

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

donations. Seim video recorded the Douglas County proceedings and posted an edited portion on YouTube. Appendix 5.

As of 11/2/2017 there were 771,565 views on the YouTube website.

9/7/2015

Officer (current Chief of Police) Ryan Cox of the Soap Lake Police Department conducted a traffic stop for a speeding violation. Appendix 2. Following the stop, Officer Cox prepared the attached police report relevant to the incident.

During the stop another vehicle, a pickup, pulls off the road in close proximity. The driver of the pickup, Shasta Bonneville contacts Officer Cox stating she is searching for her son. The passenger in the stopped pickup was identified as Ms. Bonneville's son's girlfriend. Eventually the occupants of the stopped pickup were turned over to family members. Officer Cox continues to speak with Ms. Bonneville concerning her son when Seim arrives at the scene.

Seim exits his car and walks towards the rear of the pickup. Seim holds his cell phone out as if to record the contact. Seim then confronts Officer Cox and accuses Officer Cox of being outside his jurisdiction. Officer Cox keeps his distance due to the darkness and he is concerned Seim may be carrying a firearm. In his report, Officer Cox references Seim's prior hostility towards officers and his reputation for carrying firearms as a reason for safety concerns.

Seim addresses Ms. Bonneville and asks if she is "ok." Ms. Bonneville responds, "[N]o . . . Cox [is trying] to help me find my son and [Seim you are] interfering in my personal business." Ms. Bonneville further states, "I would like [you Seim] to turn [your] camera off and leave." Prior to leaving Seim comments that Officer Cox is "not a good police officer and breaks the law." While returning to his car Seim states, "I'll check in with you later, Mr. Cox." Officer Cox

interprets the tone as threatening. Officer Cox believes Seim is a threat based on prior contacts where Seim had been openly hostile towards Officer Cox. Ms. Bonneville and Cassandra Sue Bickle provide witness statements. Both indicate Seim spoke in a threatening tone.

In Officer Cox' report he references another incident that occurred at an earlier undetermined date. The incident was also video recorded by Seim and posted on YouTube on 7/17/2015. Appendix 6, 9.

In this earlier incident, Seim interfered with Officer Cox while Officer Cox attempted to perform duties related to an investigation. Seim contacts Officer Cox during an investigation. Seim interrupts the contact with confidential informants. Officer Cox initially asks Seim if he can be of assistance. When Seim confronts Officer Cox about his patrol car, Officer Cox drives away.

Later in the video, Officer Cox attempts to return to the police department and Seim interferes. Seim approaches Officer Cox and confronts him again. Officer Cox exits his patrol car and states, "I am trying to do an investigation and you interrupted me." Seim responds, "Let's talk about you." Officer Cox attempts to explain the investigation and how Seim interrupted. Seim interrupts Officer Cox and blames Officer Cox for not answering his question while he was conducting the investigation. Officer Cox tells Seim he obstructed his investigation. Seim then blocks Officer Cox from entering the police department. At the same time Seim demands, "You can answer my question."

Eventually Officer Cox enters the police department and Seim refuses to allow entry without Seim. Officer Cox allows Seim into the first door then attempts to enter into the back offices. Seim obstructs Officer Cox from closing the door by blocking it with his foot. Officer Cox informs Seim the area is restricted and not open to the public. Seim continues to demand Officer Cox answer his

questions and blocks the door from closing using his foot. Approximately one and half minutes elapse before Seim allows Officer Cox to close the door. Later when Officer Cox attempts to leave in his patrol car, Seim continuously knocks on his window and demands Officer Cox lower the window.

As of 11/2/2017 there were 3,123,908 views on the YouTube website.

11/20/2016

Officer Jack McLaughlan of the Ephrata Police Department responds to a report from a hospital that a mentally ill patient has escaped. Appendix 9. Officer McLaughlan responded after hospital staff expressed concern for the wellbeing of the patient. Officer McLaughlan makes contact with the patient on the street and attempts to secure the patient into custody. Seim arrives during the contact and approaches Officer McLaughlan. Seim video recorded the incident then posted it on YouTube on 2/1/ 2017. Appendix 7.

Seim is unfamiliar with the circumstances of the contact yet approaches the scene where Officer McLaughlan attends to the man who is lying on the pavement. Seim demands, "What's going on here?" Seim accuses Officer McLaughlan of "getting rough" with the man while Officer McLaughlan is attending to the man on the roadway.

While Officer McLaughlan is putting the man inside his patrol car Seim moves his truck. Seim then returns to Officer McLaughlan's patrol car. Officer McLaughlan explains the reason for the contact. Seim continues to confront Officer McLaughlan and accuses him of throwing the man on the ground. While attempting to enter his patrol car Officer McLaughlan orders Seim to step back on two occasions. On both occasions Seim refuses to comply.

At the end of his video Seim states, “We need to stand our ground when [law enforcement officers] become bullies.” As of 11/2/2017 there were 1,776,143 views on the YouTube website.

4/22/2017

In a video posted on YouTube on 4/22/2017, Seim comments about involving himself in traffic stops. Appendix 8, 9. During the video Seim narrates as he looks on at a traffic stop. According to Seim’s narrative, the traffic stop appears to involve a felony attempt to elude incident. Seim states, “Here’s how you do this. I’ve locked the doors, I’m sitting in the car. I’m staying a safe distance. I don’t want them to pull the ‘I’m interfering with an investigation thing’ so I am literally like a hundred yards away from these guys.” Seim says he does not know the reason for the traffic stop. Given he was told it was a felony stop, Seim goes on to allege that many felonies are not serious offenses.

Later on in the video Seim states, “I’m talking to you because I wanted you to see this. I wanted to see what we do. You pull over. You pay attention. You look around and you be aware of your surroundings. . . . And sometimes yeah, you step up and you put it on the line. Because we need to get back to the mindset of ‘Give me liberty or give me death.’ Stop listening to these charlatan pastors who say obey your government.” Seim later states, “[Law enforcement] spends most of their time harassing, abusing, and extorting other people for the pettiest of human infractions.” Later on Seim approaches officers and questions them about the stop. As of 11/2/2017 there were 42,743 views on the YouTube website.

II. LEGAL AUTHORITY AND ARGUMENT

The balance between probative value and unfair prejudice for admitting character evidence is controlled by the language in ER 404(b). ER 404(b) provides:

Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake.

