

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

V.

CASE NO.: 4:11CR00056-01 JMM

LUTHER BOYD HARDIN

DEFENDANT

SENTENCING MEMORANDUM

Defendant, Luther Boyd Hardin, by and through his attorneys, Banks Law Firm, PLLC, and for his Sentencing Memorandum, states as follows:

I. INTRODUCTION

There are many unique facts, circumstances, and law applicable to Lu Hardin's case that make a probationary or alternative sentence warranted, and these things are presented herein in light of the sentencing factors set forth in 18 U.S.C. § 3553(a). Lu Hardin has lived an exemplary life in service to others. Other than the error in judgment and circumstances surrounding this offense, Lu Hardin is a man of unquestionable character, honesty, and personal sacrifice. Hardin has confessed his mistakes and has already suffered severe consequences as a result. Despite his admission of guilt, numerous friends, family, acquaintances, and other individuals touched by Hardin remain in support of him and this request for a probationary or alternative sentence.

The following factors are presented for the Court's consideration in granting a probationary or alternative sentence, not as an excuse for Hardin's behavior, but so that the Court can see the true man. These factors include: (1) Hardin's acceptance of responsibility, extreme remorse and post-offense rehabilitation; (2) Hardin's lifetime of service to the public and charitable organizations; (3) Hardin's almost immediate

payment of full restitution; (4) Hardin's cooperation and other punishments already suffered because of the offense; and (5) Hardin's recovering gambling addiction.

Analyzing these factors in light of the sentencing factors set forth in 18 U.S.C. § 3553(a), a probationary or alternative sentence is appropriate for Hardin.

II. SENTENCING STANDARDS.

“Under the post-Booker advisory system, the Federal Sentencing Act ‘requires a sentencing court to consider Guidelines ranges, but it permits the court to tailor the sentence in light of other statutory concerns as well.’” *United States v. Archuleta*, 412 F.3d 1003, 1006 (8th Cir. 2005)(quoting *United States v. Booker*, 125 S.Ct. 738, 757 (2005)). Subsequent Supreme Court decisions have significantly broadened the range of sentencing choices dictated by the specific facts of the case. *See e.g., Gall v. United States*, 552 U.S. 38 (2007)(finding a sentence outside the Guidelines to be reasonable); *Kimbrough v. United States*, 552 U.S. 85 (2007)(noting that courts may vary from Guideline ranges based solely on policy considerations, including disagreements with the Guidelines); *Rita v. United States*, 551 U.S. 338 (2007)(holding that a district court may consider arguments that the Guidelines sentence itself fails to properly reflect § 3553(a) considerations); *Cunningham v. California*, 549 U.S. 270 (2007)(stating that judges are no longer tied to the sentencing range indicated in the Guidelines but are obliged to take account of that range along with the sentencing goals enumerated in 18 U.S.C. § 3553(a)). These cases mean that a district court is free to make its own reasonable application of the § 3553(a) factors, and after due consideration, decline to impose a sentence based on the Guidelines. *See Kimbrough*, 552 U.S. 85 (Scalia, J., concurring).

18 U.S.C. § 3553(a) requires courts to “impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in” 3553(a)(2). These purposes are:

- (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
- (B) to afford adequate deterrence to criminal conduct;
- (C) to protect the public from further crimes of the defendant; and
- (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

Section 3553(a) further directs sentencing courts to consider, among other things:

(1) the nature and circumstances of the offense and the history and characteristics of the defendant; (2) the need for the sentence imposed; (3) the kinds of sentences available; and (7) the need to provide restitution to victims. In addition, 18 U.S.C. § 3661 states that “no limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.”

III. 18 U.S.C. § 3553(a) FACTORS REFLECT THAT A PROBATIONARY OR ALTERNATIVE SENTENCE IS APPROPRIATE IN THIS CASE.

A. The Nature and Circumstances of the Offense - 3553(a)(1).

Hardin recognizes the severity of his offense and feels deep remorse for his conduct; he does not waiver in his acceptance of responsibility for this criminal offense and has voluntarily cooperated with every request of him made by the government both truthfully and completely. Hardin asks the Court to consider his background and the circumstances surrounding him when he committed this offense, not as an excuse for that conduct, but to provide insight into how he ended up before the Court in this matter.

