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## Benno trial finally gets underway

By Jim Schultz

Nearly three years after their arrests on illegal marijuana cultivation and weapon charges, the criminal trial for outspoken medical marijuana activist James Benno and his two sons finally got underway Wednesday in Shasta County Superior Court.

During morning opening statements, Senior Deputy District Attorney Ben Hanna led jurors on a verbal tour of their three-bedroom home that was raided in May 2014, saying every room in the the Hopekay Lane house contained processed marijuana and evidence of illegal production and sales.

“That house was well-stocked with marijuana,” said Hanna, who called it a large-scale commercial marijuana operation.

Defense attorneys acknowledged there was indeed a lot of medical marijuana there.

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James Benno, right, speaks with one of the defense attorneys for his sons before the trial begins.

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“There’s a great need for it out there,” he said. “The goal was to provide it (medical marijuana) to as many sick people as possible.”

And, he said, there was absolutely no evidence of illegal sales or anyone making a profit.

“They were doing what they were doing as a labor of love,” Tully said.

Benno and his sons, who are out of jail custody on bail bonds, were arrested in a May 2014 raid at their 100-plant garden in Happy Valley and subsequently charged with a series of felonies mostly related to the cultivation of cannabis or concentrated cannabis.

The felony charges involving growing and sales of marijuana have since been reduced to misdemeanors due to the recent passage of Proposition 64, which legalized personal cannabis use.

But that did not affect other charges, including manufacturing a controlled substance, conspiracy, allowing drug sales on the premises and carrying a loaded firearm with intent to commit a felony.

Tully said, however, all of those charges are without merit, noting the guns were stored in closets and drawers and that there was never a conspiracy nor any intent to commit a felony.

Until the passage of Proposition 64, the elder Benno had been facing about 17 years in prison if convicted of all the counts against him.

His sons had also faced a maximum of approximately 12 years in prison.

Due to the changes in the law, prosecutor Hanna has said all three are looking at about eight or nine years if convicted of the charges against them.

The trial is expected to take nine to 12 days. ■