



OFFICE OF THE STATE PUBLIC DEFENDER

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STATE PUBLIC DEFENDER

September 21, 2023

Jennifer L. M. Ahnstedt, # 28733
Lead State Training Director
Office of the State Public Defender, Colorado
1300 Broadway, Suite 400
Denver, Colorado, 80203
303-764-1400
Jennifer.Ahnstedt@coloradodefenders.us

Andrew Branca, Esq.
200 S. Wilcox St., Suite 186
Castle Rock, CO 80109

Mr. Branca,

I did not have the opportunity to meet you when you presented at our Annual Conference last week. My name is Jennifer Ahnstedt, and I am the lead state training director for the Colorado Public Defender's Office. We recognize that you volunteered your time to testify as an expert for one of our clients who was facing charges in Colorado Springs, and to present at our conference. Unfortunately, I feel compelled to write you in my role as the lead training director, on behalf of the CO Public Defender system, including senior management and the training department, to alert you to the racial and gendered harm your direct interaction with some of our defenders, and your lecture caused our colleagues who are Black, Indigenous, People of Color (BIPOC), and female.

Since the conference, we have had an opportunity to look at your website and your twitter feed. In hindsight, it was a mistake not to do that prior to bringing you in to present. Instead, we acted on the mistaken belief that because you testified gratis as an expert on behalf of a public defender client and were open to presenting at our conference that your views on equity and inclusion were aligned with our agency's values. Had we seen that material prior to your lecture, we would not have brought you in to speak because of the likelihood that we would have a situation precisely like the one that arose. The values you espouse in the public domain, while protected by



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the First Amendment, are repugnant to our agency's core values. They are in direct conflict with our mission and the work we do in the state to try to ensure our colleagues and clients who are members of minoritized groups are treated with equity and inclusivity.

Your public media presence aside, I am hopeful that by sharing with you the negative impact your behavior outside of session and during your presentation had on our staff, you will take affirmative steps to avoid inflicting such racial and misogynistic harm on future audiences.

While you did not openly verbalize the racist, misogynistic, anti-LGBTQ+ views you post on the internet at our conference, you did treat Black women, and women generally with disrespect and disregard consistent with those views. You arrived at the space where you were scheduled to present well before your presentation was scheduled to begin and found that the room was already in use for yoga by several women, including female BIPOC defenders and a BIPOC mental health expert associated with our agency. Rather than reacting with professionalism by leaving the space until your presentation, you continued into the room, making noise, disrupting the session, and turning what was a sanctuary space for those defenders into a harmful and toxic space. When a Black female defender attempted to bring your disruptive behavior to your attention, you behaved as if the problem was her reaction to your conduct, rather than your conduct. Your response was a gendered racist microaggression against the very defenders for whom the conference was being offered and who you signed on to educate. I was not made aware of your insulting mistreatment of these public defenders until after you gave your presentation, or I would have cancelled your session and avoided additional harm.

I did not attend your session. I have since reviewed the recording and am familiar with the content – both your words and the images you put on the screen. From your website, social media presence, and your email exchange with Ms. Chalmers it seems that you offer this training frequently. I imagine that your audiences include members of the BIPOC community as ours did. In the event you are not aware of how aspects of your presentation cause racial harm to the BIPOC community, I am sharing this information with you in the hopes that once alerted you will choose to avoid inflicting the same harm again. The portion of your presentation that is racially offensive is the section in which you show pictures of fake and real guns.

Despite being asked to provide your presentation in advance of the conference, you told Ms. Chalmers that you would be “fine-tuning” your presentation. The slides that you inserted exceed what could reasonably be construed as fine-tuning. The slides you added, without our consent, are racially insensitive and perpetuate a narrative of police murders of children like Tamir Rice, Jor'Dell Richardson and the police shooting of a 15-year old as yet unnamed Hispanic child in Fresno that we categorically reject as false. The timing of your insertion of the slides raises troubling questions



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about whether your decision to hide them from us was intentional. Had you shown us these slides in advance we would have asked you to remove them or not allowed you to present. We were not given the opportunity to do either. Your decision to include these slides did real harm to our Black and brown defenders, all of whom have a right to expect conference will be a safe and inclusive environment for them to learn.

Your position that the police murders of Tamir Rice and Jor'Dell Richardson and the shooting of an unnamed Hispanic child were justified because these children were holding toy guns in not just offensive, it is legally and morally untenable. Your assertion that that these officers' actions were legally justified self-defense because they had formed a mistaken but reasonable belief the three children posed a lethal threat to them. In so doing, you ignored the structural systemic racism woven into the fabric of this country, the historical encouragement of governmental, private, and police abuses against the BIPOC community, and the dehumanization of minoritized people that continues unabated in this country. This history and current environment are the reasons those officers were not held liable for their actions, not a mistaken but reasonable use of force in self-defense. In calling the shootings a justified use of force you inflicted racial harm on the Black and brown defenders present, as well as the broader BIPOC community by perpetuating that narrative.

I say that your presentation caused harm not rhetorically but because one of our African American defenders refused to continue to listen to your skewed description of these murders as reasonable self-defense and walked out of your presentation. He approached me and thankfully was willing to talk with me about his experience in your presentation so that we could address it as an agency. He was visibly angry and upset. This lawyer described to me what you said in your presentation and explained to me superficially some of the negative emotions your presentation triggered in him. Compounding the harm, when this defender tried to get your attention during the presentation to address the distorted narrative, you refused to recognize him.

We are aware you have no obligation to change your behavior or your presentation, and given your web presence, you may also have no such inclination. At the same time, I know I have inflicted racial and gendered harm without intending to, and sometimes without recognizing I had. I write in the hope that by bringing these negative impacts of your conduct to your attention, you will take this opportunity to reflect on, and not repeat them.

I know that we agreed to provide a copy of the recording we made of your session. We agreed to do so based on your agreement that we could maintain a copy of the recording for our staff to review if they were not in attendance. We are not keeping a copy of the video, instead it will be destroyed and not disseminated further by this agency. As such, we will not provide a copy.



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Our agency is severing ties with you as a retained (for free or for fee) expert on any future Colorado State Public Defender cases. Because of your racist and gendered behavior towards female and BIPOC defenders, and your decision to include racially charged slides in your talk without presenting them to us for review, you do not have permission to claim in any way, tacit or express, that our agency endorses or supports you as an expert, including but not limited to posting on your website or on other social media platforms that you presented at the OSPD conference.

Lastly, prior to your presentation, prior to reviewing your social media presence, and prior to learning as a leadership and training team about your interactions with our staff, you were given a public defender t-shirt as a symbol of our gratitude. Please either return the shirt to me at our agency at the above address or destroy it. Given the variance between the views you promote and the ones we pursue, you do not have our permission to post images of the shirt on your various social media accounts.

Pushing for progress,


Jennifer L. M. Ahnstedt #28733
Lead State Training Director, Colorado Office of the State Public Defender