Lu Hardin has already suffered substantially as a result of his offense. Hardin and his family have suffered severe public criticism through newspaper, radio and television coverage. Although the media had every right to report abuse of public trust and certainly anything relating to misconduct by public officials, this reporting has had a devastating effect on Hardin and his family. A simple review of the Arkansas Times and Arkansas Democrat-Gazette will find over 100 different articles referencing Hardin have been written about the accelerated bonus and the subsequent criminal proceedings. There are also numerous blogs and forums discussing these events found on both newspaper websites. This is in addition to the numerous television and radio report relating to Hardin as well as numerous other articles in local papers such as the Log Cabin Democrat.

Hardin has suffered substantial financial loss relating to the offense as a result of losing two well-paying prestigious jobs as the president of two separate universities. Hardin has also voluntarily surrendered his law license, terminating his successful 30-plus years of having a license to practice law. Hardin requests that the Court consider the unique public punishment he has already received in crafting an appropriate sentence in this matter.

The offense in this matter is unique in both fact and circumstance. The bonus in question was voted on and approved by the board of the university and Lu Hardin did not approach the board to ask for the bonus. Hardin was approached and asked what UCA could do to keep him as President. It was then that Hardin indicated that it could accelerate the previously authorized bonus. Hardin had meetings with the three people listed at the bottom of the memo he dictated in which the contents of the memo were

discussed. However, when the memo was presented to the board, Hardin failed to clarify that those three persons had not specifically approved the memo or authorized their names being used. The board then approved the acceleration of the bonus. The money was paid from an account containing public funds which Hardin believed would be replenished by private donations before the end of the fiscal year. Newspapers began questioning the bonus and Hardin immediately paid back the portion he had received. These are very unique factual circumstances which constitute a federal offense.

B. Hardin's History and Characteristics - 3553(a)(1).

In determining a sentence that is sufficient, but not greater than necessary, the Court is to consider "the history and characteristics of the defendant." 18 U.S.C. § 3553(a)(1). Lu Hardin graduated number 3 in a class of 162 students from Searcy High School where he was student body president and played left field on the 1969 American Legion state championship baseball team. Hardin graduated with high honors (*magna cum laude*) in 1973 from Arkansas Tech University, where he was a three-year, all-conference member of the golf team. While at Arkansas Tech, Hardin served as student body president and met and married his wife of 36 years. In 1976, he received a juris doctor degree from the University of Arkansas at Fayetteville. In addition to the private practice of law in Russellville, Arkansas, Hardin taught 12 years as a tenured professor of legal studies at Arkansas Tech University earning the rank of full professor. He served 14 years as an Arkansas State Senator, was chairman of the Senate Education Committee and served on the Joint Budget Committee.

Beginning in January 1997, Hardin served six years as the Director of the Arkansas Department of Higher Education, a cabinet position to Governor Mike

Huckabee. From 2002 to 2008 he served as president of the University of Central Arkansas. During Hardin's tenure as president of UCA: enrollment grew from 8,500 students to 13,000 students, average student ACT scores increased, and Hardin worked closely with Dr. Allen Sugg, President of the University of Arkansas system, in passing a \$150 million bond issue of which UCA received \$13 million leading to the building of a new College of Business. While allegations of financial distress at UCA were made during Hardin's term as president, because of dramatic growth, the university only received funding for 10,500 students while the university had almost 13,000 students. On July 1, 2009, Hardin became the president of Palm Beach Atlantic University in West Palm Beach, Florida until his resignation on March 4, 2011.

Lu Hardin has helped many people in over thirty years of public life. This ranges from helping people get jobs, to teaching and advising students, to teaching Sunday school, and speaking in churches. He has received numerous legislator of the year awards from different groups as well as numerous honors. However, his bio which was used over the past several years was a mere three paragraphs indicating a great deal of humility.

