

Other editions: [Mobile](#) | [News Feeds](#) | [E-Newsletters](#) | [E-edition](#) | [Twitter](#)Find it: [Weather](#) | [Jobs](#) | [Cars](#) | [Real Estate](#) | [Apartments](#) | [Shopping](#) | [Coupons](#) | [Classifieds](#) | [Legals](#)

ArgusLeader.com

SEARCH
ALLAll [Local News](#) [Calendar](#) [Jobs](#) [More »](#)

SPONSORED BY:

[HARRISBURGINFO.COM](#)[HOME](#) [NEWS](#) [VOICES](#) [SPORTS](#) [LIFE](#) [ENTERTAINMENT](#) [FORUMS](#) [OBITUARIES](#) [COMMUNITIES](#) [CELEBRATIONS](#) [NATION/WORLD](#) [CUSTOMER SERVICE](#)[Local News](#) [Business](#) [Nation/World](#) [SouthDakotaInfo.com](#) [Local Columnists](#) [Photo Galleries](#) [Local Videos](#) [Mobile](#) [Get Published](#)

Comment, blog & share photos

[Log in](#) | [Become a member](#) | [Search people](#)POWERED BY YOU AND **ArgusLeader** MEDIA
Information...Anytime, Anywhere.

Bikers acquitted in rally shootout

But Hells Angels still face conspiracy charges

MATTHEW GRUCHOW AND STEVE YOUNG • ARGUS LEADER • NOVEMBER 21, 2008

[Read Comments\(14\)](#) [Recommend \(15\)](#) [Print this page](#) [E-mail this article](#) [Share](#) [?](#)

In a courtroom half-filled with Hells Angels on Thursday, jurors acquitted two of the club's members of five counts of attempted murder.

Chad Wilson, 33, of San Diego was charged in the case for allegedly firing at a group of rival Outlaws during the 2006 Sturgis Motorcycle Rally. John Midmore, a 35-year-old Hells Angels recruit from Valparaiso, Ind., who drove Wilson to and from the scene, faced the same charges.

"We're just deliriously happy," David Kenner, a defense lawyer for Midmore and Wilson, said.

ADVERTISEMENT But Thursday's verdict might not end Wilson and Midmore's legal problems. Both still face a conspiracy to commit murder charge, and both must post \$100,000 bail.

Midmore was released on bond from the Minnehaha County Jail Thursday night.

"Obviously we're disappointed, but we respect the jury's decision," said Custer County State's Attorney Tracy Kelley, one of the prosecutors.

Wilson has an immigration hold and probably will be deported to Canada, Kelley said.

The jury of seven women and five men returned to the courtroom, some smiling at Wilson and Midmore, after three days of deliberations. Jurors began deliberating about 1:30 p.m. Tuesday, and at noon Wednesday, they informed Judge Gene Paul Kean that they had reached an impasse. But Kean instructed the jury to continue deliberations, given they had eight days' worth of testimony to consider. Thursday afternoon, they returned with a verdict.

The Shooting Scene

In August 2006, a gunfight erupted in a parking lot outside the Legion Lake travel lodge in Custer State Park. Five members and associates of a rival biker gang, the Outlaws, were injured. The lot was filled not only with bikers, but also with customers and children, according to some witnesses.

On Tuesday, prosecutor Michael Moore told jurors that the locations of bullet casings and the testimony of Outlaws and other witnesses worked to contradict the defendants' claims they fired in self-defense.

But the ongoing feud between the two gangs, which has led to violence in other parts of the country, also was part of the defense's strategy. Wilson took the stand and said he and Midmore felt threatened by the group of Outlaws at the travel lodge and were trying to leave the area when the shooting started.

Re-evaluating Charge

Whether Wilson and Midmore go to trial on the conspiracy to commit murder charges is unknown. A tentative trial date was set, but that charge now might pose a double jeopardy problem.

Midmore and Wilson's acquittal Thursday might nullify any possible case on charges of conspiracy to commit murder. Kean, who severed the conspiracy charge from the attempted murder charges early in the trial, wants lawyers for both sides to submit briefs on the issue by Dec. 10.



