

<input type="checkbox"/> County Court <input type="checkbox"/> District Court Alamosa County, State of Colorado 8955 Independence Way Alamosa, CO 81101	
<hr/> PEOPLE OF THE STATE OF COLORADO v. BARRY MORPHEW AKA: Barry Morphey Defendant	DATE FILED June 18, 2026 2:29 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 DEFENDANT’S MOTION IN LIMINE TO EXCLUDE SCREENING TESTIMONY [D-043]	

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 Defendant seeks a ruling from the Court pretrial to exclude what the Defendant labels as “screening testimony.” This request is overbroad and vague. The People understand that comments or evidence regarding law enforcement’s opinion about probable cause to arrest, the process to determine probable cause, or the Grand Jury’s decision to indict are irrelevant. That restriction is supported by Colorado case law. *People v. Mendenhall*, 363 P.3d 758, 772 (Colo. App. 2015); *People v. Garcia-Chevez*, 2023 WL 12057077, *2-3 (Colo. App. 2023); *People v. Adams*, 2020 WL 14044612, *2 (Colo. App. 2020); *People v. Lee*, 2022 WL 2296247, *4 (Colo. App. 2022).

The Defendant’s own definition of “screening evidence” as that term has been used in recent appellate decisions is overbroad. The Defendant’s definition, or “testimony designed to bolster the decision-making process *or judgment of law enforcement or other actors*” (emphasis added) does not comport with what Colorado courts understand “screening evidence” to be. This definition, including the phrase “judgment of law enforcement” would eliminate law enforcement officers from testifying about what they did in their investigation and, more importantly, why. In addition, the definition would

eliminate law enforcement witnesses' ability to respond to the Defendant's likely allegations that law enforcement focused exclusively on the Defendant. The Defendant also seeks to prevent the People from calling witnesses who "relied on such information." Such a restriction would eliminate the majority of law enforcement officers from testifying simply because they "relied on" their own judgement (their process) and determined based on their investigation that the Defendant murdered Suzanne Morpew. While they are clearly not permitted to talk about their *opinions* of the Defendant's guilt on the stand, they all would nevertheless "fit" into Defendant's overbroad definition.

Importantly, the cases that have addressed "screening testimony" do not categorize the evidence as "bolstering law enforcement", but rather categorize the evidence as bolstering the case itself. While perhaps a minor distinction, it is clear that the Defendant seeks to eliminate the People's ability to ask law enforcement witnesses about the reasons they took the steps they did in the investigation or the evidence that supports the charge against the Defendant.

The People know and understand the rules of evidence and case law related to the relevancy of discussions about probable cause and process at trial. To the extent the Defendant is objecting to the type of evidence at issue in *Mendenhall* and others, the People do not intend to introduce this type of evidence. To the extent that Defendant's definition of "screening evidence" is broader than that clearly laid out in the cases cited by the Defendant, the People object.

Dated June 18, 2026

Anne E Kelly
District Attorney

/s/ Anne Kelly
Anne E Kelly, 38885