

## Hells Angels are found not guilty

*By Jason Ferguson on November 27th, 2008*

---

Custer County States Attorney Tracy Kelley said she knew what the verdict would be before it was read. Not because she wasn't confident in the case she and her assistant attorneys had put together, but because of the actions of one of the jurors as they entered the courtroom with the verdict.

"One of them smiled at the defense," Kelley said. "I knew the outcome."

Her feeling was proved correct when the jury returned a verdict of not guilty in the attempted murder trial of Chad Wilson and John Midmore, two Hells Angels members charged with trying to kill rival Outlaw Motorcycle Club members during a shooting at the Legion Lake Resort parking lot Aug. 8, 2006. Because they were found not guilty of attempted murder, jurors didn't enter a verdict on the other count, commission of a felony while armed.

"I'm very disappointed," Kelley said of the verdict. "I respect the jury's decision."

The jury deliberated over the case for three days—and at one point said they could not reach a verdict—before returning the not guilty verdict last Thursday at the Minnehaha County Courthouse in Sioux Falls.

Prosecutors claimed the two Hells Angels members went to the parking lot with the intent of opening fire on the Outlaws, while Midmore and Wilson claimed they fired only out of self defense.

Kelley said she will try to talk to some of the jurors to get their input and views into what they thought and what their issues were with the case.

"You don't really know. It's up and down," she said. "It was like a rollercoaster. Jury trials are a crapshoot."

Kelley said it's conceivable the jury did not believe the Hells Angels acted in self defense, but simply felt there wasn't enough evidence presented beyond a reasonable doubt to convict the two.

Judge Gene Paul Kean allowed Hells Angels to don their colors for the reading of the verdict. He had made the club members remove their colors and patches throughout the duration of the trial. Kelley said it will probably never be known whether intimidation played a role in the outcome.

"The Angels were there, and they were noticeable," she said. "They were there for insignificant things. They were there to make a statement. What impact that had on the jury, I don't know."

One of the witnesses to the shooting said they are positive the verdict that was reached was because of jury intimidation.

"I think (the verdict) is scandalous," the witness said. "They drove up, got out and started shooting. Now they claim self-defense. They have very good attorneys, apparently."

The possibility remains that the two could still be tried on a more serious conspiracy charge. The conspiracy charge had been separated from the other charges earlier in the proceedings.

If the conspiracy trial were to move forward, it would carry a mandatory sentence of life in prison, the trial would include additional evidence and witnesses that were not called at this trial. Bail was set for the two

at \$100,000 cash or surety.

Kelley said she and Moore will evaluate their case and decide later whether or not to pursue the conspiracy case, which defense lawyers said would be a “waste of taxpayer money.”

If Wilson gets out of jail, he more than likely won't be around long. He is a Canadian citizen who is in the country illegally. Kelley said the Immigration and Naturalization Service have a hold on him, and he will be deported and not allowed back into the country. Midmore is a dual citizen of Canada and Australia, and is a resident alien in the United States.

Although Kelley said she still believes the two are guilty, part of her is glad the case has come to a close, regardless of the outcome.

“This has been a huge part of my life for two and a half years, to the detriment of my family, my private practice and even some county work,” she said. “It will be good to be back and be able to focus on those things.”

Categories: [Top Story](#)

Tags:

---

Copyright © 2009 [Custer County Chronicle](#)  
Structure theme by [Justin Tadlock](#)