

<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 9:35 PM</p> <p>▲ COURT USE ONLY ▲</p>
<p>JANE FISHER-BYRIALSEN, #49133 FISHER & BYRIALSEN, PLLC 4600 S. Syracuse Street, 9th Floor Denver, CO 80237 (202)256-5664 Jane@fblaw.org</p> <p>DAVID BELLER, #35767 RECHT KORNFELD, P.C. 1600 Stout Street, Suite 1400 Denver, CO 80202 (303)573-1900 Fax: (303) 446-9400 david@rklawpc.com</p>	<p>Case Number: 25 CR 128</p>
<p align="center">[D-023] MOTION FOR A COURT ORDER TO COMPEL THE JURY COMMISSIONER TO PROVIDE A LIST OF PROSPECTIVE JURORS TO COUNSEL PURSUANT TO C.R.S. § 13-71-136</p>	

Mr. Barry Morphey, through Counsel, respectfully moves this Court to order the jury commissioner for Alamosa County to provide Counsel with a list of prospective jurors pursuant to C.R.S. § 13-71-136. As grounds for support, Mr. Morphey states the following:

1. This case is set to proceed to trial on October 13, 2026.
2. This Court will order a special panel for this case.
3. Pursuant to state law, a court order is not required for defense counsel to obtain a list of prospective jurors in advance of trial.
4. This motion is filed in an abundance of caution to ensure there is no delay in obtaining the juror list.

5. Counsel for Mr. Morpew respectfully requests this Court to order the jury commissioner to release a list of prospective jurors to Counsel for Mr. Morpew pursuant to C.R.S. § 13-71-136.

6. C.R.S. § 13-71-136 states:

(1) Absent a court order to the contrary, upon request, the jury commissioner shall make available for inspection by parties, counsel, or their agents a list of prospective jurors containing the jurors' names. The jury commissioner shall assure that the juror resides in the proper county.

(2) Absent a court order to the contrary, upon request, the jury commissioner shall make available for inspection by counsel or pro se parties a list of prospective jurors containing the jurors' names and addresses.

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. Barry Morpew, through Counsel, respectfully moves this Court to order the jury commissioner for Alamosa County to provide Counsel with a list of prospective jurors pursuant to C.R.S. § 13-71-136 as soon as that list is available.

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