

IN THE SUPREME COURT OF THE UNITED STATES  
THOMAS W. SPINDLE, )  
PETITIONER, )  
V. ) CASE NO. 08-9175  
THE U.S. EXECUTIVE BRANCH, et al., )  
RESPONDENTS. )

REQUEST FOR REHEARING

COMES NOW, Thomas W. Spindle, pro se litigant of the above titled case to seek "Request for Rehearing" of his "Petition for Writ of Certiorari to the Third Circuit" under Supreme Court Rules 12.2, 20.1, 39.1 and 44.1. The original petition was denied on 20 April, 2009 without opinion [see Appendix].

GROUND FOR REVIEW

Petitioner, a U.S. Army Prisoner, was convicted and sentenced to life-long imprisonment on 26 June 1982 for circumstantial murder based upon the Reconstructed Account(s) of a self-proclaimed "eye witness" whom had clear motives to lie and mislead the U.S. Army Criminal Investigations Detachment (CID) homicide investigators and the U.S. Army Judge Advocate General (JAG) prosecutors. Private Joseph H. Courtney, Junior, the "eye-witness" had provided five various renditions of the alleged events on 5 February 1982 plus four recantations stating that he did not read but coercively signed all of the pretyped confessions placed before him. Courtney, though CID, had also implicated another fellow soldier from Petitioner's military unit whom had received a

similar conviction but could not have been physically present [ based upon the CID lab report ]. Petitioner, established by the Record, found the victim's body on 6 February 1982 and has already presented his 'Declaration of Actual Innocence' before this very Court.

I. This Court to remove a  
Petitioner was [ wrongfully ] barred from presenting a Brady violation by the lower courts although the relevant material evidence (i.e. unidentified but readable fingerprints lifted off the victim's body, foreign epidermal tissues found beneath several fingernails, numerous but undisclosed fingerprints found throughout the crime scene, two matching adult human bite marks) proved that he, his co-accused and their "chief accuser" could not have had a physical nexus to the violent murder. The chief accuser's best friend had a "coincidental palm print" upon the wall above the victim's partial clad corpse.

This Court in Bell, declared that he was entitled to proceed with his petition for federal habeas relief based upon federal constitutional claims that were procedurally barred by the state - where (1) the central forensic proof connecting him to the crime had been called into question; and (2) Bell had put forth substantial evidence pointing to a different suspect. House v. Bell, (2006, U.S.) 126 S. Ct. 2064, 165 L. Ed. 2d 1, 2006 Lex 4675). Brady v. Maryland, 373 U.S. 83, S. Ct. 1194, 10 L. Ed. 2d 215 (1963).

The U.S. Army CID and JAG had clear and irrefutable obligations to disclose favorable evidence proving Petitioner, his Co-Accused and their chief accuser could not have been