NO. 104234-5

SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Appellant,

v.

STEVEN CHAMPEAU,

Respondent.

THE DEPARTMENT OF CORRECTIONS' ANSWER TO CHAMPEAU'S PETITION FOR REVIEW

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I. INTRODUCTION

This case boils down to fundamental principles of law—that a court lacks personal jurisdiction over a non-party who has not been served with process, that an exclusive statutory grant of authority excludes others from wielding that authority, and that "actual knowledge" means *actual knowledge*.

Petitioner, Steven Champeau, tries to characterize the lower court's holding as a novel, transformative change. It is not. The decision is in harmony with both Washington Supreme Court opinions and published Court of Appeals decisions. It does not raise a significant question of law under the state or federal Constitutions. And there is no issue of substantial public interest that should be determined by this Court. Moreover, the Court of Appeals decision is both unpublished and non-precedential. Accordingly, this Court should deny Champeau's petition for discretionary review.

II. STATEMENT OF THE CASE

A. Factual Background

In August 2023, Steven Michael Champeau pleaded guilty to six counts of Rape of a Child 3 and three counts of Child Molestation 3. CP at 2. He was sentenced to a term of 60 months of total confinement in the custody of the Department of Corrections (Department). CP at 3.

Champeau's Judgment and Sentence prohibited him from having contact with minors while under Department supervision. CP at 15. But, in an appendix of the Judgment and Sentence dealing solely with conditions of community supervision, the sentencing judge added a handwritten note indicating that Champeau's "biological children may have contact, including in-person conduct [*sic*], while he is in [*sic*] the Department of Corrections." CP at 15.

Once Champeau was in prison, his wife and children were able to communicate with him via telephone, written correspondence, and videograms. When the children applied for

visiting privileges, however, the Department denied the applications. CP at 27. The multidisciplinary team considering the applications was concerned about allowing Champeau's minor children to visit him in person or via video chat because he refused to participate in sex offender therapy, his daughter was the same gender and age of his victim, and he committed some of the sexual assaults in front of his children. CP at 25, 36.

The team was also concerned about the effectiveness of Champeau's wife, Moira, as a monitor for inappropriate behavior. She had walked in while Champeau was assaulting his victim, but chose to walk away instead of intervening or reporting the conduct to police. CP at 36.

Champeau was (and is) still able to have contact with his children through telephone, mail, email, and videogram. CP at 37.

B. Procedural History

After the Department denied his children's visitation requests, Champeau went back to the sentencing court and

moved for an order to show cause why the Department should not be held in contempt of the court's order granting visiting privileges. CP at 20-21. In response to the motion, the Department, through a special appearance, challenged the court's jurisdiction because the Department was not a party to the criminal case and had not been served with process. CP at 28-29. Nevertheless, the sentencing court held the Department in contempt and ordered it to allow Champeau to visit in person with his minor children. RP 16:14-17:3; CP at 56-57. The Department appealed.

After full briefing and oral argument, the Court of Appeals reversed and remanded the case to the sentencing court to vacate the contempt order. The Court of Appeals held that the sentencing court lacked personal jurisdiction over the Department, which was not a party to the original sentencing proceeding and had not been served with process.

The Court of Appeals also agreed that the Department of Corrections has exclusive statutory authority to manage its

facilities and inmates. Thus, the sentencing court exceeded its authority when it ordered the Department to grant visiting privileges to Champeau.

Finally, the Court of Appeals held that RCW 9.94A.585 does not apply here because the sentencing court's discretionary order could not reasonably be understood as an error of law. But even if it could be classified as such, the Department lacked "actual knowledge" of the "order," which was vague, ambiguous, and confusingly interlineated into an appendix devoted solely to conditions applying to community custody.

III. REASONS WHY REVIEW SHOULD BE DENIED

This Court should deny Champeau's petition for discretionary review because his case does not meet the criteria for such review. The opinion below followed existing Washington Supreme Court and Court of Appeals case law and created no precedent. It raises no significant questions of law under the state or federal Constitutions. And there is no issue of

substantial public interest that should be determined by this Court.

