DISTRICT COURT, ALAMOSA COUNTY, COLORADO, 8955 Independence Way Alamosa, CO 81101	
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff, v. BARRY LEE MORPHEW, Defendant.	_____
For the defendant Barry Morphew: JANE FISHER-BYRIALSEN, #49133 FISHER & BYRIALSEN, PLLC 4600 S. Syracuse Street, 9th Floor Denver, CO 80237 (202) 256-5664 Jane@FBLaw.org DAVID M. BELLER, #35767 RECHT KORNFELD, P.C. 1600 Stout Street, Suite 1400 Denver, CO 80202 (303) 573-1900 david@rklawpc.com	Case Number: 25CR128 Division C
UNOPPOSED MOTION TO CEASE UNMONITORED LIVESTREAM OF COURT PROCEEDINGS (D-009)	

COMES NOW Barry Morphew, by and through counsel, David M. Beller of Recht Kornfeld, P.C., and Jane Fisher-Byrialsen of Fisher & Byrialsen, PLLC, and moves to cease livestreaming court proceedings, and instead, adopt an alternative means of remote public viewing via a verified account on WebEx so that visitors (and potential abusers) are identified and IP addresses are trackable, as opposed to the unmonitored livestream. This motion is made pursuant to C.R.S., § 13-1-32(3.5)(a)(IV), Article II, sections 14 and 25 of the Colorado Constitution, and Amendments VI and XIV of the United States Constitution. The People do

not oppose the relief requested, but due to their private schedules, have not seen the final version of the contents of this motion.

As grounds, Mr. Morphew states:

1. Section 13-1-132 (3.5)(a) provides that all criminal court proceedings conducted in open court shall be "available for remote public viewing and listening in real time…through an online platform, which may include a participatory web conferencing platform…." C.R.S.

2. There are exceptions, however. Remote public viewing is not required if, "based on the particular facts and circumstances of the case," this Court finds:

> (A) There is a reasonable likelihood remote observation of live proceedings risks compromising the safety of any person; the defendant's right to a fair trial, including violations of sequestration orders; or the victim's rights pursuant to section 24-4.1-302.5(1)(a); and
>
> (B) There is no less restrictive alternative that preserves the public interest in remote observation while mitigating the identified risk.

C.R.S. § 13-1-32(3.5)(a)(IV).

3. As used in § 13-1-32 (3.5)(a)(IV)(A), "risks compromising the safety of any person" include risks to physical and emotional safety, intimidation, and harassment. §13-1-32(3.5)(b). Here, livestreaming has invited countless unsavory characters into the lives of all parties, witnesses, victims, counsel, and members of the judiciary and provided them with unfettered access to harass and abuse.

4. Livestreaming is available for most criminal cases in Colorado by going to the website www.live.coloradojudicial.gov. The home screen landing page prominently states in two places, in two fonts: "Warning: Do not record or reproduce the court proceedings. Any recording of these proceedings—including any audio recording, visual recording, screen capture, or photograph—without the express prior written authorization of the court is prohibited and may subject you to contempt proceedings, including a fine, jail, or both. For more information, please see Chief Justice Directive ("CJD") 23-02 and C.R.S. § 13-1-132."

