

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

THE STATE OF OKLAHOMA,
Plaintiff,

v.

Case No. CM-2025-~~529~~ 530

JOSE M. DECASTRO,
Defendant.

FILED DISTRICT COURT
Stephens County, Okla.
JAN 20 2026
MELODY HARPER
Court Clerk

DEFENDANT'S SUPPLEMENTAL MOTION FOR FRANKS HEARING

(Supplemental Brief in Support of Motion to Suppress and Quash Warrant)

COMES NOW Defendant Jose Maria DeCastro, appearing pro se, and respectfully submits this Supplemental Motion for Franks Hearing pursuant to the Fourth Amendment to the United States Constitution, Article II, Section 30 of the Oklahoma Constitution, and *Franks v. Delaware*, 438 U.S. 154 (1978). Defendant has discovered additional facts bearing on the integrity of the probable cause affidavit and the authorization chain supporting the arrest warrant in this case.

I. INCORPORATION BY REFERENCE

1. Defendant incorporates by reference all facts, arguments, and authorities set forth in his previously filed Motion for Franks Hearing as if fully restated herein.

II. NEWLY DISCOVERED FACTS: DUPLICATE CASE FILINGS

2. Defendant has discovered that two separate case numbers have been assigned to what appear to be identical charges arising from the same alleged incident on September 8, 2025:

- a. Case No. CM-2025-529; and
- b. Case No. CM-2025-00530.

3. Both cases were filed on December 10, 2025. Both allege three counts of Loiter In/Injure/Molest Motor Vehicle under 21 O.S. § 1787. Both are based on the same Probable Cause Affidavit sworn by Detective Suzannahe Smith. Both list the same witnesses: Suzannahe Smith and Lori Adams of the Duncan Police Department.

4. The existence of duplicate criminal cases for identical charges arising from a single incident raises serious questions about the integrity of the charging process and suggests procedural irregularities warranting judicial scrutiny.

III. PROSECUTORIAL AUTHORIZATION TIMELINE DEFECTS

5. The Probable Cause Affidavit of Detective Suzannahe Smith was “subscribed and sworn” before a notary on **September 9, 2025**.

6. At the time Detective Smith swore the Probable Cause Affidavit, the Stephens County District Attorney's Office had requested recusal from this matter. The Attorney General subsequently appointed Dan Jacobsma as Special Prosecutor in AG Case No. 25-02241.

7. The Attorney General's letter appointing Dan Jacobsma is dated **September 16, 2025**—one week *after* Detective Smith swore the Probable Cause Affidavit.

8. The Attorney General's appointment letter was not filed with this Court until **December 26, 2025**—sixteen days *after* the arrest warrant was issued on December 10, 2025.

9. Dan Jacobsma signed the Information in this case, swearing under oath that the statements therein "are true and correct to the best of my knowledge and belief."

10. These facts establish a broken chain of prosecutorial authorization:

a. When Detective Smith swore the affidavit on September 9, 2025, no prosecutorial authority appears of record for this case—the local DA had recused, and Jacobsma was not appointed until a week later;

b. The affidavit remained unfiled for three months before a warrant was sought;

c. The warrant was issued on December 10, 2025, but Jacobsma's authority was not formally filed with the Court until December 26, 2025.

11. A warrant application requires prosecutorial review and authorization. The timeline here raises substantial questions about whether any prosecutor reviewed or authorized the warrant application at the time it was made, or whether the warrant was obtained through procedural shortcuts that bypassed required safeguards.

IV. LEGAL STANDARDS

12. Under *Franks v. Delaware*, 438 U.S. 154 (1978), a defendant is entitled to an evidentiary hearing where he makes a substantial preliminary showing that: (1) the affidavit contains false statements or material omissions; (2) the affiant made the false statements knowingly and intentionally, or with reckless disregard for the truth; and (3) the false statements or omissions were necessary to the finding of probable cause.

13. The *Franks* doctrine extends beyond false statements to material omissions and to circumstances that undermine the reliability of the warrant process itself. *See United States v. Stanert*, 762 F.2d 775, 781 (9th Cir. 1985).

14. The procedural irregularities identified herein—including the absence of prosecutorial authority when the affidavit was sworn, the three-month delay correlating with Defendant's public records requests, and the filing of duplicate cases—are material to the reliability of the warrant and the integrity of the probable cause determination.

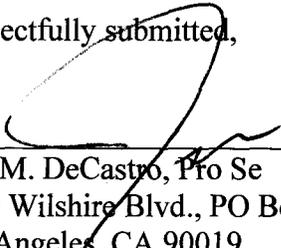
V. PRAYER FOR RELIEF

WHEREFORE, Defendant respectfully prays that this Court:

A. Grant Defendant's Motion for Franks Hearing to permit Defendant to challenge the veracity and reliability of the Probable Cause Affidavit;

- B. Order the State to produce all documents relating to the prosecutorial authorization of this case, including any communications between the Duncan Police Department and District Attorney's offices;
- C. Consolidate or dismiss the duplicate Case No. CM-2025-00530;
- D. Suppress all evidence derived from the defective warrant;
- E. Quash the arrest warrant; and
- F. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,



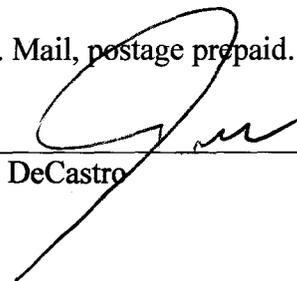
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CERTIFICATE OF SERVICE

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.



Jose M. DeCastro