DISTRICT COURT, ALAMOSA COUNTY, COLORADO, 8955 Independence Way Alamosa, CO 81101	DATE FILED June 30, 2025 10:04 PM
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff, v. BARRY LEE MORPHEW, Defendant.	
JANE FISHER-BYRIALSEN, #49133 FISHER & BYRIALSEN, PLLC 4600 S. Syracuse Street, 9th Floor Denver, CO 80237 (202)256-5664 Jane@fblaw.org DAVID BELLER, #35767 RECHT KORNFELD, P.C. 1600 Stout Street, Suite 1400 Denver, CO 80202 (303)573-1900 Fax: (303) 446-9400 david@rklawpc.com	Case Number: 25CR128 Division C

MOTION TO REQUIRE NOTICE AND CONSENT OF COUNSEL PRIOR TO ANY ATTEMPTED CONTACT WITH THE DEFENDANT BY LAW ENFORCEMENT (D-004)

COMES NOW Barry Morphew, by and through counsel, and hereby moves this Court for an order requiring the Office of the District Attorney, any other law enforcement personnel, and/or their agents to (a) obtain the consent of defense counsel before attempting to contact or interview Barry Morphew and (b) to give said counsel reasonable opportunity to be present prior to any contact by any of those agents with Barry Morphew for any purpose.

1. Barry Morphew hereby exercises the rights to remain silent and privileges against self-incrimination and rights to counsel under the Federal and State Constitutions. U.S. Const., Amends V, XIV; Colo. Const., art. II, §§ 3, 16, 25. See, e.g., *Massiah v. United States*, 377 U.S. 201 (1964); *People v. Pierson*, 670 P.2d 770 (Colo. 1983); *People v. Cerezo*, 635 P.2d 197 (Colo. 1981). See also *Edwards v. Arizona*, 451 U.S. 477 (1981); *United States v. Henry*, 447 U.S. 264 (1980); *Maine v. Moulton*, 474 U.S. 159 (1985).

2. Mr. Morphew does not wish to be interviewed, contacted, questioned or communicated with by any state agents unless his attorney is present. Mr. Morphew wishes all contacts with state agents to take place through legal counsel.

3. Consent of opposing counsel is required by the Colorado Rules of Professional Conduct 4.2 to the extent the requesting interviewer is acting under or at the direction of an attorney.

WHEREFORE, Barry Morphew respectfully moves this Court for an order requiring the Office of the District Attorney, any other law enforcement personnel, and/or their agents to (a) obtain the consent of defense counsel before attempting to contact or interview Barry Morphew and (b) ensure that counsel for Mr. Morphew are present prior to any contact by any of those agents with Barry Morphew for any investigative purpose unrelated to his general daily housing and incarceration needs.

Respectfully submitted this 30th day of June, 2025.

FISHER & BYRIALSEN, LLC

/s/ Jane Fisher-Byrialsen
Jane Fisher-Byrialsen, #49133

RECHT KORNFELD, P.C.

/s/ David Beller
David Beller, #35767

Certificate of Service
I hereby certify that on June 30, 2025 I caused the foregoing to be filed with the Alamosa County District Court and a copy of the same to be served on the Alamosa County District Attorney's office via CCE-File Service.

/s/ David Beller