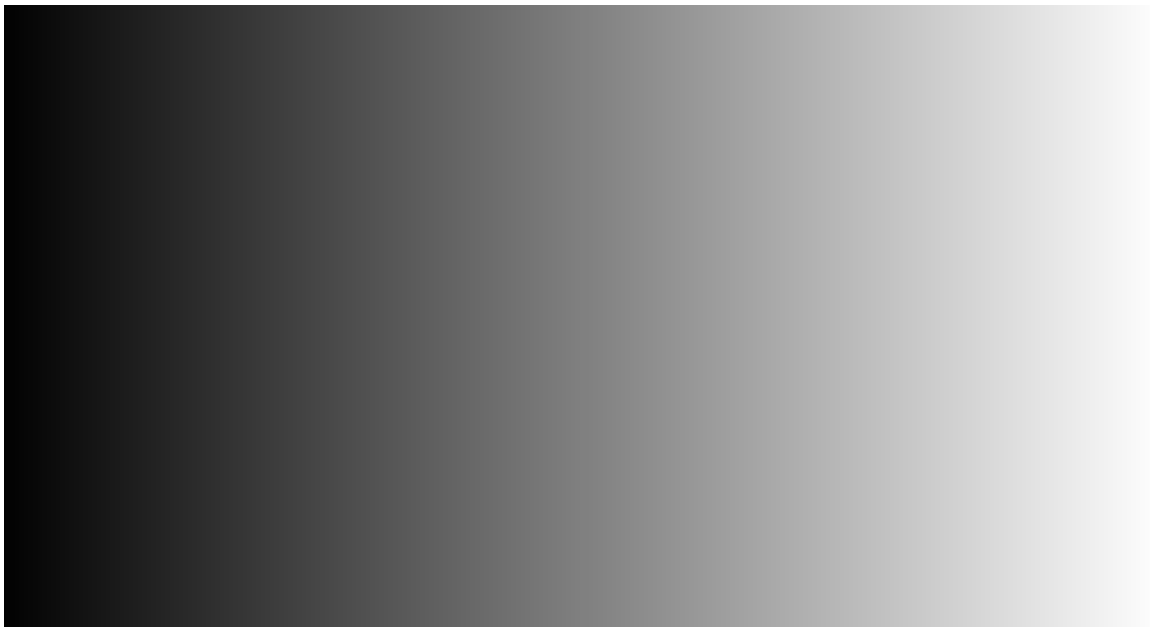
5. Despite statutory and CJD prohibitions, and the warnings stated above, the status conference hearing held on September 2, 2025, was livestreamed by at least two

YouTube user accounts, reaching viewers in this judicial district, in Colorado, across the country, and throughout the world. Multiple ads/commercials interrupted the broadcast[1]. While [redacted] only has 100 subscribers, "JLR Investigates" has 432,000.

6. As of September 16, 2025, the JLR broadcast and livestreaming of the September 2, 2025, hearing has over 17,000 views and counting on YouTube.com.

7. The filming and simultaneous broadcasts include everything that could be seen on the livestream, including a view of the victims and everyone else in the courtroom. The names of those admitted into this Court's Webex are also displayed. JLR also filmed himself committing contempt of court by livestreaming the hearing:

[1] In this motion, the livestream imaged on the left below is referred to as the "JLR" broadcast and the livestream imaged on the right below is identified as the [redacted] broadcast.)



8. Notably, both broadcasts include the prominent display of the livestream notice that proceedings may not be recorded or transmitted:

9. The contemporaneous commentary emblazoned across the courtroom images throughout the JLR broadcast is venomous and threatening towards not only Mr. Morphew, but also his daughters, who are victims in this case. Some examples:

10. After the court hearing concluded, JLR commented for some 15 minutes about the Court's ruling, Mr. Morphew, and the deficiencies of the prosecution and the defense. He followed up by posting the same on X (formerly Twitter).

11. JLR pledged to continue live broadcasting all the way through the trial. [JLR Broadcast, at 1:03:35].

12. JLR Investigates is Jonathan Lee Riches. A quick search on Wikipedia reveals the following summary:

> Jonathan Lee Riches is a convicted felon[2] known for the many lawsuits he has filed in various United States district courts…. He was arrested for violating his federal probation in December 2012, when he left the Eastern District of the state of Pennsylvania without permission. He drove to Connecticut and impersonated the uncle of Adam Lanza, the shooter in the Sandy Hook Elementary School incident.

https://en.wikipedia.org/wiki/Jonathan_Lee_Riches (accessed 9/16/2025).

13. Mr. Riches' identity is corroborated by the logo he places in the corner of his videos:

[2] See *United States v. Riches*, 176 F. App'x 480 (5th Cir.) (dismissing appeal following plea of guilty to conspiracy to commit wire fraud and for wire fraud), *aff'd*, 127 S.Ct. 518 (2006).

14. A Westlaw, PACER, and CCES search reveals multiple findings of vexatious filings by Mr. Riches, including filing suits in U.S. District Court for the District of Colorado. E.g.: *Riches v. Swine Flu,* 1:2009cv01076; *Riches v. Beavis and Butt-Head,* 1:2009cv01329; and *Riches v. The Ghostbusters,* 1:2009cv01606. In Colorado District Court, Mr. Riches filed cases against former Denver Nugget Allen Iverson, Denver County 2007CV010164; former Denver Bronco coach Mike Shanahan, Denver County 2008CV9355; and former Denver Nugget Carmelo Anthony, Denver County 2009CV4749. Mr. Riches also claimed to "represent" Aurora theater shooter James E. Holmes in an eviction action in Adams County case 2012C54801. Mr. Riches wrote to the judge, "My name is Jonathan Lee Riches and I represent James Holmes. I seek the return of all the property in James Holmes apartment. This is my property. I met James in computer Hacking chat rooms in the mid 1990s [Mr. Holmes was born in 1987] and we lived together and I financed all of the property related to this case. I'm also very famous and high profile. Please google me. James is alco innocent and I can be found on "James Holmes is Innocent" Facebook group." Mr. Riches then provides his then-home address in Westchester, PA.

