



IN THE DISTRICT COURT OF PAYNE COUNTY
STATE OF OKLAHOMA

IN THE DISTRICT COURT OF
Payne County, Oklahoma
FILED

APR 20 2026

By: LORI ALLEN, Court Clerk *LA*
Deputy

THE STATE OF OKLAHOMA,)
PLAINTIFF,)
VS) CF-2025-59
JESSE MACK BUTLER,)
DEFENDANT.)

OPINION AND ORDER OF THE COURT

This matter comes before the Court on the Verified Motion to Enforce Victim’s Rights filed by Movants pursuant to Article 2, Section 34 of the Oklahoma Constitution and Title 21 O.S. 142A, commonly referred to as the Oklahoma Victim’s Rights Act. Having considered the pleadings, the evidence presented over the course of a three-day evidentiary hearing conducted April 13 through April 15, 2026, and the arguments of counsel, the Court enters the following Opinion and Order.

BACKGROUND AND PROCEDURAL HISTORY –

The State of Oklahoma appeared by Assistant District Attorney Karen Dixon. Defendant appeared by and through counsel, Derek Chance. Movants appeared in person and by and through counsel Rachel Bussett and Brecken Wagner. Movants initially sought relief in the form of setting aside the plea agreement, reinstatement of adult charges, and/or modification of the youthful offender disposition. Prior to the commencement of evidence, Movants withdrew those requests, thereby narrowing the issue before the Court to whether their constitutional and statutory rights as victims were violated. The Court finds that this matter presents an issue of first impression in Oklahoma regarding the scope and enforceability of victims’ rights under the cited provisions. The burden rests upon Movants to establish a violation by a preponderance of the evidence.

JURISDICTION AND AUTHORITY –

As a threshold matter, the State questioned whether the procedure invoked by Movants is authorized by law. The Court concludes that it is. Article 2, Section 34(B) of the Oklahoma Constitution expressly provides that a victim, the victim’s attorney, or the attorney for the State upon request of the victim may assert and seek enforcement of victims’ rights before any court with jurisdiction over the case, and further mandates that such court shall act promptly upon such request. The plain language of this provision imposes an affirmative duty upon the Court to consider and resolve such claims. While the manner of disposition may vary depending upon the circumstances presented, including resolution upon the pleadings or argument of counsel, the Court retains discretion to conduct an evidentiary hearing where factual development is necessary. Under the facts presented herein, the Court finds that an evidentiary hearing was appropriate and necessary.

ANALYSIS –

Movants assert two primary bases for relief: (1) that they were not treated with fairness and dignity; and (2) that they were not adequately informed of plea negotiations nor afforded a meaningful opportunity to confer with the State.

Both Article 2, Section 34 of the Oklahoma Constitution and Title 21 O.S. 142A provide victims the right to be informed of proceedings, including plea negotiations, and the right to confer with the attorney for the State. However, neither provision confers upon victims the authority to direct, control, or veto prosecutorial decision-making. The absence of such language is significant. Had the Legislature or framers of the constitutional provision

intended to vest victims with decision-making authority over plea agreements, such intent would have been expressly stated. Instead, the rights afforded are participatory and informational in nature, not determinative.

Movants contend they were not treated with fairness and dignity during the prosecution of the case. The evidentiary record reflects that representatives of the District Attorney's Office met with Movants on multiple occasions, provided updates regarding the status of the case, discussed plea negotiations, and engaged the assistance of a victim advocate to support Movants throughout the process. The State also welcomed participation by Movant's retained counsel. The Court acknowledges that certain communications – particularly those addressing the evidentiary strengths and weaknesses of the case prior to the filing of charges – were, by their nature, difficult and, at times, distressing. However, candid and direct discussion of such matters is an inherent and necessary aspect of prosecutorial evaluation and does not, without more, constitute a failure to treat victims with fairness and dignity.

The evidence presented establishes that on or about July 25, 2025, the District Attorney's Office informed Movants that it had entered into a plea agreement reducing the charges to youthful offender status. At that time, Movants were advised of the material terms of the agreement, including that Defendant would not be sentenced to imprisonment but would instead be subject to supervision through the Oklahoma Office of Juvenile Affairs, with the possibility of subsequent transfer to the adult system upon noncompliance. The evidence further demonstrates that Movants were initially advised that Defendant intended to enter guilty pleas and were later informed, on or about August 22, 2025, that Defendant would instead enter pleas of no contest. Movants were present in court on August 25, 2025, at the time the pleas were entered and were afforded the opportunity to present victim impact statements. Additionally, counsel for Movants and a victim advocate were present during the proceedings, and no contemporaneous objection was made asserting lack of notice or inability to confer. Based upon the totality of the evidence, the Court finds that Movants were informed of plea negotiations and were afforded the opportunity to confer with the attorney for the State. While Movants clearly disagreed with the outcome of those negotiations, dissatisfaction with the result does not equate to a denial of rights guaranteed under Oklahoma law.

The Court finds no evidence of conduct rising to the level of a constitutional or statutory violation.

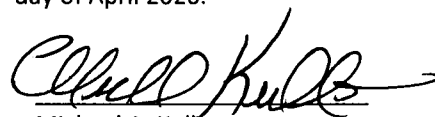
CONCLUSION –

After careful consideration of the evidence and applicable law, the Court concludes that Movants have failed to establish, by a preponderance of the evidence, that their rights under Article 2, Section 34 of the Oklahoma Constitution or Title 21 O.S. 142A were violated.

ORDER –

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Verified Motion to Enforce Victim's Rights is hereby DENIED.

Signed this 20th day of April 2026.



Michael A. Kulling
Associate District Judge
Payne County Courthouse

CERTIFICATE OF DELIVERY

On the 20th day of April 2026, one true and correct file stamped copy of the foregoing OPINION AND ORDER OF THE COURT was delivered to counsel for Movants, counsel for Defendant and the District Attorney's Office utilizing the addresses given to this Court's bailiff at the conclusion of the hearing herein.



Michael A. Kulling