

STATE OF SOUTH DAKOTA)

IN CIRCUIT COURT

: SS

FIRST JUDICIAL CIRCUIT

COUNTY OF Davison)

STATE OF SOUTH DAKOTA)

AFFIDAVIT AND APPLICATION

Plaintiff,)

FOR EXPARTE

PROBABLE CAUSE DETERMINATION

vs

)

Bennett Jr., Darrell Kyle

Date of Birth: 1-21-75

Defendant

To: The Circuit Court, First Judicial Circuit, in and for Davison County,
South Dakota

I hereby Swear as Follows:

1. My name is Andrew Becker
2. I am a certified law enforcement officer.
3. On the 1 day of March 2023 arrested the above named Defendant, without a warrant, and charged him/her with the offense of:

Manufacture Controlled Substance in Schedule 1 or 2 (F4), Possession with Intent to Distribute a Controlled Substance in Schedule 1 or 2 (F4), Possession with Intent to Distribute Marijuana More Than One Ounce but Less Than One Half Pound (F5), Possession of a Controlled Substance in Schedules 1 or 2 (F5), Possession of Marijuana More Than Two Ounces but Less Than One Half Pound (F6), Conspiracy to Commit Crime (F4), Drug Free Zone Violation (F4)

In violation of SDCL

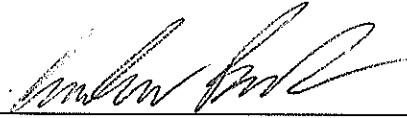
22-42-2, 22-42-2, 22-42-7, 22-42-5, 22-42-6, 22-42-2.4, 22-42-19

4. I believe that probable cause exists to arrest said Defendant for such offense based on the following (five statement of facts and/or if applicable, attach case report or other report and write "See attached case report(s) which is (are) incorporated herin by reference")

On 3-1-23 the Mitchell Police Department executed a search warrant at 1202 W Hanson Avenue in regards to an active narcotic investigation. Upon entry law enforcement made contact with the owner of the residence, DARRELL BENNETT JR. During the execution of the search warrant law enforcement located a marijuana grow in the basement which contained approximately 27 marijuana plants in a grow shelter under grow lights. Law enforcement located approximately 6 jars of THC concentrate in the kitchen refrigerator as well as a device on the kitchen counter used to make the concentrate. Other bottles and containers were also located which contained marijuana and marijuana concentrates. Approximately 4 ounces of raw marijuana and multiple bags of harvested marijuana plants were located through out the residence. Bulk packaging materials were located with the production materials as well as "thank you for your business" stickers. Digital scales were also located in the residence. During a post Miranda interview Bennett admitted to growing marijuana and manufacturing THC concentrates to include "tincture", THC butter, and edibles. BENNETT'S residence is located within 1000 feet of Patton Young public park, resulting in a Drug Free Zone Violation. BENNETT is observed on video surveillance cameras inside the residence working and conspiring with another identified individual to grow and harvest the marijuana. Based on the amount of raw marijuana, harvested and unharvested marijuana plants, THC concentrates, and manufacturing materials BENNETT was arrested and charged with Manufacturing a Controlled Substance in Schedule 1 or 2 (F4), Possession with Intent to Distribute a Controlled Substance in Schedule 1 or 2 (F4), Possession with Intent to Distribute Marijuana More Than One Ounce but Less Than One Half Pound (F5), Possession of a Controlled Substance in Schedules 1 or 2 (F5), Possession of Marijuana More Than Two Ounces but Less Than One Half Pound (F6), Conspiracy to Commit Crime (F4), Drug Free Zone Violation (F4).

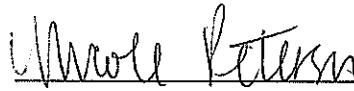
5. I requested that the Court make an ex parte determination as to whether probable cause exists for the warrantless arrest of said Defendant for the above mentioned public offense.