1. Hardin's history and characteristics presented by members of the community.

Although there are many more favorable things counsel could note about Hardin's life of service to others, numerous people have stepped forward and voluntarily written letters explaining Hardin's history and characteristics to the Court. These letters, from Hardin's family, friends, and other members of the community – people who have walked beside him, been led by him, and/or watched him over the years – present the true picture of who Hardin is and are valuable in setting out the reasons why a probationary or alternative sentence is warranted. The complete packet of letters has been previously

provided to the Court. To assist the Court, brief highlights from several of the letters are set out below. Because the number of people who wrote letters is considerable, Hardin asks for the Court's patience in reviewing these summaries and letters. The letters, as well as the highlights, provide an important sampling of Hardin's character as a giving family-man and public servant, and show Hardin's true history and character:

Jerry Hudlow – (friend of 30 years – Treasurer for City of Rogers, AR) – Lu Hardin was there the day his wife filed for divorce, to encourage him to finish his education, and shared many of life's difficulties with him and received encouragement from Hardin along the way. "These events are so unlike Lu Hardin that again; I cannot comprehend Lu not doing the right thing...I know that Lu will continue to be enthusiastic, helpful, encouraging, and full of life whatever the outcome...I can assure you that he is not finished in providing positive outcomes in the lives of others."

Bruce Hawkins – (lifelong friend – insurance agent) – "Lu has told me personally that he now understands that what he did was wrong, and truly regrets the mistakes he has made. It is clear to me that there was a type of disease involved in all of this and it seems just as clear to me that he is obviously in recovery!...The Lu that I know is a good, honest and God fearing gentlemen...He is a man that has impacted my life and faith to the good and I know if given a chance he will do that again to others!"

Steve Cook – (Chief Counsel for the Arkansas Senate) – he has known Hardin since he began serving as a Senator in 1983. "Without hesitation, I can assure you that everyone who worked with or had contact with Lu Hardin considered him a person of honor...Lu Hardin is a very good man. The reasons behind his fall have not changed the way I feel about him. I still think he is one of the finest human beings I have ever met."

Scott Hardin – (son) – "Despite his recent trouble, that I know is an anomaly, he remains the most honest man I have ever met. He has always been quick to call penalties on himself on the golf course, teaching me it is the only way to play the game...As my wife and I raise our newborn son, I am very proud to have a father that serves as an example and leader to me as I begin my fatherhood journey. My dad, Lu Hardin, is our family's backbone and will continue to be for many years.

Paula Parker – (friend of 30 years) – Speaking of Lu Hardin, "[h]is compassion for everyone and every situation is truly remarkable. Words cannot sufficiently describe this person and all the hard work and accomplishments he has achieved for his fellow man and this state

wanting nothing in return...Lu has recognized and accepted that he had done wrong by entering a plea of guilty, and hopefully you will feel that there is another answer for punishment than imprisonment.”

James W. Smith – (partner with Friday law firm) – Lu Hardin was a local attorney and business law professor at Arkansas Tech University who “never failed to set aside time to visit with me and provide me the much-needed guidance that I sought. ...I write this letter to you today with certainty that I would have not obtained this education and benefitted from a successful legal career were it not for the guidance provided to me by Mr. Hardin...Mr. Hardin is at a point in his life where his greatest contribution is illustrating how to honorably, and with character and integrity, accept his responsibility for straying off-course with many eyes upon him...The humiliation and embarrassment that Lu has endured these past three years seems to me to be more than sufficient punishment for Lu.”

Steve Smith – (friend of 30 years – financial advisor) – In the many years he has known Hardin he has seen his “willingness to defend those that many would have been hesitant to defend, and give opportunities to those who would have been easy to ignore...watched him argue positions on the floor of the state senate that were not popular, but he was willing to stand because it was the right thing to do...seen him as a loving father and husband...” “I respectfully ask for mercy in Lu’s sentence, and that you take into account the decades of public service, the years of right living, and the potential that Lu has before him, to continue to have a positive influence in the world.”

Grant Merrill – (local small businessman who grew up in Russellville) – He writes of Hardin’s willingness to spend hours during a busy work day while serving as a state senator to answer questions for his sixth grade school project. Years later in the 1999 ice storm, while dressed in a suit and serving as director of the Department of Higher Education, Hardin stopped and helped him push his car out of a ditch. “I have tried to live my life as honestly as possible, with kindness and compassion for others” which “has been influenced by my association with Lu. He has done so much for my hometown and my state. I can assure you that I am just one person who has been influenced by his kindness over the years...He is a fine human being who has made a mistake, and will use even this temporary setback in his life as an opportunity to do great things down the road.”