A. This Case Does Not Present an Issue of Substantial Public Interest

Champeau argues review is appropriate because it "involves an issue of substantial public interest that should be determined by the Supreme Court." RAP 13.4(b)(4). But while he cites the rule in passing, he does not meaningfully argue that the issues in this case are of substantial public interest. *See Pet*. at 2. Nor is there any basis to do so. Indeed, a significant fact in this case—the sentencing court's vague, ambiguous, and confusingly placed handwritten notation—is unique. An unpublished case bound by its unique facts is not a matter of substantial public interest.

That unique notation was the crux of the Court of Appeals' fact-specific conclusion that the Department had not waived its right to challenge the sentencing court's purported order under RCW 9.94A.585(7). It concluded the 90-day window in RCW 9.94A.585(7) was not triggered until the contempt hearing

based on the sentencing court's permissive language and the condition's location in the community custody section of Champeau's Judgment and Sentence.

Champeau does not meaningfully challenge the Court of Appeals' application of the facts to the "actual knowledge" requirement of the statute; rather, he appears to take issue with the language of the statute itself. Without providing any clarifying details, Champeau argues that the Court of Appeals' interpretation of "actual knowledge" is too strict. *Pet*. at 8. He does not identify how the Court of Appeals' definition is wrong, but merely complains that "actual knowledge" provides a loophole by which the Department may avoid enforcement of a judgment and sentence "by asserting it did not have actual knowledge." *Pet*. at 9.

Champeau's arguments ignore two critical factors. First, the statutory language is clear—*actual* knowledge is required to trigger the statute. RCW 9.94A.585(7). The Court of Appeals used the ordinary meaning of that term. To the extent Champeau

thinks constructive knowledge should be enough to trigger the statute, he must take the issue to the legislature, not this Court.

Champeau also ignores the multiple ambiguities in the sentencing court's order, including the handwritten notation's discretionary language and confusing placement on an appendix addressing Champeau's community custody. Given the language of the "order" and its placement, the Court of Appeals' conclusion that the Department did not have actual knowledge of the illegal condition will not be broadly applicable and is not of substantial public interest.

In an attempt to create a public interest in the unique facts of this case, Champeau cites an impressive parade of horribles, suggesting that if the decision below stands, defendants will be precluded forevermore from seeking enforcement of their sentences unless they add the Department as a party to their criminal cases or wait months (or years) for review through a personal restraint petition. He posits that defendants "seeking to enforce a term that would get them released from confinement

may be forced to wait in jail when they should have [been] free." *Pet.* at 11.

First, the Court of Appeals decision is unpublished, nonprecedential, and exceedingly unlikely to enact the sweeping changes Champeau identifies. Second, Champeau seems to conflate the court's authority to determine an offender's sentence and release with the Department's authority to determine an offender's conditions of confinement.

Under RCW 72.02.240, an offender's conditions of confinement are "governed by the laws applicable to the institution to which" he is confined. Release, however, is "governed by the laws applicable to the sentence imposed by the court." RCW 72.02.240. Thus, issues regarding an inmate's conditions of confinement are wholly within the Department's authority and must be addressed through a Personal Restraint Petition. Conversely, issues regarding the length of an inmate's sentence and release are within the sentencing court's statutory authority. The Department is statutorily required to enforce the

sentencing court's directives in that regard. Such has been the case since at least 1959. *See* RCW 72.02.240 (1959). (Session Laws 1959, Ch. 214 §§ 8, 13, 16).

Finally, an aggrieved offender who challenges either his sentence or his conditions of confinement may seek expedited appellate review through a personal restraint petition using RAP 16.1-16.14, 18.12, and/or 18.15. Nothing in the record suggests that this system is inadequate.

There is no substantial public interest at issue here, so Champeau's petition should be denied.

B. The Court of Appeals Decision Comports with Established Case Law and Does Not Raise a Significant Constitutional Issue

Champeau does not give even passing treatment to any other grounds for review in RAP 13.4(b). Because this case does not implicate any of those considerations, this Court should deny review.

1. The Court of Appeals decision comports with all applicable case law

The Court of Appeals decision does not conflict with this Court's decisions or with a published Court of Appeals decision, and review is not appropriate under RAP 13.4(b)(1) or (2). To the contrary, the decision comports with all applicable case law.

