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FOR IMMEDIATE RELEASE

Report of the Council on Judicial Complaints, re: Judge Susan Worthington

This report comes in response to complaints filed with the Council on Judicial Complaints and repeated online and in print relative to Judge Susan Worthington's conduct in *State of Oklahoma v. Jesse Mack Butler*, CF-2025-59 (Payne County).

I. Background

The Council on Judicial Complaints is the state agency responsible for investigating complaints concerning the conduct of state court judges. It is sometimes likened to a grand jury limited to investigating only judicial misconduct. Much like a grand jury, the Council on Judicial Complaints is authorized by statute to hold hearings, administer oaths, and compel testimony and the production of tangible evidence through the issuance of subpoenas. Following a full investigation, the Council on Judicial Complaints is authorized to issue written findings and recommend discipline if it finds by clear and convincing evidence that a violation of the Code of Judicial Conduct or other law has occurred. Findings of misconduct are confidential until made public by an appropriate body authorized to issue public discipline. For instances in which the findings and conclusions of the Council on Judicial Complaints determine that there is insufficient evidence to prove a judicial officer has engaged in judicial misconduct, the Council may, in its discretion and as allowed by the same statutory authority vested in a grand jury, release its findings. This report is being issued to the public pursuant to that authority, 22 O.S. § 346.

The Council on Judicial Complaints has received numerous complaints and communications about *State of Oklahoma v. Jesse Mack Butler*, CF-2025-59 (the Butler case), specifically as the case relates to the conduct of Payne County Special District Judge Susan Worthington. The Council on Judicial Complaints investigates every complaint it receives and takes its charge seriously. To do so, the Council collects information until there are no unanswered questions and then determines whether that set of facts complies with the Code of Judicial Conduct. The investigation of every single complaint is reviewed by a three-member panel and requires a majority vote for disposition. The purpose of this agency and the Code of Judicial Conduct is to promote public confidence in the judiciary. That confidence is created by recommending disciplinary action when appropriate, but also by assuring the public of instances in which, after a full investigation, a judicial officer is found to not be engaged in misconduct or malfeasance. Typically, that assurance and information comes in the form of written communication directed to an individual complainant. However, in addition to the numerous complaints and communications the Council has received directly alleging judicial misconduct in the *Butler* case, it is also aware of the national news and social media activity likewise

alleging judicial misconduct in this case. To that end, the Council has found the public domain to be riddled with misstatements of fact and misinformation that have caused interest in this matter specifically with respect to Judge Susan Worthington's conduct. Accordingly, in this case, the Council has determined, within its discretion, that it is appropriate to issue a report to address the widespread public concern.

In this instance, the Council unanimously found no clear and convincing evidence of misconduct or wrongdoing by Judge Worthington in the *Butler* case, nor was the Council presented with any evidence that *tended* to show misconduct by Judge Worthington in the *Butler* case. Rather, the investigation revealed Judge Worthington exercised her discretion exactly as the legislature mandated. This is because amendments to the Oklahoma Youthful Offender Act in 2022 shifted the discretion on charging and accountability determinations in the case of a 15, 16, or 17 year-old charged with rape in the first degree or attempt thereof from the reviewing judge to the district attorney. It is not judicial misconduct for a judge to properly apply the law, no matter how unpopular that law may be or what unintended consequences may result. This is exactly what a judge's oath requires. The purpose of this report is to summarize the Council's findings and detail the allegations of misconduct which, after thorough investigation, were all found to lack merit.

II. Overview of *State of Oklahoma v. Jesse Mack Butler*

The following is a timeline of major events in the *Butler* case:

March 4, 2025: The State of Oklahoma (hereinafter "the State") filed a Felony Information in *State of Oklahoma v. Jesse Mack Butler*, CF-2025-59, in Payne County, Oklahoma. Defendant Butler was 16-17 years old when the crimes occurred, and 17 years old when the charges were filed. He was charged as an adult with the following ten criminal counts:

- Count 1: Attempted Rape in the First Degree
- Count 2: Rape by Instrumentation
- Count 3: Sexual Battery
- Count 4: Forcible Oral Sodomy
- Count 5: Attempted Rape in the First Degree
- Count 6: Rape by Instrumentation
- Count 7: Domestic Assault & Battery by Strangulation
- Count 8: Domestic Assault & Battery by strangulation
- Count 9: Rape by Instrumentation
- Count 10: Domestic Assault & Battery

Under Oklahoma law, a 17-year-old could only be charged as an adult for two of those counts -- Counts 1 and 5. However, so long as one count can be charged as an adult, 10A O.S. § 2-5-203(A)(2) allows any other crimes to be charged as an adult as well. Relying on Counts 1 and 5, the State filed all 10 counts as an adult. The case was automatically assigned to Judge Worthington as magistrate to hear the case through the preliminary hearing.