The purposes listed in the rule are neither exclusive nor exhaustive. *See State v. Lane*, 125 Wn.2d 825, 831, 889 P.2d 929 (1995); *State v. Kidd*, 36 Wn. App. 503, 505, 674 P.2d 674 (1983). If evidence of prior acts is admitted for purposes other than those set forth in 404(b), then the trial court must identify that purpose and determine whether the evidence is relevant and necessary to prove an essential ingredient of the crime charged. *State v. Powell*, 126 Wn.2d 244, 259, 893 P.2d 615 (1995). Courts have deviated from the non-exclusive list to allow 404(b) evidence for a variety of purposes. *See, e.g., State v. Ragin*, 94 Wn. App. 407, 972 P.2d 519 (1999) (defendant's statements regarding other bad acts he had previously committed admissible to show reasonable fear for harassment - proof of element in charged crime); *Powell*, 126 Wn.2d at 244 (allowing evidence of defendant's prior assaults and threats against murder victim to complete the context of the murder - "res gestae").

When the State seeks admission of evidence under ER 404(b), the trial court must:

1. find by a preponderance of the evidence that the misconduct occurred;
2. identify the purpose for which the evidence is sought to be introduced;
3. determine whether the evidence is relevant to prove an element of the crime charged; and
4. weigh the probative value against the prejudicial effect.

State v. Thang, 145 Wn.2d 630, 642, 41 P.3d 1159 (2002) (citing *State v. Lough*, 125 Wn.2d 847,

853, 889 P.2d 487 (1995)). During the course of its inquiry, the court is not required to have an evidentiary hearing to determine whether the alleged misconduct occurred. *State v. Kilgore*, 147 Wn.2d 288, 53 P.3d 974 (2002). Instead, the State may make an offer of proof as to each prior crime, wrong, or other act. *Id.*

If the court is satisfied that the above criteria has been met, the jury should be instructed that the evidence of past crimes, wrongs, or other acts should be considered only for the limited purpose for which it was admitted, if an instruction is requested by the defense. *State v. Russell*, 171 Wn.2d 118, 249 P.3d 604 (2011).

a. The State's Offer of Proof Shows by a Preponderance of the Evidence that the Acts Occurred

The trial court is in the best position to determine whether it can fairly decide, based upon the offer of proof, that a prior act or acts occurred. *Kilgore*, 147 Wn.2d at 295. A preponderance finding will be upheld if there is substantial evidence in the record to support it. *State v. Benn*, 120 Wn.2d 631, 653, 845 P.2d 289. The acts alleged in the aforementioned incidents are all supported by the police reports of the involved officers and/or video created by Seim. The State has supported its offer of proof in a clear and detailed manner to provide substantial evidence that the acts occurred.

b. The Defendant's Prior Acts Are Sought to Prove Mr. Seim's Common Scheme and Officer Canady's State of Mind

First, the evidence is sought to be offered for the purpose of establishing a common scheme or plan. "One proper purpose for admission of evidence of prior acts is to show the existence of a common scheme or plan." *State v. Gresham*, 173 Wn.2d 405, 421, 269 P.3d 207 (2012) (*citing State v. DeVincentis*, 150 Wn.2d 11, 17, 74 P.3d 119 (2003)). Common scheme or

plan evidence consists of two categories: "(1) 'where several crimes constitute constituent parts of a plan in which each crime is but a piece of the larger plan' and (2) where 'an individual devises a plan and uses it repeatedly to perpetrate separate but very similar crimes.'" *Gresham*, 173 Wn.2d at 422 (*citing Lough*, 125 Wn.2d at 854-855). With respect to the second category, "the prior [acts] must demonstrate 'such occurrence of common features that the various acts are naturally to be explained as caused by a general plan of which' the two are simply 'individual manifestations.'" *Gresham*, 173 Wn.2d at 422 (*citing Lough*, 125 Wn.2d at 860). "Mere 'similarity in results' is insufficient." *Id.* "[W]hile the prior act and charged crime must be markedly and substantially similar, the commonality need not be 'a unique method of committing the crime.'" *Gresham*, 173 Wn.2d at 422 (*citing DeVincentis*, 150 Wn.2d at 19-21).

There are common features of Seim's prior acts and his obstructing in the present case. In each incident, Seim is confrontational and challenges the legitimacy of the officers' conduct. Seim interferes with the officers by contacting them at the officers' patrol cars. During the prior contacts Seim disregards commands, instructions, or requests from each officer to back away while the officers are attempting to control scenes or conduct criminal investigations. In the final video, Seim questions the legitimacy of the traffic stop despite not having any information on what had actually occurred. Seim appears to be sending the message to his viewers in all his videos. In the prior interactions with Officer Cox, Officer McLaughlan, and Officer Canady, Seim is shown at times to conduct himself using an aggressive demeanor and uses a combative tone towards the officers while the officers are conducting their duties. In two instances, Officer Canady and Officer Cox specifically interpret Seim's conduct as threatening. Two witnesses to a contact with Officer Cox agree Seim's conduct appeared threatening.

Similar common features exist in the present case. Seim contacted Officer Canady at a close distance during a traffic stop and disregarded multiple requests and commands to return to his vehicle. Instead of complying, Seim continually ordered Officer Canady “to leave,” “stop harassing,” “stop collecting,” and “stop bullying.” Some of Seim’s comments were made in an aggressive tone and Officer Canady indicated he felt threatened. Officer Canady compared his own previous interactions with Seim and those of other officers. According to Officer Canady’s report, Seim acted more aggressive than usual on 8/17/2017.

Furthermore, Seim’s contacts are for the purpose of earning income from his YouTube posts. Most of the prior acts involve Seim posting video of the contacts on YouTube. In Seim’s testimony in his Douglas County trial he acknowledged earning income from the videos he posts online.¹ In the present case, Seim was video recording the incident. We can assume, if not for the seizure of his iphone, Seim would have posted the video of this incident too.

