

1 STATE OF SOUTH DAKOTA) IN CIRCUIT COURT
2 COUNTY OF DAVISON) :SS FIRST JUDICIAL CIRCUIT

3 _____

4 STATE OF SOUTH DAKOTA,
5 Plaintiff, Cr. No.
6 17CRI23-169 and
7 17CRI23-

8 vs. GRAND JURY
9 PROCEEDINGS

10 DARRELL KYLE BENNETT, JR. and
11 AARON BRADLEY COOPER,

12 Defendants.

13 _____

14 BEFORE: THE DAVISON COUNTY GRAND JURY
15 Mitchell, South Dakota

16 APPEARANCES:

17 For the Plaintiff: ROBERT T. O'KEEFE
18 ALICIA ODLAND
19 DAVISON CO. DEPUTY STATE'S ATTORNEY
20 1015 South Miller Avenue
21 Mitchell, SD 57301

22 PROCEEDINGS: The above-entitled proceeding commenced at
23 approximately 11:26 a.m. on the 17th
24 day of March 2023 in the courtroom of
25 the Public Safety Center, Mitchell,
 South Dakota.

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NO.	DESCRIPTION	PAGE
NONE		

1 (Whereupon the following proceedings were had, to wit:)

2 MR. O'KEEFE: The next case for your consideration is State
3 of South Dakota vs Aaron Bradley Cooper it is - and State of
4 South Dakota vs Darrell Kyle Bennett, Jr. It is - in both
5 cases, the defendants are charged with similar charges.
6 They're both charged with possession of more than 2 ounces
7 but less than one-half pound of marijuana, possession of more
8 than 2 ounces but less than one-half pound of - I'm sorry.
9 That's on both of them. Possession of controlled substance
10 Delta 9 tetrahydrocannabinol or hash wax, possession with
11 intent to distribute more than one ounce but less than
12 one-half pound of marijuana, conspiracy to distribute
13 marijuana, conspiracy to distribute Delta 9
14 tetrahydrocannabinol or hash wax, and possession of
15 controlled substance, possession of tetrahydrocannabinol or
16 hash wax, and possession with intent to distribute hash wax.
17 Any questions?

18 GRAND JUROR: What is "hash wax"?

19 MR. O'KEEFE: What is hash wax?

20 GRAND JUROR: Yes.

21 MR. O'KEEFE: Hash wax is a derivative of marijuana where
22 they basically compress marijuana to get all the oils out of
23 it, and then they compress that even more, so it's a higher
24 level THC content. It's kind of - it's like a little waxy
25 tarry thing, so - it's concentrated THC.

1 (Mr. Becker enters.)

2 ANDREW BECKER called as a witness, having
3 been first duly sworn,
testified as follows:

4 EXAMINATION BY MR. O'KEEFE:

5 Q Would you please introduce yourself for the record.

6 A My name is Andrew Becker. I'm a detective with the Mitchell
7 Police Department.

8 Q And you're a certified law enforcement officer.

9 A Yes.

10 Q And how long have you been a detective?

11 A About 3 and a half years.

12 Q And you are specifically assigned to where your main duties
13 are working with what's known as the James Valley Drug Task
14 Force.

15 A Yes.

16 Q So the majority of your work is in drug interdiction and
17 dealing with distribution and possession of narcotics.

18 A Yes.

19 Q And you had received some information that there may have
20 been an illegal marijuana grow going on in the city of
21 Mitchell.

22 A Yes.

23 Q And how was that information coming to you or what - what
24 information was coming to you to believe - to lead you to
25 believe that there was something going on?

1 A Well, so initially the first information that came in was a
2 Runnings employee observed what they believed to be a strange
3 purchase of materials. And this employee actually happened
4 to know the individual that attempted to purchase the
5 materials and identified this individual as Aaron Cooper.
6 The employee knew Cooper had a drug history, and so based on
7 his history and her knowledge of him and the materials he was
8 buying, she believed he was buying drug manufacturing
9 materials.

