

DISTRICT COURT, ALAMOSA COUNTY, COLORADO, 8955 Independence Way Alamosa, CO 81101 THE PEOPLE OF THE STATE OF COLORADO Plaintiff, v. BARRY LEE MORPHEW, Defendant.	DATE FILED June 22, 2026 4:21 PM ▲ COURT USE ONLY ▲
JANE FISHER-BYRIALSEN, #49133 FISHER & BYRIALSEN, PLLC 4600 S. Syracuse Street, 9 th Floor Denver, CO 80237 (202)256-5664 Jane@fblaw.org 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	Case Number: 25 CR 128
[D-016] REPLY - MOTION FOR WITNESS STATEMENTS MADE TO THE PROSECUTION	

The prosecution essentially confesses the motion.

The prosecution's vague assertion of work product privilege does not apply to the information requested by the defense. Mr. Morphew's motion is solidly grounded in his constitutional rights to information known by the prosecution that is favorable to the defense or material to guilt. This constitutional obligation goes beyond and is more fundamental than Rule 16 of the Colorado Rule of Criminal Procedure. The relief Mr. Morphew requests is compelled by the due process and confrontation clauses of the constitutions of Colorado and the United States.

This Court should grant the motion and rule that the prosecution cannot circumvent its obligations by deliberately avoiding taking notes or failing to reduce statements to writing. (Motion D-016, ¶ 4). If the prosecution/law enforcement takes an oral statement that is favorable

to the defense or material to guilt, it must be provided to the defense. *See Brady v. Maryland*, 373 U.S. 83 (1963); *United States v. Bagley*, 473 U.S. 667 (1985). U.S. Const., Amends. V, VI, XIV; Colo. Const., art II, §§ 16, 25.

Respectfully submitted this 22 day of June, 2026.

FISHER & BYRIALSEN, PLLC

/s/ Jane Fisher-Byrialsen

Jane Fisher-Byrialsen, #49133

RECHT & KORNFELD, P.C.

/s/ David Beller

David Beller, #35767

Certificate of Service

I hereby certify that on June 22, 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