

<p>DISTRICT COURT, ALAMOSA COUNTY, COLORADO, 8955 Independence Way Alamosa, CO 81101</p> <hr/> <p>THE PEOPLE OF THE STATE OF COLORADO Plaintiff,</p> <p>v.</p> <p>BARRY LEE MORPHEW, Defendant.</p>	<p>DATE FILED April 13, 2026 8:29 PM</p> <p>▲ COURT USE ONLY ▲</p>
<p>JANE FISHER-BYRIALSEN, #49133 FISHER &amp; BYRIALSEN, PLLC 4600 S. Syracuse Street, 9<sup>th</sup> Floor Denver, CO 80237 (202)256-5664 <a href="mailto:Jane@fblaw.org">Jane@fblaw.org</a></p> <p>DAVID BELLER, #35767 RECHT KORNFELD, P.C. 1600 Stout Street, Suite 1400 Denver, CO 80202 (303)573-1900 Fax: (303) 446-9400 <a href="mailto:david@rklawpc.com">david@rklawpc.com</a></p>	<p>Case Number: 25 CR 128</p>
<p><b>[D-016] MOTION FOR WITNESS STATEMENTS MADE TO THE PROSECUTION</b></p>	

Mr. Barry Morpew, by and through counsel, requests that this Court order discovery of statements made by witnesses contained in prosecutor's notes or otherwise under Colorado Rules of Criminal Procedure Rule 16(I)(a)(2) and (I)(d)(1). As grounds, Mr. Morpew states:

1. Mr. Morpew is requesting statements which are inconsistent with prior statements or are inconsistent with statements of other witnesses, including but not limited to statements not previously made, or statements that are in addition to other statements previously made.
2. The requested discovery is mandated by Colorado Rule of Criminal Procedure 16, Part I(a)(1)(I), which requires the prosecuting attorney to disclose statements of all witnesses, the accused, and any co-defendant.
3. Inconsistent statements by witnesses as well as additional statements relate to issues of witnesses' credibility. Being able to thoroughly examine the credibility of a witness is crucial in effectively defending against a charge.

4. While there are cases that have held the prosecutor has no obligation to write down and provide inculpatory information, those same cases instruct that the District Attorney cannot circumvent an obligation to disclose exculpatory information by deliberately avoiding taking notes or failing to reduce statements to writing. *People v. Denton*, 91 P.3d 388, 392 (Colo. App. 2003); *People v. Anderson*, 837 P.2d 293, 299 (Colo. App. 1992).

5. If the District Attorney conducts an interview with any witness in this case, defense counsel requests the audio and/or video recording to be discovered along with the summary or report of the interview.

6. Said information is favorable to the defense and material to issues of guilt and punishment. Defense counsel has no other means of obtaining the information other than through the prosecution.

7. Mr. Morpew makes this motion, and all other motions and objections in this case, whether or not specifically noted at the time of making the motion or objection, as a continuing objection based upon (in addition to the above authority) the following grounds and authorities: the due process, trial by jury, right to counsel, equal protection, equal access to and administration of justice, right to defend life, cruel and unusual punishment, confrontation, compulsory process, right to remain silent, and right to appeal clauses of the federal and Colorado Constitutions, and the first, fourth, sixth, eighth, ninth, tenth, and fourteenth amendments to the United States Constitution, and article II, sections 3, 6, 7, 10, 11, 16, 18, 20, 23, 25, and 28 of the Colorado Constitution, Crim. P. 16, and RPC 3.8. Mr. Morpew cross-references and incorporates by reference all pleadings filed or to be filed in this case, and caselaw cited therein and at oral argument.

WHEREFORE, Mr. Morpew requests that this Court order discovery of statements made by witnesses contained in prosecutor's notes or otherwise under Colorado Rules of Criminal Procedure Rule 16(I)(a)(2) and (I)(d)(1).

Respectfully submitted this 13th day of April, 2026.

**FISHER & BYRIALSEN, PLLC**

/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 April 13, 2026, 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/ Abby Clement  
Paralegal at Fisher & Byrialsen PLLC