15. For over a decade, federal courts restricted Mr. Riches' ability to file vexatious lawsuits and motions. E.g., *In re Genetically Modified Rice Litig.,* No. 4:06MD1811 CDP, 2008 WL 4966722, at *1 n. 2 (E.D.Mo. Nov.19, 2008) (citing Wikipedia, *supra*); *Solliday v. Dir. of Bureau of Prisons*, No. 11-CV-2350 MJD/JJG, 2014 WL 6388568, at *2 (D. Minn. Nov. 14, 2014) (reporting that a 2014 ECF/Pacer search indicated that at that time, Mr. Riches had been a party to 3,668 cases). The U.S. District Court for the District of Colorado is one of many courts that have restricted Mr. Riches' filings. E.g., *Riches v. Sheindlin,* No. 10-CV-02085-BNB, 2010 WL 4237704, at *2 (D. Colo. Oct. 21, 2010) ("The instant action is another example of the attempts by Mr. Riches, using absurd aliases, to initiate cases in this Court that make bizarre allegations, often naming as defendants newsmakers and celebrities, both fictional and nonfictional.").[3]

[3] E.g., *Bradford Co. v. Afco Manufacturing, et al.*, Case No. 1:05-cv-449, 2008 WL 11351632 (S.D. Ohio Aug. 5, 2008, imposing sanction upon Jonathan Lee Riches) (Noting Mr. Riches had filed thousands of lawsuits and motions to intervene, imposing sanctions, and stating: "To describe Mr. Riches as a 'frequent filer' would be an

16. Mr. Riches is a fraudster and convicted felon. In the United States District Court for the Southern District of Texas, in case 4:03-cr-0090-2, later transferred to the Eastern District of Pennsylvania in case 2:12-CR-517, Mr. Riches was charged with sixteen various counts of fraud, conspiracy to commit fraud and money laundering, and aiding and abetting wire fraud. The court sentenced him to the Bureau of Prisons for a term of 125 months. Thereafter, Mr. Riches was found in violation of his supervised release. The District Court sentencing order on violation of supervised release includes concurrent sentencing with the Court of Common Pleas, in Chester County, PA, in case 97-CR-500.

17. While counsel did not check every state for court records of Mr. Riches, the Pennsylvania Court of Common Pleas alone lists the following docket matters for Mr. Riches: CP-15-SA-169; CP-15-CR-635; CP-15-CR-634; CP-15-CR-633; CP-15-CR-501; CP-15-CR-500; CP-15-CR-499; CP-15-CR-461; CP-15-460, CP-15-CR-4339. Amongst the many charges includes harassment; intercepting communications; stalking; ethic intimidation; disclosing and intercepting communications.

18. Within a year of discharging his federal supervised release, on July 11, 2018, a grand jury for the United States District Court for the District of Arizona in case 4:18-cr-01369 indicted Mr. Riches for filing false and fraudulent writings, in violation of 18 U.S.C. § 1001. Mr. Riches, posing under the name Jared Lee Loughner, sued former