Angela Johnson - (niece of Lu Hardin) – “Without a doubt, Uncle Lu has always been the most honest man that I know.” As a child she recalls staying with her aunt and uncle while he spent all night answering phone calls from constituents while serving as a state senator. “This particular

summer evening, after taking several calls in a row, the phone rang yet again. On my way to answer I said, 'Uncle Lu, if it's for you I can just tell them that you are not home.' He looked at me, almost confused that I would suggest such, and said, 'you can't do that...it wouldn't be true.' To Uncle Lu, even a 'little white lie' was not acceptable. Since then, I have often thought of this example of honesty and integrity, have worked to model it in my own life, and to teach it to my own children...I've seen first hand the devastation and loss these events have already caused in his life, and am painfully watching the sorrow and grief that the Hardins are experiencing as a family."

R. Aaron Brooks – (UCA and Harvard Law alum) – He met Lu Hardin in 2002 while a sophomore at UCA. After taking two courses from Hardin at UCA "I was shocked by the interest that he took in every single student's success...Mr. Hardin was extremely involved in my [law school] application process, constantly providing invaluable insight, advice, and support without being asked. He ended up writing a letter of recommendation for me....Mr. Hardin's impact on my life, while significant, is far from unique. I have met many classmates, colleagues, and friends that can testify to Mr. Hardin's tireless efforts and sincere desire to improve their lives. ...With full knowledge of what Mr. Hardin has been charged with and taken responsibility for doing, he still receives my highest respect, trust, and gratitude. I wish there were more men in the world like him."

Frances Gentry – (faculty, Palm Beach Atlantic) – After explaining several examples of kind acts performed by Hardin in a short period of time she says "I could write on and on with examples of how great Lu Hardin's positive impact has been on our campus...From what I know of his exemplary conduct, it seems totally out of character to imagine the alleged behaviors...I would assert that the errors of our ways should not be the things that define us; but rather, it should be the lessons we learn and the changes we make to our behaviors and choices as we move forward that are the markers of our lives and of our remorse...I believe the character and foundational ethics that drove the largest portion of his life remain the bedrock of who he truly is...I was keenly aware...of an intense and profound sadness that came upon him in those final days [at Palm Beach Atlantic], a deep shadow of sorrow."

Cash Lambert – (student, Palm Beach Atlantic) – After telling a story of Hardin's kindness in finding a home and job for a homeless man he writes, "That is a quality of Lu, your honor, that is very rare. He always looked at people from the inside out. Slow to judge, he was the first person in the room to give someone a chance, an opportunity. He was always the first to lend a helping hand, and the first to believe, first to have faith...He is a man that I will look up to for all of my days to come, and I will tell all

who I become close with about how he helped change my gaze on life and how to pursue opportunities...God has blessed me with Lu's presence and with Lu's wisdom, two things that I am eternally grateful for."

Virginia Berner – (Russellville citizen) – Along with raising two fine children, he worked very hard in our community to help us grow in a positive manner. He represented us well in the Arkansas Senate. Please consider his many years of service to his family, church and community."

Kelly Stoltzfus – (student, Palm Beach Atlantic) – After explaining Lu's influence on his continued education and growth he writes, "These are merely the stories of one student that he has forever impacted and changed...His kindness has not only impacted my future but has forever changed my life. We all know that what Lu did while at the University of Central Arkansas was wrong, and he has taken responsibility for these actions by entering a plea of guilty to the court. My intention of writing you is simple and humble. I pray that the court takes into account all of the people that have been forever blessed and encouraged by Lu. Lu is a good man who made a great mistake, no one is denying that, I know that there must be repercussions for his actions and hope that there is an alternative to imprisonment as a result of these actions."

Mary Hardin – (wife) – "I also hope you'll see the other side of what you've been told about Lu. He is remorseful, contrite, and completely humbled...Since 1980, he's had students in his office and in our home constantly, counseling them and being a father figure to those who needed direction. He's served on so many charitable boards and raised so much money for them I couldn't even begin to count. He never said "no" to anything he was asked to do to help others...He's living with cancer, will never again be able to work in Arkansas, and has turned his life around...Now that he's admitted his wrongs, I can't help but admire him more for being a broken, penitent man who deserves a second chance."

The above is a short sampling of the almost five dozen letters which have been submitted to the Court in support of Lu Hardin. These letters show the true character of Lu Hardin and provide real life examples of the lifetime he has spent in service to others. The letters also reflect the extreme remorse and rehabilitative efforts Hardin has made since his mistake which lead to this sentencing. The letters show that Hardin has had a tremendous positive impact on the lives of many from his closest friends and family members, students he taught and mentored, constituents, and even those who were only briefly

acquainted with Hardin who felt they should express the impact he had on their lives in a very short amount of time. These factors and more dealing with Hardin's history and characteristics may be considered by the Court in fashioning an appropriate sentence for Hardin, which we submit would be a probationary or alternative sentence.