10 This - this employee passed that information along to
11 us, and that was kind of the first piece of information we
12 got. And then we started getting information from a neighbor
13 of a residence here in Mitchell located at 1202 West Hanson
14 Avenue. And that neighbor reported suspicious activity and a
15 strange odor of marijuana coming from the evidence,
16 stop-and-go traffic. They collected photographs of marijuana
17 plants in the backyard from earlier this year - or in August
18 what they believed was August of 2022.

19 And then based on that information and the materials
20 that they purchased, we believed that they were growing
21 marijuana. The owner of the residence is a Darrell Bennett,
22 Jr., and so I ran energy records on the residence and noticed
23 in the last year, there was a noticeable variation or
24 increase in electrical usage at the residence, which we
25 believed would have been contributed to using light bulbs to

1 grow plants inside the house resulting in an increase in
2 energy usage. And so based on these facts or this evidence
3 we obtained, we wrote a search warrant for the residence at
4 1202 West Hanson Avenue.

5 Q I'm going to back you up to that purchase at - at Runnings.
6 At that point, what was suspicious about it was not just the
7 items but the fact that they wouldn't - that Mr. Cooper
8 wouldn't ID himself to make that big a purchase?

9 A Yes. So the employee told (inaudible) what they do with
10 Aaron Cooper is then still try and ID him as far as getting
11 evidence for us knowing what they believed the purchase
12 was for. When they asked Mr. Cooper for his ID, he got
13 flustered, and then when they asked to see the name on the
14 card that he was going to use to make the purchase with, he
15 got - got upset and ended up leaving without making the
16 transaction. And then - I don't know if it was 30 minutes,
17 45 minutes later, just a little while later, Aaron Cooper and
18 Darrell Bennett, Jr., came back to Runnings together and then
19 they re- - or they regathered all the materials that Aaron
20 had previously tried purchasing, and then Darrell ended up
21 buying the materials and provided his - his ID and
22 information.

23 Q And what kind of materials were these to - to lead you to
24 believe that - that they were practicing some agricultural --

25 A It was like containers, propane, packaging materials like

1 drier duct vent piping, gloves, glass - like eye goggles.

2 Those are just some of the things that we saw.

3 Q And all those - but all those items when taken together
4 through your training and experience lead you to believe that
5 they were - they were probably cultivating marijuana.

6 A Yeah. They were materials that you would need or use for
7 marijuana grow and, you know, cultivation manufacturing.
8 Obviously they all could be used for anything else but put
9 together with all the other evidence we obtained, we believed
10 it to be.

11 Q All right. So with all the information coming from Runnings,
12 the - the energy spikes, and the neighbor giving you
13 information about the weird happenings going on there, you
14 did secure a search warrant from a - a judge.

15 A Yes.

16 Q And on March 1st, 2023, you executed that search warrant?

17 A Yes.

18 Q And that was on Mr. Bennett's home?

19 A Yes. Located at 1202 West Hanson.

20 Q And when you arrived there, was Mr. Bennett present?

21 A Yes.

22 Q What - what do you do with somebody when you're searching
23 their home?

24 A Every situation is different depending on the type of search
25 warrant and the - and the nature of the investigation, but in

1 this case, we just secured Darrell. I explained to him why
2 we were there. Darrell immediately told me he did have a
3 marijuana grow in the basement. I had Darrell transported
4 back to the Mitchell Police Department so I could speak with
5 him further while the rest of the law enforcement team
6 executed the search warrant and gathered evidence and stuff.

7 Q And ultimately what was found in the basement?

8 A So prior to me returning back to the Mitchell Police
9 Department, I did a walk-through of the residence, and in the
10 basement there was a - what I would call grow enclosure. It
11 was - it looked basically like a large tub with heat lamps
12 and venting and then there were - I don't know - a couple - a
13 couple dozen pots with plants coming up out of them. Some of
14 them - they were all (inaudible) plants is what I would call
15 them, basically in the early stages of growth. Some of them
16 hadn't sprouted yet but some had, and they were - they were
17 obviously marijuana plants.

