

HAWAII INNOCENCE PROJECT SCREENING FORM

Return to: Hawai'i Innocence Project, UH Law School, Attn Prof. Hench, 2515 Dole Street, Honolulu HI 96822

INMATE NAME <u>Thomas W Spindle</u> INMATE ID# <u>04439-000</u> PRISON MAILING ADDRESS <u>FBI FAIRTON, P.O. Box 420</u> <u>FAIRTON, N.J. 08320</u> Social Security #: <u>277-70-4281</u> Date of Birth: <u>02 DEC 1959</u> Race or Ethnicity? (please check all that apply): <input type="checkbox"/> African-American. <input checked="" type="checkbox"/> Caucasian. <input type="checkbox"/> Chinese. <input type="checkbox"/> Japanese. <input type="checkbox"/> Latino/a. <input type="checkbox"/> Native American <input type="checkbox"/> Native Hawaiian . <input type="checkbox"/> Pacific Islander. <input type="checkbox"/> Other _____ What is your primary language? <u>English</u>	<p style="text-align: center;">CASE Information</p> Trial Court: <u>U.S. Army General Court-Martial</u> If you had more than one trial for this case, how many? <u>1</u> Trial Court Case No.: <u>GCM 443294 / 26 JUN 82</u> Court of Appeal Case No.: <u>28 MJ 35</u> Date Filed: <u>1982</u> Date Denied <u>1988</u> HRPP Rule 40 Petition (if applicable) # <u>N/A</u> Appeal from Denial of Rule 40 <u>N/A</u> Date Filed: <u>N/A</u> Date Denied <u>N/A</u> Habeas Application (federal) <u>1993 U.S. Dist. Lexis 2821</u> Date Filed: <u>26 JAN 90</u> Date Denied <u>4 FEB 1993</u> www.google..search: THOMAS W. SPINDLE
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If you were not convicted in HAWAII, please do not continue, we only accept cases where the conviction occurred in HAWAII

Trial Attorney : Note, if you had more than one trial, list ALL trial attorneys (use back of paper if necessary)

Name: Cpt. Richard E. Fay LAST KNOWN Phone: (704) 227-1044 Fax: _____
 Address: 201 S. College St. Charlotte, N.C. 28244 LAST KNOWN Email: _____

Appellate Attorney

Name: SAME (PRO BONO) Phone: _____ Fax: _____
 Address: _____ Email: _____

Inmate Counselor: Name: CASE MGR. BROWN Phone: _____

List ALL other projects & attorneys you have contacted for post-conviction assistance:

IIPPI.ORG
 ATTN: Katja Pumm, Editor
 Postfach 1122
 21275 Hollstedt
 GERMANY

The Innocence Project
 ATTN: Case Dir. Huy Dao
 100 Fifth Ave., 3rd Fl.
 New York, NY 10011

The Justice Project Org
 ATTN: MR. Kirk Bloodworth
 1725 Eye St., NW, 4th Fl
 Washington, D.C.
 20006-2412

OTHERS

Northwestern School of Law
Center on Wrongful Convictions
357 E. Chicago Avenue
Chicago, Ill. 60611

ACLU
125 Broad St., 18th Floor
New York, NY 10004-2400

Centurian Ministries
ATTN: Rev. James C. McCloskey
221 Witherspoon Street
Princeton, NJ 08542

CBS News / 48 Hours
ATTN: Ms. Erin Moriarty
524 W. 57th St.
New York, NY 10019-2924

America's Most Wanted
ATTN: Mr. John Walsh
5151 Wisconsin Ave.
Washington, D.C. 20016

Univ. of WI Law School
ATTN: Innocence Project of
Frank J. Remington Center
975 Bascom Mall
Madison, WI 53706
(NO REPLY)

Stanford Law School
ATTN: Prof. Robert Weisburg
Nathan: Abbot Way at Alvarado Row
Stanford, CA 94305
(NO REPLY)

THE
FAMM FOUNDATION
ATTN: Office Mgr. Nina Cannon
1612 K St. NW, Suite # 200
Washington, DC 20006

Only the IIPPI Organization was able to help publicize the wrongfulness of my incarceration.