Members of the Hells Angels celebrate outside the Minnehaha County Courthouse on Thursday after two of their members were cleared of attempted murder charges in a 2006 shooting. (Cory Myers / Argus Leader)

More News Headlines

[War forever deepens couple's devotion](#)
[Retailers crossing fingers for big crowds](#)
[2 judges hurt in crashes](#)
[Harrisburg schools consider laptop plan](#)
[Jumper arrested after 3-story fall](#)

Most Recommended Stories

[Berry leads memorable SDSU finale \(71\)](#)
[SDSU women go Duck hunting \(66\)](#)
[Injured Berry saves Jacks \(84\)](#)
[SDSU women getting noticed after storming to 4-0 start \(48\)](#)
[Jacks reach for the sun \(31\)](#)

Most Commented Stories

[America's morals sliding, getting worse \(46\)](#)
[Obama will fail to keep word \(126\)](#)
[Nation must thank God again \(32\)](#)
[Obama must be supported \(33\)](#)
[Four-day school week \(27\)](#)

"There's no conspiracy here. There never was," Kenner said.

Kelley disagreed, but said she and Deputy Custer County State's Attorney Moore would evaluate their conspiracy case.

"We just need to re-evaluate what the case is, what we've got, before we proceed," Kelley said.

If convicted of conspiracy to commit murder, Wilson and Midmore face mandatory life sentences.

On Wednesday, the jury stopped deliberating before 7 p.m., after eight days of testimony that centered on which motorcycle club fired the first volley of gunfire that day in the Legion Lodge parking lot.

In recent days, Hells Angels members were a daily presence in the courtroom. Though previously asked to remove their colors - jackets with the Hells Angels' emblem - members wore shirts and stocking caps that displayed the Hells Angels' name.

'Truth Has Prevailed'

Outside the courtroom, a member of a Canadian chapter of the Hells Angels, who would not identify himself, said "the truth has prevailed.

"The only thing we've got to say is, our guys have been waiting almost two years now to get their side of the story out," the man said. "The state has failed to prove their case, and the truth has come out."

As a dozen club members then walked south down Dakota Avenue toward Sixth Street, wearing black leather jackets emblazoned on the back with state names such as California and Nebraska, a few cut loose with shouts of celebration.

The Rev. Jesse Moore, pastor at Ridgecrest and SunRise Baptist churches in Sioux Falls, sat through the trial at the request of a friend who knows the Midmore family. Moore even visited the defendant several times in jail.

"I didn't think the state proved its case," Moore said. "The defense was self-defense. And if you can't prove who shot first, or who shot at who, you have to acquit."

His visits with Midmore in jail persuaded Moore that he was "a nice guy."

"Bikers are kind of a breed of their own," Moore said. "Most of them are decent guys. If you don't bother them, they won't bother you. With John, it's like, 'I don't want you to approve how I live. I just want to be left alone.' "

Kenner said he was pleased by how Judge Kean managed the trial and felt Kean treated both sides fairly.

"I think Judge Kean is an amazing judge who has given these two young men as fair a trial as I have ever seen," Kenner said.

Kean also said this case was memorable.

"I came out of retirement to try this case, and I have to put this case in my top five," he said.

Reach Matthew Gruchow at 331-2301.

In Your Voice

READ REACTIONS TO THIS STORY

Newest first



enough81already wrote:

Most Recommended Blogs



Women's basketball live blog 11/25

By TerryVandrovec:
11/26/2008 12:08 PM CST



Tuesday Tidbits

By TerryVandrovec:
11/25/2008 10:00 AM CST



I yam what I yam

By jillcee:
11/25/2008 12:24 PM CST



Resort report 11/25

By TerryVandrovec:
11/25/2008 8:37 PM CST



The week that will be

By TerryVandrovec:
11/24/2008 10:56 AM CST

ADVERTISEMENT

ADS BY PULSE 360

[Get Listed Here](#)

Teeth Whiteners Face-Off

We reviewed top teeth whiteners. You'll be shocked at what we found

Top-Teeth-Whitening-Reviews.com

Back Surgery Alternative

Landmark Procedure-No Hospital Stay-Quick Recovery-Get Your Life Back

www.laserspineinstitute.com

San Diego Mortgage Protection Insur.

Pays off your mortgage in the event of your death. Get a free quote!

www.NAALife.com