

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
OF THE STATE OF OKLAHOMA, IN AND FOR STEPHENS COUNTY

FILED DISTRICT COURT  
Stephens County, Okla.  
JAN 20 2026  
MELINDA HARRER  
Court Clerk

THE STATE OF OKLAHOMA,  
Plaintiff,

v.

Case No. CM-2025-529

Case No. CM-2025-00530

JOSE M. DECASTRO,  
Defendant.

**DEFENDANT'S MOTION FOR JUDICIAL RECUSAL**

**(With Request for Reassignment)**

COMES NOW Defendant Jose Maria DeCastro, appearing pro se, and respectfully moves for the recusal of the Honorable Carrie Hixon from this matter pursuant to the Oklahoma Code of Judicial Conduct, Rule 2.11, and Title 20 O.S. § 1401. In support of this Motion, Defendant states as follows:

**I. FACTUAL BACKGROUND**

1. The Finding of Probable Cause authorizing the arrest warrant in this case was signed by Special Judge Carrie Hixon on December 10, 2025.
2. Judge Hixon was appointed Special District Judge for Stephens County in October 2023. She has served in that capacity for approximately two years.
3. Prior to her appointment as Special Judge, Carrie Hixon served as an Assistant District Attorney in the same judicial district and prosecutorial system now appearing before her. Public records indicate she served in the District Attorney's office handling matters in both Jefferson County and Stephens County.
4. During her tenure as Assistant District Attorney, Judge Hixon worked alongside law enforcement officers in this district, including officers of the Duncan Police Department.
5. The Probable Cause Affidavit in this case was sworn by Detective Suzannahe Smith of the Duncan Police Department. The witnesses endorsed by the State are Suzannahe Smith and Lori Adams, both of the Duncan Police Department.
6. Defendant has filed a Motion for Franks Hearing challenging the veracity and reliability of Detective Smith's Probable Cause Affidavit. A Franks hearing requires the Court to make credibility determinations regarding the affiant and the statements contained in the affidavit.

**II. LEGAL STANDARDS FOR RECUSAL**

7. The Oklahoma Code of Judicial Conduct, Rule 2.11(A), provides that a judge shall disqualify herself in any proceeding in which the judge's impartiality might reasonably be questioned.

8. Title 20 O.S. § 1401 provides that a judge shall be disqualified when the judge "has been attorney or counsel for either party in the action or proceeding" or when "the judge is otherwise interested in said cause."

9. The United States Supreme Court has held that due process requires recusal when there is "a serious risk of actual bias" based on objective and reasonable perceptions. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 884 (2009).

10. The appearance of impropriety standard does not require proof of actual bias; it requires only that an objective observer would have reasonable grounds to question the judge's impartiality. *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 860 (1988).

### III. GROUNDS FOR RECUSAL

#### A. Institutional Proximity

11. Judge Hixon's recent service as an Assistant District Attorney in this same judicial district places her in close institutional proximity to the prosecuting authority in this case. Although she is not presently employed by the District Attorney's office, her transition to the bench occurred only two years ago.

12. During her tenure as Assistant District Attorney, Judge Hixon necessarily developed professional relationships with law enforcement officers in this district whose credibility she is now being asked to evaluate.

#### B. Appearance of Impropriety

13. A reasonable person, knowing all the circumstances, would have legitimate doubts about whether a judge who recently served as a prosecutor in the same district can impartially evaluate challenges to the conduct of law enforcement officers with whom she previously worked.

14. This concern is heightened in a case where the defendant has filed a *Franks* motion directly challenging the truthfulness of a law enforcement affiant. The *Franks* inquiry requires the Court to assess whether the affiant made false statements knowingly or with reckless disregard for the truth—a credibility determination that goes to the officer's integrity.

#### C. Credibility Adjudication Context

15. Unlike routine probable cause determinations, a *Franks* hearing places the affiant's credibility directly at issue. The Court must determine whether the affiant lied or acted with reckless disregard for the truth.

16. A judge who previously worked alongside the affiant in a prosecutorial capacity—or who worked within the same law enforcement ecosystem—faces an inherent tension when asked to make such credibility determinations.

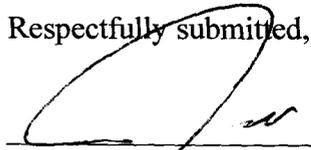
17. Defendant does not allege actual bias. Defendant asserts that the circumstances create an objective appearance of impropriety that warrants reassignment to preserve public confidence in the integrity of the proceedings.

**IV. PRAYER FOR RELIEF**

WHEREFORE, Defendant respectfully prays that this Court:

- A. Grant this Motion for Judicial Recusal;
- B. Reassign this matter to a judge without recent prosecutorial ties to the District Attorney's office or Duncan Police Department; and
- C. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,



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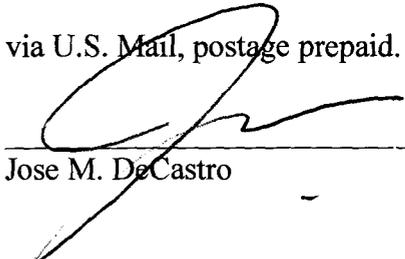
Jose M. DeCastro, Pro Se  
5350 Wilshire Blvd., PO Box 36143  
Los Angeles, CA 90019  
Phone: (310) 963-2445  
Email: Chille@situationcreator.com

**CERTIFICATE OF SERVICE**

I hereby certify that on Jan 13, 2026, a true and correct copy of the foregoing was served upon:

Dan Jacobsma, District Attorney  
District 3 District Attorney's Office  
101 N. Main Street, Suite 104  
Altus, OK 73521

via U.S. Mail, postage prepaid.



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Jose M. DeCastro