18 Q And there was approximately 27, I think, ultimately located
19 during the full search?

20 A Yeah. I believe that's what was told to me at the end of the
21 search was there was, yeah, approximately 27 marijuana plants
22 collected.

23 Q And they also located a large bag or grocery bag or - not
24 grocery bag - a garbage bag full of what you would term as
25 seeds and stems.

1 A Yes. So when I was there, I did see the bag. He had one of
2 those big full-sized potting mix bags stuffed for the most
3 part full of harvested marijuana plants, stems, and the - and
4 the leaves and stuff off them.

5 Q And did you also find any equipment that's used to basically
6 compress marijuana parts like that into the waxy substance or
7 Delta 9?

8 A Yeah, so during the search warrant, they located a machine,
9 and the best way to describe it is it kind of looks like a
10 Caribou machine that most of society knows and basically
11 rather than put coffee grounds in it, you stuffed it with
12 marijuana leaves and stuff or parts of marijuana plants, and
13 then the machine processed it, you combine it with some other
14 stuff, and then it made a - it extracted the THC chemical
15 from the marijuana plant itself, which is a chemical that
16 gets you high. And doing that process is illegal in the
17 state of South Dakota. It turns it into a - actually a
18 higher level felony.

19 Q And located in the house was - was six jars of this THC
20 concentrate?

21 A Yeah, I think it was five or six jars. They were glass jars.
22 I don't know what size they would be, if they were a pint or
23 a cup, but they were fill of what appeared to be a THC
24 concentrate is what we would call it. Later on in my
25 interview with Darrell, he did admit that that's what that

1 was is it was the final product of what he was making in this
2 machine.

3 Q And that's - that's the tetrahydrocannabinol THC wax.

4 A Yeah, yep.

5 Q There was a number of other items located indicating that
6 this had been going on for awhile?

7 A Yeah. Well, we had knew that this wasn't their first grow
8 based on the fact that we found this big bag with all these
9 stems and stuff stuffed with it, also based on the energy
10 records, the spike for over a year of energy we believed that
11 this had been going on for awhile.

12 Q So ultimately with all this, did you believe that - that
13 Mr. Bennett basically was illegally growing marijuana here in
14 the city of Mitchell?

15 A Yes.

16 Q And ultimately were you able to recover more than 2 ounces of
17 actual raw marijuana?

18 A Yes.

19 Q Less than one-half pound though?

20 A Yes.

21 Q At this point, the only tie you have to Mr. Cooper that they
22 were working together was the purchase from Runnings; is that
23 correct?

24 A Yeah, at this point.

25 Q Did you have any information from neighbors that he was one

1 of the persons coming and going?

2 A Yes. So actually the - the neighbor that reported the
3 suspicious activity said that a vehicle was constantly
4 (inaudible) to the point that they believed that this
5 individual might even be living there. They gave me a
6 description and license plate on the vehicle. I know from
7 prior professional contacts and working cases on Aaron Cooper
8 that this individual was Aaron Cooper that she was describing
9 to me, so we knew that Aaron Cooper was heavily involved with
10 whatever was going on there based on the witness statement.

11 Q So that - that's your ties at this point, but then you start
12 to question Mr. Bennett?

13 A Yeah, so I ran a background check on Mr. Bennett and Cooper
14 before we did the search warrant, and I'm not a hundred
15 percent sure why, but Aaron Cooper didn't have any recent
16 employment records or anything like that. But on Darrell's
17 background check, I found that he was linked to a potential
18 company called Cooper's Creations, L.L.C., which also
19 provided a red flag that there was an actual company.

20 Another thing that tied him to it actually was the
21 reporting party said that they were looking at Google maps
22 and at the Darrell residence, and when they were looking at
23 their own residence they saw that, hovering above the 1202
24 West Hanson Avenue on Google maps was a business icon, and
25 when you clicked on it, it's (inaudible) was called Kush

1 Candy business. "Kush" is another term that people use to
2 describe marijuana and marijuana-related products, and so for
3 this business icon to be on top the house is also a red flag
4 for us.

