

☐ County Court ☐ District Court Alamosa County, State of Colorado 8955 Independence Way Alamosa, CO 81101	DATE FILED June 18, 2026 4:02 PM
PEOPLE OF THE STATE OF COLORADO v. BARRY MORPHEW AKA: Barry Morphew Defendant	
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 TO EXCLUDE LAW ENFORCEMENT FROM WEARING UNIFORMS OR INSIGNIA IN COURTROOM [D-047]	

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

Defendant asks the Court to equate rules prohibiting hats and lewd t-shirts in the courtroom to law enforcement officers wearing their uniforms. He cites zero legal support for this ask. The Defendant opines only that the mere presence of police in a courtroom is prejudicial. It is unclear what disruptive and unfair "message" the Defendant believes police officers send in their uniforms, but no court in the State of Colorado that the undersigned is aware of has ever held that the presence of a police officer in a criminal courtroom during the trial of a criminal case is inherently prejudicial to the Defendant.

Neither do the cases cited by the Defendant come close to standing for this absurd proposition. The cases cited by the Defendant to support the request to limit all indications of the presence of law enforcement in the Courtroom actually relate to rules in civil cases about people bringing guns to civil pretrial depositions that are not typically held in courtrooms, but in conference rooms and law offices. *See, e.g. Graber v. City and County of Denver*, 09-CV-01029 (D. Colo. 2012); *Padilla v. City and County of Denver*, 09-CV-02930 (D. Colo. 2010).

Other cases cited by the Defendant include questions about whether restricting the *defendant* from wearing political t-shirts that actually say political words is a violation of a defendant's first amendment rights. *People v. Alleem*, 149 P.3d 765 (Colo. 2007). Importantly, the Supreme Court in *Aleem* focused exclusively on whether the Court was reasonable in limiting the *defendant's political speech*. Police uniforms worn by police officers are not speech. Unless the Defendant can articulate why police officers wearing police uniforms would "constitute conduct disruptive to the courtroom environment", the Court should deny this motion. *Id.* at 777.

Dated June 18, 2026

Anne E Kelly
District Attorney

/s/ Anne Kelly
Anne E Kelly, 38885