

SUPREME COURT OF SOUTH DAKOTA

State v. Winckler

2026 S.D. 19 · No. 31006, 31007 · Decided March 11, 2026

SUMMARY

The Supreme Court of South Dakota affirmed Hazen Hunter Winckler’s convictions for failure to appear and simple assault. The court held that the Charles Mix County courthouse and jail were not located in Indian country under 18 U.S.C. § 1151, relying in part on its precedent concerning the Yankton Sioux Reservation. The court also addressed challenges involving the 180-day trial rule, evidentiary rulings, attorney-client privilege, and the denial of a motion for judgment of acquittal.

CASE DETAILS

COURT	Supreme Court of South Dakota
WRITING FOR THE COURT	Gusinsky, Justice; Jensen, Chief Justice; Devaney, Justice; Myren, Justice; Salter, Justice
JURISDICTION	Supreme Court of South Dakota
DECIDED	March 11, 2026
DOCKET	31006, 31007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Winckler appealed two Charles Mix County Circuit Court convictions: a jury conviction for failure to appear and a conviction for simple assault entered after a guilty plea or stipulated factual basis. He challenged state subject-matter jurisdiction on Indian-country grounds and, in the failure-to-appear case, also challenged the 180-day trial rule, evidentiary rulings, and the denial of judgment of acquittal.
STANDARD OF REVIEW	Subject-matter jurisdiction is reviewed de novo as a legal question, while jurisdictional factual findings are reviewed for clear error. The 180-day-rule issue and denial of judgment of acquittal are reviewed de novo. Evidentiary rulings are reviewed for abuse of discretion, followed by a determination whether any error was prejudicial.
PRECEDENTIAL VALUE	Published and precedential South Dakota Supreme Court opinion
PARTIES	Hazen Hunter Winckler v. State of South Dakota

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QUESTIONS PRESENTED

1. Whether the Charles Mix County courthouse and jail are located in Indian country under 18 U.S.C. § 1151, depriving the state circuit court of subject-matter jurisdiction.
2. Whether the 180-day period for bringing Winckler to trial under SDCL 23A-44-5.1 had expired.
3. Whether the circuit court abused its discretion by admitting the bond-form paperwork under the business-records exception and over relevance and prejudice objections.
4. Whether admission of the former defense counsel's testimony and statements violated attorney-client privilege or confidentiality protections.
5. Whether the evidence was sufficient to support Winckler's failure-to-appear conviction and whether the circuit court properly denied judgment of acquittal.

HOLDINGS

1. The Charles Mix County courthouse and jail are not located within an Indian reservation for purposes of 18 U.S.C. § 1151(a). Formerly allotted lands that passed into non-Indian ownership do not retain Indian-country status under the governing South Dakota precedent.
2. The Charles Mix County courthouse and jail are not part of a dependent Indian community under § 1151(b) because the land was not set aside by the Federal Government for Indian use and is not under sufficient federal superintendence.
3. The land does not qualify as Indian country under § 1151(c) because Indian title to the formerly allotted land was extinguished when the land passed into non-Indian ownership.
4. The 180-day period under SDCL 23A-44-5.1 had not expired before trial because the period began when Winckler appeared before a judicial officer and periods attributable to his request for counsel and unavailability were excluded.
5. The circuit court did not abuse its discretion by admitting the bond-form paperwork under the business-records exception, by rejecting the relevance and unfair-prejudice objections, or by finding that admission did not violate the Confrontation Clause.
6. The circuit court did not abuse its discretion by admitting the pretrial-conference transcript and allowing former counsel to testify about Winckler's absence and the date and location of a public court proceeding.
7. The evidence was sufficient for a rational juror to find beyond a reasonable doubt that Winckler was released on bond, was required to attend the November 8, 2023 pretrial conference, and failed to appear.

KEY QUOTATIONS

“allotted lands, which have passed into non-Indian ownership” (2026 S.D. 19, ¶ 25)

“The Charles Mix County courthouse and jail, which sit on formerly allotted lands that have passed into non-Indian ownership, are not on an Indian reservation as defined by 18 U.S.C. § 1151(a), and accordingly do not qualify as Indian country under this subsection.” (2026 S.D. 19, ¶ 34)

“After viewing the evidence in a light most favorable to the verdict, a rational trier of fact could have found that Winckler knew he was required to attend his pretrial conference and failed to appear.” (2026 S.D. 19, ¶ 74)

FACTUAL BACKGROUND

Winckler, an enrolled member of the Yankton Sioux Tribe, was prosecuted for failing to appear at a Charles Mix County pretrial conference and, in a separate case, for simple assault arising from an altercation with another inmate at the Charles Mix County jail. The courthouse and jail sit on formerly allotted Yankton Sioux lands whose title passed into non-Indian ownership. Winckler argued that the locations were Indian country under 18 U.S.C. § 1151 and therefore outside state jurisdiction. In the failure-to-appear case, the State introduced bond paperwork, court records, and testimony from Winckler's former counsel to prove that Winckler knew of and failed to attend the required conference.

