

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**GRANT COUNTY DISTRICT COURT
FOR THE STATE OF WASHINGTON**

STATE OF WASHINGTON,)	Case No. #EPC033031 EPP CN
)	
Plaintiff,)	
v.)	
)	Objection to evidence
GAVIN D. SEIM,)	
Defendant.)	

ISSUE PRESENTED:

The defense objects to all current evidence entered into discovery by the prosecution; with the exception media and call recordings from the event in question , direct witness testimony and videos that specifically include interactions between Officer Canady and Mr Seim.

FACTS:

None of the other evidence entered is relevant to this case, this includes the police reports, which are hearsay under rule RULE ER 801. The prosecution has also entered a plethora of videos, Facebook posts and other media which neither illustrate the merits of the charges, nor have any relationship to the events on the day of arrest. These should be excluded under RULE ER 801, 401 and 402.

Rule 801

(c) Hearsay. "Hearsay" is a statement, other than one made by the declarant while testifying at the trial or hearing, offered

1 *in evidence to prove the truth of the matter asserted.*

2
3
4 RULE ER 401 — DEFINITION OF "RELEVANT EVIDENCE"

5 *"Relevant evidence" means evidence having any tendency to*
6 *make the existence of any fact that is of consequence to the*
7 *determination of the action more probable or less probable than*
8 *it would be without the evidence.*

10
11 RULE ER 402 — RELEVANT EVIDENCE GENERALLY ADMISSIBLE;
12 IRRELEVANT EVIDENCE INADMISSIBLE

13 *All relevant evidence is admissible, except as limited by*
14 *constitutional requirements or as otherwise provided by statute,*
15 *by these rules, or by other rules or regulations applicable in*
16 *the courts of this state. Evidence which is not relevant is not admissible.*

17
18
19 Further, many videos have been included from online broadcasts made by the
20 defendant have been that span years. Even should any of these be deemed relevant, they
21 are excluded under RULE ER 403.

22
23
24 RULE ER 403 — EXCLUSION OF RELEVANT EVIDENCE ON GROUNDS OF
25 PREJUDICE, CONFUSION, OR WASTE OF TIME

26 *Although relevant, evidence may be excluded if it's probative*

1 *value is substantially outweighed by the danger of unfair*
2 *prejudice, confusion of the issues, or misleading the jury, or by*
3 *considerations of undue delay, waste of time, or needless*
4 *presentation of cumulative evidence.*

5
6 The prosecution has entered media that were meant for subscribers of the
7 defendant's channels and which cannot be presented to the jury in their full context, this
8 they will only serve to confuse the jury as to the issues at hand and waste time. The issue
9 is whether the defendant committed the crimes he is accused of, on the day in question.
10 The defense's work as a public speaker addressing many civil and political issues on
11 video channels is not admissible. If the prosecution has a case based on the facts of this
12 arrest, they must prove it beyond a reasonable doubt. Not bore a jury with out of context
13 speeches in hopes of painting the defendant in a light favorable to their case.
14
15

16
17 **CONCLUSION:**

18 We request that the prosecution be allowed to enter only direct and relevant
19 evidence from the day of arrest as required by court rules and as described above.
20
21

22 **DECLARATION:**

23
24 I declared under penalty of perjury under the laws of the State of Washington that
25 the foregoing is true and correct.
26

1 GAVIN SEIM, Defendant

2

3 **IT SO ORDERED:**

4

5

6 Date: _____

7

Judge/Commissioner of the District Court

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26