April 3, 2025: Attorney Jessica Goodwin filed an *Entry of Appearance and Assertion of Victim's Rights* on behalf of the two victims. Attorney Goodwin's filing asserted a right to, among other things, "be heard in any proceeding involving release, plea, sentencing, disposition, parole, and any other proceeding during which the right[s] of the victims are implicated."

June 12, 2025: Defendant Butler's attorney filed *Defendant's Motion to Certify as a Youthful Offender or in the Alternative a Juvenile and Request for Youthful Offender Study and Psychological Evaluation*.

July 24, 2025: A preliminary hearing was initially scheduled on this date before Judge Worthington. However, rather than holding the preliminary hearing, defense counsel and the State announced they had agreed to certify Defendant Butler as a Youthful Offender. Judge Worthington inquired if everyone was in agreement, and when no one (including Attorney Goodwin) objected, she granted the joint request. In state court, after a hearing has been held, it is standard practice for one or both attorneys involved in the case to draft a written order memorializing the judge's decision for the judge's signature, rather than for the judge to draft the order themselves. In keeping with that practice, the written order memorializing Judge Worthington's decision was to be prepared and agreed upon by defense counsel and the State, then submitted to the judge for her signature. As is shown below, the attorneys waited approximately two weeks to present a written order to Judge Worthington for signature.

August 5, 2025: Defendant Butler's arraignment was originally scheduled for this date before Associate District Judge Michael Kulling, but was re-scheduled to August 25, 2025.

August 11, 2025: The *Agreed Order Granting Defendant's Motion to Certify as a Youthful Offender*, signed by Judge Worthington, was filed. As addressed above, this order reflects the actions taken at the July 24, 2025 hearing, a month prior to any action Judge Kulling took in the *Butler* case.

August 25, 2025: Defendant Butler's arraignment was held before Judge Kulling. Defendant Butler pled Nolo Contendere (no contest) to the charges, victim impact statements were read, and Judge Kulling announced the sentence. Defendant Butler was ordered to follow a Youthful Offender rehabilitation plan, and he received an adult prison sentence to be served only if he failed to comply with his rehabilitation plan, the details of which had not yet been determined.

October 6, 2025: During Defendant Butler's disposition hearing, Judge Kulling adopted the rehabilitation plan prepared by the Oklahoma Office of Juvenile Affairs.

III. Findings of the Council's Investigation

The Council on Judicial Complaints focused its investigation on (1) identifying the law applicable to Judge Worthington's decision in the *Butler* case, and determining whether she fairly and impartially upheld and applied the law; and (2) determining whether Judge Worthington's conduct and decision-making was affected or influenced by monetary or economic conflicts of interest, bias, prejudice, or other improper motivations of any kind. The results of this investigation are discussed below.

The Council identified several provisions of Oklahoma Code of Judicial Conduct relevant to the allegations against Judge Worthington. Pursuant to Code of Judicial Conduct Rule 1.1, "[a] judge shall comply with the law. . ." Pursuant to Rule 1.3, "A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so." Rule 2.2 provides, "[a] judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially." And, pursuant to Rule 2.11, a judge is disqualified from presiding over any case where his or her partiality "might reasonably be questioned," including in instances where the judge holds bias or prejudice towards a party or attorney, or where the judge or a family member has an economic or other interest in the outcome of the case.

1. Judge Worthington fairly and impartially upheld applicable law.

a. Oklahoma Youthful Offender Act.

The Oklahoma Youthful Offender Act, 10A O.S. § 2-5-201 *et seq.*, is the statute that addresses sentencing guidelines for criminal defendants who committed certain crimes while under the age of 18. Until 2022, the Oklahoma Youthful Offender Act required a reviewing judge to weigh seven factors before granting certification as a youthful offender, giving the greatest weight to whether the offense was committed in an aggressive, violent, or willful manner. That consideration was also required to be reduced to writing and filed of record in the underlying case.

In 2022, Senate Bill 217 substantially changed the Youthful Offender Act by giving the District Attorney “sole discretion” to determine whether a person 15, 16, or 17 years old charged with rape or attempt thereof may be held accountable for their acts as either an adult or a youthful offender -- even if the defendant was initially charged as an adult. Senate Bill 217 also eliminated the previous requirement that the judge weigh the 7 factors and reduce his or her analysis to writing when presented with a youthful offender certification for a rape charge. In addition to granting the District Attorney sole discretion on both the charging and accountability levels of a 15, 16, or 17 year old charged with rape or the attempt thereof, the legislature left intact a provision that allows a district attorney to dismiss an adult charge in favor of filing a youthful offender charge, again at their sole discretion and without any approval from a reviewing judge.

b. Judge Worthington’s application of the Oklahoma Youthful Offender Act.

