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CASE NUMBER: 18-2-16459-1 SEA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

ANTHONY SMITH as personal
representative of the ESTATE OF MEAGAN
SMITH,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT OF
CORRECTIONS and AMERICAN
BEHAVIORAL HEALTH SYSTEMS, INC.,
a Washington corporation,

Defendants.

No.

**COMPLAINT FOR WRONGFUL
DEATH**

Plaintiff Anthony Smith as personal representative of the Estate of Meagan Smith alleges
as follows:

I. PARTIES

1.1 Plaintiff Anthony Smith is a resident of Auburn, Washington. Mr. Smith is the father
of Meagan Smith, who was a 21-year old college student at the time she was murdered by Zachary
Craven. Mr. Smith has been appointed as personal representative of the Estate of Meagan Smith
by order of the King County Superior Court. Mr. Smith brings this action on behalf of the Estate
and the Estate's beneficiaries for the decedent's claims surviving death pursuant to RCW 4.20.046.

1.2 Defendant Washington State Department of Corrections ("DOC") is an agency of
the State of Washington.

COMPLAINT FOR WRONGFUL DEATH - 1

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1 1.3 Defendant American Behavioral Health Systems, Inc. (“ABHS”) is a Washington
2 corporation that, at all times relevant hereto, contracted with the DOC to provide drug treatment
3 services for individuals under the supervision of the DOC.

4 **II. JURISDICTION AND VENUE**

5 2.1 Jurisdiction is proper in this Court pursuant to RCW 2.08.010. Plaintiff served tort
6 claims on the DOC pursuant to RCW 4.92.100 and RCW 4.96.020 and more than sixty days have
7 passed.

8 2.2 Venue is proper in this Court pursuant to RCW 4.92.010 and RCW 4.12.020 because
9 the events giving rise to this action occurred in King County.

10 **III. FACTUAL ALLEGATIONS**

11 3.1 Zachary Craven (“Craven”) is an individual with a long and documented history of
12 mental health issues, violence, animal abuse, and substance abuse. Craven is no stranger to the
13 criminal justice system—his abusive and drug-fueled rampages long predated the unnecessary and
14 preventable murder of Meagan Smith.

15 3.2 Craven often lived with his grandmother, Angelika Hayden, who served as his
16 guardian. In 2011, Craven returned the favor to his grandmother by stabbing her cat to death and
17 throwing it away in the garbage. Craven was convicted of Animal Cruelty.

18 3.3 In 2012, Craven was arrested for Fourth Degree Assault for assaulting his mother.

19 3.4 In 2012, Craven was reported on two occasions for mental complaints.

20 3.5 In 2013, Craven was convicted of Theft in the First Degree, Felony Harassment, and
21 Driving While Under the Influence for attacking and threatening to kill his grandmother. Craven
22 held his grandmother with a knife, threatened that “you know I’m crazy, I’ll kill you,” and punched
23 and broke her television. Craven then used electrical cords to tie his grandmother up, and fled the
24 house with her debit card.
25

1 3.6 As a result of the 2013 conviction, Craven was ordered to complete and show written
2 proof of treatment evaluations for Substance Abuse and Mental Health. Instead, Craven was
3 terminated from his substance abuse treatment program, and never provided proof that he received
4 any mental health evaluation.

5 3.7 In 2013, Craven overdosed on drugs.

6 3.8 In 2013 and 2014, Craven repeatedly violated the terms of his community custody,
7 including for use of alcohol, use of controlled substances, failing to report, and failing to complete
8 his mental health treatment evaluation as directed.

9 3.9 In September 2014, Craven attacked his grandmother again. While Ms. Hayden was
10 driving her car on the freeway, Craven told her he was going to “slit her throat” and “kill her dog,”
11 and twice jerked the steering wheel of the moving car. This time, Ms. Hayden reported Craven to
12 law enforcement, stating she was fearful that Craven would kill her.

13 3.10 Craven was found guilty of felony harassment for the 2014 attack and threats on his
14 grandmother. On June 26, 2015, Craven was sentenced to a 24-month residential Drug Offender
15 Sentencing Alternative (“DOSA”) with 3-6 months of inpatient treatment at ABHS and 24 months
16 supervision with the DOC.

17 3.11 A Domestic Violence No Contact Order was entered that prohibited Craven from
18 contacting from his grandmother, Ms. Hayden. Craven was also notified that he was ineligible to
19 possess a firearm.

20 3.12 Craven was ordered to report for transportation to ABHS for inpatient drug treatment
21 on July 1, 2015.

22 3.13 ABHS contracted with the DOC to provide the transportation to ABHS’s drug
23 treatment facilities. ABHS was also contractually obligated to report a patient’s or offender’s
24 absence or failure to report for treatment.

1 3.14 At sentencing on June 26, 2015, Craven was also ordered to report to the DOC within
2 24-hours of his release.

3 3.15 Despite explicit orders to report to the DOC within 24-hours, Craven failed to report
4 to the DOC on June 27, 2015. The DOC did not report Craven's absence, attempt to ascertain his
5 whereabouts, or issue a warrant for Craven's arrest.

6 3.16 On July 1, 2015, Craven failed to report for the bus transportation to ABHS for
7 inpatient treatment. ABHS and the DOC did not report Craven's absence, attempt to ascertain his
8 whereabouts, or issue a warrant for Craven's arrest. In fact, it appears that the DOC and ABHS did
9 not even notice Craven's absence. Thus continued Craven's drug-induced and violent rampage.