Dated 3-1-23



Law Enforcement Officer

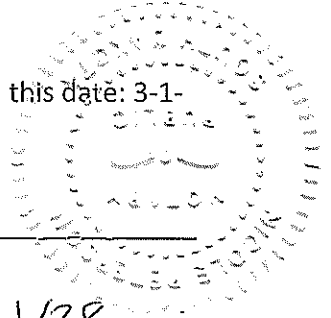
Subscribed and sworn to before me, the undersigned officer, this date: 3-1-23



Notary Public – South Dakota

My Commission Expires: 5/11/28

Seal



PBT At Booking: N/A

UNIFORM TRAFFIC TICKET COMPLAINT

PCN _____ In Circuit Court
State of South Dakota _____ Magistrate Court
County of Davison 1st Judicial Court
State of South Dakota (Plaintiff) Uniform Summons and Complaint
vs. Bennett NO. K 722490 HP
(Defendant)

THE UNDERSIGNED PEACE OFFICER COMPLAINS AND STATES THAT
ON OR ABOUT 3-1-23 AT OR NEAR (LOCATION/MILE POST) 1202 W Hanson AT TIME 1040 A.M.
WITHIN THE COUNTY AND STATE AFORESAID

NAME	<u>Bennett Jr, Darrell Kyle</u>	HEIGHT	<u>6'4"</u>	SEX	<u>M</u>
ADDRESS	<u>1202 W Hanson</u>	WEIGHT	<u>210</u>	RACE	<u>W</u>
CITY	<u>Mitchell</u>	STATE	<u>SD</u>	BIRTHDATE	<u>1-21-75</u>
DRIVER'S LICENSE NO.	<u>00762669</u>	STATE	<u>SD</u>		

<input checked="" type="checkbox"/> DID	<input type="checkbox"/> OPERATE	<input type="checkbox"/> PARK	VEHICLE MAKE	BODY STYLE
UNLAWFULLY				
STATE LICENSE NO.		YEAR	STATE	FR <input checked="" type="checkbox"/> Y <input type="checkbox"/> N

AND THEN AND THERE COMMIT FOLLOWING OFFENSE: TO WIT: PETTY OFF. ☐ MIS. ☐
DESCRIBE VIOLATION SDCL/ORD AMT.

<u>Conspiracy to Commit Crime</u>	<u>22-42-2.4</u>	<u>F4</u>
<u>Drug Free Zone Violation</u>	<u>22-42-19</u>	<u>F4</u>

SPEEDING: _____ Municipal _____ Interstate _____ Other _____ M.P.H. IN _____ M.P.H. ZONE _____ TOTAL: MIA

TYPE: CDL ☒ ☐ COMM. VEH. ☒ ☐ HAZ. MATERIALS ☒ ☐
16 OR MORE PASS. VEH. ☒ ☐

OFFICER ISSUING SUMMONS	NO.	CITY	COUNTY	STATE
<u>Becker</u>	<u>415</u>	<u>MIT</u>	<u>DAN</u>	<u>SD</u>

ABOVE COMPLAINT IS TRUE AS I VEREY BELIEVE
OFFICER SIGN IN PRESENCE OF COURT OR NOTARY DATE 3-1-23

SUBSCRIBED AND SWORN TO ME THIS DATE (NAME AND TITLE) DATE
Whitney Peterson 03/01/23

SUMMONS and PROMISE TO APPEAR

Defendant is ordered and does promise to appear in the above Court

located in the city of T.B.S.
on T.B.S. at T.B.S. ☐ a.m. ☐ p.m.

X In Custody
Defendant's Signature

(Signing this form is a promise to appear - Not an admission of guilt. Violation of promise to appear is a Class 2 misdemeanor, and a warrant may be issued.)

☒ Yes ☐ No Court appearance required. MIA
Power of Attorney in lieu of appearance Amount \$

PCN _____
State of South Dakota
County of Davison 1st
State of South Dakota (Plaintiff) vs. Bennett Jr. NO. K 722488 HP
In Circuit Court
Magistrate Court
Judicial Court
Uniform Summons and Complaint

THE UNDERSIGNED PEACE OFFICER COMPLAINS AND STATES THAT
ON OR ABOUT 3/1/23 AT OR NEAR (LOCATION/MILE POST) 1202 W Hanson Ave. AT TIME 1040 A.M.
P.M.
WITHIN THE COUNTY AND STATE AFORESAID

NAME Bennett Jr., Darrell Kyle HEIGHT 6'4" SEX M
ADDRESS 1202 W Hanson Ave. WEIGHT 270 RACE W
CITY Mitchell SD 57301 STATE SD BIRTHDATE 1-21-75
DRIVER'S LICENSE NO. 00762669 STATE SD

DID OPERATE PARK VEHICLE MAKE BODY STYLE
UNLAWFULLY X X X X
STATE LICENSE NO. X YEAR X STATE X FR Y MC

AND THEN AND THERE COMMIT FOLLOWING OFFENSE: TO WIT: PETTY OFF. ☐ MIS. ☒
DESCRIBE VIOLATION SDCL/ORD AMT.

