

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

THE STATE OF OKLAHOMA,

Plaintiff,

vs.

Case No. CM-2025-00530
(Special Judge Carrie Hixon)

JOSE M. DECASTRO,

Defendant.

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

DEFENDANT'S MOTION TO RULE ON THE PENDING MOTIONS WITHOUT
REQUIRING PERSONAL APPEARANCE, OR IN THE ALTERNATIVE TO PERMIT
A LIMITED TELEPHONIC APPEARANCE, AND OBJECTION TO ANY DENIAL OR
DEFERRAL OF THE PENDING MOTIONS PREMISED ON NON-APPEARANCE

COMES NOW the Defendant, Jose M. DeCastro, appearing pro se, and respectfully
moves this Court to comply with the directive of the Oklahoma Court of Criminal Appeals by
ruling upon his fully briefed pending motions on the written record, without requiring his
personal appearance; or, in the alternative, to permit him to appear by telephone for the limited
purpose of the pending motions; and Defendant objects to any denial or deferral of his pending
motions premised solely upon his non-appearance. In support, Defendant states as follows.

I. THE OCCA DIRECTIVE AND THE STATUS OF THE PENDING MOTIONS

1. By Order dated May 15, 2026 in MA-2026-258, the Oklahoma Court of Criminal
Appeals directed this Court to determine the status of, and act upon, Defendant's pending
motions within thirty days, and to forward a certified copy of its disposition to that Court and to
Defendant.

2. Defendant's pending motions, including his Motion for Franks Hearing, his Supplemental Motion for Franks Hearing, his Motion for Judicial Recusal, his Motion to Disqualify the District Attorney, and his Motion to Deem Motions Confessed, have been briefed and are ripe for decision on the written record.

II. THE COURT CAN COMPLY WITH THE DIRECTIVE BY RULING ON THE RECORD

3. The Court of Criminal Appeals directed this Court to act upon Defendant's pending motions; it did not direct a hearing requiring Defendant's physical presence. The pending motions present questions of law and questions concerning the sufficiency of the affidavit supporting the warrant, each of which may be decided on the written record. No witness testimony or credibility determinations are necessary for the Court to decide whether the pending motions warrant relief or disposition.

4. Defendant's personal appearance is therefore not necessary for this Court to act within the thirty-day period the Court of Criminal Appeals prescribed. Defendant respectfully submits that the Court may comply with that directive by ruling upon the pending motions on the papers, and requests that it do so.

5. Oklahoma law recognizes that a defendant's personal appearance is not invariably required in misdemeanor proceedings. See 22 O.S. § 452; see also 22 O.S. § 912. The charges in this matter are misdemeanors, and the pending motions present threshold legal questions capable of resolution on the written record.

6. Ruling on the written submissions would fully comply with the directive of the Court of Criminal Appeals while avoiding unnecessary expenditure of judicial and law enforcement resources concerning an out-of-state misdemeanor defendant, particularly where no evidentiary hearing has been deemed necessary.

III. ANSWERING THE COURT'S STATED CONCERNS

7. By Order dated June 1, 2026, this Court denied Defendant's request to appear by videoconference or telephone, citing the outstanding warrant and concerns regarding confirmation of Defendant's identity.

8. Defendant files this limited motion solely to request adjudication of the pending motions, and to preserve his objections concerning the warrant and the requirement that he surrender to it before those motions are reviewed. Nothing in this Motion, or in any limited telephonic participation, is intended as a waiver of those objections.

9. As to the confirmation of identity, Defendant offers to verify his identity by any reasonable means the Court designates, including a notarized declaration, presentation of government-issued photographic identification by camera, or any other procedure the Court directs. The concern identified by the Court is therefore one Defendant stands ready to resolve, not an obstacle to his participation.

IV. OBJECTION TO PROCEEDING IN DEFENDANT'S ABSENCE

10. Defendant cannot appear in person without surrendering on the arrest warrant issued in this matter. The validity of that warrant is the precise subject of Defendant's pending Motion for Franks Hearing, which contends that the affidavit supporting the warrant was deficient.

11. The special judge presiding over the June 3, 2026 hearing previously issued the warrant that Defendant's pending motions challenge, and is also the judge who is the subject of Defendant's pending Motion for Judicial Recusal.

12. To condition Defendant's ability to contest the warrant he seeks to challenge on his first surrendering to that warrant denies him any meaningful opportunity to be heard on the very motions the Court of Criminal Appeals directed this Court to decide. Defendant therefore objects to any denial or deferral of his pending motions premised solely upon his non-appearance.

13. Defendant respectfully submits that denying him any opportunity to participate, in person or remotely, while his motions are decided, implicates his constitutional right to a meaningful opportunity to be heard and to due process of law. Defendant respectfully preserves these constitutional objections for the record.

V. ALTERNATIVE RELIEF

14. If the Court declines to rule on the pending motions on the written record, Defendant requests, in the alternative, leave to appear by telephone for the limited purpose of the pending motions, and to confirm his identity by the means described above. Defendant is prepared to appear by telephone on June 3, 2026, or on any later date the Court may set.

15. In the further alternative, and only if no remote participation can be accommodated, Defendant requests that the hearing be continued to a date on which a limited telephonic or videoconference appearance can be arranged. Defendant notes that the Notice setting the June 3, 2026 hearing issued only on May 21, 2026, and that his prior appearance motion was returned to him by mail and received only days before the hearing, leaving him without a meaningful opportunity to arrange out-of-state travel.

CONCLUSION

WHEREFORE, Defendant Jose M. DeCastro respectfully requests that this Court rule upon his pending motions on the written record without requiring his personal appearance; or, in the alternative, permit him to appear by telephone for the limited purpose of the pending motions; that the Court decline to deny or defer his pending motions premised solely upon his non-appearance; that the Court issue written rulings sufficient to permit meaningful appellate review; and that the Court grant such other and further relief as it deems just and proper.

Dated this 3rd day of June, 2026.

Respectfully submitted,

/s/ Jose M. DeCastro

Jose M. DeCastro, Defendant Pro Se

5350 Wilshire Boulevard, P.O. Box 36143

Los Angeles, California 90036

Telephone: (310) 963-2445

Email: Chille@situationcreator.com

CERTIFICATE OF SERVICE

I, Jose M. DeCastro, hereby certify that on this 3rd day of June, 2026, a true and correct copy of the foregoing was served upon the following:

Office of the District Attorney
Attn: District Attorney Dan Jacobsma
101 N. Main Street, Suite 104
Altus, Oklahoma 73521

Office of Special District Judge Carrie Hixon
Stephens County Courthouse
101 South 11th Street
Duncan, Oklahoma 73533

/s/ Jose M. DeCastro

Jose M. DeCastro, Defendant Pro Se