5 There was no - initially there was an address listed
6 with the business. Just a few days later, a week later when
7 I went back and tried to find that same business icon, it was
8 still there, but the address was removed, but there was a
9 phone number associated with the business as well, and I
10 looked that phone number up in our Mitchell Police record
11 records and it came back that phone number was for Aaron
12 Cooper so just some more additional stuff there.

13 Q So you had, at this point, significant ties between Bennett
14 and Cooper.

15 A Yes, evidence.

16 Q Yeah. You begin to question Mr. Bennett?

17 A Yes.

18 Q And what does he tell you is going on?

19 A He making - admitted to growing the marijuana. He said that
20 he was not growing it for distribution; he denied that.
21 However, he did admit that he would share the marijuana that
22 he grows, which in state law there's no difference between
23 sharing it or selling it; it's still distribution. So in a
24 round-about way, he did admit to distribution of the
25 marijuana that was growing, just not receiving currency or

1 money for the distribution. He admitted to making the THC
2 concentrates. When I asked him about Aaron Cooper's
3 involvement, he (inaudible) for Aaron Cooper. He denied that
4 Aaron was involved whatsoever.

5 Q What was he saying he was putting the THC concentrates into?

6 A He made THC edibles in that machine, and then he also made -
7 he called it a cream, and it could be described as a cream,
8 that - those glass jars was a really smooth, buttery type
9 liquid, and he said that he was applying that to his knees
10 for his arthritis is what he said.

11 Q But he - he again denied that Cooper had anything to do with
12 this.

13 A Yeah, he admitted that Cooper went to purchase the supplies
14 at Runnings. He admitted that the supplies that they
15 purchased from Runnings was for the grow, but he said that
16 Aaron Cooper was only purchasing those materials for him
17 because he was sick that day and didn't - couldn't do it
18 himself but then when Aaron Cooper freaked out, according to
19 him, he ended up going back there and buying it anyways, so
20 it was a really contradictory statement.

21 Q So at this point, while you're interviewing, they're still
22 conducting a major search of that house.

23 A Yeah.

24 Q And ultimately they find that there are a number of - of
25 security cameras throughout the house or outside? Inside?

1 A Yeah, there was two cameras in the house.

2 Q And one of them was pointed directly at the grow.

3 A Yes.

4 Q And through your investigation, you had asked Mr. Bennett if
5 he would provide you with his cell phone.

6 A Yes. He was asked for consent to search his cell phone, and
7 he provided consent, signed a voluntary waiver, gave us
8 consent and then gave the passcode to unlock his phone.

9 Q And during the search of the phone, you were able to find a
10 link to those cameras?

11 A Yes.

12 Q So were you able to review those cameras at that point or
13 how - how did it go from there?

14 A Yeah, so the video surveillance system had an app. We logged
15 into the app on his phone, and in the app was numerous videos
16 that had been saved in the app of the marijuana grow.
17 They're motion-activated videos that were reviewed.

18 Q And in some of those videos, the person you know as Aaron
19 Cooper was present.

20 A Yes.

21 Q So he was in the basement.

22 A Yes.

23 Q Was he actually actively working with the grow?

24 A Yes.

25 Q So it appeared to you that he had at least assisted

1 Mr. Bennett in - in conspiring to grow this marijuana.

2 A Yes. Yeah, I mean, he was moving the plants around. He was
3 seen watering the plants. Yeah.

4 Q Was there anything else that - that tied Mr. Cooper to that
5 scene on - on different video or was that - that just it?

6 A I'm trying to think. That was pretty much it from the video
7 was - it was obvious that he was actively helping grow the
8 plants by watering them, moving them around, spent a lot of
9 time hovering over them, watching them.

10 Q And that, taken with the other evidence you have of him
11 attempting to purchase those items and his coming and going
12 based on - on witness testimony, you believed they're working
13 together.

