United States v. Sanchez, 42 F.4th 970 (8th Cir. 2022)

- **Holding:** Although whether an offense occurred in Indian country is a question of law for the trial court to decide, reversible error did not occur where the parties submitted that question to the jury to decide and a reasonable factual basis existed for the jury's determination that the offense did occur there.
- **Summary:** A jury convicted Defendant of one count of abusive sexual contact under the Major Crimes Act, 18 U.S.C. § 1153. On appeal, he raised several questions, including a claim that insufficient evidence existed to establish that the offense occurred within Indian country. The Eighth Circuit was unconvinced.

  The panel began by describing the overall applicable legal principles:

  > The government bears the burden to prove the location of the offense was in Indian country. ... Land held in trust either for the tribe or individual Indian allottees is within the limits of the Yankton Sioux Reservation. ... While the issue of whether a particular piece of land falls within Indian country is a question of law for the court to decide, ... Sanchez concedes that the question was submitted to the jury by agreement of the parties.

  On the last of these principles, it quoted from *United States v. Stands*, 105 F.3d 1565 (8th Cir. 1997), for the proposition that "because 'the jury had a reasonable basis for finding the crime occurred in Indian country,' even though 'it may have been error ... to submit to the jury the narrow question of whether the alleged site of the offense was Indian country[.]'" The panel then summarized the evidence relevant to the offense's locus:

  > During trial, the government introduced an aerial photograph and a title status report for the tract of land that included Letha Hare's address near Marty, South Dakota. The report detailed that the government held the tract in trust for both the Yankton Sioux Tribe and individual tribal landowners as of the date the report was certified in 2012. David LaCompte, deputy superintendent of the trust for the BIA's Yankton Agency with nearly 32 years of experience, testified that the tract was part of the Yankton Sioux Reservation in 2006. ... Because LaCompte's testimony provided a reasonable basis for the jury to find the offense occurred in Indian Country, we will not disturb the conviction.

  Defendants' remaining challenges to his conviction did not involve Indian law issues.
- **Relevant (2022) Deskbook Section:** 4:9 n.9