

DISTRICT COURT ALAMOSA COUNTY, COLOARDO 8955 Independence Way; Alamosa, CO 81101 THE PEOPLE OF THE STATE OF COLORADO v. Defendant: BARRY MORPHEW	DATE FILED August 6, 2026 1:32 PM Δ COURT USE ONLY Δ
	Case Number: 2025CR128 Division: C
ORDER GRANTING IN PART DEFENSE MOTION [D-21] MOTION TO EXCLUDE FROM PRETRIAL COURT PROCEEDINGS PERSONS WHO MAY BE WITNESSES AT TRIAL OR AT ANY MOTION HEARING	

THIS MATTER came before me for hearing on July 6, 2026 on Defendant's motion *[D-21] Motion to Exclude from Pretrial Court Proceedings Persons Who May be Witnesses at Trial or at Any Motion Hearing* filed on April 13, 2026. The prosecution filed its response on May 27, 2026. The defense did not file a reply.

After reviewing the pleadings and hearing the arguments of the parties, I issued a verbal order on July 6, 2026. This written order is intended to memorialize the verbal order but, where this written order conflicts with the verbal order, the written order controls.

The defense raised this issue out of a concern that a witness' ability to hear and see the testimony of other witnesses at a pre-trial hearing or during trial might improperly influence that witness' subsequent testimony at trial. Furthermore, given the hybrid nature

of the proceedings thus far, the defense was concerned that it might not know what information witnesses might glean from listening to various hearings.¹

The prosecution objected to the Motion as making an overbroad request that was not supported by the Rule; however, it did not object to the exclusion of witnesses during the testimony of other witnesses save for several exceptions. The prosecution specifically requested that it be allowed two advisory witnesses – [REDACTED] and Chaffee County Undersheriff Alex Walker – as both are essential to the presentation of its case; and that the statutory victims – Ms. Morphew’s two children and her three siblings – be excluded from any sequestration order.

“At the request of a party the court shall order witnesses excluded from the courtroom so that they cannot hear the testimony of other witnesses[.]” CRE 615(a). This exclusion does not apply to parties to the case, a single officer or employee for each party (aka an “advisory witness”), anyone shown by a party to be essential to the presentation of the party’s cause, and any person authorized by statute to remain including statutory victims as that term is defined by the Victim’s Rights Act. *Id.*, C.R.S. § 24-4.1-302(5). The latter may be excluded if necessary to protect the Defendant’s rights to a fair trial. *People v. Lopez*, 401 P.3d 103, 106 (Colo. App. 2016).

The purpose of the so-called “Sequestration Rule” is to prevent witnesses from being influenced by or tailoring their testimony to one another but, to make the rule effective, I must also direct witnesses not to discuss the case with each other. *People v. Brinson*, 739 P.2d 897, 899 (Colo. App. 1987).

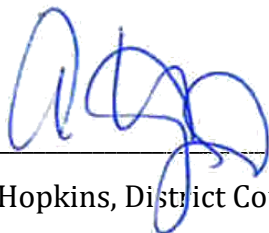
¹ I note that this latter worry is assuaged by a review of the *Order Granting Defendant’s Unopposed Motion to Cease Unmonitored Livestream of Court Proceedings [D-009]* issued on October 27, 2025 as no witness who is not a statutory victim is permitted into the Webex Conferencing room.

THEREFORE, the Defendant's motion D-21 is hereby GRANTED IN PART subject to the following conditions:

- All witnesses who may testify at trial will be sequestered during any pre-trial proceeding in which there is testimony by any other witness, subject to the exception noted below.
- Every witness will also be sequestered during trial unless or until she or he is released by the Court, subject to the exception noted below.
- This sequestration order does not include Ms. Morphew's children and siblings; [REDACTED] and Chaffee County Undersheriff Alex Walker; two as yet to be identified advisory witnesses for the defense; and any staff or employee of the prosecution and the defense. Any of these witnesses may be excluded during some testimony as needed to protect the Defendant's right to a fair trial.
- Witnesses (including those listed above) may not discuss their testimony with any other witness at any time unless or until she or he is released by the Court.
- It is the responsibility of the party calling the witness to advise her or him of this Order. A standard *Order Excluding Witness From Courtroom* is attached to assist the parties in explaining this responsibility to their respective witnesses.

SO ORDERED THIS 6th DAY OF AUGUST, 2026.

By the Court:



Amanda C. Hopkins, District Court Judge