

**UNITED STATES DISTRICT COURT  
District of South Dakota  
225 South Pierre Street, Room 413  
Pierre, South Dakota 57501**

**ROBERTO A. LANGE**  
**United States District Judge**



November 3, 2014

Public Affairs -Tribal Issues Comment  
United States Sentencing Commission  
One Columbus Circle NE, Suite 2-500  
Washington DC 20002-8002  
[pubaffairs@ussc.gov](mailto:pubaffairs@ussc.gov)

RE: American Indian Sentencing Advisory Group

Sentencing Commission:

This letter is to express my support for and interest in the formation of a new American Indian Sentencing Advisory Group.

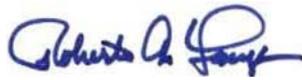
The District of South Dakota, where I am a district judge, had in Fiscal Year 2013 the highest number of American Indian federal offenders (308) and the highest proportion of overall criminal caseload comprised of Americans Indians (57.5% of overall caseload) in the nation. I handle criminal cases in the District of South Dakota's Central Division, within which four Indian reservations are located. I have not kept track of the breakdown of the types of criminal cases assigned to me, but of the approximately 200 criminal cases filed in the Central Division in calendar year 2013, involving approximately 250 individual defendants, I would not be surprised if more than 75% of the defendants were American Indians charged with "Indian country" crimes.

The nature of the caseload from Indian country is quite different from most criminal caseloads in the other district courts. Most districts have criminal caseloads largely comprised of drugs, immigration and gun crimes. The Indian country criminal caseload skews toward homicides, sexual assaults and sexual abuse, assaulting of federal officers (including federally-deputized tribal police), domestic assaults, and assaults with a dangerous weapon or resulting in serious bodily injury, as well as drugs and gun crimes. There are unique aspects to Indian country cases, including tribal criminal history resulting from convictions obtained in tribal courts that do not provide a public defender or certain due process rights and the accounting for time served by a defendant in tribal

custody on different but related charges.

I had the honor to address the Sentencing Commission regarding guideline changes in the wake of the Violence Against Women Reauthorization Act of 2013. I appreciated the opportunity to talk a bit about Indian country cases and domestic assault prosecutions arising under VAWA and the reauthorizing act. The Sentencing Commission's interest in Indian country cases then and its consideration of a new American Indian Sentencing Advisory Group is encouraging to those of us who handle the often sad and tragic cases from Indian country. I write to support the Commission's consideration of creating an advisory group and to volunteer myself to participate if the Commission so desires.

Best Regards,

A handwritten signature in blue ink, appearing to read "Roberto A. Lange".

Roberto A. Lange  
United States District Judge

cc: [jdoherthy@ussc.gov](mailto:jdoherthy@ussc.gov)  
[kantell@ussc.gov](mailto:kantell@ussc.gov)