One of the specific portions of the Youthful Offender Act applicable to Judge Worthington’s order certifying the defendant as a youthful offender is 10A O.S. § 2-5-205(D), which reads in part as follows:

At the sole discretion of the district attorney, any person fifteen (15), sixteen (16) or seventeen (17) years of age who is charged with rape in the first degree or attempt thereof may be held accountable for his or her act as if the person was an adult or as a youthful offender.

Judge Worthington’s decision to grant Defendant Butler’s *Motion to Certify as a Youthful Offender* complied with 10A O.S. § 2-5-205(D), and in fact, the judge had no discretion to do anything but certify Defendant Butler as a Youthful Offender under the set of facts presented in this matter. Defendant Butler’s motion was agreed to by the State, as shown by the Assistant District Attorney’s signature on the August 11, 2025 *Agreed Order Granting Defendant’s Motion to Certify as a Youthful Offender*. Thus, the District Attorney had exercised its “sole discretion” to hold Defendant Butler “accountable for his ... act as if the person was ... a youthful offender.” At that point, the only discretion afforded to Judge Worthington by 10A O.S. § 2-5-205(D) was to determine whether Defendant Butler complied with the remainder of the statute -- that is, whether he was “any person fifteen (15), sixteen (16) or seventeen (17) years of age” and whether he was “charged with rape in the first degree or attempt thereof.” Because Defendant Butler met these two criteria and because the District Attorney’s office chose to exercise its “sole discretion” to certify him as a Youthful Offender, Judge Worthington’s ruling fully complied with the Youthful Offender Act exactly as it was modified by Senate Bill 217.

c. Judge Worthington did not “reverse” another judge’s sentence

It has been alleged that, by certifying Defendant Butler as a Youthful Offender, Judge Worthington “reversed” what would otherwise have been a 78-year prison sentence. However, as shown in the timeline in Section II above, Judge Worthington certified Defendant Butler as a Youthful Offender on July 24, 2025; his sentence was not imposed until a month later by a different judge.

Moreover, Defendant Butler was not sentenced to 78 years in prison. Rather, his adult prison sentence -- which is to be imposed if he fails to comply with his rehabilitation program -- would amount to 78 years if served consecutively, meaning if the total sentences for all counts are added together. However, the August 26, 2025 *Judgment of Adjudication as a Youthful Offender* indicates that Defendant Butler’s sentence is to be served concurrently, meaning the time for all counts is served simultaneously rather than added together. Thus, Defendant Butler’s concurrent adult sentence amounts to a total sentence of 10 years, not 78.

2. The Council found no evidence that Judge Worthington was required to recuse from the case or that her conduct in the *Butler* case was affected by improper outside influences.

a. Judge Worthington was not disqualified from presiding over the *Butler* case

Some complainants and public commentators believe Judge Worthington should have recused herself from the *Butler* case because she, like the defendant and his family, lives in Stillwater, Oklahoma where Oklahoma State University is located and is an alumnus of the University where the defendant’s father was previously employed.

Rule 2.11 of the Code of Judicial Conduct sets forth the circumstances requiring judicial disqualification. In addition to 13 specifically enumerated circumstances in which a judge shall disqualify himself or herself, Rule 2.11 mandates that a judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned.

The evidence showed no connection between Judge Worthington and Defendant Butler, his family, or either of the victims or their families. It was alleged that Judge Worthington had “long standing ties” to Oklahoma State University athletics, and that her conduct was influenced by the fact that Defendant Butler’s father is a former OSU director of football operations. The Council’s review found Judge Worthington has had minimal ties to the University since she attended the University in the 1970s. She attended Oklahoma State University as an undergraduate student, received two undergraduate degrees in 1974 and 1976, and donated \$25 per year to the Friends of Music program until approximately two years ago. However, she has not attended an Oklahoma State athletic event of any kind in approximately ten years, and she did not have any knowledge of Defendant Butler’s father or his former ties to Oklahoma State football prior to or during her assignment to the *Butler* case.

The Council concluded that Judge Worthington’s connections to Oklahoma State University do not constitute the kind of relationship requisite of disclosure or recusal in the *Butler* case, and they are not sufficient to establish bias or favoritism for Jesse Butler or any Oklahoma State affiliated litigant. *See, e.g., Fort v. State of Oklahoma*, 2022 OK CR 12, ¶12, 516 P.3d 690 (“The Court asks not whether a judge harbors an actual, subjective bias, but instead whether, as an objective matter, the average judge in [their] position is likely to be neutral, or whether there is an unconstitutional potential for bias.”)

