

☐ County Court ☒ District Court Alamosa County, State of Colorado 8955 Independence Way Alamosa, CO 81101	DATE FILED June 24, 2026 9:10 AM ▲ COURT USE ONLY ▲
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 OBJECTION TO DEFENDANT'S REQUEST TO CONTINUE TRIAL AND MOTIONS HEARING [D-048]	

Anne Kelly, District Attorney in and for the Twelfth Judicial District, State of Colorado, respectfully file this objection to the Defendant's Motion to Continue Trial and Motions Hearing.

PROCEDURAL HISTORY

On June 18, 2025, the Defendant was indicted for Murder in the First Degree when a Grand Jury found probable cause that he murdered his wife, Suzanne Morphew. His attorneys entered on June 25, 2025. Hearing on Advisement of Charges was held on July 1, 2025. On this date, the Defendant was provided a multi-terabyte hard drive of discovery from the People. On January 12, 2026, the Defendant was arraigned. The Defendant pled not guilty and requested that his jury trial be set out further than speedy trial, agreeing to toll speedy trial. A motions hearing was set for July 6-10, 2026, and a jury trial was set to commence on October 13, 2026, for six weeks.

Now, the Defendant moves to continue that jury trial.

ARGUMENT

The People's most salient concern in objecting to the Defendant's request for a continuance is that the Defendant fails to indicate a specific amount of time he thinks he needs to prepare for a trial. Instead, he speaks generally of logistical challenges that he seems to argue could delay the case indefinitely. The

People recognize the amount of discovery in this case presents a challenge for both parties, but that challenge was specifically addressed in setting the case for trial more than a year after the Defendant received the bulk of discovery from the People. Since that time, the Defendant has continued to request material and information that is outside the scope of what the People are required to provide pursuant to Rule 16. Rather than argue about what is discoverable, the People have assisted with Defendant without argument, prioritizing the Defendant's right to a defense. Examples of these requests include unrelated case files, lab records dating back a decade and unrelated to this case, and correspondence amongst investigators and experts in the case. These requests have been time-consuming and often outside the scope of C.R.Crim. P. 16, but the People have endeavored to acquire and produce them in an effort to keep this trial on track. The People intend to continue to assisting the Defense team in acquiring materials they think are important for their defense, even when they are arguably not discoverable, but continued ancillary discovery requests cannot be a continued justification for delay in the case. Defendant continues to request materials in the case and then voices concern that he has received too many additional materials. Indeed, the Defendant asserts that these discovery requests could continue ad infinitum pushing a trial date out indefinitely.

In addition, the People have responded to significant number of the discovery request letters sent by the Defendant by assisting defense counsel find the material in the discovery that has already been provided to them. That discovery wasn't "missing", the Defendant just could not find it. The People will continue this exercise to enable the Defendant to prepare for trial if necessary, but those types of requests for discovery (requesting things that have already been produced) should not form the basis of a continuance motion.

Additionally, the People have provided expert disclosures many months before the Court's proscribed deadline of August 13, 2026 in order to assist the Defendant prepare substantive motions. No such substantive expert motions have been filed. Indeed, no substantive or testimonial motions, expert or otherwise, have been filed by the Defendant.

The type of additional investigation cited by the Defendant here raises additional concerns that the Defendant has no timeline for trial. Instead, it follows a logic which suggests that the Defendant may never be ready for trial. Referencing the need to investigate 40 deceased bodies in the San Luis Valley in the last decade and then suggesting that these case files are discoverable is unreasonable. By this logic, the Defendant could next claim the need to investigate every deceased person in the state, or in the country, before he is prepared to try the murder case at hand. No other similarly situated defendant receives such materials or time to go fishing for speculative relevance in such unrelated matters. This type of endless, unlimited investigation into unrelated cases is not the standard for effective assistance of counsel, and the resources this Defendant has at his disposal are already in stark contrast to the limited resources other similarly situated defendants struggle to get access to.

Other arguments the Defendant makes in his motion do not require a continuance. Regarding an evidence viewing, there is ample time for an evidence viewing at CBI prior to trial. Regarding the size of the witness list, the Court has ordered the parties to provide good faith witness lists by September 1, 2026, which will narrow down the list significantly. Regarding funding from OADC, the Defendant does not indicate any future date by which his special requests will be decided.

Meanwhile, the Defendant remains at liberty on bond having been indicted because there is probable cause that he committed murder in the first degree. If this case is delayed, he continues to pose a danger to the community and a flight risk.

VICTIMS' POSITIONS

The People have reached out to the siblings and the children of the deceased victim in the case, Suzanne Morphew, all of whom qualify as victims pursuant to the Victims' Rights Act. Mallory and Macy Morphew, the daughters of Suzanne Morphew and the Defendant, do not object to the continuance. All three of Suzanne Morphew's siblings, Melinda Balzer, Andrew Moorman, and David Moorman, object to a continuance.

The People intent to be ready for trial on October 13, 2026, and object to a continuance.

Dated June 23, 2026

Anne E Kelly
District Attorney

/s/ Fred Johnson
Fred Johnson, 42479
Special Deputy District Attorney