2. Hardin's recovery from addiction.

As explained in several of the letters of support provided to the Court, Lu Hardin has lived a life that has been a positive influence on others. He has been in an unquestioned faithful marriage for more than thirty years and he does not drink, smoke, or curse.

Approximately twelve years ago while on vacation, Hardin and his wife first played legal slot machines. He has never participated in any illegal gambling and in fact did not participate in any other form of legal gambling such as wagering on cards, dice, horses, or sporting events. His sole endeavor was slot machines which are known to be one of the most addictive forms of gambling. Although he was very financially stable when he began playing slot machines, what began as small stakes entertainment elevated to playing high stakes slot machines resulting in significant losses. Hardin's prior financial responsibility had him debt free at age 39 including owning a home in Russellville, Arkansas that was completely paid for. However, Hardin progressed from solid financial responsibility to deep debt. Lu Hardin took great pains accompanied with significant personal anguish to keep his legal wagering and the accompanying losses from his church, his friends, his board, other professionals, and any associated with the public except his wife.

Last year Hardin recognized he truly had an issue and has been attending Gamblers Anonymous since that date. He has been working the program, has a sponsor, and has not gambled in any shape, form, or fashion. Hardin has been proactive in his rehabilitation from gambling addiction and is ready to move forward with his life never entering a casino again.

C. The Need for the Sentence Imposed - 3553 (a)(2).

To Reflect the Seriousness of the Offense, to Promote Respect for the Law, and to Provide Just Punishment for the Offense.

Hardin recognizes that his offense is serious and demands punishment. Hardin submits that a probationary or alternative sentence will reflect the seriousness of the offense, promote respect for the law and provide just punishment. Hardin's punishment in this matter involves more than just imprisonment: He feels great remorse over his behavior, he has suffered extreme public criticism, and is ashamed because he has let his family and the community down by actions of dishonesty, a total aberration of a life lived with commitment to honesty, and dishonesty occasioned by a desire not to admit a moral failure of gambling to excess. Hardin submits that a probationary or alternative sentence will more effectively accomplish the goals of punishment embodied in 3553(a)(2) than imprisonment, as not all defendants must be sentenced to prison in order to be duly punished.

In *Gall v. United States*, 552 U.S. 38, 54 (2007) the Supreme Court explained that the "unique facts" of the defendant's situation "provide ample support" for the conclusion that, "in Gall's case, 'a sentence of imprisonment may work to promote not respect, but derision, of the law if the law is viewed as merely a means to dispense harsh punishment without taking into account the real conduct and circumstances involved in sentencing.'"

In fact, the *Gall* Court expounded on the sentencing court's statement that probation was not an "act of leniency" but instead a "substantial restriction of freedom" when sentencing Gall to 36 months probation:

'[Gall] will have to comply with strict reporting conditions along with a three year regime of alcohol and drug testing. He will not be able to change or make decisions about significant circumstances in his life, such as where to live or work, which are prized liberty interests, without first seeking authorization from his Probation Officer or, perhaps, even the Court. Of course, the Defendant always faces the harsh consequences that await if he violates the conditions of his probationary term.' *Id.*, at 125.

Id. at 44. Additionally, a community service component to a sentence of probation could be justified in Hardin's case if the Court deems necessary. Hardin has spent most of his life as a dedicated public servant, and has been able to engage in activities that have truly made a difference in the communities where he has lived. More importantly, Lu Hardin has positively influenced the lives of countless individuals. Hardin has many educational talents and skills that could be put to use as a community service component of punishment for this offense. This is a much better option than allowing Hardin to physically and mentally deteriorate in prison. It is difficult to imagine that at a cost of \$28,284.16 per year, the imprisonment of Lu Hardin would better satisfy the need for justice than requiring community service and allowing Hardin to continue being a tax paying citizen.

