

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

-v-

Docket No: 0646 1:15:CR212-01

MICHAEL GERARD BUCHANAN,

Defendant.

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DEFENDANT'S SENTENCING MEMORANDUM

NOW COMES Defendant, Michael Gerard Buchanan, by and through his attorneys, Elhart & Horvath, P.C., and for his Sentencing Memorandum states as follows:

This writer has been practicing law for 40 years. Early in my career, I had the opportunity to try a case and, at sentencing, I made the mistake of telling the Circuit Judge that

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the hard part of the case was done and that the easy part of the case, the sentencing phase, had begun. The Circuit Judge correctly reprimanded me, indicating that the hardest part of the case is sentencing. He was right then and that statement remains so today.

Before you stands a man who has no prior convictions of any kind, but is a man that is addicted to gambling. Also standing in front of you is an extremely religious man who has two sons in college and a wife at home. Because of his addiction, he violated the trust of his employer and stole a significant amount of money from his employer to facilitate his gambling habit. The decision that this Court makes in regard to his sentencing will forever affect his life and those around him.

Mr. Buchanan has accepted responsibility from the onset of this matter. The first time he saw me, he indicated he was guilty and wanted to make amends to the Tribe as best he could. Financially, he has been unable to do that.

There is no easy answer to this sentencing dilemma. All I can indicate to you is that, having known this man for a number of years and now knowing that he was addicted to gambling, I empathize with him and empathize with the Court in

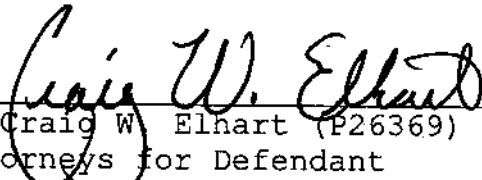
having to make its decision. All I can do is request leniency and do so by this Memorandum.

DATED: April 4, 2016

Respectfully submitted,

ELHART & HORVATH, P.C.

By


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