

<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 10:52 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 align="center"><b>[D-033] REQUEST FOR CERTAIN PROCEDURES, INCLUDING INSTRUCTIONS TO PROSPECTIVE JURORS WHO ARRIVE TO COMPLETE JURY QUESTIONNAIRES</b></p>	

Mr. Barry Morphew, by and through undersigned counsel, hereby requests that this Court adopt procedures for the date on which summoned jurors answer their summons and arrive at the courthouse to complete juror questionnaires. Further, Mr. Morphew requests an opportunity to be heard on those procedures.

The following procedures have all been used in various fashions in high profile cases and/or murder cases. These requests are, generally:

1. A jury panel exclusively for this case shall be called. Jurors shall appear in shifts, in groups of several dozen depending upon the capacity and arrangements in the Jury Assembly room or other suitable location.

2. Summoned jurors shall not be informed of the nature or name of the case for which they have been called until they report to court. See § 13-71-111, C.R.S. (listing contents of jury summons; not including the name of the case in that list).

3. Summoned jurors shall be immediately tagged as potential jurors so that court staff will be able to readily identify them in the courthouse.

4. Upon check-in, jurors will be given a sealed packet and instructed to not open it until after the court's introduction (described below). Inside the packet shall be the juror questionnaire and any additional necessary information such as location of restrooms, pens, paper, etc.

5. Pursuant to § 13-71-110 and § 13-71-136(2), C.R.S., as soon as the Prospective Juror List is compiled it shall be provided to counsel the list of prospective jurors containing the jurors' names and addresses.

6. On the day that prospective jurors come to court to complete questionnaires, and prior to the prospective jurors opening their juror packet or learning the nature of the case for which they have been summoned, the jurors shall assemble with the Court, the attorneys and both sides, and Mr. Morphew appearing for introductions and introductory comments by the court.

7. After the Court's introductory remarks are complete, the court and parties shall exit, leaving the prospective jurors with the Jury Commissioner who may provide additional guidance (but not instructions on the law or legal principles) about such things as location of pens, paper, the Commissioner's method of notification of jurors, etc.

8. After prospective jurors complete their questionnaires for each questionnaire session, the questionnaires shall be scanned and provided to counsel as quickly as possible in an electronic format.

9. Counsel shall be given sufficient time to review the questionnaires and confer with the prosecutors regarding any proposed stipulated excusals that the parties will propose to the Court on a rolling basis as questionnaire review proceeds.

10. No instructions on the law shall be given to the prospective jurors by the Jury Commissioner or this Court outside the presence of Mr. Morphew and his counsel, with prior notice and opportunity to be heard on the proposed jury instructions.

11. This request is to be read in conjunction with all of Mr. Morphew's motions regarding the jury selection process and may be adjusted based upon the information learned at the requested conference with the Jury Commissioner/Clerk/Court and parties.

12. Mr. Morphey 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. Morphey 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 Morphey, by and through undersigned counsel, hereby requests that this Court adopt procedures for the date on which summoned jurors answer their summons and arrive at the courthouse to complete juror questionnaires. Further, Mr. Morphey requests an opportunity to be heard on those procedures.

Respectfully submitted this 13th day of April, 2026.

**RECHT KORNFELD, P.C.**

/s/ David Beller  
David Beller, #35767

**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