HAWAI'I INNOCENCE PROJECT

CASE SCREENING QUESTIONNAIRE

Return to: Hawai'i Innocence Project, UH Law School, Attn Prof. Hench, 2515 Dole Street, Honolulu HI 96822

INSTRUCTIONS: Please answer, as fully as you can, all of the questions that apply to your case. In order to begin the screening process, this questionnaire must be completed and signed.

I. THE FACTS OF YOUR CONVICTION

1. List the charges you were convicted of (e.g., murder, attempted murder, rape, etc.)?

unpremeditated murder, felony murder, attempted sodomy, indecent acts

2. Name(s), age(s), and race of Victim(s):

DEREK Y. KUSUMOTO, 14 yrs. old, JAPANESE

3. Are you factually innocent of ALL of these charges? Yes No

If no, what charges are you factually innocent of?

N/A

4. Were you present at the scene before, during, or after the crime?

Yes, I found the victim's body on 6 Feb. 1982

5. What was your sentence?

minimum/maximum "life" at hard labor

6. List all prior convictions and the year of each conviction (please include any information you want us to know about your prior convictions):

N/A

www.hippi.org/inmates/armedforces/thomaspindle.html

7. Were others charged in connection with this crime? Yes No
 If yes, list their names and check the correct classification: (*Please provide information regarding the people you listed e.g., current whereabouts, name of their trial attorney)

Name: Clifford B. Co-Defendant same trial _____ Co-Defendant separate trial Co-Defendant "took a deal" _____
 Info: Hubbard

BLACK, fellow soldier AT Schofield BARRACKS, HQ & HQ. Co 1/19th, 25th INF DIV

Name: Co-Defendant same trial _____ Co-Defendant separate trial _____ Co-Defendant "took a deal" _____
 Info:

Name: Co-Defendant same trial _____ Co-Defendant separate trial _____ Co-Defendant "took a deal" _____
 Info:

Name: Co-Defendant same trial _____ Co-Defendant separate trial _____ Co-Defendant "took a deal" _____
 Info:

8. Did you have (check one)

a jury trial, a bench trial (argued before the judge only), or a Plea Agreement?

If you had more than one trial, how many? N/A and, what was reason for the outcome of each trial?

Conviction was 5-to-2 vote

COURT-MEMBERS

Col. Robert H. Botts

Lt. Col Tom McAniff

MAJ. William H. English

Col. Emory W. Bush

Cpt. Nancy L. Freebairn (only female)

Lt. Col Ronald Turner (relieved for challenge) former C.O.

(NO PRIOR PRETRIAL EXPOSURE)

MAJ. David B Norris

VOTED ME INNOCENT

Capt. David Hutchinson

VOTED ME INNOCENT

CONVENING Authority
 LT. GEN. Eugene S.
 Forrester

II. INMATE'S STATEMENT OF THE FACTS

*In addition to this questionnaire, you must send us a copy of your Appellant's Opening Brief (AOB), but because "your version" of facts may be different than the facts as told by your attorney in your AOB, please complete #9: CHECK WEBSITE

9. Briefly explain your version of the facts (who, what, when, where & why) of your case: (use back of paper if needed)

I found the victim's body on 6 Feb 82 while off-duty and walking through the 'Old Warehouse District' on Schofield Barracks, Hawaii. Pvt. Joseph H. Courtney, Junior, my Alibi on 5 Feb 82 (At. Approx. 9:10-9:30 p.m.) gave 5 separate renditions of the alleged murder plus 4 recantations

III. PROCEDURAL HISTORY & INFO

10. Date and approximate time of day crime occurred: 5 Feb 1982 (est. 10:45 p.m. or later)

11. Date of your arrest: 10 Feb. 1982

12. Place of arrest (location, city, county, state): Schofield Barracks, Hawaii

13. Date of conviction: 26 June 1982 at Fort Shafter

14. Have you appealed to the Intermediate Court of Appeals (ICA)? Yes _____ No

Date filed: _____ Date Decided: _____ Pending _____

15. Have you appealed to the HI Supreme Court? Yes _____ No

Case#: _____ Date filed: _____ Date Decided: _____ Pending _____

16. Have you appealed to the Federal Court? Yes No _____

Case#: _____ Date filed: _____ Date Decided: _____ Pending _____

17. Have you filed any other post conviction petitions or motions? Yes No _____
If yes, please provide document title, case number, date filed, and date decided:

SEE BACKSIDE