Second, the evidence will be offered for the purpose of showing Officer Canady’s state of mind. A defendant’s prior acts are admissible when a victim’s state of mind is at issue. *Magers*, 164 Wn.2d at 181-184 (defendant’s prior acts leading up to his arrest for domestic violence

¹ YouTube serves advertisements on channels that reach 10,000 lifetime views, and those ads make money for the creators. YouTube Help, *Video Monetization Criteria*, YouTube, November 8, 2017, https://support.google.com/youtube/answer/97527?hl=en&ref_topic=1115890. YouTube creators are paid for their content depending on how their audience engages with the advertisements. YouTube, *Make money with YouTube*, YouTube Creators, November 08, 2017, <https://creatoracademy.youtube.com/page/lesson/revenue-basics#yt-creators-strategies-3>. Some advertisers pay per click, while others pay per view. *Id.* For example, an advertiser might pay a cost per click of \$1, meaning they pay out \$1 each time a viewer clicks on their advertisement. *Id.* In the cost-per-view model, advertisers do not pay unless viewers engage with the ad for at least 30 seconds. *Id.* As of November 8, 2017, the YouTube channel belonging to Gavin Seim had 167,279 subscribers. Gavin Seim, *YouTube channel homepage for Gavin Seim*, Last visited November 8, 2017, <https://www.youtube.com/user/ventrilqstman>.

relevant to show victim's "reasonable fear of bodily injury"); *State v. Barragan*, 102 Wn. App. 754, 9 P.3d 942 (2000) (defendant's repeated threats to kill victim admissible to assess reasonable fear). The jury is entitled to evaluate what the victim knew at the time the defendant committed the act currently being charged. *Barragan*, 102 Wn. App. at 760 (*quoting Ragin*, 94 Wn. App. at 411-412).

The prior acts provided above demonstrate why Officer Canady was distracted by Seim on 8/17/2017 and why Officer Canady treated Seim's actions as a security concern. The aggressive conduct; the threats; the refusals to follow commands as previously discussed, all constituted reasons for Officer Canady to consider Seim a security concern. Furthermore, statements made by Seim in his narrations expressly suggest he may endanger an officer. For example: "I have no problem challenging an officer;" "We need to stand our ground when [law enforcement officers] become bullies;" and "sometimes yeah, you step up and you put it on the line." Further concerning is his statement, "'Give me liberty or give me death.'"

Officer Canady also cited his concern for Seim's past non-compliance with firearm laws. In the 12/13/2014 video Seim displays his firearm and specifically declares to his crowd that Americans should refuse to comply with firearm laws. Officer Canady was aware of the video on 8/17/2017. This evidence shows Officer Canady had reason for concern when Seim acted in the manner he acted on 8/17/2017.

c. The Defendant's Prior Acts Are Relevant to Whether Mr. Seim Acted Purposefully, With Knowledge of the Consequences of His Actions, and The Actions Obstructed Officer Canady

According to WPIC 120.02, the elements of Obstructing a Law Enforcement Officer are:

- (1) That on or about 8/17/2017, the defendant **willfully** hindered, delayed, or obstructed a law enforcement officer in the discharge of the law enforcement officer's official powers or duties;
- (2) That the defendant knew that the law enforcement officer was discharging official duties at the time; and
- (3) That any of these acts occurred in the State of Washington.

Further, WPIC 120.02.01 defines "willfully" as:

Willfully means to **purposefully act with knowledge** that this action will hinder, delay, or obstruct a law enforcement officer in the discharge of the officer's official duties.

These prior incidents that establish a common scheme or plan are relevant to whether Seim acted purposefully and with knowledge of the results of his actions. The plan to obstruct officers during the course of their duties established in these prior acts is probative to Seim acting purposefully. During the traffic stop in Arizona, Seim describes the overall scheme of what he does when he encounters a traffic stop. Seim's actions in these other incidents and Seim's actions on 8/17/2017 follow that description. These prior acts establish Seim was acting purposefully on 8/17/2017.

Seim's prior acts further demonstrate knowledge that his actions on 8/17/2017 would hinder, delay, or obstruct a law enforcement officer in the discharge of his official duties. During Seim's contact with Officer Cox in 2005, Officer Cox warned Seim his

actions obstructed Officer Cox' investigation where he approached the officers while interviewing confidential informants. Some of Seim's actions and narrations demonstrate he knows his actions constitute obstructing when he involves himself too closely; disobeys officers' commands; and is hostile towards law enforcement during traffic stops. For instance, during the 2017 traffic stop in Arizona Seim declares he is at a safe distance at one hundred yards away. During the contact with Officer Canady in 2015, Seim eventually returns to his car after initially refusing orders to do so. These prior acts are admissible to establish Seim's knowledge that his actions on 8/17/2017 constituted obstructing.

Officer Canady's safety concerns with Seim's conduct on 8/17/2017 is relevant to whether Seim's actions on 8/17/2017 constituted obstructing. Seim's aggressive conduct, threats, refusals to follow commands, and expressed refusal to comply with firearms laws while displaying his personal firearm were all traits known to Officer Canady on 8/17/2017. Those prior acts explain why Officer Canady was unable to focus his attention on the traffic stop and was obstructed from performing his duties. Therefore, with respect to Officer Canady's state of mind on 8/17/2017 the prior acts are relevant to whether Seim's actions in the present case were obstructing.

d. The Probative Value of the Evidence Outweighs the Prejudicial Effect

The facts surrounding the incident in the present case cannot be properly understood by a jury without considering Seim's common scheme or plan and Officer Canady's state of mind, which are explained through Seim's prior acts. Any prejudice to Seim may be addressed through a limiting instruction to the jury.

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MOTION TO ADMIT PRIOR ACTS OF
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VII. CONCLUSION

The prior acts discussed in this brief are admissible pursuant to ER404(b).

Respectfully submitted this 7th day of November, 2017.

GARTH DANO
Grant County Prosecuting Attorney



MARC F. FEDORAK, WSBA #36405
Deputy Prosecuting Attorney

APPENDIX I

10/30/17
13:01Ephrata Police Department
Offense Report643
Page: 1Incident Number: 14EP5070
Nature: TRAFFIC VIO/HAZ

Case Numbers:

Addr: BASIN ST SW & 1ST AVE SW Area: ECL
City: EPHRATA St: WA Zip: 98823 Contact: CANADY PATRICK

Complainant: Alert Codes:

Lst: Fst: Mid:
Adr:
Rac: Sx: Tel: Cty: St: Zip:

Reported: TOFF Traffic Offense

Observed:

Offense

Codes: TOFF Traffic Offense

Circumstances:

Responding Officers: Canady, Patrick 210
 Powell, Damon 207Rspnsbl Officer: CANADY, PATRICK Agency: EPPD
Received By: M65 Last RadLog: 21:58:28 12/18/14 CMPLT
How Received: O Officer or Unit Clearance:

When Reported: 21:45:09 12/18/14 Disposition: CLO Disp Date: 12/22/14

Occurrd between: 21:45:09 12/18/14 Judicial Sts:
 and: 21:45:09 12/18/14 Misc Entry:

Modus Operandi:

Factor Description Method

INVOLVEMENTS:

Date	Description	Relationship
12/19/14	SEIM, GAVIN DAVID	subject 2
12/19/14	LOEZA RESENDIZ, PRIMO MARCOS	subject 1
12/19/14	ONG 2003 PONT GRAND AM WA	vehicle 2
12/19/14	2005 NISS SENTRA WA	vehicle 1

Responsible LEO:-----
Approved by:-----
Date

10/30/17
13:01

Ephrata Police Department
Offense Report

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Vehicle Section

Vehicle Number: 105321
License Plate: ASJ1938
License Type:
 State: WA
 Expires: 09/10/10
 VIN: 1G2NV52EX3C332354
Vehicle Type:

Vehicle Year: 200
 Make: PONT Pontiac
 Model: GRAND AM
 Color: ONG /
 Doors: 4
 Value: \$0.00

Owner: 68976
Lst: SEIM Fst: GAVIN Mid: DAVID
Adr: 810 L ST SE
Rac: W Sx: M Tel: (509)951-4860 Cty: EPHRATA St: WA Zip: 98823

Agency: EPPD Ephrata Police Department Date Recov/Rcvd **/**/**
 Officer: Canady, Patrick Area:
 UCR Status: Wrecker Service:
Local Status: Storage Location:
 Status Date: 11/27/10
Release Date: **/**/**
Comments:

10/30/17
13:01

Ephrata Police Department
Offense Report

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Vehicle Number: 143653
License Plate: AJB5264
Vehicle Year: 200
License Type: PC Regular Passenger Automobile Make: NISS Nissan
State: WA Model: SENTRA
Expires: **/**/** Color: /
VIN: 3N1CB51D25L544146 Doors: 4
Vehicle Type: PCAR Passenger Car Value: \$0.00

Owner: 335779
Lst: GAMA ANTUNEZ Fst: MARIA Mid: ISABEL
Adr: 125 DEACON AVE; A8
Rac: Sx: F Tel: (509)237-9249 Cty: GEORGE St: WA Zip: 98824

Agency: Date Recov/Rcvd **/**/**
Officer:
UCR Status:
Local Status:
Status Date: **/**/**
Release Date: **/**/**
Comments:

Area: Wrecker Service:
Storage Location:

10/30/17
13:01

Ephrata Police Department
Officer Supplemental Report

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Page: 1

Incident Number: 14EP5070 Nature: TRAFFIC VIO/HAZ Incident Date: 12/18/14

I stopped the SV and was contacted by the S.

I saw the SV SB Basin St SW from Division with no license plate light. I stopped the SV on Basin St SW at 2nd Ave SW. I shinned my spot light at the SV. As I was getting out of my marked patrol car, I heard another vehicle turn quickly in behind my marked patrol car. The vehicle was approx 1 1/2 car length behind my car. I shinned my dim flashlight at the vehicle and saw nothing. I turned my spotlight on the driver of the second vehicle. I radioed for dispatch to send 207 to my location. I saw it was S2 in the driver's seat by himself. I left the spot light on S2 because of his last videos ref guns and the bright overhead lights between me and him.

I contacted S1 ref the traffic stop. I also kept an eye on S2. I saw S2 drive past me and then park approx. 4 car lengths in front of S1. I saw S2 get out of his vehicle and approach SV1. S2 stood in front of SV1 almost at the front bumper. S2 was asked if he could be helped. S2 called me by my last name. S2 said no that he was just observing. I advised S2 that it would be in his best interest to go back to his car until I was done. S2 asked if I was threatening him and I advised him no but he did not know what was in the vehicle I had stopped. I also advised him that he was being disrespectful to the S's in the car being stopped. S2 advised he could not see in the vehicle. I saw S2 go back to his vehicle when I was walking back to my vehicle. 207 arrived.

I recontacted S1 and advised him of the license plate light problem. We both walked to the back of his car and I showed him the problem. S1 got into his car and drove off. I got back into my marked patrol car and saw S2 walking very quickly back towards my marked patrol car. I got out of my vehicle. S2 was very angry as to me shinning my spot light at him. I asked S2 if he was trying to threaten me and he said no. I advised him it was for our safety. S2 was still angry and demanded we work for the people. S2 was asked if he had anything else. I politely called him Mr. Seim why talking to him. S2 was advised several times to take his right hand out from his pants pocket. S2 was also advised if there was a problem he could contact the Chief of Police tomorrow. S2 advised us to be safe and I told him to have a good night. S2 stormed back to his vehicle and 207 and I drove off.

Incident Number: 14EP5070 Nature: TRAFFIC VIO/HAZ Incident Date: 12/19/14

10/30/17
13:01

Ephrata Police Department
Officer Supplemental Report

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On 12-18-2014 at approximately 2245 hours I heard Officer Canady make a traffic stop in the area of Basin St SW and 1st Ave SW. A short time later I heard him call MACC, but then gave no response. I was in the area of Basin St NW and 2nd NW and could see his flashing lights. When Officer Canady did not respond to multiple attempts by MACC to "go ahead" with his traffic I moved to his position to take a cover unit role. As I was responding Officer Canady responded to MACC and informed them S2 was on scene.

As I was approaching the location I noticed Officer Canady's patrol vehicle spotlight was pointing backward, which I found to be odd. As I approached the side of Officer Canady's patrol vehicle, I observed S2's vehicle parked in front of the violator vehicle. Officer Canady informed me of the following.

S2 had initially parked behind his patrol vehicle as he was initially walking up to the suspect vehicle for first contact. Officer Canady attempted to use his flashlight to see how had pulled in behind him but the light was to dim. Officer Canady then re-positioned his spotlight pointing it back towards the vehicle behind him. When he did this he observed S2 in the driver seat and appeared to be alone.

While Officer Canady was speaking with the violator he was attempting to keep an eye on the violator and occupant and S2. S2 then left his position behind his patrol vehicle and parked in front of the violator vehicle.

I stood by while Officer Canady completed his traffic stop. While doing so I overheard Officer Canady apologize to the driver for S2 distracting him and taking Officer Canady's attention away from the stop. After he gave the driver a warning the driver was shown the issue with his license plate light. After this the driver entered his vehicle and drove away.