10 3.17 Instead of reporting to inpatient treatment on July 1, 2015, Craven, while "appearing
11 under the influence of heroin or methamphetamine," attacked the man he considered his
12 grandfather, Robert Luxton. Craven demanded Mr. Luxton's firearm. When Mr. Luxton refused,
13 Craven pulled out his own gun—in clear violation of the Notice of Ineligibility to Possess Firearms.
14 Craven held the gun to Mr. Luxton's head and threatened to kill him. Craven pistol whipped Mr.
15 Luxton across the head and fled.

16 3.18 Mr. Luxton called the local law enforcement agency to report Craven's conduct.
17 Since the DOC had not issued a warrant for Craven's arrest, no immediate attempts were made to
18 locate or arrest Craven.

19 3.19 On July 5, 2015, Craven showed up unannounced at his grandmother's house—an
20 explicit violation of the Domestic Violence No Contact Order. Ms. Hayden reported the violation
21 to the local law enforcement agency the next day and stated Craven appeared under the influence.

22 3.20 Since there was no pending warrant for Craven's arrest, no immediate attempts were
23 made to locate or arrest Craven. Craven remained free to embark on a murderous rampage.

24 3.21 The DOC never followed up or checked in with Ms. Hayden to ensure the Domestic
25 Violence No Contact Order was being followed or enforced.

1 3.22 On July 7, 2015, Craven went to the home of his ex-girlfriend, Theresa Cunningham.
2 Meagan Smith, who was a close friend of Ms. Cunningham, was housesitting while the
3 Cunningham family was on vacation.

4 3.23 When the Cunningham family returned from vacation on the evening of July 7, 2015,
5 they discovered Ms. Smith's body in a pool of blood, dead from a gunshot wound to the head. Ms.
6 Smith paid the ultimate price for the DOC's wholesale failure to supervise Craven.

7 3.24 On July 7, 2015, Ms. Hayden was also found murdered in her home. She also died
8 from a gunshot wound.

9 3.25 On July 8, 2015, Craven's file was finally officially assigned to a DOC community
10 corrections officer. Only then did the DOC realize that Craven had already committed two murders
11 during the time Craven was to be under its supervision. Up to that point, no one from the DOC had
12 contacted, or even attempted to contact, Craven.

13 3.26 Craven was found guilty and convicted of two counts of first-degree murder for
14 killing Ms. Hayden and Meagan Smith. Craven was also convicted of second-degree assault for
15 pistol-whipping Mr. Luxton.

16 **IV. CAUSES OF ACTION**

17 **A. FIRST CAUSE OF ACTION: WRONGFUL DEATH**

18 4.1 Plaintiff repeats and realleges paragraphs 1.1 through 3.26 as if fully set forth herein.

19 4.2 Defendants owed a duty to the Decedent pursuant to RCW 9.94 *et seq.* to supervise
20 Craven. Washington recognizes the DOC has a special relationship or "take charge" duty for those
21 under its supervision.

22 4.3 Defendant ABHS assumed a contractual duty and special relationship duty to the
23 Decedent to supervise Craven and report on Craven's absence, abscondment, and/or failure to report
24 for inpatient treatment.
25

1 4.4 Defendants owed a duty to the Decedent to use reasonable care to avoid causing
2 foreseeable injuries, and to avoid creating or exposing the Decedent to the foreseeable conduct of
3 Craven.

4 4.5 Defendant DOC breached the duty owed to the Decedent by, among other things,
5 not reporting Craven's failures to report on June 27, 2015, and July 1, 2015, failing to issue a
6 warrant for Craven's arrest, failing to investigate or ascertain Craven's whereabouts, failing to
7 follow-up with Ms. Hayden on the Domestic Violence No Contact Order, and failing to supervise
8 Craven. Defendant's actions created and exposed the Decedent to a recognizably high degree risk
9 of harm that a reasonable person would know, understand, and take appropriate actions to minimize
10 the substantial risk of harm of a known and violent drug abuser.

11 4.6 Defendant ABHS breached the duty owed to the Decedent by not reporting Craven's
12 failure to report to inpatient treatment on July 1, 2015, failing to ascertain Craven's whereabouts or
13 inform the DOC of the same, and failing to supervise Craven. Defendant's actions created and
14 exposed the Decedent to a recognizably high degree risk of harm that a reasonable person would
15 know, understand, and take appropriate actions to minimize the substantial risk of harm of a known
16 and violent drug abuser.

17 4.7 Defendants' acts were a proximate cause of the injuries to the Decedent and to her
18 estate.

19 4.8 Meagan Smith suffered economic damages as a result of the Defendants' negligent
20 and grossly negligent actions, including, but not limited to, the net accumulation she would have
21 obtained in her lifetime suffered as a result of the injuries inflicted by Zachary Craven that caused
22 her death.

23 4.9 Anthony Smith, as personal representative of the Estate of Meagan Smith, is
24 empowered by RCW 4.20 *et seq.* to bring this survival action on behalf of the Estate for the
25 economic damages suffered by Meagan Smith.

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V. PRAYER FOR RELIEF

Plaintiff requests relief as follows:

- a. For judgment against Defendants for negligence/gross negligence and wrongful death;
- b. For judgment against Defendants for all general and special damages in amounts to be proven at the time of trial;
- c. For an award of Plaintiff's attorneys' fees and costs; and
- d. For such other and further relief as the Court deems just and equitable under the circumstances.

DATED this 3rd day of July, 2018.

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s/ Steven W. Fogg

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