

<input type="checkbox"/> County Court <input type="checkbox"/> District Court Alamosa County, State of Colorado 8955 Independence Way Alamosa, CO 81101	DATE FILED August 29, 2025 3:28 PM ▲ COURT USE ONLY ▲
PEOPLE OF THE STATE OF COLORADO v. BARRY MORPHEW AKA: Barry Morphey Defendant	Case No. D0022025CR000128 Div: D Ctm:
Anne E Kelly, District Attorney Twelfth Judicial District District Attorney, #38885 Frederick H. Johnson Special Deputy District Attorney, #42479 Office Of The District Attorney 426 San Juan Avenue Alamosa, CO 81101 Phone Number: 8719-589-3691	
PEOPLE'S RESPONSE TO DEFENDANT'S MOTION TO REDUCE BOND (D-007)	

Anne Kelly, District Attorney in and for the Twelfth Judicial District, State of Colorado, respectfully responds to Defendant's Motion, and states as follows:

RELEVANT FACTS

The Twelfth Judicial District Grand Jury returned an indictment charging the Defendant with murder in the first degree on June 18, 2025 for killing his wife, Suzanne Morphey. The Defendant was charged with the same crime in 2021 prior to the discovery of Ms. Morphey's remains in 2023. That case was dismissed without prejudice in a different judicial district. As the Indictment makes clear, the evidence against the Defendant is more robust than the evidence presented in the 2021 case. Significantly, Ms. Morphey's remains were found after the 2021 case was dismissed. The People will present evidence that the remains of Ms. Morphey contained a chemical compound that the Defendant had practically exclusive access to at the time of Ms. Morphey's disappearance.

During the course of their investigation, police acquired information about the travel patterns and financial patterns that raise concerns about the Defendant's ability to absent himself from the jurisdiction to avoid prosecution. For example, through the use of license plate reader technology, law enforcement learned that the Defendant has traveled in two different vehicles with the same license plate (Indiana

F397FR) through several states from 2023 to 2025. He traveled to Indiana, Missouri, New Mexico, Arizona, Utah, Florida and Wyoming. The Defendant has the means to travel internationally. Law enforcement learned that the Defendant traveled to Mexico after the 2021 case was dismissed. Law enforcement further learned that the Defendant has significant means to finance an absconding plan. He purchased a condo out of state for his daughter and transferred the deed to his daughter's name. While jailed, he has communicated about the value of the stock he sold and the substantial rental income he is collecting on his properties in Arizona. Law enforcement has obtained communications about the Defendant transferring money between accounts with his daughter and providing for this daughters' living expenses.

The Defendant has used and continues to use an alias. He refers to himself as "Lee" while he has been in custody and appears to continue to conduct business in Arizona using that alias.

LEGAL ARGUMENT

C.R.S. 16-4-103 identifies relevant factors the Court may consider in determining the method and conditions of a defendant's release on bond. After consideration of all of the statutory factors in C.R.S. 16-4-103, a trial court's determination of bond is reviewed only for abuse of discretion. *People v. Hoover*, 119 P.3d 564 (Colo. App. 2005). The Defendant correctly listed the statutory factors in his Motion. The Defendant argues that the \$500,000 bond he posted in the 2021 case was sufficient to ensure his appearance in court. This case, however, is a very different case. If convicted at trial on arguably much stronger evidence, the charge against the Defendant requires a mandatory life sentence. The Defendant's circumstances are different than they were in 2021. *People v. Blagg*, 340 P.3d 1137, 1141 (Colo. 2015) (considering change of circumstances related to statutory factors relevant in determination of bond amount and conditions). There is evidence that the Defendant has substantial means increasing the Defendant's flight risk. *People v. Fallis*, 353 P.3d 934, 935-36 (Colo. App. 2015) (considering flight risk as a factor in setting of bond amount and conditions). Moreover, the Defendant has demonstrated a willingness to take actions that conceal his identity like using an alias and interchanging vehicles with the same license plate increasing the Defendant's flight risk.

The bond set by the Court is not unreasonable in comparison with other murder cases in the 12th Judicial District. A defendant with significantly less ability to abscond, Henry Corral, was recently convicted of murder in the first degree (Alamosa 24CR115). The Court set Mr. Corral's pretrial bond at \$5,000,000 cash only. Similarly, Larry Chavez, a defendant accused of murder in the first degree, must post \$5,000,000 cash or surety to be released on bail (Alamosa 24CR142).

Many of the facts the Defendant relies upon in his motion have already been considered by the Court in setting the original bond. In setting bond in this case, the Court acknowledged the Defendant's compliance with bond conditions in the 2021 case. The Court also considered the Defendant's limited criminal history. Finally, the Court evaluated its bond decision in light of the amount and conditions of the Defendant's previous bond in 2021 noting that the alleged facts of the present case are distinct. There are no new material facts raised in Defendant's Motion that warrant a reduction in bond.

Wherefore, based on the above the People respectfully request that this Honorable Court DENY the Defendant's Motion to Reduce Bond.

Dated August 29, 2025

Anne E Kelly
District Attorney

/s/ Anne E. Kelly
Anne E Kelly, 38885