☐ County Court ☐ District Court Alamosa County, State of Colorado 8955 Independence Way Alamosa, CO 81101 **PEOPLE OF THE STATE OF COLORADO** v. **BARRY MORPHEW** AKA: Barry Morphew Defendant	DATE FILED June 18, 2026 3:42 PM ▲ **COURT USE ONLY** ▲
Anne E Kelly, District Attorney Fred Johnson, Special Deputy District Attorney Office of the District Attorney 601 Main Street Alamosa, CO 81101 Phone Number: (719) 589-3691 Attorney Reg. 38885	Case No. D0022025CR000128 Div: D Ctrm:

PEOPLE'S RESPONSE TO MOTION TO EXCLUDE FROM TRIAL ANY IMAGE OF THE DEFENDANT THAT REFLECTS HIM IN CUSTODY OR COMMENTING OR ASKING WITNESSES QUESTIONS ABOUT HIS INCARCERATION [D-045]

Anne Kelly, District Attorney in and for the Twelfth Judicial District, State of Colorado, respectfully responds to Defendant's Motion, and states as follows:

The People do not intend to introduce mug shots or booking photos of the Defendant. To the extent the Defendant's motion seeks to exclude that specific evidence, the People do not object.

The Defendant, however, seeks to expand and stretch Colorado case law to untenable lengths. The Defendant seeks to exclude "testimony about the Defendant's incarceration" without explaining to the Court what the Defendant specific evidence the Defendant seeks to exclude. The Defendant has not cited a single case that supports the non-sensical argument that no evidence of a defendant's arrest or time in custody could ever be relevant. That is not the law. To the extent the Defendant here seeks to exclude relevant evidence beyond what the "mug shot" case law proscribes, the People object.

Dated June 18, 2026

Anne E Kelly
District Attorney

/s/ Anne Kelly
Anne E Kelly, 38885