PROCEDURAL HISTORY

The circuit court denied Winckler's jurisdictional motions in both cases, denied his motion to dismiss under South Dakota's 180-day rule, admitted the challenged evidence, and denied his motion for judgment of acquittal. A jury convicted him of failure to appear, and the court imposed a six-year suspended sentence after a habitual-offender enhancement. In the separate assault case, Winckler stipulated to the factual basis, was adjudicated guilty, and was sentenced to time served. The Supreme Court of South Dakota consolidated the appeals for consideration and affirmed both convictions.

DISPOSITION

affirmed

CASES CITED

- Alone v. C. Brunsch, Inc., 2019 S.D. 41, 931 N.W.2d 707
- Osborn v. United States, 918 F.2d 724 (8th Cir. 1990)
- State v. Bettelyoun, 2022 S.D. 14, 972 N.W.2d 124
- State v. Owen, 2007 S.D. 21, 729 N.W.2d 356
- Ainsworth v. Erck, 388 N.W.2d 886 (S.D. 1986)
- South Dakota v. Yankton Sioux Tribe, 522 U.S. 329 (1998)
- Bruguier v. Class, 1999 S.D. 122, 599 N.W.2d 364
- State v. Greger, 1997 S.D. 14, 559 N.W.2d 854
- State v. Williamson, 87 S.D. 512, 211 N.W.2d 182 (1973)

- In re Noem, 2024 S.D. 11, 3 N.W.3d 465
- Earll v. Farmers Mutual Insurance Co. of Nebraska, 2025 S.D. 20, 19 N.W.3d 536
- Yankton Sioux Tribe v. Gaffey, 188 F.3d 1010 (8th Cir. 1999)
- Yankton Sioux Tribe v. U.S. Army Corps of Engineers, 606 F.3d 895 (8th Cir. 2010)
- McGirt v. Oklahoma, 591 U.S. 894 (2020)
- Solem v. Bartlett, 465 U.S. 463 (1984)
- Alaska v. Native Village of Venetie Tribal Government, 522 U.S. 520 (1998)
- United States v. McGowan, 302 U.S. 535 (1938)
- United States v. Pelican, 232 U.S. 442 (1914)
- United States v. Sandoval, 231 U.S. 28 (1913)
- State ex rel. Hollow Horn Bear v. Jameson, 77 S.D. 527, 95 N.W.2d 181 (1959)
- Bates v. Clark, 95 U.S. 204 (1877)
- State v. Duncan, 2017 S.D. 24, 895 N.W.2d 779
- State v. Sorensen, 1999 S.D. 84, 597 N.W.2d 682
- Hays v. Weber, 2002 S.D. 59, 645 N.W.2d 591
- State v. Seaboy, 2007 S.D. 24, 729 N.W.2d 370
- State v. Hankins, 2022 S.D. 67, 982 N.W.2d 21
- State v. Thoman, 2021 S.D. 10, 955 N.W.2d 759
- State v. Babcock, 2020 S.D. 71, 952 N.W.2d 750
- State v. Carter, 2023 S.D. 67, 1 N.W.3d 674
- State v. Dickerson, 2022 S.D. 23, 973 N.W.2d 249
- State v. Richmond, 2019 S.D. 62, 935 N.W.2d 792
- Crawford v. Washington, 541 U.S. 36 (2004)
- State v. McReynolds, 2020 S.D. 65, 951 N.W.2d 809
- Bullcoming v. New Mexico, 564 U.S. 647 (2011)
- State v. Reinhardt, 2016 S.D. 11, 875 N.W.2d 25
- Voorhees Cattle Co., LLP v. Dakota Feeding Co., 2015 S.D. 68, 868 N.W.2d 399
- State v. Rickabaugh, 361 N.W.2d 623 (S.D. 1985)
- United States v. Bey, 772 F.3d 1099 (7th Cir. 2014)
- United States v. Gray, 876 F.2d 1411 (9th Cir. 1989)
- United States v. Innella, 821 F.2d 1566 (11th Cir. 1987)
- United States v. Bourassa, 411 F.2d 69 (10th Cir. 1969)
- United States v. Hall, 346 F.2d 875 (2d Cir. 1965)
- State v. Rogers, 2025 S.D. 18, 19 N.W.3d 17
- State v. Harruff, 2020 S.D. 4, 939 N.W.2d 20
- ASARCO Inc. v. Kadish, 490 U.S. 605 (1989)
- Johnson v. Williams, 568 U.S. 289 (2013)

- Yankton Sioux Tribe v. Podhradsky, 606 F.3d 994 (8th Cir. 2010)
- Rosebud Sioux Tribe v. Kneip, 430 U.S. 584 (1977)

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