



October 19, 2018

PDF VIA EMAIL, email@email.com

Peter Weir, District Attorney
500 Jefferson County Parkway
District Attorney Building
Golden, CO 80401

Re: Illegal false statements that mislead voters

Dear Mr. Weir,

Please accept this complaint on behalf of Mr. Grady Nousis, candidate for Colorado State House District 29. Colorado law makes it a misdemeanor to knowingly or recklessly make false statements in order to influence the election of a candidate. Specifically, Colorado Revised Statute § 1-13-109 states as follows:

(1)(a) No person shall knowingly make, publish, broadcast, or circulate or cause to be made, published, broadcasted, or circulated in any letter, circular, advertisement, or poster or in any other communication any false statement designed to affect the vote on any issue submitted to the electors at any election or relating to any candidate for election to public office.

(b) Any person who violates any provision of paragraph (a) of this subsection (1) commits a class 1 misdemeanor and, upon conviction thereof, shall be punished as provided in section 18-1.3-501, C.R.S.

(2)(a) No person shall recklessly make, publish, broadcast, or circulate or cause to be made, published, broadcasted, or circulated in any letter, circular, advertisement, or poster or in any other communication any false statement designed to affect the vote on any issue submitted to the electors at any election or relating to any candidate for election to public office. Notwithstanding any other provision of law, for purposes of this subsection (2), a person acts “recklessly” when he or she acts in conscious disregard of the truth or falsity of the statement made, published, broadcasted, or circulated.

(b) Any person who violates any provision of paragraph (a) of this subsection (2) commits a class 2 misdemeanor and, upon conviction thereof, shall be punished as provided in section 18-1.3-501, C.R.S.

Recently, “Our Colorado Values Independent Expenditure Committee” mailed several communications to voters in House District 29, which contained inflammatory lies. I ask that you investigate this matter, and that prosecute as appropriately, in order to stop this illegal behavior from improperly affecting Colorado elections.

First, multiple pieces of mail, sent by Our Colorado Values Independent Expenditure Committee falsely claimed that Mr. Nouis physically assaulted a pregnant woman. Specifically,

- On October 15, 2018, voters received a mailer that prominently stated in all capital letters “GRADY NOUIS AND HIS FRIENDS PHYSICALLY AND VERBALLY ASSAULTED A PREGNANT WOMAN.” (**Exhibit A**) The organization cited as a source “Nouis Facebook Video, 6/10/17.”
- The same mailer stated “Grady Nouis and his friends berate a pregnant woman and intentionally push her into other people.” (**Exhibit A**) The organization again cited as a source “Nouis Facebook Video, 6/10/17.”
- On October 9, 2018, voters received a mailer that stated “Nouis and other men forcibly bump a pregnant woman into rally-goers.” (**Exhibit B**) Again, the organization cited as a source “Nouis Facebook Video, 6/10/17.”
- On October 10, 2018, voters received mailers that stated “. . . a group of men Grady Nouis is with intentionally bump a pregnant woman.” (**Exhibit C**) Yet again, the organization cited as a source “Nouis Facebook Video, 6/10/17.”

A review of the video shows that Mr. Nouis at no time touched, pushed, or bumped a woman, let alone a pregnant woman. It does show two men bumping a woman, but Mr. Nouis does not know, and has never known, who those two men are. So it is false to claim that those men were his friends or that he was “with” those men. And nothing in the video provides any indication that the men were Mr. Nouis’ friends, or that they were “with” Mr. Nouis.

The people who pushed the mail pieces intentionally lied about Mr. Nouis, because the video itself directly refutes the claims in the mail pieces.

The facebook video, itself, remains on Mr. Nouis’ facebook, but the setting has been set to private. Mr. Nouis is willing to provide you access to the video.

Second, the same two fliers, in multiple instances, falsely state that Mr. Nouis “verbally assaulted a pregnant woman (**Exhibit A**), or was “bullying” her (**Exhibit B**). The video shows the exact opposite. The woman to whom the video apparently refers physically blocked Mr. Nouis’ from leaving an assembly, while her companion simultaneously yelled insults to Mr. Nouis and others using a high-volume megaphone. Mr. Nouis’ actions, as seen in the video, do not constitute “verbal assault” or “bullying” under any meaning of those words.

Again, these are intentional lies, because the video itself refutes the claims made in the fliers.

Third, several mail pieces falsely state that Mr. Nouis belongs to American Freedom Keepers, and associates with “violent white supremacists.”

On October 9, 2018, voters received a mailer that stated “Nouis has been named as a member of the organization AFK, a white supremacist group . . .” The mailer also states, more boldly, that Mr. Nouis “Associat[ed] with violent white supremacists.” As support for both statements, the organization cites:

- “Westword 7/4/17”
- “Colorado Capitol Rally, July 4, 2017, attended by American Freedom Keepers, 7/14/17,” and
- “ABC News, 06/15/2017.” (**Exhibit B**).

Mr. Nouis is not, and has never been, a member of AFK (also known as American Freedom Keepers). And the sources cited by Our Colorado Values Independent Expenditure Committee do not name Mr. Nouis as a member. Further, he did not associate himself with any white supremacist group, and none of the cited sources show him in any manner “associating” with white supremacists or members of AFK.

Both statements are intentional lies, unsupported by even the sources cited in the mail pieces.

Our Colorado Values Independent Expenditure Committed made these false statements. According to records maintained by the Colorado Secretary of State, the organization is located at xxxx and Ms. Ashley Stevens (phone number xxxx) is the registered agent.

Upon information and belief, the organization is run and directed by David Oppenheim, and according to publicly available records he owns a condominium and resides at xxxx. He is the Colorado State Director for the State Innovation Exchange and is a well-known Democratic Party operative. If in fact he caused these mailers to be sent, I ask you to hold him accountable for violating Colorado law. Likewise, if other individuals are responsible for the mailers they, too, should be held accountable.

Please feel free to contact me at xxxx if you have questions or require additional information.

Very truly yours,
KLEND A GESSLER & BLUE, LLC



By: _____
Scott E. Gessler