Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

UNITED STATES, PETITIONER *v.* CITY OF LAS VEGAS

CERTIORARI TO THE UNITED STATES DISTRICT COURT FOR NEVADA

No. 04–08. Decided September 2, 2017.

The petitioner, Sam4219, was placed under contempt by the respondent KingLukassie, while presiding over his own trial. Petitioner argues that the respondent had no jurisdiction to issue the contempt, that the issuance violated due process, and that his actions do not fall under criminal contempt issued under 18 U. S. C. § 401.

Held: The respondent had no authority to issue the contempt citation, as he was not the presiding judge under the case in which contempt was given.

(a) Criminal contempt is punitive in nature, while civil contempt is remedial. Pp. 3–4.

(b) Whether contempt is criminal or civil rests not only on the purpose, but also on the character of the relief itself. *Gompers* v. *Bucks Stove & Range Co.*, 221 U. S. 418, 441. If the relief is coercive, it is civil. If it involves a fixed punishment, it is criminal. Pp. 4–5.

(c) 18 U. S. C. § 401(1), under which respondent issued the citation, requires that the obstruction occur "in the presence" of the court in question. Because the respondent was not presiding, the action for which the petitioner was placed under contempt does not qualify as being "in the presence" of the court. P. 5.

(d) With it resolved that there was no jurisdiction to issue the contempt, the Court refuses to proceed to answer the last two questions posed by the petitioner. Answering would not bear influence on the case's outcome. P. 6.

Contempt citation no. 148541970, reversed.

SCALIA, J., delivered the opinion for a unanimous Court.

SUPREME COURT OF THE UNITED STATES

No. 04–08

SAM4219, PETITIONER *v.* KINGLUKASSIE

ON WRIT OF CERTIORARI TO THE UNITED STATES DISTRICT COURT FOR NEVADA

[August 24, 2017]

JUSTICE SCALIA delivered the opinion of the Court.

We decide whether contempt of court citations may be issued by a court not in session against an actively presiding judge.

I

During the trial for *United States* v. *Banelock*, C. R. 17–0065 (2017), respondent KingLukassie watched events unfold while petitioner Sam4219 presided. At trial, the defense moved for a combat resolution, citing precedent from *United States* v. *Tastles*, C. R. __–____ (2017). Petitioner denied the motion based on due process considerations. But the respondent was not satisfied with that result. From his perspective, trial by combat, at least until the Supreme Court rules on its constitutionality, must be considered a legitimate process by which cases are tried because of *Tastles*—a view which respondent aired with in-game admin powers. In response, petitioner gave him one warning to—as an onlooker—be quiet and respect the venue. It

remained unheeded, and so a contempt citation for "obstruct[ing] the administration of justice," 18 U. S. C. § 401, was issued.

Respondent then ordered that petitioner be escorted out by federal agents, but was ignored by virtue of his private capacity. See App. 1a to Brief for Petitioner. Petitioner again cited contempt against the respondent. Respondent decided he had enough. He issued eleven criminal contempt citations against the petitioner, each carrying a 42-day sentence totaling 462 days. Immediately thereafter, petitioner filed with the Court for a writ of certiorari to appeal the contempt proceeding. We granted certiorari. 4 U. S. ___ (2017). He asks three questions: (1) whether a court not in session may issue contempt against a presiding judge during his case, (2) whether lack of jurisdiction by a judge who issues a contempt citation violates due process, and (3) whether the merits of the situation appropriately required criminal contempt under § 401. We answer the first, but refuse to resolve the second and third.

II

Contempt of court is a remedy available to judges for two purposes: to punish disorderly or criminal behavior in the presence of a court (criminal) or to ensure equity for disobedient acts past (civil). In deciding whether the contempt citation levied falls under the criminal or civil category, courts will look to the characteristics of the charge itself, and the motivations behind its issuance. See *Mine Workers* v. *Bagwell*, 512 U. S. 821, 826–827 (1994). Relying alone on the stated purpose of a citation would prove inconclusive. *Ex parte HaCtzKomi*, 2 U. S. 40, 41 (2017) (SCALIA, J., dissenting from the denial of certiorari). Upon analysis of both these "prongs" in relation to this case, it is clear that the citation issued by respondent was undeniably criminal in nature. "Criminal contempt is a crime in the ordinary sense," *Bloom* v. *Illinois*, 391 U. S. 194, 201

(1968), whose penalties demand "protections that the Constitution requires of such . . . proceedings," *Hicks* v. *Feiock*, 485 U. S. 624, 632 (1988). Those include protection from double jeopardy, *In re Bradley*, 318 U. S. 50 (1943); rights to notice of charges, assistance of counsel, summary process, and to present a defense, *Cooke* v. *United States*, 267 U. S. 517, 537 (1925); and privilege against self-incrimination as well as a requirement that the individual issuing contempt prove beyond a reasonable doubt that the actions in question occurred, *Gompers* v. *Bucks Stove & Range Co.*, 221 U. S. 418, 444 (1911). In cases involving imprisonment of more than six (real) months, a right to jury trial must be guaranteed should the defendant request. *Bloom*, 391 U. S., at 199; see also *Taylor* v. *Hayes*, 418 U. S. 488. 495 (1974).* However, these protections need only exist in the case of indirect contempt—contempt occurring outside the courtroom. If the action for which contempt is issued transpires in the immediate presence of a judge, it may be "immediately adjudged and sanctioned summarily," *Mine Workers*, 512 U. S., at 827, n. 2; see also, *e. g.*, *Ex parte Terry*, 128 U. S. 289 (1888), except in the case of contempts in which jury trial is required. *Bloom*, *supra*, at 209–210.

