

NonDoc

Sustainable Journalism Foundation

(Editor's note: Oklahoma's [Code of Judicial Conduct](#) prevents candidates for judicial office from campaigning like other candidates for office. Judges in a retention election cannot comment on cases or controversies that could appear before the court and cannot endorse other candidates or campaigns, substantially curtailing their ability to engage in normal campaign activities.

To provide Oklahoma voters more insight into our judiciary, NonDoc contacted the three Court of Criminal Appeals judges facing retention on Tuesday, Nov. 5, 2024, with four questions designed to provide readers with information from the judges while still complying with judicial election rules. The questions were sent to judges individually, and their full responses are listed below — by question and alphabetically — for review by voters.)

Your Honor,

NonDoc is covering the Oklahoma Court of Criminal Appeals retention election, as well as the retention elections for the Supreme Court and Court of Civil Appeals. We understand that judges are bound by the Code of Judicial Conduct while campaigning and wanted to reach out to provide an opportunity for you to comment on the election in accordance with the law through the following questionnaire.

1. What most motivates you to want to continue serving on the court, and if you are retained do you intend to serve another six years?
2. What do you think is the biggest issue facing Oklahoma's judiciary?
3. Is there anything else you think voters should know before the retention election?

Please let me know if you have any questions. Thank you!

Andrea Hancock
NonDoc Media news editor

(Editor's note: Lewis responded only with a brief statement instead of statements designated as answers to each question.)

Lewis: I consider it an honor serving on the Oklahoma Court of Criminal Appeals. I enjoy the work, the people, and the dynamic of our Court. If retained by the voters, I will serve my term of office.

1. What most motivates you to want to continue serving on the court, and if you are retained do you intend to serve another six years?

Musseman: Ensuring a fair trial to both parties in our trial courts around the state is what motivates me to continue serving the most. The opportunity to provide a fair and level playing field for opposing sides in court has been an amazing professional experience. Before my appointment to the Court of Criminal Appeals, I served as an Assistant District Attorney for eleven years and then as a trial judge for twelve years. Eleven of those years as a trial court judge, I served as an elected District Judge. Those years of trial work allowed me to become well grounded in courtroom procedure and all other aspects of trial practice and the evidence code. It is from that backdrop of experience which I now serve as an appellate judge on the Court of Criminal Appeals. I am honored to serve Oklahoma in this judicial role and hope to continue serving my state.

I was appointed to the Court of Criminal Appeals by Governor Stitt in March of 2022. This will be the first time my name appears on the retention ballot, and I fully intend to serve the entirety of my next term if the voters see fit to retain me.

Rowland: I am motivated by my love for this work and the firm belief that I make a valuable contribution to this Court's work product and thus to the State of Oklahoma. I have served one full term plus one year, and during that time I have come to deeply appreciate the genius of having appellate courts comprised of multiple judges whose collective acumen and wisdom is always superior to that of any single individual. Prior to my now seven years on the bench, I spent almost thirty years learning, teaching, and practicing law; I handled hundreds of criminal cases in courtrooms throughout the State of Oklahoma. Those qualifications coupled with my natural love of public service allow me to approach this job with confidence, humility, and an understanding that every single one of the six hundred or so appeals we handle each year, from traffic tickets to death penalty cases, is the most important case in the world to the persons involved. If retained, I absolutely intend to serve a full six-year term.

2. What do you think is the biggest issue facing Oklahoma's judiciary?

Musseman: The biggest issue facing the Oklahoma Judiciary, when it comes to the criminal courts, is the magnitude of the decisions being made balanced with the public's interest in the process. Those decisions must be both correct and accepted by the public as reliable and trustworthy. To accomplish both parts, the judiciary must provide procedural and structural fairness. Procedural fairness assures parties a fair trial process and right to appeal through objective and neutral decisions. Structural fairness speaks to the integrity of those decisions as viewed through the lens of public perception. Judges must decide cases based on the law and rules of evidence without regard to personal belief. Moreover, judges should give effect to the laws passed by the legislature and avoid implementing new laws from the bench. To accomplish these objectives, I view my judicial role as restrained. To exercise judicial restraint, I believe appellate judges should answer the legal question presented in a way that gives finality to the parties and provides clarity for trial judges in future cases without expanding or shrinking the effect of laws passed by the legislature. I believe this philosophy of judicial restraint helps maintain both procedural and structural integrity, thereby upholding the public's trust in the judicial system.

Rowland: I believe the biggest issue facing Oklahoma's judiciary is public confidence in and respect for the judiciary. This confidence and trust are of such importance that they are specifically enumerated in the Code of Judicial Conduct, and judges are specifically required to behave in such a way as to promote and preserve that public confidence. I fear that, partly because of specific though isolated acts by some judges and partly because of general feelings of mistrust about government in general, some members of the public lack sufficient confidence in the judiciary and I regret that. The most serious issues and events in people's lives are submitted to us for adjudication, and it is essential that lawyers, parties, witnesses, and observers truly believe their case is being heard by highly qualified, experienced, impartial, and serious judges who apply the law to the facts faithfully and without prejudice. The solution to this issue is for those of us in the judiciary to be above reproach both on and off the bench. We must understand that as judges we forego some of our basic rights, for instance the right to freely express opinions or engage in partisan political activities. We must accept that behavior or activities which might be tolerated in other lines of work are not acceptable in the judiciary if they tend to bring one iota of discredit or infamy to the bench.

3. Is there anything else you think voters should know before the retention election?

Musseman: The Court of Criminal Appeals is the only appeals court in the State of Oklahoma that handles criminal cases. Every appeal taken in a criminal case in Oklahoma is handled by the appeals court that I serve on. The decisions made by the Court of Criminal Appeals affect law enforcement practices, trial procedure and the rights of the criminally accused. The Court's rulings set statewide legal precedent impacting all participants in Oklahoma's criminal justice system. I understand the weight attached to this responsibility and believe I have demonstrated through my service the experience and temperament worthy of retention.

Rowland: Appellate judges are prohibited by law and ethics from campaigning, soliciting votes, or even identifying themselves as belonging to any political party or organization, and it is therefore sometimes difficult for a voter to know how to evaluate those of us on the retention ballot. I ask that voters bear in mind that all appellate judges have undergone a very extensive background check by the OSBI, rigorous vetting and in-person questioning by the fifteen member Judicial Nominating Commission, and ultimately one or more interviews by the Governor before being appointed to the position. I ask them to start from the assumption that appointed judges are thus well-qualified for the job, and to then begin to find out what you can about them as individuals to decide how to vote. Recent changes in the law to increase judicial security have made it somewhat more difficult to find personal information about them online, but I believe with a bit of effort you can get answers to any question you might have. The judiciary is an entire, independent branch of government and citizens are entitled to judges of the highest quality and integrity. To ensure that such persons are appointed and kept, citizens should undertake whatever steps they reasonably can to determine which judges, in their opinion, fit that bill.