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MEMORANDUM THRU Staff Judge Advocate, 82d Airborne Division

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FOR Commanding General, Headquarters, 82<sup>nd</sup> Airborne Division

SUBJECT: Supplemental Rules for Court-Martial 1105/1106 Submission - *United States v. Clint A. Lorange*, First Lieutenant, 1<sup>st</sup> Platoon, C Troop, 4-73 Cavalry, 4<sup>th</sup> Brigade Combat Team, 82<sup>nd</sup> Airborne Division, US Army

1. INTRODUCTION. Sir, not all cases are deserving of clemency. This case is. This case yearns for the right senior Army leader of moral courage and decisiveness to personally reflect, think of the messages these findings and sentence send, and apply the hallowed values the Army instills in its leaders to do what is morally, legally, and selflessly right and proper. Granting clemency is more than benevolence, altruism, leniency, or compassion. In this rare and unique instance, clemency serves the important interests of the 82<sup>nd</sup> Airborne Division, the Army, the Nation, and Clint Lorange's family. And, given your recent and impactful service as the Commandant of Cadets at West Point, those young men and women will learn that you did what you taught them - personified the type of dutiful and loyal character to choose the harder right rather than pass the tough challenges on to another.

2. LEGAL ERRORS. As discussed more fully in Clint's 15 August 2014, submission incorporated herein, this record of trial contains at least eight (8) prejudicial legal errors. One, some, or the combination of all these errors reasonably casts the legality of the findings and sentence in doubt. That is, others viewing this court-martial, objectively, can intelligently conclude that the proceedings were just not a "fair-fight." The main prosecution witnesses were originally told they were murder suspects, but then granted immunity to testify against the young, brand-new platoon leader on only his second and third combat patrols. Nor was the panel ever told by the judge that witnesses were free from prosecution - surely troublesome when two such witnesses were the ones who actually fired their weapons. Clint never did. Civilian defense counsel arrived the evening before this murder trial. He did not interview witnesses for the prosecution. He did not cross-examine those witnesses to reveal for the court their motive to protect themselves from prosecution by testifying against Clint, a platoon leader they had known for only three days while the platoon had been together in combat for months. And, a Colonel who sat in judgment was subsequently removed from his command in the 82<sup>nd</sup> for failures in leadership. What is more, the identities of the Afghan military-aged-males who rode the motorcycle that day through the platoon's patrol remain unknown and unknowable, due in some part to the Squadron's refusal to interview villagers. The question remains: just who was killed?<sup>1</sup>

3. PUBLIC SUPPORT. Literally thousands of Americans, many of whom are active duty officers and enlisted personnel from all branches as well as other veterans, believe this case is uniquely positioned such that the great power of clemency ought rightly to be applied. The original petition, incorporated fully herein, contains 92 handwritten letters, and incredibly, comments from 25,398 people urging clemency. Corrective action now at the clemency stage will fix the eight legal errors and bring this case into compliance with American traditions, moral character, honor, and sensibility. Indeed, one of the main reasons that Convening Authorities have the vast power of clemency is to right what is wrong. This is especially true where, like here, the Convening Authority knows about the initial murder suspects and the grants of immunity, but the panel members did not. It is altogether proper to substitute your judgment for theirs when this exonerating and/or mitigating evidence is known to you, but not to them.

<sup>1</sup> To assist with your review, pages 2, 6, & 7 of Clint's 15 August 2014 submission demonstrate the context of the engagement and the reasonable doubt created by the testimony.