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Local

Hells Angels juror says chaos at scene hurt case

By CARSON WAKLER, The Associated Press

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Current rank: # 5,112 of 4,577

SIoux FALLS, S.D. -

Jurors influenced by emotion and a conflict in some of the state's evidence factored into the acquittal of two [Hells Angels](#) bikers charged with attempted murder, according to one of the jurors who said he has lost sleep over it.

"I am still frustrated and I agonize over the fact that the scene wasn't properly protected. Some of the evidence was not handled the way it should have been," the man told [The Associated Press](#) on condition his name not be used out of fear of reprisals.

"And the fact that some people (jurors) were letting their emotions override the instructions of the judge and how we were supposed to deal with that under the law."

After deliberating over three days, jurors in [Sioux Falls](#) on Nov. 20 found [Chad Wilson](#), 33, of [San Diego](#) and [John Midmore](#), 35, of [Valparaiso, Ind.](#), not guilty of sparking an Aug. 8, 2006, gunfight at [Custer State Park](#) during the [Sturgis motorcycle rally](#).

Three [Outlaws Motorcycle Club](#) members and two women with them were injured.

Prosecutors said Wilson and Midmore tried to kill their rivals, but Wilson testified he fired in self-defense after they were confronted during a rest stop at Legion Lake Resort.

Midmore, who has dual citizenship in [Canada](#) and [Australia](#) but is a resident alien, was released on bail hours after the verdict.

Wilson, a Canadian citizen, was indicted days later on a federal charge of being a nonimmigrant alien in possession of a firearm. He was transferred to [Rapid City](#), where he is scheduled to stand trial Feb. 10.

Wilson testified he fired several rounds with a handgun and had other guns in his truck.

Jurors initially were split.

"Right from the get-go we decided we should have a vote to see where everybody stood. And it was five for not guilty, five for guilty and two for not decided," the juror said.

The voting worked toward not guilty, then back toward guilty and ultimately ended over problems with some of the evidence, he said.

"The entire jury felt that the scene had not been managed as well as it could have been. And eventually it ended up in a contradiction to some of the evidence relating to the number of shots fired," he said.

"That probably was the thing that ended up getting us to the point where we eventually got to the unanimous decision."

During the trial, the defense lawyer queried investigators at length about how people were allowed to walk through the parking lot and pick up and move shell casings, clothing and even a gun.

Prosecutors countered that rescue personnel and law enforcement officers at the scene were most concerned with saving the lives of the people shot, some of whom lost a lot of blood.

During the second day of deliberating, jurors said they couldn't reach a decision. The judge had them keep at it, and after another day they ultimately found the men not guilty of all charges.

"A couple of the people who insisted on not guilty were making it very clear it would be a cold day in hell before they could consider anything different," the juror said.

The man said though several jurors expressed concern for their safety, he couldn't say if it affected anyone's vote. Several Hells Angels bikers attended the trial.

Prosecutors still want to try Wilson and Midmore on a more serious charge of conspiracy to commit first-degree murder, which carries a punishment of life in prison if convicted.

Defense lawyers have asked the judge to dismiss the charge, arguing it would amount to double jeopardy - being tried twice for the same crime. Prosecutors argued the attempted murder and conspiracy charges are separate crimes, so another trial would not amount to double jeopardy.

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