

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 July 31, 2026 5:01 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@rkclawpc.com	Case Number: 25 CR 128
[D-055] UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO PEOPLE’S NOTICE OF INTENT TO INTRODUCE EVIDENCE PURSUANT TO RULE 404(b)	

Mr. Barry Morpew, by and through undersigned counsel, requests that this Court allow him additional time to file a Response to the People’s Notice of Intent to Introduce Evidence Pursuant to Rule 404(b) and in support of said request states as follows:

1. The prosecution filed their Notice of Intent to Introduce Evidence Pursuant to Rule 404(b) on June 22, 2026.
2. Mr. Morpew’s response is due July 30, 2026 pursuant to the Court’s Omnibus order issued January 19, 2026. At the time that this Order was issued this matter was set for trial to begin October 13, 2026. Pursuant to that Omnibus Order, the prosecution was to file any Notice pursuant to 404(b) by June 15, 2026.

3. On June 15, 2026, the prosecution filed an unopposed Motion for extension to file their 404(b) notice up to and including June 22, 2026. The court granted said Motion that same date.
4. At the Motions hearing held July 6, 2026, the Court indicated that an Amended Omnibus Order would be issued as a result of the Trial in this matter being continued to begin July 19, 2027. An amended Omnibus Order has not yet been issued.
5. Mr. Morpew's counsel vacated the deadline for this motion response awaiting this Court's new scheduling order.
6. Mr. Morpew's counsel are requesting at least eight weeks to file a Response to the People's Notice of Intent to Introduce CRE 404(b) evidence.
7. Mr. Morpew's counsel are in need of additional time to prepare a response due to the same issues that animated their request for a continuance of trial. A response to the CRE 404(b) notice requires extensive review of discovery materials and the ability to locate and retrieve the information. As counsel indicated on July 6, 2026, while progress is being made, they are still a long way from being able to effectively complete these tasks.
8. Mr. Morpew's counsel have consulted with the District Attorneys involved in this matter and they have advised they do not oppose the relief requested herein.
9. Granting an extension will not prejudice the prosecution, for the reasons outlined at the motion to continue trial. This case is approximately a year away from trial.

WHEREFORE, Defendant respectfully requests an extension of time up to and including September 24, 2026 to file his Response to the prosecutions' Notice of Intent to Introduce Evidence pursuant to Rule 404(b).

Respectfully submitted this 30th day of July, 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 July 31, 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/ Abigail Clement

Paralegal at Fisher & Byrialsen PLLC