Officer Canady and I went back to our patrol vehicle in an attempt to leave the area and avoid any further, unnecessary contact with S2. As I entered my vehicle I observed Officer Canady exiting his vehicle as S2 was now at his front right corner of his patrol vehicle and appeared to be yelling. As I exited I did not hear but could tell Officer Canady was giving S2 instructions.

S2 demanded to know why Officer Canady shined the spot light into his eyes. Officer Canady advised S2 it was for his safety. S2 replied saying Officer Canady knew who it was and still shined the light at him, and that there was no safety issue because he parked far enough away.

It should be noted S2 had a raised voice and was visibly upset. S2 told Officer Canady this would not be tolerated by him (Officer Canady) anymore. Officer Canady asked S2 if he was threatening him and S2 quickly responded "No". S2 then went on to say we (Officer Canady and myself) work for the people and our actions are not going to be tolerated.

I attempted to tell S2 we determine the means of our "Officer Safety" but he was clearly more focused on Officer Canady.

Officer Canady advised S2 if he had an issue with they way things played out tonight he could contact our Chief during business hours. S2 said something to the effect of "this is my complaint right now". Officer Canady asked if there was anything else we could do for him and S2 advised "No".

S2 began walking back to his vehicle and told us to have a good night. We advised the same to him. S2 then something to the effect of being safe and protecting citizens. I responded by saying that is the reason we have spot

10/30/17
13:01

Ephrata Police Department
Officer Supplemental Report

643
Page: 3

lights.

Officer Canady entered our patrol vehicles as S2 turned the camera onto himself and began storming off to his vehicle. S2 sat his his vehicle for about a minute either calming down or continuing his narration before heading home.

This ended our contact.



Soap Lake Police Department

Prosecutor Report for Incident 15SL0582

Nature: ADMINISTRATIVE

Address: SR 28 W & GRANT ST NW

Location:

SOAP LAKE WA 98851

Offense Codes: ADMN

Circumstances:

Received By: M72

How Received: Officer or Unit

Agency: SLPD

Responding Officers: Cox, Ryan

Responsible Officers: COX, RYAN

Disposition: On going investigation 09/10/15

When Reported: 22:20:49 09/07/15

Clearance: Report Taken

Occurred Between: 22:20:44 09/07/15 and 22:20:44 09/07/15

VICTIMS:

Name: BONNEVILLE, SHASTA A.

Name Number: 167046

Race: W Sex: F DOB: 10/02/80 Height: 5'10" Weight:180 Hair: BRO Eyes: HAZ

Address: 1359 SR 28 W; #38, EPHRATA, WA 98823

Home Phone: (509)350-9420 Work Phone: (509)681-0029

SUSPECTS:

Name: SEIM, GAVIN D.

Name Number: 68976

Race: W Sex: M DOB: 01/17/85 Height: 5'11" Weight:160 Hair: BRO Eyes: GRN

Address: 810 L ST SE, EPHRATA, WA 98823

Home Phone: (509)951-4860 Work Phone: (509)951-4860

WITNESSES:

Name: BICKLE, CASSANDRA S.

Name Number: 75893

Race: W Sex: F DOB: 07/12/86 Height: 5'02" Weight:120 Hair: BRO Eyes: BRO

Address: 640 3RD AVE NW, EPHRATA, WA 98823

Home Phone: (509)594-2275 Work Phone: ()-

Name: BONNEVILLE, SHASTA A.

Name Number: 167046

Race: W Sex: F DOB: 10/02/80 Height: 5'10" Weight:180 Hair: BRO Eyes: HAZ

Address: 1359 SR 28 W; #38, EPHRATA, WA 98823

Home Phone: (509)350-9420 Work Phone: (509)681-0029

INVOLVEMENTS

nmmain	68976	09/08/15	Suspeet
nmmain	75893	09/10/15	Witness
nmmain	167046	09/08/15	Victim / witness
cdcall	C15091815	09/07/15	Initiating Call

NARRATIVE:**GENERAL INVESTIGATIVE NARRATIVE**OFFICERS REPORT () SUPPLEMENTAL REPORT () OFFICER: COX 503COURT: DISTRICT () SUPERIOR () JUVENILE ()

DEFENDANTS: Gavin David Seim (DOB 01/17/1985)

CRIME:

RCW 9A.72.110 Intimidating a Witness

RCW 9A.46.110 Stalking

RCW 9A.46.020 (4) Felony Harassment

CUSTODY: YES () NO ()

CASE #: 15SL0582

VICTIM:

Officer Ryan Cox

Shasta Ann Bonneville (DOB 10/02/1980)

DATE: 09/08/2015

SEND TO THE PROSECUTOR'S OFFICE YES () NO ()**INVESTIGATIVE REPORT BY OFFICER COX**

On September 7, 2015, I was on duty in the City of Soap Lake; I was in a fully marked patrol car. I made a traffic stop at the location of SR 28 W and Grant Street NW. The initial reason for the traffic stop was an unrelated vehicle speeding in excess 58 mph in a well posted 40 mph zone that had taken place on the on ramp from Daisy Street S to SR 28 W. While on the traffic stop, a blue Dodge pickup pulled into the field adjacent to my traffic stop. When I exited my patrol car and contacted the female that was driving it, I immediately identified her as Shasta Ann Bonneville (DOB 10/02/1980) from previous interactions. Bonneville was inquiring if the people in the traffic stop were somehow connected to her son as she recognized the vehicle.

Bonneville explained to me that her son had run away from home and she was out looking for him. One of the occupants in the vehicle I had stopped was the girlfriend of the child that had run away. I knew this information from previous contacts.

At this point I had cited and released the driver for a traffic violation. The vehicle had been removed by the registered owner and both juvenile occupants had been returned to family members.

While speaking with Bonneville, a blue Ford Expedition SUV pulled off SR 28 W and stopped in front of my traffic stop. I noticed the vehicle had a "Gavin Seim" sticker on the back window. I then observed a male exit the vehicle and start walking towards the rear of the vehicle.

I immediately identified this male as Gavin David Seim (DOB 01/17/1985), who I

have known from numerous previous contacts.

History with Seim:

I have had knowledge of who Seim was for over 2 years. My knowledge was from a traffic stop in which Seim was cited by me for speeding. After less than a week Seim came to the Soap Lake Police Department and complained about the traffic stop to Police Chief Glenn Quantz. Seim has continued a path of harassment. Seim paid the traffic infraction without contesting the ticket; in fact he paid it in person a couple days after it was issued it.

