Drug Charges

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Overview

A drug arrest rarely presents the straightforward case it appears to be. Possession charges require proof of knowing possession, and constructive possession theories, search and seizure defects, and chain-of-custody issues each create vulnerabilities the prosecution must overcome. Cohen Cleary defends individuals facing drug charges from simple possession to trafficking, bringing the same strategic focus to first-time offenders pursuing diversion as to clients managing mandatory minimum exposure.

Why Drug Possession Cases Are More Defensible Than You Think

A drug charge can alter the course of your life in ways that extend far beyond the courtroom. But the assumption that “they found it, so I’m guilty” ignores one of the most important principles in criminal law: the prosecution must prove knowing possession beyond a reasonable doubt. Proximity to a controlled substance is not the same as possession. Constructive possession theories, joint venture arguments, and cases built on a defendant’s mere presence in a vehicle or apartment all carry defensible weaknesses that experienced defense counsel can identify and exploit.

Whether you are facing a simple possession charge or allegations of trafficking with mandatory minimum exposure, the difference between a conviction and a favorable resolution often comes down to how quickly an effective defense strategy is developed. Drug cases in Massachusetts and Rhode Island involve complex evidentiary issues, constitutional protections, and sentencing frameworks that require focused experience to navigate.

Drug Possession, Distribution, and Trafficking Defense

Massachusetts drug charges carry consequences that escalate dramatically based on the substance involved, the quantity alleged, and the location of the offense. Our defense work in this area covers the full spectrum of narcotics cases:

- **Possession charges** involving cocaine, heroin, fentanyl, and prescription medications obtained without a valid prescription. While recreational marijuana is legal in Massachusetts, restrictions on quantity, public possession, and public consumption still result in criminal charges that many people do not anticipate.
- **Possession with intent to distribute**, where the prosecution relies on quantity, packaging materials, scales, large amounts of cash, or other circumstantial evidence to argue the drugs were not for personal use
- **Distribution and trafficking charges**, including mandatory minimum sentencing exposure under Massachusetts General Laws Chapter 94C
- **School zone enhancements**, which can add two years of mandatory incarceration to an

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underlying drug conviction when the offense occurs within 300 feet of a school

- **Prescription drug offenses** and charges arising from motor vehicle stops where drugs are discovered during a search

Every drug case begins with a careful review of how law enforcement obtained the evidence. Fourth Amendment protections against unreasonable search and seizure provide the foundation for many successful drug defense strategies, from challenging the legality of a traffic stop to contesting the scope of a search warrant. Drug charges also frequently arise alongside probation violation allegations, and the defense strategy must account for both proceedings simultaneously.

Why Clients Choose Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our criminal defense work, this approach helps clients navigate drug charge proceedings with clarity, efficiency, and confidence.

Diversion, Drug Courts, and Alternatives to Incarceration

We tell our clients that a drug charge does not have to end with a criminal conviction on their record. Massachusetts provides several intervention pathways that many defendants never

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learn about until it is too late. Drug court programs in Bristol County and Plymouth County offer structured treatment as an alternative to traditional prosecution. Section 35 petitions can secure court-ordered treatment for individuals whose addiction requires immediate intervention.

For first-time offenders, pretrial diversion and continuances without a finding preserve the ability to seek record sealing. We evaluate every client's eligibility for these programs before developing a broader defense strategy, because the right alternative disposition can eliminate incarceration exposure entirely while addressing the underlying issues that led to the charge.

Serving Clients Across Massachusetts and Rhode Island

Cohen Cleary defends drug and narcotics charges in District Courts and Superior Courts throughout Massachusetts and Rhode Island. From our offices in Taunton and Plymouth, our attorneys regularly appear in Bristol County, Plymouth County, and Norfolk County courthouses, as well as courts across southeastern Massachusetts and the greater Boston area. Our familiarity with local prosecutors, court procedures, and the specific tendencies of individual courts informs every aspect of case strategy. We also represent clients facing drug charges in Rhode Island courts, with the capacity to serve clients across New England.

Take the First Step Toward an Effective Defense and Contact Cohen Cleary

A drug charge requires immediate, focused attention. Contact Cohen Cleary to discuss your case with a defense attorney who understands Massachusetts and Rhode Island drug laws, the courts where your case will be heard, and the defense strategies that produce results. Call our offices in Taunton or Plymouth to schedule a consultation.

Frequently Asked Questions About Drug Charges

What is the difference between possession and possession with intent to distribute?

Simple possession means the prosecution alleges you knowingly had a controlled substance for personal use. Possession with intent to distribute carries significantly harsher penalties and is typically charged when police find quantities, packaging materials, scales, large amounts of cash, or other circumstantial indicators suggesting the drugs were intended for sale. The line between these charges is often contested, and the Commonwealth's evidence of "intent" is frequently weaker than it first appears.

Do mandatory minimum sentences apply to all drug charges in Massachusetts?

No. Mandatory minimums in Massachusetts apply primarily to trafficking charges, which are triggered by specific weight thresholds that vary by substance. A cocaine trafficking charge, for example, requires proof that the defendant possessed 18 grams or more. Possession and distribution charges carry serious penalties but generally allow judges more discretion in sentencing. Understanding whether a mandatory minimum applies to your specific charge is critical to developing an effective defense and negotiation strategy.

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Can a drug charge be dismissed or reduced?

Many drug charges are resolved through dismissal, reduction, or alternative disposition. Successful motions to suppress evidence obtained through unconstitutional searches eliminate the prosecution's ability to prove the case. Diversion programs and drug court participation can result in charges being dismissed upon completion. Even where the evidence is strong, negotiated resolutions to lesser charges can significantly reduce sentencing exposure and collateral consequences.

What collateral consequences can a drug conviction carry beyond the criminal sentence?

A drug conviction can affect far more than your criminal record. Federal student loan eligibility may be jeopardized. Public housing applications can be denied. Immigration consequences for non-citizens can include deportation or inadmissibility. Professional licensing boards may impose discipline or deny applications. Even after serving a sentence, these consequences can follow a person for years. We advise every client on the full range of potential consequences before making any decision about how to resolve their case.

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