Despite the procedures for civil and criminal contempts being "well established, the distinguishing characteristics of civil versus criminal contempts are somewhat less clear." *Mine Workers*, *supra*, at 827. Whether a contempt is civil or criminal turns on the "character and purpose" of the citation involved. *Gompers*, *supra*, at 441. If remedial and for the benefit of the complainant, it is civil. But if penal, to ensure the authority of a court, the citation is

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* Our criminal system applies the time conversion of one real year being equivalent to one and a half of months on ROBLOX. Under this, in accordance with the *Bloom* v. *Illinois*, 391 U. S. 194 (1968), standard, contempts exceeding 40 days must be accompanied by a right to trial by jury should the defendant request it.

criminal. *Ibid.* We look, however, to the character of the relief itself rather than just its purpose—that is so because "[m]ost contempt citations, like most criminal punishments, to some extent punish a prior offense as well as coerce an offender's future obedience." *Mine Workers*, 512 U. S., at 828. "[W]hen a court imposes fines and punishments on contemnor, it is not only vindicating its legal authority to enter the initial court order, but it also is seeking to give effect to the law's purpose of modifying the contemnor's behavior to conform to the terms required in the order." *Hicks*, 485 U. S., at 635. The "subjective intent of a State's laws and its courts" are alone simply indeterminate. *Ibid.*

A standard civil contempt involves confining a contemnor indefinitely until he complies with an affirmative command such as an order "to pay alimony, or to surrender property ordered to be turned over to a receiver, or to make a conveyance." *Gompers*, 221 U. S., at 442; see also *McCrone* v. *United States*, 307 U. S. 61, 64 (1939) (failure to testify). Likewise, imprisonment with the offer of release should compliance be given to the imprisoned is civil in nature. *Shillitani* v. *United States*, 384 U. S. 364, 370, n. 6 (1966) (upholding as civil "a determinate . . . sentence which includes a purge clause"). Because the contemnor is able to secure his own release by acting in assent with the court, he "'carries the keys of his prison in his own pocket.'" *Gompers*, *supra*, at 442 (quoting *In re Nevitt*, 117 F. 448, 451 (CA8 1902)).

Oppositely, a fixed sentence of imprisonment if imposed retroactively for a "completed act of disobedience," *Gompers*, 221 U. S., at 443, is criminal so long as the contemnor cannot "avoid or abbreviate the confinement through later compliance." *Mine Workers*, 512 U. S., at 829. Absent a coercive effect, when the contempt involves prior, prohibited conduct, the citation cannot be considered civil; "the

defendant is furnished no key, and he cannot shorten the term by promising not to repeat the offense." *Gompers*, 221 U. S., at 442. Nevertheless, no matter the type of contempt, it "should not be used for trivial matters," *Zeyad567alt* v. *SteffJonez*, 2 U. S. 70, 75 (2017) (HOLMES, C. J., dissenting).

III

Respondent issued contempt against petitioner under 18 U. S. C. § 401, which gives to courts the power to "punish by fine or imprisonment, or both, at its discretion, such contempt of its authority, and none other." These contempts of authority include—

> "(1) Misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;
> "(2) Misbehavior of any of its officers in their official transactions;
> "(3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command." §§ 401(1–3).

No limit on either the size of the fine or imprisonment term issued exists under the statute. The contempt issued was not coercive, but rather punitive in nature. Thus, under *Gompers*, we must assume the contempt was criminal. Whether the actions of the petitioner, however, adequately satisfied an obstruction of the administration of justice is irrelevant to the matter before us today. We need not consider that, nor need we consider whether the issuance of the citation itself violated due process. We only consider one issue: whether the court entering judgement had the authority to decide in the first place. We hold unequivocally that it did not.

Respondent reads "in its presence" under § 401(1) in a very basic light. Under his interpretation, "in its presence"

would signify something as simple as conduct occurring *in the presence* of a judge—regardless of whether that judge is presiding over a case. We cannot join with that explanation. We instead read it to mean in the presence of a court, a court in session: A court adjudicating. Jurisdiction must always control, and control it does under § 401(1). Even as an "officer of the Judiciary, [respondent] is not entitled a right to violate procedure," *Bob561* v. *Mindy_Lahiri*, 2 U. S. 44, 49 (2017). Were respondent the judge presiding and petitioner an observer (like respondent was *in actuality*), then the contempt may have been issued—and we would proceed to analyze whether it was criminal or civil, and if the procedure used was in accordance with statutory and common law guidelines. But we will not proceed further, with it established that the respondent had no jurisdiction to issue the citation.

It is not our job to answer questions that will hold no bearing on the outcome of the case; it is "always important at the outset to focus *precisely* on the controversy before the Court." *Regents of the University of California* v. *Bakke*, 438 U.S. 265, 408 (1977) (opinion of Stevens, J.) (emphasis added). Furthermore, our "settled practice . . . is to avoid the decision of a constitutional issue if a case can be fairly decided on a statutory ground." *Id.*, at 411. We continue that practice here.

* * *

Because the respondent was not the presiding judge, he had no authority to issue contempt against the petitioner. The judgement of the District Court is reversed, and the contempt citation is

Expunged.