupinacci.

Approved for release:

Kevin R. Steele

CRIMINAL CHARGES, AND ANY DISCUSSION THEREOF, ARE MERELY ALLEGATIONS AND ALL DEFENDANTS ARE PRESUMED INNOCENT UNTIL AND UNLESS PROVEN GUILTY.