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Man accused of abusing grandsons back in the spotlight

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Mary Garrigan Journal staff | Posted: Friday, October 30, 2009 10:00 pm | (0) Comments

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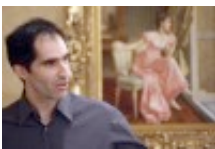

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Ryan Soderlin/Journal staff Documentary filmmaker Simon Joseph speaks during a press conference at the Radisson Hotel in Rapid City on Friday, Oct. 30, 2009. Joseph is helping to make a documentary about Douglas White, who Joseph believes was wrongly imprisoned since 1993 for sexual abusing two young grandsons.

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Documentary filmmaker Simon Joseph hopes the 8th Circuit Court of Appeals will help him write a new ending to his film "Holy Man."

The film, expected to be released by year's end, tells the story of Douglas White, an 88-year-old Lakota man from Pine Ridge who has been imprisoned since 1993 for the sexual abuse of two young grandsons. It is a crime that White, Joseph and many others say he did not commit because it never happened.

An attorney for White, who is dying of lung cancer at the Federal Medical Center in Rochester, Minn., will file an expedited motion next week to have White released immediately pending the appeals court's deliberation on a long-delayed request for post-conviction relief.

"This is a case that cries out for justice," said Terry Pechota, a Rapid City lawyer who has been working to free White since 2007, when he learned the grandsons recanted their testimony and said they lied at his trial. "I can only hope we can get Doug back to his people prior to the time he dies."

Based on new evidence uncovered by the filmmakers, Pechota got the appeals court to recommend District Court Judge Richard Battey hold an evidentiary hearing in White's case. Battey denied that request on the grounds that White hadn't filed his petition in a timely manner, something that Pechota said was impossible to do, given White's lack of legal counsel, his educational level and his isolation from the outside world in prison. White is a Lakota speaker with a third-grade education. English is his second language, and he is "basically illiterate," having never learned to read or write the language, Pechota said.

Simon and Pechota said the government doesn't want to discuss the case, even if it means freeing an unjustly incarcerated man.

"The U.S. Attorney's Office and Senior District Court Judge Richard H. Battey are refusing to even acknowledge this evidence, which includes signed confessions, polygraph examinations, professional psychological reports and signed recantations from several members of the original jury," said Jennifer Jessum, the director of "Holy Man." Jessum and Joseph will host a Free Douglas White rally at the Billy Mills Hall in Pine Ridge on Monday, Nov. 2, at 4 p.m., which will be filmed as part of their documentary, as was Friday's news conference. The film is narrated by actor and activist Martin Sheen.

Everett Helper, White's stepson, said Friday that his nephew, Roy Helper Jr., was an 8-year-old caught in the middle of a family custody feud when he told investigators that his grandfather raped him and his brother. Everett Helper said his mother and stepfather were attempting to gain custody of the boys because of alcoholism in their home. Helper asserts the child's testimony was manipulated and coerced by a counselor and other family members. White was convicted solely on that testimony and without any physical evidence, Joseph said. Both grandsons appear in the documentary film to say that their grandfather is innocent of the charges.

Because the matter is under litigation, assistant U.S. Attorney Mark Salter said his office could not

comment on the case.

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