14 A Yeah.

15 Q And where is this house located?

16 A 1202 West Hanson Avenue.

17 Q And is that in what would be considered to be a drug-free
18 zone?

19 A Yes.

20 Q And why is that?

21 A Patton Young Park is within a thousand feet of the residence,
22 which is the requirement for you to meet a drug-free zone
23 violation would be you'd have to be within a thousand feet of
24 a park, park, or public school or. . . .

25 Q And this was in - in the zone why?

1 A Because it was within a thousand feet of Patton Young Park.

2 Q I missed that. Based on your training and experience to be
3 growing this many plants, to be extracting the THC from these
4 plants, and having packaged jars and that type of thing, do
5 you believe these two were distributing marijuana?

6 A Yeah, so along with finding the video evidence on Darrell's
7 phone, I reviewed his text message contents and stuff, and I
8 had located messages between him and Aaron where Aaron was
9 talking about having seeds to grow, and they sent a link to
10 each other - or one had sent a link to the other one, and the
11 link was for growing - or growing weed from beginning to end
12 or video of watching it grow.

13 There was also a message that was exchanged between
14 Aaron and Darrell talking about the machine that was making
15 the THC products, the concentrates being done, if it was done
16 cooking or whatever. And I know that Aaron sent Darrell a
17 screen shot picture message from this machine's website that
18 showed basically a graph of how much marijuana you needed to
19 put into the machine to get a certain percentage of THC back
20 out of that marijuana into the product that you were making.
21 So based on those messages, it was again clear that they were
22 conspiring, working together to create these products and
23 grow the marijuana.

24 Q And - and based on the amounts, obviously they were beyond
25 personal use amounts.

1 A Yes.

2 Q So based on your training and experience, they were - they
3 were manufacturing this for sale.

4 A Yes. And again, I didn't find any messages on Darrell's
5 phone showing him selling the marijuana, but I found messages
6 where he was providing female marijuana and edibles and stuff
7 like that.

8 Q Anything else you think would be important for the grand
9 jury?

10 A Not that I can think of at this time.

11 MR. O'KEEFE: Any questions from the Grand Jury? Of course.

12 GRAND JUROR: Bob, you said something about personal use.
13 What --

14 MR. O'KEEFE: My question - my question to the witness was,
15 based on his training and experience, is 27 plants more than
16 just a personal use amount of marijuana?

17 GRAND JUROR: Is there an allowance for personal?

18 MR. O'KEEFE: No.

19 THE WITNESS: Well, technically, yes.

20 MR. O'KEEFE: There is if you have - so on a legal question,
21 the - the medical marijuana card will allow you to possess -
22 I believe it's three plants if you have - if you have --

23 THE WITNESS: (Inaudible) what it is.

24 MR. O'KEEFE: -- a special - so you - so I could have a
25 medical marijuana card that says I can have marijuana. Then

1 I could have a medical marijuana card that bumps me up a
2 notch that says I can grow marijuana. Then there's another
3 tag above that that says I can grow and manufacture and
4 distribute, but - there's a whole bunch of stuff, but he
5 didn't have a medical marijuana card or any type of
6 dispensary allowance or manufacture allowance.

7 THE WITNESS: The (inaudible) Department of Health regulates
8 all those variants, and I've reached out to them, subpoenaed
9 their records for both Darrell Bennett and Aaron Cooper, and
10 neither one of them had anything whatsoever. They didn't
11 even have any basic marijuana card to be able to legally
12 possess a small amount of marijuana, nonetheless to be able
13 to grow it.

14 MR. O'KEEFE: Does that answer your question?

15 GRAND JUROR: Yep.

16 MR. O'KEEFE: All right.

17 GRAND JUROR: You mentioned a machine website for extracting
18 that. That's something you can go online and buy legally?