At a later date, Seim contacted me while I was speaking to a couple of individuals at John's Foods. Seim began filming me at that time and interfered with me during the course of my official duties. Seim was harassing me about details about my patrol car. After a point in the conversation, I left him standing there and drove away. Seim had no reason to contact me except to harass me. I left John's Food and Seim followed me to the Police Station, located 3 blocks away. When Seim arrived at the police department he continued the harassment by cutting me off from entering my office, getting between myself and the entry into the station. Once I was able to get around Seim, he then tried to enter the non-public area of the Police Station. He did this by putting his foot in the door, preventing it from closing and stopping me from getting into my office. Seim then waited outside for me to leave the office. When I re-entered my patrol car, he came over and started pounding on my window for several minutes. I drove off when Seim started speaking with 2 males, who confronted him about filming the cops. I parked nearby, out of sight, however, and observed the contact, in case a situation occurred where law enforcement was needed.

End of history with Seim.

Seim then started walking towards where I was standing with Bonneville and her vehicle. Seim, who had his phone out in his hand, which appeared like he was recording me, started asking why I was out of the City of Soap Lake.

Seim continued to state that I was not allowed to be out of my city, as it was not my jurisdiction, but would not let me state why I was. Seim asked who I was and I advised him that he knew who I was. Seim stated that it was dark out so he could not see, however I observed exactly who it was when he exited his vehicle. I did not have a identifying Seim, even though he was in dark clothing. I did keep distance from Seim, due to his dark clothing and I could not see if he was armed with a firearm. I know through previous contacts that Seim has been very hostile with law enforcement. I know from my recent knowledge of law enforcement contacts with Seim, that he is a very pro-active firearm supporter and is also known to carry firearms on his person. Seim has a very profound documented disdain for law enforcement and has also been recently convicted of interfering with the lawful process. During that particular process of his arrest in Douglas County, Seim resisted arrest with law enforcement officials.

Seim asked Bonneville if he could help her and she stated that he could leave as she was having a private conversation with a police officer. Seim suggested that she call the Grant County Sheriff and Bonneville stated that she only trusts me and that's why she called me.

Seim stated that I am not a good police officer and that I break the law.

Bonneville stated that Seim was wrong and this caused Seim to start laughing. Seim started to walk back to his vehicle, but turned and stated to me that "I'll check in with you later, Mr. Cox".

When Seim stated this, it was not in a tone that was joking, but as if he was threatening me. I firmly believe that, given the chance, Seim would act on a threat due to his hate for law enforcement and his apparent hate towards me. I felt that this was a direct threat towards me, as Seim did not state "officer", but only "Mr." Cox. I believe that Seim is singling me out as a person, and specifically me as an officer. At this time, this was the first time that Seim had openly stated a threat to me. With the recent tragedies of law enforcement officers being ambushed and assaulted for just wearing the uniforms, I believe that Seim is a person that could and would act on his well stated beliefs that police should be done away with in any matter possible.

Both occupants of the vehicle, Bonneville and Cassandra Sue Bickle (DOB 07/12/1986), stated that they thought Seim had just threatened me. Both individuals provided written statements of what had happened. I informed Bonneville that I would look for her son and left the scene.

As I drove off, I turned right onto Franklin Street NW, the right onto Ephrata Ave NW, and then left onto Grant Street NW to head back to Soap Lake to start looking for Bonneville's son. I noticed that a large dark vehicle started to follow me with every turn that I took. This continued until I got back by the Soap Lake Schools on Gingko Street S. This vehicle was very similar to the vehicle that Seim was driving. Speaking with Bonneville, at a later date, when she provided her written statement, she stated that Seim immediately started to follow me when I drove away.

Bonneville' statement:

"Last night on 9-7-15 I was conducting business with Officer Ryan Cox at a location in Lakeview that I asked him to meet at. During our meeting about my 17 year old son running away and me asking Officer Cox to help me find him because I trust Cox because he has always helped me when I needed it and been very kind so I trust him. As I was in the middle of explaining to Cox what was going on with my son Gavin Seim pulls up with his cell phone video camera rolling asking Cox why he was out of his jurisdiction. When Cox politely told him he was conducting business Gavin Seim kept making statements about him being out of his patrol area. Gavin Seim then proceeded to continue to ask Cox questions about why he was in Lakeview and so I got out of my truck and told Gavin Seim that Cox was in Lakeview to help me with something personal and Gavin Seim started asking if I was ok and I told him no that Cox was trying to help me find my son and Gavin Seim was interfering in my personal business and I would like him to turn his camera off and leave and Gavin Seim started saying that Cox was a bad cop and I called the wrong person and I again asked him to leave so Cox could go look for my missing 17 year old son. Gavin Seim then THREATENED Cox SAYING I WILL SEE YOU LATER! I then asked Cox did he just threaten you and if Cox would be ok. Gavin Seim then got back in his SUV parked across the street with his dome light on still filming. As I was leaving Gavin Seim pulled out behind Cox and started following Cox. I feel Gavin Seim violated my personal rights to speak to a police officer without someone that had nothing to do with the situation coming up and asking inappropriate questions and filming on top of all that. I feel very violated by Gavin Seim."

End of sworn statement.

Bickle's sworn statement:

"Shasta Bonneville asked Officer Cox meet her in Lakeview to discuss her son Mathew Bonneville running away, and as we was talking to Cox, Gavin Seim pulled up with him camera recording and started asking Cox why he is out of his jurisdiction and harassing Cox. So Shasta got out of the truck and told Gavin Seims that she asked Cox to meet us in Lakeview regarding my 17 year old Mathew son as runaway. That's where she felt comfortable and to stop filming because it was her personal business and none of Gavin Seim to be filming and Gavin Seims started asking Shasta if she was ok and she said no because you are obstructing Cox from being able to help Shasta find her son and if he would just leave so Cox could do his job that Shasta called him for. She trust Cox and that's why we was there. Cox is very kind every time we see him and Gavin Seim started telling us what a crook Cox is and Shasta made a bad choice by calling Cox. Shasta then told Gavin Seim that its her personal business and to please stop filming her and yet again Gavin Seim turned to Cox with his camera still recording and in a threatening voice said don't worry I will see you later. We both asked Cox if he would be ok as we were concerned for his safety after that. We then continued over conversation with Cox for about 5 to 10 more minutes. As Gavin Seim continued filming from across the street as we were leaving Gavin Seim pulled out behind Cox and started following Cox as he went to start his search for Shasta's 17 year old son."

