



**John N. Maher**  
LEGAL SERVICES

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MEMORANDUM FOR Lauren Scirocco

SUBJECT: Executive Summary – *United States v. First Lieutenant Clint A. Lorange*

DATE: December 10, 2016

1. PURPOSE. The purpose of this memorandum is to provide you with summary of the issues in *United States v. Lorange*.
2. BACKGROUND. Clint Lorange was convicted of unpremeditated murder and attempted murder when he ordered fire on three military aged males riding back-to-back on a single red motorcycle speeding towards his Platoon's single file route of march behind a minesweeper during a combat patrol in Kandahar, Afghanistan in 2012. Clint gave the order after another Infantryman saw the threat and fired his weapon in compliance with the rules of engagement. Clint is serving a sentence to 19-years confinement in the military prison on Fort Leavenworth, Kansas.
3. LEGAL ERROR. The prosecution claimed the Afghan men were innocent civilians. The legal problem, though, is that the Army withheld biometric evidence that the military aged males were biometrically enrolled, that is, had a biometric number assigned to them, linked to IED events at common grid coordinates, linked to other IED makers, and linked with American paratroopers having been killed in action. The prosecution should have disclosed this evidence to the defense. It did not. The defense also asked for this type of evidence, but the government admitted it did not search for the evidence, which resides on servers located throughout Afghanistan and used daily.
4. DIFFERENT TRIAL RESULT. Had the biometric evidence been disclosed to the defense, Clint Lorange would have used it to influence the outcome of the court-martial by showing his order based on the rules of engagement, resulted in killing the enemy, not innocent civilians as the prosecution claimed.
5. PRESIDENTIAL PARDON. Clint's case is on appeal before the US Army Court of Criminal Appeals on Fort Belvoir, Virginia. His appeals can last for years. Presidential action to release Clint and erase the convictions is the right thing to do. Every day the young man spends in prison is a day that cannot be repaid to him. Clint never fired his weapon. He never saw the enemy. Clint relied on the threat analysis of his Platoon intelligence soldier that the rules of engagement authorized deadly force to protect American lives. No interest is served by Clint's continued imprisonment or branding him as a murderer for the rest of his life.