

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

THE STATE OF OKLAHOMA,)
 Plaintiff,)
vs.)
)
JOSE M. DECASTRO,)
 Defendant.)

CASE NO. CM-2025-530

**FILED DISTRICT COURT
Stephens County, Okla.**

JUN 03 2026

**MELODY HARPER
Court Clerk**

ORDER

NOW on this 3rd day of June 2026, the above styled and numbered matter comes on for hearing on Defendant's Pre-Arrestment Motions as set out in this Court's Order Setting hearing filed herein on the 21st day of May, 2026. The State of Oklahoma appears by District Attorney Dan Jacobsma. The Defendant, Jose M. DeCastro does not appear.

The Court hereby finds as follows:

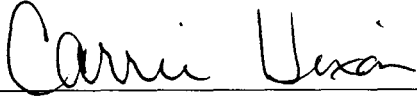
1. Defendant filed a *Motion for Judicial Recusal* on the 20th day of January, 2026. Pursuant to Rule 15, before a party files a written application requesting a judge's recusal, the party must first make an in camera request to the judge. No in camera request was made to the Court prior to the filing of the motion to recuse. Further, this Court would advise the parties that it left its employment with the Office of the District Attorneys office in 2013. While employed with the Office of the District Attorney, this Court was assigned to Jefferson County and did not work closely alongside the affiants as suggested in Defendant's Motion. The Court finds that the Defendant has failed to follow statutory procedure, no basis in the Defendant's Motion exists to warrant Judicial recusal, and the Defendant's Motion is denied for failure to appear and prosecute his motion.
2. Defendant filed a *Motion to Disqualify Prosecutor* on the 20th day of January 2026. District 3 District Attorney Dan Jacobsma was appointed by the Oklahoma Attorney General to prosecute this matter on September 16, 2025. This dated letter was filed of record on December 26, 2025. This Court does not find sufficient grounds on the face of Defendant's Motion to warrant an Order of Disqualification in this matter and the Court hereby denies Defendant's Motion for failure to appear and prosecute his motion.
3. Defendant filed a *Motion for Franks Hearing* on January 9, 2026 and *Supplemental Motion for Franks Hearing* on January 20, 2026. Per the Defendant's certificate of service, the Motion for Franks Hearing filed on January 9, 2026 was mailed to the Jefferson County Courthouse in Waurika, Oklahoma rather than to District Attorney Jacobsma's office. The Supplemental Motion does show to have been mailed to Jacobsma's office in Altus.

4. Defendant filed a *Motion to Deem Motions Confessed* on February 13, 2026. The Court finds the Defendant did not properly give notice to the State of its Motion for Franks Hearing as the Defendant sent this motion to Jefferson County Courthouse and the State has not consented to service by electronic mail. The Court further finds neither the *Motion for Franks Hearing* nor *Supplemental Motion for Franks Hearing* were verified by the Defendant and that no response as to Defendant's *Motion for Franks Hearing* or *for Franks Hearing* was statutorily required as a Frank's Motion requires an evidentiary hearing before ruling. Therefore, the Defendant's *Motion to Deem Motions as Confessed* is hereby denied and shall proceed to hearing on Defendant's *Motion for Franks Hearing*.
5. As to Defendant's *Motion for Franks hearing* and *Supplemental Motion for Franks Hearing*, the Court finds that the Defendant has failed to appear for hearing and the Court hereby denies Defendant's motions for failure to prosecute the same.

The Court further finds:

1. Defendant's *Emergency Petition for Writ of Mandamus*, Pg 3, Paragraph 6, references *Proposed Order of Dismissal (Filed February 13, 2026)*, however this Court finds no such proposed order filed on that date and, therefore, this Court makes no such rulings as to that order.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT,
that all Defendant's Motions set forth herein is **DENIED**.



District Judge

CERTIFICATE OF RECEIPT/MAILING

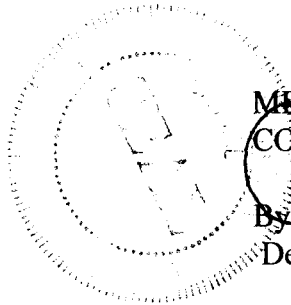
I, Melody Harper, District Court Clerk, do hereby certify that the above and foregoing Order of the Court was filed in this office on the 3 day of June, 2026 and a true and correct copy of the same was mailed to the following:

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

Jose M. DeCastro
5350 Wilshire Blvd
P.O. Box 36143
Los Angeles, CA 90036

And further that a certified copy of this Order was mailed to:

Clerk of the Court of Criminal Appeals
Oklahoma Judicial Center
2100 N. Lincoln Blvd., Suite 4
Oklahoma City, OK 73105



MELODY HARPER
COURT CLERK

By: *Alta Sarnes*
Deputy Court Clerk