End of sworn statement.

At this time I have probable cause for arrest on Seim for RCW 9A.72.110 "Intimidating a witness" for his stated threat towards me on the contact. Seim, knowing that when I cited him for speeding in 07/05/2013, that I may have been called as a witness, if a hearing or trial had been held for the infraction.

I also have is probable cause to arrest Seim for RCW 9A.46.020 (4) "felony harassment" for directly threatening me while I was performing my official duties as a law enforcement officer.

Finally I have probable cause for RCW 9A.46.110 "Stalking". Seim has intentionally and repeatedly harassed and followed myself in numerous occasions, including 2 incidents where he has filmed me, 1 of which was posted on youtube.com

As stated before, I believe that Seim would act on his threat that was stated to me on video while I was gathering information on a runaway child. I believe that Seim's intentions were to intimidate and harass me while I was performing my official duties. Seim's actions, I believe, are with the intent of retaliating against me for the act of citing him for speeding. With this intent Seim continues to follow, harass, and film me.

Recently, Seim has shown up at another contact where he has made direct threats towards me. In this incident, two reasonable individuals, both independently thought that Seim gave a valid threat and both stated that they were concerned about my safety. Seim has never followed or harassed any other Soap Lake Police Officer, nor any other officer / deputy in Grant County, to the extent of the level of harassment I have received. Seim's harassment has included stating that I am a criminal to the general public with no factual basis.

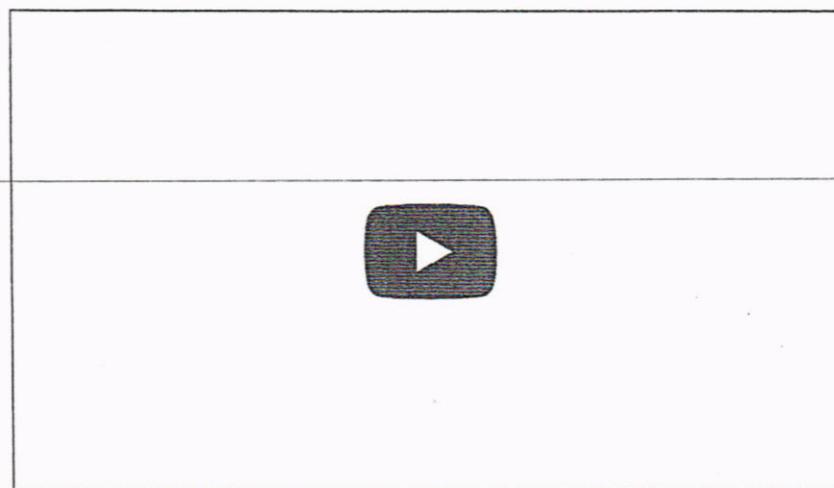
Seim has also taken his level of harassment to violate someone's civil rights

and rights to privacy when she was speaking with a law enforcement officer as he did with Bonneville. Bonneville was going through an emotional time and she wanted to be able to speak with a police officer that she trusted about her son. Seim's presence in this situation, even after asking him to leave, caused Bonneville's right to privacy to become negated.

Seim has been escalating his encounters with me to the point that I believe that Seim is a direct threat to my safety and the safety of any person that could be near me when he contacts me. When Seim shows up on a scene where I am conducting official business, my attention must be diverted from my official duties, to my safety and the distractions created by a person I believe is a danger to all law enforcement and definitely myself. My awareness as a police officer has been heightened by Seim's actions towards me in my official capacity.

RCW 9A.72.085 "I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

Date: 09/08/2015
Reporting Officer: Ryan Cox #503
Agency: Soap Lake Police Department



Gavin Seim Burns Gun Permit, Claims Public Can Buy Bazookas, Tanks

11,560 views

150

34

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Hatewatch

Published on Dec 15, 2014

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AUTOPLAY



Gavin Seim Confrontation (FULL)

iFIBER OneNews

12K views

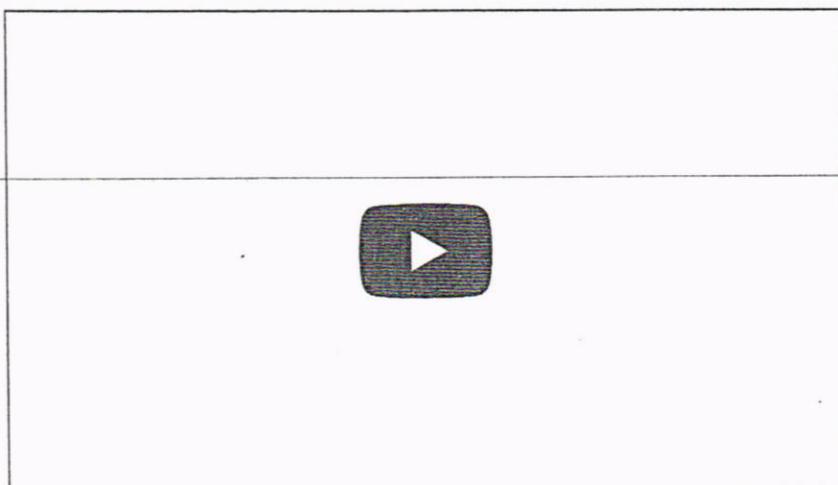
Gavin Seim for Congress - Feb 27th
Live Town Hall

Gavin Seim

Brave Patriots DEFY Federal Gun
Ban in Spokane!!!

Gavin Seim

100K views



Me Dressing Down a Bully Cop!

99,698 views



1K



220



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Gavin Seim

Published on Jan 15, 2016

SUBSCRIBE 165K

These kind of men need to be regarded as the juvenile bullies they are. Expect these bullies carry guns and abuse the citizenry every day with the force of false law.

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AUTOPLAY



Boise Lady Cop Meets Gavin, but
NOT his ID

Gavin Seim

402K views



Cops Assault Man for Suspicion of
LEGAL Gun!

