

Native man's family protests his incarceration

WISECARVER: Man has been in jail for 15 months after shooting at BIA officer's truck.

By Barbara Soderlin
Journal staff

Charmaine White Face, known as an environmental and Native American activist, organized a protest Friday that was more personal than usual. Her son, Marc Wisecarver, 40, has been incarcerated for more than 15 months. Now, he is being held in Pennington County Jail, awaiting trial Tuesday on charges of depredation of government property.

She said he is being held unlawfully and that the charges should not have been filed.

The charges stem from an April 29, 2008, incident in which a Bureau of Indian Affairs soil conservationist drove a government pickup truck onto Wisecarver's land near Manderson on Pine Ridge Indian Reservation.

After an argument, in which Wisecarver told the agent to leave his property, Wisecarver fired a rifle round into the grille of the truck, because he heard the agent rev the engine and was afraid he would be run over, he testified in a January 2009 federal court trial presided over by U.S. District Court Judge Richard Battey.

Wisecarver was acquitted of one count of assaulting a federal officer but convicted of one count of depredation of government property and was sentenced to 36 months in prison. However, an 8th Circuit Appellate Court judge on March 22 vacated the judgment on the depredation charge because of improper jury instructions and remanded the case back to district court.



Kristina Barker/Journal staff

Charmaine White Face, right, watches her son Mitchell Wisecarver speak with the press about his brother Marc Wisecarver during a news conference in front of the Federal Building on Friday. Marc Wisecarver will be in federal court Tuesday, facing charges of depredation of government property.

Assistant U.S. Attorney Carolyn Olson then charged Wisecarver again with depredation of government property, and a jury trial set to start Tuesday in Rapid City will address that charge.

White Face and another son, Mitchell Wisecarver, on Friday led a protest of about eight people outside the federal building in Rapid City. Protesters held signs that said "Support Justice. Free Marc Wisecarver," and "Racist judges are toxic."

White Face said Marc Wisecarver should have been freed after the appellate judge vacated the judgment on the last depredation charge.

"We wonder why a federal judge would continue to persecute Marc Wisecarver. Is it because he is a brown American Indian?"

Mitchell Wisecarver
brother of Marc Wisecarver

"Marc should have been out of jail as of March 22," White Face said.

While it is common for charges to be re-filed after judgments are vacated, Mitchell Wisecarver said the actions were racist.

"We wonder why a federal judge would continue to persecute Marc Wisecarver," he said. "Is it because

he is a brown American Indian?"

Mitchell Wisecarver said his brother was defending himself when he shot the pickup truck.

"He was afraid. He thought he was going to get run over," he said. "My brother is a person fighting for every person's rights."

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