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To the Benton County District Court Judges, Prosecutors, and Defense Attorneys:

This is an open letter to the bench and bar to communicate my concerns regarding Judge Terry Tanner's January 2, 2023, DUI arrest. During the District Court's bench-bar meeting of August 31, 2023, the court asked for my decision regarding whether the State would object to Judge Tanner presiding over criminal cases handled by my office. As the court knows, I have not yet taken any public action to remove Judge Tanner from any State cases. The reason for this is that Judge Tanner has not been assigned to any State criminal dockets since January 2, 2023. Furthermore, this matter has been under investigation by the Commission on Judicial Conduct ("CJC"). However, based on the Court's request for my decision and the conclusion of the CJC investigation, I believe this is the appropriate time for me to speak publicly regarding this issue.

It is my view that Judge Tanner's second DUI disqualifies him from continuing to hold the office of Benton County District Court Judge. Judge Tanner was involved in a single vehicle accident on January 2, 2023. His .22 breath alcohol content was nearly three times the legal limit. Judge Tanner repeatedly lied to the investigating officer regarding whether he owned or was the driver of the nearby, crashed vehicle that was registered in his name. This occurred after Judge Tanner's first DUI on March 6, 2018, which also involved a single vehicle collision. In that case, Judge Tanner was found crouched behind mailboxes, apparently hiding from the responding officer. Judge Tanner told the investigating officer he was checking his mail.

Although Judge Tanner has taken positive steps to address his alcoholism by engaging in treatment, I am required to view this situation based on the interests of the residents of Benton County. It is my view that a functional justice system depends upon the integrity of those who administer justice. Judges should be held to a higher standard than the attorneys who appear before them. The reason for this is that judges preside over criminal cases, set release conditions, rule on motions, adjudge the guilt and innocence of defendants, preside over jury trials, and render sentences when a guilty plea or verdict is entered. When a judge fails to live up to the standard

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they are elected to enforce, the public understandably will lose confidence in that judge and in our justice system as a whole. I believe that has happened in this situation.

For these reasons, I am calling for Judge Tanner's resignation from his position as Benton County District Court Judge. Judge Tanner's actions have placed an unreasonable strain on the court's resources and the remaining District Court Judges who are covering his workload. Judge Tanner no longer has the trust and confidence of the public. It is in the interests of the residents of Benton County for Judge Tanner to step down from his position. To that end, the State will immediately begin filing notices of disqualification against Judge Tanner on State-filed criminal cases.

Respectfully,



ERIC EISINGER
Prosecuting Attorney