Gavin Seim

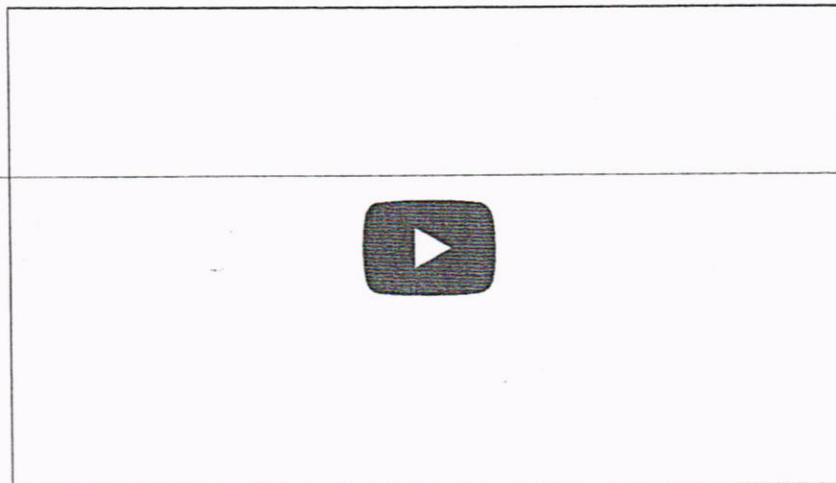
437K views



Cop Lies to my face and I Call Him
Out!

Gavin Seim

14K views



Gavin Teaches Prosecutor LAW During his Trial!

771,565 views



4K



1K



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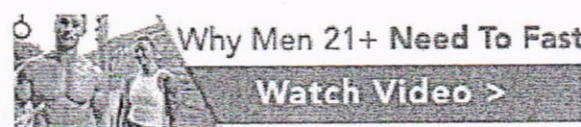


Gavin Seim

Published on Aug 1, 2015

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Gavin Seim addresses questions from the prosecution during his trial for demanding the Constitution be followed in court. -- See all the videos and what happened here:

[SHOW MORE](#)[Watch Video >](#)

Up next

AUTOPLAY



I just got out of jail

Gavin Seim

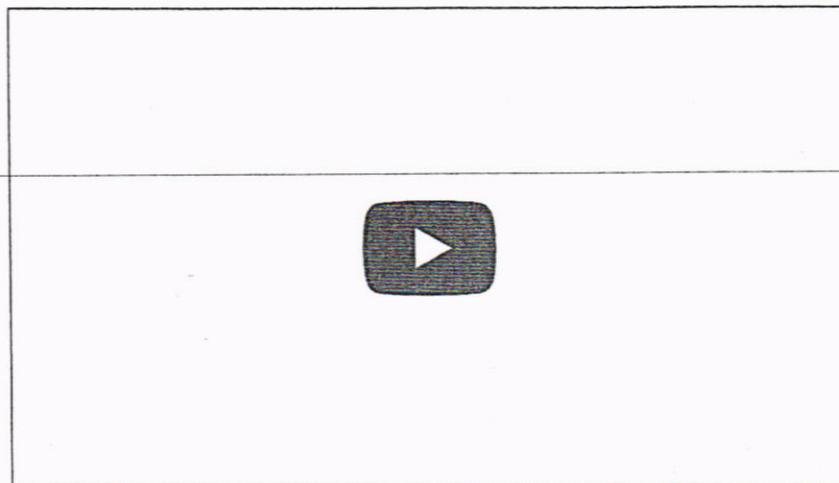
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Stephen Pidgeon DESTROYS Prosecution! Jury Still Convicts!

Gavin Seim

281K views



Cop RUNS from Citizen - Citizen Gives CHASE - Goons Arrive!

3,123,908
views

35K 8K SHARE ...



Gavin Seim
Published on Jul 17, 2015

SUBSCRIBE 165K

THEN local goons show up to deal with the citizen!
Soap Lake City Hall: (509) 246-1211

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AUTOPLAY



Gavin Owns Police Chief; Tossed
from City Hall.

Gavin Seim
936K views



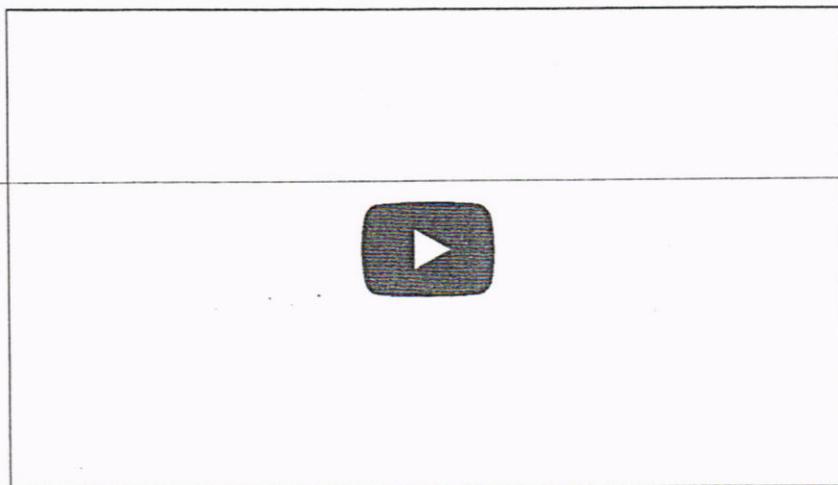
Did I Just Chase Away 20 Cops?

Gavin Seim
42K views



Virginia Police Caught PLANTING
Drugs - 6/2014 CORRUPTION

The Phoenix
2.8M views



I Step in After Cop Throws a Disabled Man!!

1,776,143
views

16K

5K

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Gavin Seim
Published on Feb 1, 2017

SUBSCRIBE 165K

Officer McLauchlan Ephrata Police, (509) 754-2491. We cannot allow another Kelly Thomas killing. On my way home I stopped to monitor. Instead of helping the man the

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AUTOPLAY



Did I Just Chase Away 20 Cops?

Gavin Seim
42K views



Mall Cop Tries To Kick Navy SEAL
Out Of Store For Talking About God

TOP NEWS HEADLINES DAILY
4.5M views



Police stops me while jogging then
handcuffs me

Bedford
2.6M views



Did I Just Chase Away 20 Cops?

42,749 views



1K



129

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Gavin Seim

Published on Apr 22, 2017

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Then they are chased away... I catch Joe Arpaio's thugs harassing these teens while coming to Phoenix Summer 2016. Arizona leaders like to pretend they are

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AUTOPLAY



I just got out of jail

Gavin Seim

50K views



The Murder of 70 year old Robert Vaughan!

Gavin Seim

8.5K views



Cops Threaten to Arrest my Family (Full).

Gavin Seim

29K views