Manufacture, Poss w/ Intent 22-42-2 F4 x2

Distribute Sch 1 or 2 CS

Poss w/ Intent Marijuana more 22-42-7 F5

than 2 oz. less than 2 found

SPEEDING: ☐ Municipal ☐ Interstate ☐ Other M.P.H. IN M.P.H. ZONE
TOTAL: MA

TYPE: CDL ☒ DL COMM. VEH. ☒ FE HAZ. MATERIALS ☒ DL
16 OR MORE PASS. VEH. ☒ DL

OFFICER ISSUING SUMMONS NO. 415 CITY Mit COUNTY 8 STATE SD
Becker

ABOVE COMPLAINT IS TRUE AS I VERIFY BELIEVE
OFFICER SIGN IN PRESENCE OF COURT OR NOTARY DATE 3-1-23

SUBSCRIBED AND SWORN TO ME THIS DATE (NAME AND TITLE) DATE
Whitely Klemm 03/01/23

SUMMONS and PROMISE TO APPEAR

Defendant is ordered and does promise to appear in the above Court
located in the city of Mitchell
on TBS at TBS ☐ a.m. ☐ p.m.

X In Custody
Defendant's Signature

(Signing this form is a promise to appear - Not an admission of guilt. Violation of promise to appear is a Class 2 misdemeanor, and a warrant may be issued.)

☒ Yes ☐ No Court appearance required.
☐ Yes ☒ No Power of Attorney in lieu of appearance Amount \$ MA

PCN _____
State of South Dakota
County of Davison 1st
State of South Dakota (Plaintiff) vs. Bennett Jr. NO. K 722489 HP
In Circuit Court
Magistrate Court
Judicial Court
Uniform Summons and Complaint

THE UNDERSIGNED PEACE OFFICER COMPLAINS AND STATES THAT
ON OR ABOUT 3/1/23 AT OR NEAR (LOCATION/MILE POST) 1202 W Hanson Ave. AT TIME 1040 A.M.
P.M.
WITHIN THE COUNTY AND STATE AFORESAID

NAME Bennett Jr., Darrell Kyle HEIGHT 6'4" SEX M
ADDRESS 1202 W Hanson Ave. WEIGHT 270 RACE W
CITY Mitchell SD 57301 STATE SD BIRTHDATE 1-21-75
DRIVER'S LICENSE NO. 00762669 STATE SD

DID OPERATE PARK VEHICLE MAKE BODY STYLE
UNLAWFULLY X X X X
STATE LICENSE NO. X YEAR X STATE X FR Y MC

AND THEN AND THERE COMMIT FOLLOWING OFFENSE: TO WIT: PETTY OFF. ☐ MIS. ☒
DESCRIBE VIOLATION SDCL/ORD AMT.

Poss. ~~Sub~~ Controlled 22-42-5 F5

Substance Sch 1 or 2

Poss Marijuana more 22-42-6 F6

than 2 oz but less than 1/2 lb

SPEEDING: ☐ Municipal ☐ Interstate ☐ Other M.P.H. IN M.P.H. ZONE
TOTAL: MA

TYPE: CDL ☒ DL COMM. VEH. ☒ FE HAZ. MATERIALS ☒ DL
16 OR MORE PASS. VEH. ☒ DL

OFFICER ISSUING SUMMONS NO. 415 CITY Mit COUNTY 8 STATE SD
Becker

ABOVE COMPLAINT IS TRUE AS I VERIFY BELIEVE
OFFICER SIGN IN PRESENCE OF COURT OR NOTARY DATE 3-1-23

SUBSCRIBED AND SWORN TO ME THIS DATE (NAME AND TITLE) DATE
Whitely Klemm 03/01/23

SUMMONS and PROMISE TO APPEAR

Defendant is ordered and does promise to appear in the above Court
located in the city of Mitchell
on TBS at TBS ☐ a.m. ☐ p.m.

X In Custody
Defendant's Signature

(Signing this form is a promise to appear - Not an admission of guilt. Violation of promise to appear is a Class 2 misdemeanor, and a warrant may be issued.)

☒ Yes ☐ No Court appearance required.
☐ Yes ☒ No Power of Attorney in lieu of appearance Amount \$ MA