

IN THE DISTRICT COURT OF STEPHENS COUNTY
STATE OF OKLAHOMA

FILED DISTRICT COURT
Stephens County, Okla.
JUN 03 2026
MELODY HARPER
Court Clerk

THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.)
JOSE MARIA DECASTRO,)
Defendant(s),)

Case No. CM-2025-530

STATE’S RESPONSE TO DEFENDANT’S MOTION FOR FRANKS HEARING

COMES NOW the State of Oklahoma by and through Dan Jacobsma, District Attorney, and in response to the Defendant’s Motion For Franks Hearing, presents the following:

The Defendant claims that exculpatory information was omitted from Detective Suzannahe Smith’s Probable Cause Affidavit filed in the case at bar that would have negated probable cause to issue an arrest warrant.

The Oklahoma Uniform Jury Instruction OUJI-CR5-199 sets out the elements of the crime the Defendant is charged with committing as follows:

OUJI-CR 5-119

INTERFERING WITH VEHICLE - ELEMENTS

No person may be convicted of interfering with vehicle unless the State has proved beyond a reasonable doubt each element of the crime. These elements are:

First, (loitered in/upon)/defaced/injured/(manipulated/meddled with any machinery/appliances of);

Second, a/an automobile/(motor vehicle);

Third, without the consent of the owner of the automobile/(motor vehicle).

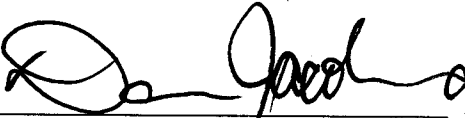
Statutory Authority: 21 O.S. 1991, § 1787

The Defendant claims that he was engaged in First Amendment protected activity. Trying to open the doors of police vehicles that do not belong to the Defendant without the Duncan Police Departments permission is not a First Amendment protected activity

but does in fact meet all the elements of the crime. There is no defense under Oklahoma law that would justify the Defendant's actions. There is nothing exculpatory about any of the Defendant's actions during the commission of the crime or afterwards that Detective Smith should have put in her probable cause affidavit.

Respectfully submitted,


DAN JACOBSMA
DISTRICT ATTORNEY



District Attorney

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Response to Motion For Franks Hearing was mailed the Defendant, Jose DeCastro, at P.O. Box 36143; Los Angeles, CA 90019, this 22nd day of May 2026.



Dan Jacobsma
District Attorney