

District Court Alamosa County, Colorado Alamosa County District Court 8955 Independence Way Alamosa, CO 81101 <hr/> THE PEOPLE OF THE STATE OF COLORADO vs. BARRY MORPHEW, Defendant	DATE FILED April 13, 2026 9:11 PM ? COURT USE ONLY
For the Defendant: JANE FISHER-BYRIALSEN, #49133 FISHER & BYRIALSEN, PLLC 4600 S. Syracuse Street, 9 th 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 david@rklawpc.com	Case Number: 25 CR 128
[D-020] MOTION TO SUPPLEMENT THIS COURT’S OMNIBUS ORDER REGARDING EXPERT WITNESS DISCLOSURES	

Mr. Barry Mophew, through counsel, respectfully moves this Court to order discretionary expert disclosures if the prosecution intends to introduce any expert testimony at trial. In support, Mr. Mophew states:

1. Crim. P. 16(I)(d)(3) allows the Court to order discretionary expert disclosures. The “intent of this section is to allow the defense sufficient meaningful information to conduct effective cross-examination under CRE 705.”
2. This Court has ordered expert witness disclosures of both parties.
3. However, to fulfill the purpose of the rule under the circumstances of this case, Mr. Mophew requests additional disclosures. if the prosecution is seeking to introduce any purported expert testimony, Mr. Mophew requests the following:

- a. The Prosecution be ordered to designate any endorsed experts as such and to state the area in which the prosecution will seek to qualify the witness as an expert in their endorsement.
- b. The Prosecution be required to disclose any impeachment information relating to any endorsed expert which it possesses or is aware of at least 60 days prior to trial including prior dates of testimony.
- c. The Prosecution be ordered to disclose a full report or written summary of the testimony describing the witness's opinions and the bases and reasons therefore, including the results of any physical examinations, scientific tests, experiments, or comparisons. If the prosecution elects to provide a written summary, it must identify the author of the written summary.

3. The requested disclosures are reasonable and necessary to provide for Mr. Morphew's rights to confront and cross-examine witnesses, due process, and effective assistance of counsel and to avoid substantial delays in trial and interruptions during trial to resolve issues that could be otherwise resolved well before trial.

4. Mr. Morphew 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. Morphew 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. Morphew requests an order that, if the prosecution is seeking to introduce expert testimony, they must provide disclosures as outlined in this motion.

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