



# HON. CHRIS CARNAHAN

State Supreme Court Position 2

Judge Carnahan currently serves as the Division One State District Court Judge. He has been chosen twice as a Special Associate Justice of the Arkansas Supreme Court. He has served as circuit judge and senior deputy prosecuting attorney.

## How do you define justice?

Justice is a correct outcome for all parties per the law, regardless of wealth or position.

## Can you explain your judicial philosophy in plain English?

I believe that judges and justices must not allow personal likes or dislikes to interfere with the interpretation of law. I am a Constitutionalist and a Textualist that believes the Constitution doesn't change unless the people enact a change. Also, laws should be read and interpreted using common language in use at the time a law or provision was adopted.

## What are the biggest changes you think we need to make to the criminal justice system?

An end to the parole system in Arkansas with truth in sentencing for both victims and the convicted. Additionally, an expanded use of treatment courts for those with addictive disease who are committed to remake their lives to conform with the law. Also, we must house violent felons and protect society from their predations.

## What role should money/cash bail play in pretrial release?

It should only be used to guarantee an appearance if a defendant is likely to not appear at their next court date. As judge, I routinely release persons accused of minor criminal offenses if I believe, based on their background, their ties to the community, the likelihood of conviction, etc., they will show for court. Liberty is to be preferred, unless serious circumstances prove otherwise.

## To what extent do you believe that a judge should or should not defer to the actions of a legislature?

Generally, unless the legislature violates the constitutional rights of persons or corporations, judges should not substitute their policy preferences for the will of the people's representatives.

## Do you believe that policies criminalizing drug use in Arkansas have been effective or ineffective?

It's a mixed bag. But illegal narcotic use is harmful to people, families, businesses, and society. I will leave it to the legislature or the people to decide if a substance should be legal like alcohol or illegal like methamphetamines. Unfortunately, while I was a circuit judge, I saw families destroyed by legal and illegal drug use, especially when used to excess.

**What factors do you believe are driving the growing prison population and the overrepresentation of people of color and poor Arkansans? What role do judges play in addressing these disparities?**

I cannot in a simple statement give you a full answer to these questions, but circumstance, lack of faith, selfishness, and sometimes bad laws all have their place. But the role of the individual defendant is the primary driver of whether they are incarcerated. The increasing breakup of coherent family structures, popular culture, and poor education play a great part as well. We do not have too many prison beds, given the crimes committed by those sentenced there. A prison sentence is a horrible thing, but from my thirty years involvement in civic life, it is not the small-time offender that graces the halls of our penitentiaries. The judge's role is to stop the power of the State, if the State is violating the Constitutional Rights of an accused or a prisoner seeking redress while confined.

**In what ways will you work to promote public transparency within your courtroom?**

As a judge, I believe that continued use of public access is required and broadcasting of the Supreme Court's open proceedings should continue. I will advocate that the lower courts be allowed to broadcast hearings and keep courtrooms open for matters not involving juveniles when I am elected to the Supreme Court.

**How would you make determinations on fines/fees in your courtroom?**

The Supreme Court does not do this per se. But as a Circuit and District Judge, I have a fines schedule that applies to everyone equally. Circumstances can result in that being lowered, waived, or suspended conditioned upon good behavior or some other behaviorally-modifying act. Fines should not be used solely as a revenue source in my personal opinion.

Arkansans are facing crushing amounts of court debt, how would you address fines & fees in your jurisdiction?

See my answer above.

Would you support eliminating the \$10 monthly automation fee? Why or why not?

I would. It is counterproductive and a serious waste of court resources and defendant's money. In my mind summoning, not arresting, a defendant that isn't paying to court would be much more effective and I have used that tool as District Judge when the occasion arises for a first offense, after at least three months of nonpayment. That being said, as long as the legislature mandates its use, it should continue. I hope they change their mind on this.