☐ County Court ☒ District Court Alamosa County, State of Colorado 8955 Independence Way Alamosa, CO 81101 **PEOPLE OF THE STATE OF COLORADO** v. **BARRY MORPHEW** AKA: Barry Morphew Defendant	DATE FILED September 2, 2026 4:58 PM ▲ **COURT USE ONLY** ▲
Anne E Kelly, 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 MOTION TO MODIFY BOND PURSUANT TO C.R.S. 16-4-409(1)

Anne Kelly, District Attorney in and for the Twelfth Judicial District, State of Colorado, respectfully file this Motion to Modify Bond in the Defendant's case.

Today the Court issued an Order Concerning Alleged Violation of Conditional Release and Further Orders in this case. The basis for the order was the review of video evidence indicating the Defendant may have been involved in a hit and run incident that could implicate new criminal charges, while in Denver, Colorado and subject to GPS monitoring.

Pursuant to C.R.S. § 16-4-109(1), "[u]pon application by the district attorney… the court before which the proceeding is pending may increase or decrease the financial conditions of a bond, may require additional security for a bond… or may alter any other condition of the bond."

C.R.S. § 16-4-109(3) states, "[r]easonable notice of application for modification of a bond by the district attorney shall be given to the defendant, except as provided in subsection (4) of this section."

C.R.S. § 16-4-109(4)(a) states, "upon verified application by the district attorney… stating facts or circumstances constituting a breach or threatened breach of any of the conditions of the bond, the court may issue a warrant commanding any peace officer to bring the defendant without unnecessary delay before the court for a hearing on the matters set forth in the application. . . . . At the conclusion of the hearing, the court may enter an order authorized by subsection (1) of this section."

The People are still collecting information in this case related to the Defendants actions as outlined in the Court's order.

However, at this time the People have reviewed the video footage from the incident and agree with the Court's recitation of the pertinent facts. Defendant Barry Morphew is clearly visible and identifiable as the person who perpetrated the hit and run.

The following facts as noted by the Court present new information the Court can consider in assessing the Defendant's overall flight risk:

1) The Defendant is operating his vehicle without insurance in a reckless and aggressive manner (it is unclear if the vehicle is properly registered under his name),
2) The Defendant struck two vehicles,
3) The Defendant offers the driver money to avoid going through legal channels,
4) The Defendant refuses to provide his name or identification,
5) The Defendant is informed that police are being called before deciding to leave,
6) The Defendant leaves the scene, almost striking another individual and driving over a curb to do so,
7) The Defendant did not report this incident to police, this Court, or any authority whatsoever, and had to be caught on camera by a witness before the matter was brought to this Court's attention.

All of these facts indicate a heightened flight risk with regard to this Defendant in the present case.

The charges in this case are far more serious, yet the Defendant has demonstrated a willingness to evade authorities and withhold his identity even in relation to a traffic case.

In the past he has used aliases and, as noted by the Court, more than one vehicle. Here, it took a citizen with a recording device and a news channel to identify him and bring the matter before the Court. But for this citizen's report, the Defendant would have successfully concealed his identity in conjunction with the criminal investigation.

His driving in this case appears to put others at risk, and were he to flee in the present case, that is a new consideration for the Court as it pertains to community safety. The fact that the driving appears to be in direct response to impending police involvement indicates a willingness to flee police specifically.

At this time, in addition to standard bond conditions of appearing for court and committing no new felonies, the Defendant's bond conditions include the following:

1) Do not leave the state
2) No weapons
3) No alcohol
4) No illegal drugs
5) GPS monitoring
6) Not to leave home except medical emergency, doctor appointments, legal, or work,
7) GPS must report to Court
8) Surrender passport
9) Use only name Barry Morphew
10) Only drive vehicles registered in that name.

Both defense counsel and RMS have indicated to the People that the Defendant had sought permission for a "work" exception to his bond condition requiring him to remain at home at the time of this incident, specifically: Monday to Sunday, 9 a.m. to 9 p.m., in Castle Rock, Denver and Parker.

If he was in fact working that entire time, it appears he was unable to do so without these concerning events occurring.

Notably, it seems no one at RMS or in pretrial services is checking if he has complied with the bond conditions while exercising exceptions to the GPS home detention conditions. There appears to be no mechanism in place to verify that he is at a work site at all when he is asking permission to leave home for work.

The Defendant was given wide latitude regarding the times and locations through which he may travel unmonitored as to his purposes in those time frames and locations. It appears that wide latitude in this "work" exception has resulted in the Defendant allegedly committing criminal conduct and evading the authorities in conjunction therewith.

The People are waiting for RMS to provide detailed information regarding the Defendant's GPS location information around the time of the hit and run crash. This motion is being filed without yet knowing if that information will show bond violations related to his GPS requirements and locations over that time period. However, the time it is taking to even receive this information illustrates the fact that the bond conditions as set are inadequate to alleviate the extreme flight risk in this case. The information was requested early this morning, and approaching close of business, is still not available. This allows for a situation where bond violations can go unnoticed for far too long a period of time.

The People continue to collect information related to this incident, but based on the new information already known, the People are requesting the following bond modifications, to be addressed at the upcoming bond hearing:

1) The Defendant no longer be given exceptions on his GPS from house arrest ant that he remain in his home, and at the hearing, the Court address whether any exceptions are allowed moving forward,
2) In the event a "work" exception is given, that he be required to provide specific information as to a job site and be required to provide verification of his presence at the jobsite,
3) The Defendant be monitored by pretrial services and/or RMS as to his GPS compliance regularly regarding the nature of his activities,
4) The Defendant not operate a motor vehicle,
5) The Defendant provide proof of registration for hjs vehicle under his name,
6) The Defendant not commit any new offenses of any kind, including misdemeanors and traffic offenses,
7) The Defendant's financial conditions of bond be increased, given the increased flight risk demonstrated by his behavior in the hit and run incident, and that arguments be heard at the upcoming hearing.

The People appreciate the Court setting the hearing, and upon review of additional information that has been requested, the People will determine if a motion to revoke bond will be filed in conjunction with this incident, pursuant to C.R.S. 16-4-109(4)(a).

Dated September 2, 2026

Anne E Kelly
District Attorney

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