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Hell's Angel Acquitted Shooting occurred during Sturgis rally

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AP

After deliberating three days jurors in South Dakota acquitted two Hells Angels bikers -- including a San Diego man -- of attempted murder for a 2006 gunfight.

After deliberating three days -- and at one point saying they couldn't reach a verdict -- jurors in South Dakota acquitted two [Hells Angels](#) bikers of attempted murder for a 2006 gunfight that injured rival Outlaws Motorcycle Club members.

Prosecutors said they still plan to try Chad Wilson of San Diego and [John Midmore](#) of Valparaiso, Ind., on a more serious conspiracy charge for the Aug. 8, 2006, shootout at Custer State Park, though the judge asked for legal briefs on whether that would be double jeopardy. Attorneys for the state said Wilson and Midmore went to Legion Lake Resort, near a campground where the Outlaws gathered for the Sturgis motorcycle rally, opened fire and injured five people.

But Wilson testified the Outlaws confronted the two outnumbered Hells Angels and he fired in self-defense after the Outlaws started shooting.

"Justice has prevailed," said one of the Hells Angels in the audience after the verdict was read.

Club members have attended, though [Judge Gene Paul Kean](#) had them remove their black leather vests and jackets that display patches with club affiliation, known as colors, because several jurors said they were intimidated. In response to a request from defense lawyer David Kenner, Kean allowed the bikers to don their colors for the reading of the verdict.

"They're Hells Angels. Wearing their patches is everything to them," Kenner said later.

The Outlaws injured -- Thomas Haas, Allen Matthews and Danny Neace -- and two women with them, Claudia Wables and Susan Evans-Martin, testified but did not otherwise attend the trial. Nor did any other Outlaws visibly show a presence.

The case was delayed several times, including once for an appeal to the state Supreme Court that led to the appointment of Kean, who came out of retirement.

[Prosecutors Tracy Kelley](#) and [Michael Moore](#) said they were disappointed but respected the decision of the seven women and five men on the jury.

"Obviously some of the jurors weren't convinced because they were out three days," Moore said.

Kelley wouldn't speculate whether fear influenced the verdict.

After getting the case Tuesday, the jury on Wednesday sent a note indicating it couldn't reach a unanimous decision. The judge politely told them to keep working and by 2 p.m. Thursday they had a verdict.

Kean earlier separated the conspiracy charge from the other counts, which the prosecutors opposed.

If Wilson and Midmore do stand trial on conspiracy, which carries a mandatory punishment of life in prison, the state plans to call witnesses who did not testify in the first trial about how the organizations operate and each member's role, Moore said.

Midmore has dual citizenship in Canada and Australia but is a resident alien. Wilson is a Canadian citizen and is in the country illegally, so the federal government plans to deport him if he's released, which could complicate plans for another trial, Kelley said.

Because Wilson and Midmore were found not guilty of attempted murder, jurors didn't enter a verdict on the other count, commission of a felony while armed.

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