(citations and internal quotations omitted). Simply put, the investigation found Judge Worthington's connections to OSU to be tenuous at best and do not raise a reasonable question as to her impartiality.

b. No evidence of other improper influence was found.

The Council also spent significant time investigating whether the judge may have been compromised by improper outside influences as was alleged in complaints, online, and in national news reports.

No evidence was presented or found that Judge Worthington was offered or accepted a bribe, or that she had any other economic ties to the case. Not one witness or complainant offered any fact or evidence in support of this allegation. The Council obtained and reviewed certified banking statements beginning several months before Defendant Butler was charged to the present; no transactions or activity supported this allegation or appeared unusual.

The Council established the facts behind several additional areas of public conjecture. First, in the body-worn camera footage of Defendant Butler's arrest, his mother can be heard saying "Rick knows about this..." The "Rick" in question was determined to be attorney Rick Johnson, who was already representing Defendant Butler in a related protective order proceeding. There is nothing nefarious to be drawn from a defendant's attorney having knowledge of their client's arrest. Second, in video from the police department lobby, Defendant Butler's father can be heard saying, "I got a text from Susan..." and the defendant's mother replies "she was there . . . she saw everything," referencing the defendant being arrested in the driveway at their home a few hours earlier. The Council investigated the possibility that "Susan" could refer to Judge Susan Worthington, but ultimately established that "Susan" referred to one of the Butlers' neighbors who has no known affiliation with the Payne County court system.

3. No witnesses interviewed by the Council supported a finding of misconduct by Judge Worthington.

Numerous complaints were filed with this office and numerous comments were made online alleging misconduct by Judge Worthington. These allegations, if proven, could represent serious judicial misconduct. However, the allegations received by the Council were not supported by evidence such as documents or testimony from people with first-hand knowledge of the situation. The Council therefore sought to identify evidence and witnesses that supported, contradicted, or otherwise helped to explain the troubling allegations. This included receiving testimony from eight witnesses with first-hand knowledge of Judge Worthington's conduct in the *Butler* case.

Several witnesses interviewed by the Council were extremely frustrated with the outcome of the *Butler* case and felt that justice was not served. However, even among those witnesses unhappy with the outcome, not a single one identified any act by Judge Worthington that could be characterized as misconduct, and many expressed genuine confusion as to why she became the focus of public outrage. The following are examples of testimony given to the Council:

- Several witnesses with knowledge of the proceedings stated that Judge Worthington's only role was to sign off on an agreement between the defendant and the State.
- Before she signed the agreed order certifying Defendant Butler as a Youthful Offender, Judge Worthington asked if everyone was in agreement. The victim's attorney was present in the courtroom. No one voiced any objection or disagreement.

- Several witnesses affirmed that misinformation has been spread online which conflicts with their direct knowledge of Judge Worthington's role and conduct in the case.
- Several witnesses directly involved in the case opined that Judge Worthington has been unfairly maligned in favor of social media clicks and attention. One witness directly involved in the case described her as a "scapegoat."

IV. Limitations of the Council's Investigation

The Council's investigative authority is limited by the Constitution to the conduct of judges. Due to that legal limitation, this report only addresses allegations of judicial misconduct against Judge Worthington. The Council has seen the pain and outrage caused by the allegations of sexual assault and exploitation in this case, as well as the allegations that the law applicable to this case has not provided adequate justice. However, the law also mandates that a judge's proper application of the law does not equate to misconduct, no matter how unpopular it is.

V. Conclusion

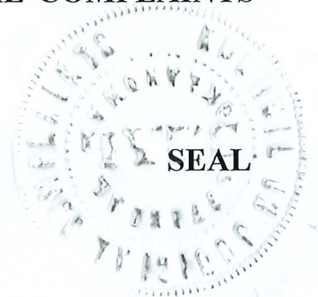
Anger is a natural and appropriate response to judicial misconduct. If the salacious allegations made against Judge Worthington were supported by facts or evidence, the Council would currently be in the process of recommending this judge be the subject of disciplinary proceedings, as it has done with other judges publicly and privately on many occasions. In this instance, the Council determined its investigation showed that the allegations of misconduct are not supported by any evidence, therefore the Council has dismissed the complaints filed against Judge Worthington. Please rest assured that the Council sought out every piece of evidence and witness reasonably possible -- including the people who have the closest personal connections to the case -- before reaching this conclusion.

DONE BY ORDER OF THE OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS

THE 22nd DAY OF JANUARY, 2026.



Rick Rose, Chairman



Taylor Henderson, Director
Dated this 22nd day of January, 2026