

SUPREME COURT OF WASHINGTON

In re the Detention of Young

163 Wash. 2d 684 (2008) · Decided June 12, 2008

SUMMARY

The Washington Supreme Court held that a trial court had authority to hold an individual committed as a sexually violent predator in civil contempt for refusing to comply with an order requiring a mental examination and deposition. The court concluded that chapter 7.21 RCW supplied an independent source of contempt authority that controlled over the conflicting limitation in CR 37(b)(2)(D), and upheld staying the proceedings as a remedial sanction.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                     |
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| COURT                 | Supreme Court of Washington                                                                                                                                                                                                                                         |
| WRITING FOR THE COURT | Johnson, J.; Madsen, J.; Chambers, J.; J.M. Johnson, J.; Owens, J.; Stephens, J.                                                                                                                                                                                    |
| JURISDICTION          | Washington                                                                                                                                                                                                                                                          |
| DECIDED               | June 12, 2008                                                                                                                                                                                                                                                       |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Young sought review of a contempt order entered during postcommitment sexually violent predator proceedings. The Supreme Court reviewed the Court of Appeals' denial of Young's motion to modify and affirmed the contempt ruling and remedial stay of proceedings. |
| STANDARD OF REVIEW    | Abuse of discretion for review of sanctions imposed for noncompliance with discovery orders; a discretionary determination is disturbed only when manifestly unreasonable or based on untenable grounds or reasons.                                                 |
| PRECEDENTIAL VALUE    | Published Washington Supreme Court opinion; precedential.                                                                                                                                                                                                           |
| PARTIES               | Andre B. Young v. State of Washington                                                                                                                                                                                                                               |

TOPICS

- contempt
- discovery dispute
- statutory interpretation
- civil procedure
- remedies

PRACTICE AREAS

civil procedure

sexually violent predator civil commitment

contempt

discovery sanctions

statutory interpretation

## QUESTIONS PRESENTED

1. Whether a trial court has authority to hold a committed sexually violent predator in contempt for refusing to submit to a court-ordered mental examination and deposition during a postcommitment evidentiary hearing.
2. Whether CR 37(b)(2)(D)'s exception for contempt based on failure to submit to a mental examination bars contempt in special sexually violent predator proceedings.
3. Whether staying the proceedings until Young complied was an authorized and permissible remedial sanction.

## HOLDINGS

1. Chapter 7.21 RCW provides an independent source of contempt authority in special postcommitment SVP proceedings, and the trial court therefore had authority to hold Young in contempt for intentionally disobeying the order requiring a mental examination and deposition.
2. The trial court acted within its discretion by staying the proceedings until Young complied with the evaluation and deposition order.

## KEY QUOTATIONS

*“In this case, CR 37(b)(2)(D) conflicts with the statutory contempt authority granted under chapter 7.21 RCW. Therefore, chapter 7.21 RCW controls.”* (693)

*“We hold that chapter 7.21 RCW applies to these special postcommitment proceedings and that there is inconsistency between the statute and CR 37(b)(2)(D).”* (696)

*“Thus, the statute controls.”* (696)

## FACTUAL BACKGROUND

Young had been civilly committed as a sexually violent predator since 1991. He initiated postcommitment proceedings to obtain an evidentiary hearing concerning whether he still met the SVP definition. Before that hearing, the State sought a mental evaluation by a State expert and a video deposition, but Young refused to comply with the superior court's order requiring both. The court held him in contempt, stayed the proceedings, and found that compliance remained within his power.

## PROCEDURAL HISTORY

Young initiated proceedings seeking an evidentiary hearing to establish that he no longer met the definition of a sexually violent predator. After the Court of Appeals held that he had made a prima facie showing, the superior court ordered him to submit to a State-requested mental evaluation and deposition. Young refused, was held in civil contempt, and had the proceedings stayed until he complied. The Court of Appeals affirmed, and the Washington Supreme Court granted review.

## DISPOSITION

affirmed

## REMAND INSTRUCTIONS

The Court affirmed the Court of Appeals' denial of Young's motion to modify, upheld the contempt finding and remedial sanction, and remanded to the trial court for further proceedings.

## CASES CITED

- In re Detention of Young, 120 Wn. App. 753, 86 P.3d 810 (2004)
- In re Detention of Williams, 147 Wn.2d 476, 55 P.3d 597 (2002)
- Mead School District No. 354 v. Mead Education Ass'n, 85 Wn.2d 278, 534 P.2d 561 (1975)
- In re Detention of Broer, 93 Wn. App. 852, 957 P.2d 281 (1998)
- In re Detention of Aguilar, 77 Wn. App. 596, 892 P.2d 1091 (1995)
- Rivers v. Washington State Conference of Mason Contractors, 145 Wn.2d 674, 41 P.3d 1175 (2002)
- In re Detention of Young, 122 Wn.2d 1, 857 P.2d 989 (1993)
- International Union, United Mine Workers of America v. Bagwell, 512 U.S. 821, 114 S. Ct. 2552, 129 L. Ed. 2d 642 (1994)
- Gompers v. Bucks Stove & Range Co., 221 U.S. 418, 31 S. Ct. 492, 55 L. Ed. 797 (1911)