

★ DECLARATION ★  
of  
ACTUAL INNOCENCE

I, THOMAS W. SPINDLE, BEING DULY SWORN,  
DEPOSES AND STATES UNDER THE PENALTY OF  
PERJURY, 28 U.S.C. § 1746, THE FOLLOWING:

1. On the Sixth of February, 1982, while off-duty  
and walking through the 'Old Warehouse District' on  
Schofield Barracks, Hawaii, I found the partially-  
clad body of a homicide victim.

2. My Initial Discovery Statement was provided to  
and prepared by Special Agent HERMAN S. GLADER of  
the U.S. Army Criminal Investigations Detachment  
(U.S. Army CID) on that same date.

3. I had no personal awareness and/or prior  
social interactions with the homicide victim,  
DEREK Y. KUSUMOTO, or his twin brother.

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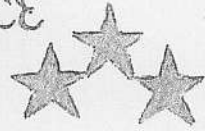
4. I did not have prior knowledge of the murder but did have prior knowledge of the old WW II Munitions bunker as well as other various historical sites around Schofield Barracks, Hawaii.

5. I did not participate nor cause the purported events falsely blamed upon me by Private Joseph H. Courtney, Junior, in collusion with Special Agents Samuel Braddock and George R. Steinbarger, all of which were generated four-to-five days [or later] with NO relevant material proof for support and overzealous motives to "close the case."

6. My personal pursuit of the unknown/undivulged latent fingerprints [off the victim's body, the bunker walls, handrails and compartments] as well as the relevant crime scene materials [for plausible DNA testing] had begun through direct inquiries to the U.S. Army CID crime lab

INITIALS: CEJ

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located at CAMP ZAMA, JAPAN, plus the U.S. Army Crime Records Center now located at Fort Belvoir, Virginia, in Mid-1987 [Report of Investigation (ROI) 82-CID108-1516-5H: UNKNOWN FINGERPRINTS FOUND ON BODY, Q94-82; FOREIGN EPIDERMAL TISSUES FROM BENEATH VICTIM'S FINGERNAILS, Q88-82; UNKNOWN ADULT BITEMARKS INDICATING O-TYPE BLOOD, 128-82; AND, "NUMEROUS" FINGERPRINTS AND HAIR SAMPLES ]

7. The relevant material evidence proved that I could not have been physically involved and the government's portrayal was offensively wrong by every standard of fact and law.

8. All matters related to this Declaration are viewable on the Worldwide Web under the Innocent In Prison Project International Organization at: [www.iippi.org/inmates/armedforces/thomasspindle.html](http://www.iippi.org/inmates/armedforces/thomasspindle.html).

Sworn To Before Me  
In 25 Day Of February, 2009.

So Sayeth and Sworn True,

Thomas W. Spindle

THOMAS W. SPINDLE

Melissa Sue Smith

MELISSA SUE SMITH  
Commission # 2373874  
Notary Public, State of New Jersey  
My Commission Expires  
May 19, 2013

04439-000 / B-UNIT-R  
FCI FAIRTON, P.O. BOX 420  
FAIRTON, NJ 08320

WITNESS / NOTARY PUBLIC

(Signature)



No. \_\_\_\_\_

DECLARATION OF ACTUAL INNOCENCE

IN THE

SUPREME COURT OF THE UNITED STATES

THOMAS W. SPINDLE — PETITIONER  
(Your Name)

VS.

U.S. EXECUTIVE BRANCH — RESPONDENT(S)

**PROOF OF SERVICE**

I, Thomas W. Spindle, do swear or declare that on this date, 25 FEBRUARY, 2009, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Clerk of the U.S. Supreme Court, 1 FIRST STONE, WASHINGTON, DC. 20543  
Solicitor General of the U.S. Dept. of Justice, Rm 5614 950 PENNSYLVANIA AVE, NW WASHINGTON, D.C. 20530  
IIPPI HEADQUARTERS, ATTN: Katja Pumm Postfach 1122, 21275 Hollenstedt GERMANY

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 25 FEBRUARY, 2009

Melissa Sue Smith 2/25/09

[Signature]

(Signature)

MELISSA SUE SMITH  
Commission # 2373874  
Notary Public, State of New Jersey  
My Commission Expires  
May 19, 2013