D. Kinds of Sentences Available - 3553(a)(3).

This factor is intended to allow flexibility by allowing alternatives to incarceration where necessary. *See United States v. K*, 160 F. Supp.2d 421, 431 (E.D. N.Y. 2001). The Court can choose to grant a sentence variance or departure and sentence Hardin to probation or some other alternative sentence. In *United States v. Wadena*, 470

F.3d 735 (8th Cir. 2006), the Eighth Circuit held that there is no prohibition on a variance to probation, even when the Guidelines call for imprisonment. “That kind of categorical, mandatory approach to sentencing on the basis of judicially-found facts is precisely the type of sentencing regime the Supreme Court rejected in *Booker*. *Id.*”

E. Need to Provide Restitution to Victims - 3553(a)(7).

Hardin has paid restitution in full by paying back the entire bonus he received within a few weeks of receiving the bonus. This was done long before there was a federal investigation into Hardin’s actions. This could easily be viewed as an extraordinary act of sincere remorse and acceptance of responsibility warranting a probationary or alternative sentence.

Case law reflects that a lesser sentence can be granted as a result of full payment of restitution. *See e.g., United States v. Kim*, 364 F.3d 1235 (11th Cir. 2004) (payment of \$280,000 restitution by defendants, a husband and wife, after they pled guilty to conspiracy to defraud the United States and fraudulently obtaining government assistance, respectively, was extraordinary enough to remove case from heartland and justify downward departure from 24 months to probation and home detention where defendants dipped significantly into their life savings and voluntarily undertook enormous amount of debt to pay restitution; defendants' conduct demonstrated their sincere remorse and acceptance of responsibility); *United States v. Oligmueller*, 198 F.3d 669, 672 (8th Cir. 1999) (affirming a district court's downward departure on the basis of extraordinary restitution because “[w]e have previously held that cases can fall outside the heartland when there are extraordinary efforts at restitution”); *United States v Lieberman*, 971 F.2d 989, 996 (3d Cir.1992) (affirming a district court's downward

departure on the basis of the defendant's acceptance of responsibility as primarily demonstrated by his restitution); *United States v. DeMonte*, 25 F.3d 343, 346 (6th Cir.1994) (stating that “we have acknowledged that restitutionary payments may constitute ‘exceptional circumstances’ that justify a downward departure.”).

Instead of creating concrete legal rules with which to determine whether particular payments of restitution are extraordinary enough to warrant downward departures, courts have looked to a wide range of factors, such as the degree of voluntariness, the efforts to which a defendant went to make restitution, the percentage of funds restored, the timing of the restitution, and whether the defendant's motive demonstrates sincere remorse and acceptance of responsibility. *See, e.g., Oligmueller*, 198 F.3d at 672 (emphasizing timing, voluntariness, efforts at restitution, and percentage of funds restored); *United States v. Hairston*, 96 F.3d 102, 108-09 (4th Cir. 1996) (emphasizing the percentage of funds restored, efforts at restitution, voluntariness, timing, and motive); *DeMonte*, 25 F.3d at 347 (emphasizing voluntariness); *Lieberman*, 971 F.2d at 996 (emphasizing timing and percentage of funds restored).

IV. CONCLUSION.

Lu Hardin presents himself before this Court with shame and remorse for two crimes occasioned by violation of a public duty for which just punishment is required. This Court is asked to consider that the offenses are not crimes of violence, infamy, or periodic events over a long period of time. The admission to the Information reflects the time period to be from February 2008 to June 2008. It is, however, an offense against the general public, the UCA Board of Trustees, its faculty, and students.

The decisions made by Lu Hardin were in his own self-interest. They involved a lack of forthrightness and transparency which grieves the former President of UCA immensely. Honesty is a character value that he has pursued all of his life.

He asks this Court to craft a just punishment that, when given, employs all the factors which comprise a life well lived – in fact, an extraordinary life – and that these be considered in addition to the component of punishment.

Lastly, Lu Hardin asks that he be allowed to restore his good name, his relationship with his God, family, friends, and to continue to serve his fellow man with credibility and honor.

Respectfully submitted,

LUTHER BOYD HARDIN, Defendant

BANKS LAW FIRM, PLLC
100 Morgan Keegan Dr., Ste. 100
Little Rock, Arkansas 72202
(501) 280-0100 (telephone)
(501) 280-0166 (facsimile)

/s/ Charles A. Banks

By: _____
Charles A. Banks (73004)
cbanks@bankslawfirm.us

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2011, I electronically filed the foregoing with the Clerk of the Court, which shall send electronic notification of such filing to the following:

Pat Harris
pat.harris@usdoj.gov

/s/ Charles A. Banks

Charles A. Banks