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understatement. … The allegations of his complaints are baseless, fantastical and delusional."); *Riches v. Parcells*, Civ. A. No. 07-1891, 2008 WL 117887, at *2 (E.D. Cal. Jan. 10, 2008) ("The Clerk of the Court is RESTRICTED from filing any civil complaints of Jonathan Lee Riches in this Court without payment of the full statutory filing fee. The Clerk is directed to REFUSE any complaint that is not accompanied by the fee at the time of its attempted filing."); *Solliday, supra*, 2014 WL 6388568, at *1 ("restricting the proposed filings of Jonathan Lee Riches [listing a.k.a.'s] by directing the Clerk of Court for the District of Minnesota to refuse *any type of filings* submitted by Mr. Riches unless he receives permission to file the proposed document from a United States Magistrate Judge or unless the document is signed by a licensed attorney."); *IMS Health Corp. v. Schneider*, 901 F. Supp. 2d 172, 190 (D. Me. 2012) (noting Mr. Riches had been enjoined from filing); *Orion IP, LLC v. Hyundai Motor Am.*, 479 F. App'x 976 (Fed. Cir. 2012) (dismissing Mr. Riches's appeal from the district court order enjoining him from submitting for filing any document, filing or letter in any case in which he is not a named party, absent specific additional submissions.). Courts have observed he has sued, among many others, Gabby Giffords, Kim and Khloe Kardashian, Mark Cuban, Jeffrey Dahmer, Charles Manson, and Patty Hearst, to name just a few. Mr. Riches once sued the holiday of Thanksgiving (and the day after Thanksgiving). *Riches v. Thanksgiving*, No. C 07-6108 MJJ (PR), 2007 WL 4591385, at *1 (N.D. Cal. Dec. 28, 2007). In 2013, Prison Legal News wrote that Mr. Riches "bills himself as the most litigious person alive." See also J.C. Van Orsdol, *Crying Wolves, Paper Tigers, and Busy Beavers-Oh My!: A New Approach to Pro Se Prisoner Litigation*, 75 Ark. L. Rev. 607, 664 (2022) (calling Riches "the most infamous pro se prisoner litigant," and stating he "capitalized on his newfound fame, selling books and merchandise").

Congresswoman Gabrielle Giffords for $25,000,000.[4] On March 29, 2019, the court placed Mr. Riches on five years of probation. Presumably, he discharged his sentence on March 29, 2024. Based on information contained in various public court records, Mr. Riches resides outside of Tampa, FL.

19. Now, nary a year after being released from federal probation, livestream permits people like Mr. Riches to commit contempt of court and rile up the public, treating the parties to the Morphew litigation as mere entertainment for him and his followers.

20. This consumption of true-crime entertainment is not limited to Mr. Riches. Mr. Morphew was a topic of panels in Denver at CrimeCon2025. The public filing of a victim impact statement resulted in world-wide headlines and countless social media postings. X (formerly Twitter) and YouTube users film themselves calling the Alamosa Sheriff's Department inquiring of Mr. Morphew's bond status. [redacted] While the Court cannot limit the public's appetite in the case, by limiting some public exposure, the court may avoid satiating it.

[4] Jared Lee Loughner is an American mass murderer who pleaded guilty to 19 charges of murder and attempted murder in connection with the January 8, 2011, Tucson shooting, in which he shot 13 people and severely injured U.S. Representative Gabby Giffords, and killed six people, including Chief District Court Judge John Roll.

21. After livestreaming in violation of statute of CJD and this Court's orders, Mr. Riches films himself stating, [redacted]

22. Violation of court orders and rules with respect to livestreaming is not restricted to this particular court hearing. The case has attracted extreme vitriol, threats, and harassment against Mr. Morphew, his daughters, his defense team, and the court(s).

23. Immediately after the court proceeding, t[redacted][5]

[redacted]

[5] Identifying information for [redacted] has been redacted by counsel but appeared in the post.

24. During previous proceedings, there were threats not only against Mr. Morphew but also his legal team, requiring security measures. The personal information of attorneys was posted online. A dead fox was found on the porch of one of the attorneys' home, and anonymous letters were sent to the home addresses of the attorneys. Negative online reviews of counsel are constant. In addition, counsel for Mr. Morphew has had to take personal security measures for our homes and offices.

25. A previous District Court Judge on this case, [redacted] was "doxxed," [redacted]

26. On June 20, 2025, the Court issued a lengthy and detailed order regarding Expanded Media Coverage. In it, the Court rules at par. 12, "there shall be no zoom or closeups made of any of the proceedings." Despite this, in both subsequent hearings, the media ignored this Court's Order and zoomed in on Mr. Morphew:

[6] In 2023, judges were added to Colorado's anti-doxxing law. See C.R.S., § 18-9-313 (2.7).

27. While the abuse of the EMC order is grounds for a different motion, it is raised here to express the need to limit what the public is consuming. This Court has the power and obligation to order complete cessation of remote livestreaming because "[t]here is a reasonable likelihood remote observation of live proceedings risks compromising the safety of any person; the defendant's right to a fair trial, including violations of sequestration orders; [and] the victim's rights pursuant to section 24-4.1-302.5(1)(a)[.]"

