

<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 10:23 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-029] MOTION TO SET A JURY PROCEDURES CONFERENCE WITH THE JURY COMMISSIONER, COURT CLERK, COURT AND PARTIES</p>	

Mr. Barry Morpew, by and through undersigned counsel, hereby requests that this Court set an on-the-record jury procedures conference at which the Jury Commissioner, Court Clerk, and all other relevant staff and persons will be present to inform the parties of the proposed procedures for and take input on: obtaining a jury list, issuing summons, responding to requests for excusals and hardships, scheduling return dates and completion of questionnaires, waiting areas and interactions with jurors and court staff and voir dire procedures, and a myriad of other procedural and substantive details.

1. Mr. Morpew believes that discussion of some specific procedures is premature; however, because of the motions deadline in this case, Mr. Morpew has filed this motion at this time.

2. There are numerous procedural details, all of which can impact the fairness and reliability of the proceedings. Mr. Morphew has filed specific motions about several types of procedures, and there are undoubtedly other procedures that this Court and the Jury Commissioner employ that counsel for the parties are unaware about. It is vital that Mr. Morphew have full notice and an opportunity to ask the responsible court personnel what procedures they intend to follow, and to have an opportunity to lodge objections or seek reasonable alternative procedures. The fairest, most effective and efficient way to do this is to schedule an on-the-record conference at which the parties and the pertinent court staff can exchange information and any objections can be lodged.

3. Litigating each procedure in a vacuum, without knowing what the Court seeks to do, what the Court has the capacity to do, and where the parties may agree or disagree, or even how altering one procedure may impact other procedures, is extremely cumbersome may be fragmented absent some notice about the proposed procedures and a conference that can provide some structure.

4. Holding the requested conference will avoid litigating in a hodgepodge manner. It will provide an opportunity for Mr. Morphew to have notice of and (if necessary) object to or make modification requests to the procedures for jury selection and management to be employed by the court clerks, jury commissioner, and judge. The best way to achieve that is through the proposed on-the-record conference.

5. 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. Barry Morphew, by and through undersigned counsel, hereby requests that this Court set an on-the-record jury procedures conference at which the Jury Commissioner, Court Clerk, and all other relevant staff and persons will be present to inform the parties of the proposed procedures for and take input on: obtaining a jury list, issuing summons, responding to requests for excusals and hardships, scheduling return dates and completion of

questionnaires, waiting areas and interactions with jurors and court staff and voir dire procedures, and a myriad of other procedural and substantive details.

Respectfully submitted this 13th day of April, 2026.

RECHT KORNFELD, P.C.

/s/ David Beller

David Beller, #3576

FISHER & BYRIALSEN, PLLC

/s/ Jane Fisher-Byrialsen

Jane Fisher-Byrialsen, #49133

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