First, the Court of Appeals' conclusion that the sentencing court lacked personal jurisdiction over the Department is based on well-established principles and case law. Personal jurisdiction gives a tribunal the authority to subject and bind a particular person or entity to its decisions. *Downing v. Losvar*, 21 Wn. App. 2d 635, 653, 507 P.3d 894 (2022). With few exceptions, a court lacks personal jurisdiction over an agency if it has not been named as a party or made a party by service of process. *Dep't of Social & Health Svcs. v. Zamora*, 198 Wn. App. 44, 73, 392 P.3d 1124 (2017).

Here, the Department of Corrections was undisputedly neither named as a party nor served with process in Champeau's criminal proceeding. Without personal jurisdiction over the

Department, the sentencing court's notation—even if construed as ordering the Department to allow Champeau visiting privileges—is not binding on the Department as a matter of law. *Id.*; *see also In re Gossett*, 7 Wn. App. 2d 610, 624, 435 P.3d 314 (2019) (holding that sentencing court "did not have personal jurisdiction to impose conditions related to supervised visitation on DOC.") The Court of Appeals properly ordered the sentencing court's contempt order reversed. *Slip Op.* at 10.

The Court of Appeals' conclusion regarding the sentencing court's statutory authority to dictate an inmate's conditions of confinement was also well-grounded in settled case law. Without personal jurisdiction, a court may require a non-party agency to act, but only in accordance with the agency's statutory obligations. *See, e.g.*, *Zamora*, 198 Wn. App. at 73 (recognizing that sentencing court lacked jurisdiction to direct how DOC would house and medically care for inmate).

Here, the sentencing court sought to order the Department to provide a specific privilege (visiting) to Champeau. The

Department is not statutorily obligated to grant visiting privileges to an inmate and the Department alone has statutory authority to govern an inmate's conditions of confinement. *See, e.g.*, RCW 72.02.240. Because the sentencing court sought—without any authority at all—to encroach on the Department's statutory mandate to manage its facilities, the Court of Appeals followed established law when it held that the sentencing court overstepped its authority by ordering the Department to grant Champeau visiting privileges. *Slip Op.* at 11.

The closest Champeau comes to identifying conflicting case law is his citation to *Dress v. Department of Corrections*, 168 Wn. App. 319, 279 P.3d 875 (2012). But the facts in *Dress* are distinguishable, and it does not conflict with the Court of Appeals decision. *See Slip. Op.* at 5-6 (distinguishing *Dress*). In *Dress*, unlike here, the Department had actual knowledge of the terms of Dress's sentence. *Dress*, 168 Wn. App. at 327. And there, the Department took issue with the structure of Dress's

sentence, a matter wholly within the purview of the court. *Id*. at 323; *see also* RCW 72.02.240; RCW 72.2.015.

Here, because of the vagueness and ambiguity of the sentencing court's purported order, the Department did not have actual knowledge that "order" until the contempt hearing. And the Department, not the sentencing court, has statutory authority to determine an inmate's conditions of confinement—including to which privileges he is entitled. The Court of Appeals decision is fully in accord with *Dress*.

2. The Court of Appeals decision does not implicate any significant question of constitutional law

The Court of Appeals decision is not based on constitutional grounds, and no constitutional provisions are at issue in the case. Thus, review is not appropriate under RAP 13.4(b)(3).

IV. CONCLUSION

Champeau has not explained why this Court should accept discretionary review of this case. Nor could he, as this case does not fall within any of the elements of RAP 13(b)(4).

Additionally, the Court of Appeals decision is consistent with case law and fundamental legal principles. This Court should therefore deny discretionary review.

This document contains 2213 words, excluding the parts of the document exempted from the word count by RAP 18.17.

RESPECTFULLY SUBMITTED this 27th day of June, 2025.

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CERTIFICATE OF SERVICE

I certify that on the date below I caused to be electronically filed **THE DEPARTMENT OF CORRECTIONS' ANSWER TO CHAMPEAU'S PETITION FOR REVIEW** with the Clerk of the Court using the electronic filing system which will send notification to the following electronic filing participant:

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I certify under the laws of the state of Washington that the foregoing is true and correct.

DATED this 27th day of June, 2025, at Olympia, Washington.

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