28. The abuse of livestreaming represents a blatant violation of this Court's orders against broadcasting the livestreamed proceedings as well as this Court's specific prohibition on photographing and publishing images of the victims. It cannot be doubted that, in the setting of the extraordinary hysteria and vitriol surrounding this case, all individually and cumulatively, create a reasonable likelihood of "risks to physical and emotional safety, intimidation, and harassment." C.R.S. §13-1-32(3.5)(b). Inflaming tens of thousands of viewers to [redacted] is alarming, illegal, and by any definition is harassment, intimidation, traumatic to emotional safety, and a risk to physical safety of Mr. Morphew, his daughters, counsel, and this Court.

29. The "public trial guarantee" is a right "created for the benefit of the defendant." *Gannett Co., Inc. v. DePasquale*, 443 U.S. 368, 380 (1979). "[T]he Sixth Amendment right to a public trial is best understood as a trial that is open to the public, meaning that the public has a reasonable opportunity to be physically present to observe the proceedings." *Rios*

v. People, 2025 CO 46, ¶ 28, 572 P.3d 113, 118.7. This is not a right that requires livestreaming of court proceedings.

30. To be sure, however, "the purpose of the right to a public trial extends beyond the accused." *Id.* at ¶ 20. "'[P]ublic access to criminal trials permits the public to participate in and serve as a check upon the judicial process—an essential component in our structure of self-government." *Globe Newspaper Co. v. Superior Ct.*, 457 U.S. 596, 606 (1982).

31. To the extent "the right to attend criminal trials is implicit in the guarantees of the First Amendment," that right is satisfied by permitting the public to attend the trial in person. *Rios v. People*, ¶ 20 (quoting *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 580 (1980) (emphasis added). The First Amendment rights of the public and representatives of the press are not absolute, as the Supreme Court has explained there may be "reasonable restrictions on general access:"

> Just as a government may impose reasonable time, place, and manner restrictions upon the use of its streets in the interest of such objectives as the free flow of traffic, see, *e. g.*, *Cox v. New Hampshire*, 312 U.S. 569 (1941), so may a trial judge, in the interest of the fair administration of justice, impose reasonable limitations on access to a trial. …

Thus, while the press and public have a constitutional right to observe court proceedings, those constitutional rights do not compel the court to offer remote livestreaming of any proceeding. So long as the courthouse remains open and members of the public who wish to observe the proceedings may do so in person, the court's obligation to hold "public" proceedings is satisfied.

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[7] The *Rios* holding was preceded by numerous Court of Appeals' decisions that support the proposition that, so long as the courtroom remains open to the public, restricting or even eliminating the livestream is not unconstitutional. See *People v. Sloan*, 2024 COA 52M, ¶ 18, 554 P.3d 527, 531–32 (problems with the livestreaming of the proceedings didn't constitute a courtroom closure because "any member of the public who wished to attend the trial in person was able to do so."), *cert. granted in part on a different issue,* 24SC469 (Aug. 18, 2025); *People v. Young*, 22CA1117, 2024 WL 4848453, at *3 (Colo. App. Nov. 21, 2024) ("because Young's courtroom remained open to the public, the trial court's denial of his request to provide his mother with remote access wasn't a partial courtroom closure. … [D]enial of remote access doesn't implicate the defendant's public trial right."), *cert. denied*, 24SC821 (Colo. Aug. 18, 2025); *People v. Leary,* 21CA1873, ¶ 48, 2025 WL 1419930, at *7 (Colo. App. May 15, 2025) ("Because the courtroom remained open and any member of the public was free to attend the trial in person, the courtroom was not closed, notwithstanding the technical difficulties [with the livestream].").

32. The only less restrictive alternative that counsel can suggest, see §13-1-32(3.5)(a)(IV)(B), is for the Court to terminate the livestream while allowing persons with verified (requiring an email address to register) Webex account users platform to remotely observe proceedings. In that way, observers will have to identify themselves with a registered account, and their IP identifier may be tracked by the Court's IT department, if necessary. While counsel is skeptical that this alternative will "ensure there is no audio or visual recording, including photography or screenshots…", it is a less restrictive measure short of terminating all viewing and listening in real-time in any remote form.

33. Undersigned counsel conferred with the People and shared an earlier draft version of this motion. They have no objection to the relief requested.

Respectfully submitted this 19th day of September, 2025.

RECHT KORNFELD, P.C.

David M. Beller, #35767

Certificate of Service

I hereby certify that on September 19th 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 M. Beller