DATE FILED
October 29, 2026

DISTRICT COURT, ALAMOSA COUNTY, COLORADO, 8955 Independence Way Alamosa, CO 81101 --- THE PEOPLE OF THE STATE OF COLORADO Plaintiff, v. BARRY LEE MORPHEW, Defendant.	▲ COURT USE ONLY ▲
JANE FISHER-BYRIALSEN, #49133 FISHER & BYRIALSEN, PLLC 4600 S. Syracuse Street, 9th 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-063] MOTION FOR THE COURT TO AMEND THE AMENDED OMNIBUS SCHEDULING ORDER TO PROVIDE A DEADLINE FOR REBUTTAL EXPERT DISCLOSURES

Mr. Morphew, by and through counsel, moves this Court to AMEND its Amended Omnibus Order to include a timeframe for rebuttal expert disclosures. In support, Mr. Morphew states:

1. This Court's Amended Omnibus Order (filed August 7, 2026), sets a deadline for disclosure of prosecution and defense experts on May 20, 2027. The order does not set a deadline for defense rebuttal witnesses, only a deadline for objections.

2. Obviously, the defense will not be able to notice responsive rebuttal experts before receiving the prosecution's disclosures.

3. After the defense receives the prosecution's expert disclosures, (1) the defense must identify and retain an expert to review the prosecution's disclosures, (2) the expert consultant must assist the defense in determining whether responsive expert testimony is warranted, and if so, (3) the defense must retain a testifying expert and (4) that expert must have time to do their work to enable the defense to provide expert disclosure.

4. This is, no doubt, why Rule 16 imposes a deadline on the prosecution for expert disclosures but not upon the defense. Defense rebuttal expert disclosures logically must follow the prosecution expert disclosures.

5. The defense recommends a minimum of forty days following the prosecution's expert disclosures for the defense rebuttal expert disclosures.

WHEREFORE, Mr. Morphew requests that this Court amend its Amended Omnibus Order to provide that the defense rebuttal expert disclosures are due forty days after receipt of the prosecution's expert disclosures.

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 October 29, 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