

Mag 15-709

STATE OF SOUTH DAKOTA)	IN MAGISTRATE COURT
)	
COUNTY OF PENNINGTON)	SEVENTH JUDICIAL CIRCUIT

CITY OF RAPID CITY,)	
)	
Plaintiff,)	
)	
vs.)	AFFIDAVIT OF ELLIOTT HARDING
)	
TRACE O'CONNELL)	
D.O.B.: 12/24/1973)	
)	
Defendant.)	

AFFIDAVIT OF ELLIOTT HARDING

Elliott Harding, being first duly sworn upon his oath, states as follows:

1. I am employed as a Detective with the City of Rapid City Police Department.
2. I was assigned to be part of the law enforcement team that investigated the January 24, 2015 incident at the Rush hockey game at the Rushmore Plaza Civic Center, wherein allegations were reported of beer spilling on, and racially charged and confrontational statements being directed toward a group of students and chaperones from American Horse School who were attending the game that night.
3. The Rushmore Plaza Civic Center is located within the limits of the City of Rapid City, Pennington County, South Dakota.
4. As part of the investigation, interviews of many of the Rush game attendees were conducted, including Justin Poor Bear and Consuelo Means who were two of the American Horse School chaperones present at the game.
5. Attached hereto as Exhibit A and incorporated herein by reference is a copy of the transcript of the recording of the interview I conducted with Consuelo Means on or about February 3, 2015.
6. Attached hereto as Exhibit B and incorporated herein by reference is a copy of the transcript of the recording of the interview law enforcement conducted with Justin Poor Bear on or about February 3, 2015.

7. During her interview with me, Consuelo Means stated that she had an interaction during the game with individuals who were seated in the sky box behind the American Horse School group. *See* Exhibit A, pages 11-12.

8. Ms. Means reported that one of the individuals stated words to the effect of “go back to the rez.” *Id.*

9. Ms. Means also stated that she and others seated around her had liquid sprayed on them while at the game, which was believed to be beer. *Id.* at 15.

10. I have reviewed Exhibit B, the transcript of the interview of Justin Poor Bear that law enforcement conducted.

11. During his interview, Justin Poor Bear stated that he had an interaction during the game with individuals who were seated in the sky box behind the American Horse School group. *See* Exhibit B, page 12.

12. Mr. Poor Bear reported that after he asked who threw beer on the school children, in response one of the individuals stated words to the effect of “let’s get it on.” *Id.*

13. Also as part of the investigation into this matter, I interviewed the alleged suspect, Trace O’Connell.

14. A transcript of my conversations with Mr. O’Connell is not available at this time.

15. Mr. O’Connell admitted to me that he attended the Rush game at issue on January 24, 2015, was seated in a sky box, and that there was a group of school children seated in front of that sky box.

16. Mr. O’Connell admitted to me that he was drinking beer during the game, and that he did spill some beer that night.

17. Mr. O’Connell admitted to me that during the game he talked to an adult male from the school group.

18. Mr. O’Connell stated the conversation with the adult male from the school group was regarding beer that had been spilled on the children.

19. Mr. O’Connell admitted to me that during the aforementioned conversation, he said to the adult male: “If you want to talk about it, come on up here.”

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