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| DISTRICT COURT, ALAMOSA COUNTY, COLORADO,<br>8955 Independence Way<br>Alamosa, CO 81101   | DATE FILED<br>June 30, 2025 9:51 PM          |
| THE PEOPLE OF THE STATE OF COLORADO,<br>Plaintiff,<br><br>v.<br><br>BARRY LEE MORPHEW, Defendant.   |  |
| JANE FISHER-BYRIALSEN, #49133<br>FISHER & BYRIALSEN, PLLC<br>4600 S. Syracuse Street, 9th Floor<br>Denver, CO 80237<br>(202)256-5664<br><a href="mailto:Jane@fblaw.org">Jane@fblaw.org</a><br><br>DAVID BELLER, #35767<br>RECHT KORNFELD, P.C.<br>1600 Stout Street, Suite 1400<br>Denver, CO 80202<br>(303)573-1900<br>Fax: (303) 446-9400<br><a href="mailto:david@rklawpc.com">david@rklawpc.com</a> | <hr/> Case Number: 25CR128<br><br>Division C |
| <p align="center"><b>NOTICE OF REVOCATION OF WAIVERS AND INVOCATION OF ALL<br/>         STATUTORY, CASE LAW, AND CONSTITUTIONAL PRIVILEGES AND RIGHTS<br/>         (D-003)</b></p>  |  |

COMES NOW Barry Morpew, by and through counsel, hereby notifies the District Attorney's Office, this Court, and/or all law enforcement agencies of his revocation of any previous waivers and hereby asserts broadly all statutory, case law, and constitutional privileges and rights.

1. Mr. Morpew hereby revokes any consent he has previously given to search or seize anything. Any releases or waivers previously exercised that would allow access to records or waive any of these privileges and provide access to the government, law enforcement, or any agents acting on behalf of the government or law enforcement are hereby revoked.
2. Mr. Morpew hereby revokes any alleged prior waivers of his State and Federal constitutional or statutory rights, including but not limited to alleged waivers of his rights to remain silent, rights to legal representation and counsel when being questioned, and consent forms allowing search or seizure of his person, home, car, personal effects,

electronics, and other property without a warrant.

3. Mr. Morphew does not consent to any searches, seizures, interrogations, or release of any records to the government, law enforcement, or any agents acting on behalf of the government or law enforcement.
4. Mr. Morphew asserts his rights to remain silent and to have an attorney. He does not wish to speak to any agents of law enforcement about any matter, unless and until his attorney is present. This motion is an unambiguous invocation of his right to counsel and his right to remain silent. He is invoking his right to counsel and his rights to remain silent as they pertain to any conversations with law enforcement about any matter, and not just in regard to the pending criminal charges against him. See *United States v. Santistevan*, 701 F.3d 1289 (10<sup>th</sup> Cir. 2012).
5. Mr. Morphew expressly invokes the following:
  - All privileges granted under C.R.S. § 13-90-107.
  - All privileges in school, employment, social services, or any other records Mr. Morphew has a confidentiality expectation through federal and state statutes and case law, administrative regulations and rules, or federal and state constitutional provisions, or the agency's own statements to Mr. Morphew, either oral or written.
  - All medical and psychiatric, treatment, and other privileges afforded to Mr. Morphew under the Colorado and United States constitutions and C.R.S. § 13-90-107 as to all medical, psychiatric and/or psychological treatment Mr. Morphew has ever received.
6. Mr. Morphew requests that this Court specifically order that no member of the Office of the District Attorney, law enforcement, or any person or agency specified in Rule 16 (a)(3) of the Colorado Rules of Criminal Procedure or their respective agents and/or reporting agencies attempt to obtain confidential information pertaining to Mr. Morphew.
7. Mr. Morphew does not authorize any person to waive said privileges on his behalf.
8. Mr. Morphew invokes all state and federal constitutional rights, including but not limited to his rights to remain silent and rights to counsel under the Fifth, Sixth, and Fourteenth Amendments of the United States Constitution, Sections 16 and 18 of Article II of the Colorado Constitution, and C.R.S. §21-1-104(1)(b).
9. Mr. Morphew asserts his rights under the Fourth Amendment of the Federal Constitution and Article II §7 of the State Constitution to be free from warrantless searches and seizures

of his person, property, and effects. He does not consent to any warrantless search of his person, property, or personal effects.

10. Mr. Morphew invokes his right to be present at all stages of the proceedings against him.
11. Mr. Morphew asserts his rights to due process of law and to a fair trial by impartial jury.
12. Mr. Morphew further asserts his right to have his counsel present during any and all procedures that entail, but are not limited to, Mr. Morphew being placed in a show-up, or lineup.
13. Mr. Morphew asserts his right to have his counsel present during the testing of any evidence that may in any way be destroyed, altered or depleted during testing.
14. Mr. Morphew asserts his rights under the Fourth Amendment of the Federal Constitution and Article II §7 of the State Constitution to be free from warrantless searches and seizures of his person, property, and effects. He does not consent to any warrantless search of his person, property, or personal effects.
15. By naming certain rights Mr. Morphew is invoking above, he does not intend to limit his invocation to those rights. This invocation must be construed broadly as it is intended.

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.

David Beller