

DISTRICT COURT OF WASHINGTON STATE
FOR GRANT COUNTY

STATE OF WASHINGTON,) NO. EPC033031
Respondent,)
v.) MOTION TO ADMIT PRIOR ACTS OF
) DEFENDANT
GAVIN DAVID SEIM)
Appellant,)
_____)

COMES NOW the State of Washington through Deputy Prosecuting Attorney, Marc F. Fedorak, and moves the court to order prior acts involved in the attached reports and video recordings be found admissible, pursuant to ER 404(b).

I. **STATE'S OFFER OF PROOF**

The State's proposed 404(b) evidence is outlined below.

12/13/2014

At a rally in Olympia, Gavin David Seim spoke out against firearms laws. Appendix 9. He posted his video of his speech on YouTube on 12/15/2014. Appendix 3. In the video, Seim is shown displaying his state and federal issued concealed pistol licenses. He then displays his firearm, pulling it from the inside of his jacket. Eventually Seim burns the permit while

communicating his message that the government does not have authority to limit constitutional rights. During the speech Seim declares, "You do not need a permit to exercise your rights. If you want a tank in your front yard then go out and buy one. I will want to live next door because your house will be the safest one on the block. . . . If you want to own a bazooka you can own a bazooka."

The State anticipates Officer Patrick Canady will testify he was familiar with this video on 8/17/2017. As of 11/3/2017 there were 11,560 views on the YouTube website.

12/18/2014

Officer Canady conducted a traffic stop on Basin Street in Ephrata when Seim appeared at the scene. Appendix 1, 9. The interaction was captured on a video Seim recorded and Seim posted the video on YouTube on 1/15/2016. Officer Canady prepared the attached police report.

Appendix 4.

During the traffic stop, Officer Canady hears another car park behind him but is unable to see the individual. Officer Canady directs his spotlight at the intervening car. Eventually, Seim exits the intervening car and walks towards Officer Canady. Officer Canady politely asks, "May I help you sir?" Seim responds, "Is this Canady?" Officer Canady responds, "Yes." Officer Canady asks Seim again if he can be of assistance. While walking towards the car stopped for the traffic infraction Seim responds in an aggressive tone, "When I stop to observe you do not shine a light in my eyes." Officer Canady requests Seim return to his car and Seim refuses. Officer Canady requests Seim take his hands out of his pockets and Seim refuses. Officer Canady asks Seim to step back again and Seim again refuses. During the interaction Seim is at the front of the stopped car while Officer Canady is contacting the driver at the driver side of the stopped car. Officer Canady

indicates the request is for Seim's safety and Seim asks, "Is that a threat?" Officer Canady attempts to explain he is not threatening Seim. Eventually, Seim returns to his car. Officer Canady returned to his patrol car and Officer Damon Powell arrived at the scene. Officer Canady completes the traffic stop then returns to his patrol car.

At the conclusion of the traffic stop Seim walks quickly back towards Officer Canady and confronts Officer Canady again. Seim demands to know why Officer Canady shone the light in his eyes. Officer Canady responds he did so for safety reasons. Seim continues to confront Officer Canady while standing at the front passenger side fender of Officer Canady's car. At one point Seim demands, "You do not shine your light in my eyes! Do I make myself clear!" Officer Canady then advises Seim as to how to make a complaint and Seim reasserts, "This better not happen again Canady! Do I make myself clear!" Officer Canady then asks if Seim is making a threat. Officer Canady shortly thereafter says good night to Seim then re-enters his car. Seim walks away while continuing to yell at Officer Canady and Officer Powell. As Officer Canady drives off, Seim tells his audience, "Punks, that's what we are dealing with here."

The video posted by Seim on YouTube was edited and did not include the entire contact with Officer Canady. During Seim's video he provided a narration. Towards the end of the video Seim declares, "I have no problem challenging an officer." As of 11/2/2017 there were 99,698 views on the YouTube website.

6/24/2015 – 6/25/2015

Seim testified at his trial in Douglas County, where he was charged with Contempt of Court and Interfering/Obstructing Court Proceedings. Appendix 9. During his testimony Seim acknowledges that he generates revenue from his Facebook or YouTube videos through