19 THE WITNESS: Yeah, so this is a machine that - just like -
20 just like - yeah, so you can buy this machine, and you can
21 make a ton of different things with it. It doesn't
22 necessarily mean - or doesn't necessarily - it's not
23 specifically made for producing THC products. It is
24 something that they say you can do with it, because in some
25 states it is legal to do what they're doing, just not in

1 South Dakota. So to possess that machine alone isn't
2 illegal. It's the fact that they were using that machine to
3 create the illegal products with it.

4 And so it would be - I'm trying to think of an example.
5 It would be like buying a Keurig and watching videos and
6 seeing how you can use that Keurig to create different types
7 of cappuccinos and coffee-type products. Same concept. They
8 can make a bunch of different things with this machine that
9 are legal. They're just choosing to use this machine to
10 create an illegal substance with it.

11 So, like, you can use it to put other plants like - I'm
12 trying to think of what else you would use but - yeah, I
13 actually went to the website. Yeah, it is - it's - you can
14 make a bunch of different things, thousands of different
15 products with it.

16 MR. O'KEEFE: Anything else? All right.

17 (Recessed at 11:51 a.m., reconvened 11:54 a.m.)

18 MR. O'KEEFE: We are back on the record in State of South
19 Dakota vs Darrell Kyle Bennett, Jr., and Aaron Bradley
20 Cooper. And I would ask the grand jury foreperson if at
21 least six members of the grand jury voted each count against
22 Mr. Bennett and each count against Mr. Cooper as "A True
23 Bill" on today's date.

24 GRAND JUROR: Yes.

25 (End of recording at 11:54 a.m.)

CERTIFICATE

C E R T I F I C A T E

STATE OF SOUTH DAKOTA)
) ss:
COUNTY OF DAVISON)

CERTIFICATE OF TRANSCRIBER

I, Stephanie L. Moen, RPR, Official Court Reporter,
and Notary Public within and for the State of South Dakota,
hereby certify that I transcribed to the best of my ability
from an FTR recording the proceedings of the foregoing case
described on Page 1 of this transcript, and that to the best
of my knowledge and belief, this transcript contains a true
and accurate record of the recording made of the proceedings
described herein.

To all of which I have hereunto set my hand this 13th day
of April 2023.

/s/ Stephanie L. Moen
Stephanie L. Moen, RPR
Official Court Reporter

EXAMINATION BY MR. O'KEEFE: [1] 4/3 GRAND JUROR: [7] 3/17 3/19 17/11 17/16 18/14 18/16 19/23 MR. O'KEEFE: [12] 3/1 3/18 3/20 17/10 17/13 17/17 17/19 17/23 18/13 18/15 19/15 19/17 THE WITNESS: [4] 17/18 17/22 18/6 18/18	2 2 ounces [3] 3/6 3/8 10/16 2022 [1] 5/18 2023 [3] 1/20 7/16 20/14 27 [3] 8/18 8/21 17/15 3 30 [1] 6/16 4 45 [1] 6/17 5 57301 [1] 1/17 : :SS [1] 1/1 A a.m [4] 1/19 19/17 19/17 19/25 AARON [23] ability [1] 20/7 above [3] 1/19 11/23 18/3 above-entitled [1] 1/19 according [1] 13/18 accurate [1] 20/11 activated [1] 14/17 actively [2] 14/23 15/7 activity [2] 5/14 11/3 actual [2]	10/17 11/19 actually [6] 5/3 9/17 11/2 11/20 14/23 19/13 additional [1] 12/12 address [2] 12/5 12/8 admit [3] 9/25 12/21 12/24 admitted [4] 12/19 13/1 13/13 13/14 against [2] 19/21 19/22 agricultural [1] 6/24 ALICIA [1] 1/15 allow [1] 17/21 allowance [3] 17/17 18/6 18/6 alone [1] 19/1 amount [2] 17/16 18/12 amounts [2] 16/24 16/25 ANDREW [2] 4/2 4/6 answer [1] 18/14 anyways [1] 13/19 app [4] 14/14 14/15 14/15 14/16 APPEARANCES [1] 1/14 applying [1] 13/9
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