

DEPARTMENT OF THE ARMY
Headquarters, United States Army Western Command
Fort Shafter, Hawaii 96858

GENERAL COURT-MARTIAL ORDER
NUMBER 2

19 November 1982

Before a general court-martial which convened at Fort Shafter, Hawaii, pursuant to Court-Martial Convening Order Number 1, this headquarters, 13 May 1982, as amended by Court-Martial Convening Order Number 3, this headquarters, dated 3 June 1982, was arraigned and tried:

Specialist Four (E-4) Thomas W. Spindle, US Army,
Headquarters and Headquarters Company, 1st Battalion, 19th
Infantry, 25th Infantry Division, Schofield Barracks, Hawaii 96857.

Charge I: Violation of the Uniform Code of Military Justice,
Article 118.

Specification 1: In that Specialist Four Thomas W. Spindle, United States Army, Headquarters and Headquarters Company, 1st Battalion, 19th Infantry, 25th Infantry Division, did, at Schofield Barracks, Hawaii, a United States military installation, on or about 5 February 1982, with premeditation, murder Derek Yuichi Kusumoto by means of beating him with his fists, strangling him with his hands, by pushing him down a set of concrete stairs, and by other unknown means.

Specification 2: In that Specialist Four Thomas W. Spindle, United States Army, Headquarters and Headquarters Company, 1st Battalion, 19th Infantry, 25th Infantry Division, did, at Schofield Barracks, Hawaii, a United States installation, on or about 5 February 1982, while perpetrating or attempting to perpetrate sodomy, murder Derek Yuichi Kusumoto by means of beating him with his fists, strangling him with his hands, by pushing him down a set of concrete stairs, and by other unknown means.

Charge II: Violation of the Uniform Code of Military Justice,
Article 125.

Specification: In that Specialist Four Thomas W. Spindle, United States Army, Headquarters and Headquarters Company, 1st Battalion, 19th Infantry, 25th Infantry Division, did, at Schofield Barracks, Hawaii, a United States military installation, on or about 5 February 1982, commit sodomy with Derek Yuichi Kusumoto, a child under the age of sixteen years, by force and without the consent of the said Derek Yuichi Kusumoto.

Additional Charge: Violation of the Uniform Code of Military Justice, Article 134.

Specification: In that Specialist Four Thomas W. Spindle, United States Army, Headquarters and Headquarters Company, 1st Battalion, 19th Infantry, 25th Infantry Division, did, at Schofield Barracks, Hawaii, a United States military installation, on or about

UNKNOWN FINGERPRINTS ON BODY

443284

5 February 1982, wrongfully commit indecent, lewd and lascivious acts with Derek Yuichi Kusumoto, a male child under sixteen years of age, by fondling said child and placing his hands upon the legs and private parts of the said child, biting the body of the child, and by other unknown means, with the intent to gratify his own sexual desires.

PLEAS

To all Charges and Specifications: Not Guilty.

FINDINGS

Of Specification 1 of Charge I: Guilty, except the words, "with premeditation murder", and the words, "and by other unknown means", substituting therefor respectively the words, "with intent to commit sodomy commit an assault upon", and the words, "or by other unknown means". Of the excepted words: Not Guilty, of the substituted words: Guilty.

Of Specification 2 of Charge I: Guilty, except the words, "and by other unknown means", and by substituting therefor the words, "or by other unknown means". Of the excepted words: Not Guilty, of the substituted words: Guilty.

Of Charge I: Guilty.

Of the Specification of Charge II: Guilty, except the words, "commit sodomy", and substituting therefor the words, "wrongfully attempt to commit sodomy". Of the excepted words: Not Guilty, of the substituted words: Guilty.

Of Charge II: Guilty.

Of the Specification of the Additional Charge: Guilty, except the words, "biting the body of the child", and except the words, "and by other known means", and substituting therefor the words, "or by other unknown means". Of the excepted words: Not Guilty, of the substituted words: Guilty.

Of the Additional Charge: Guilty.

Of Charge I: Guilty of a violation of Articles 134 and 118.

SENTENCE

- Number 1: To be reduced to the grade of E-1.
- 2: To forfeit \$275.00 pay per month for length of imprisonment.
- 3: Not applicable.
- 4: To be confined at hard labor for the length of your natural life to be discharged from the service with a dishonorable discharge (No previous convictions considered).

The sentence was adjudged on 26 June 1982.

BITEMARK WAS O-TYPE BLOOD

SPINDLE'S BLOODTYPE IS A-POSITIVE

NO CUTS, SCRATCHES, OR BRUISES ON ACCUSED

NO FINGERPRINTS AT THE CRIMESCENE WHERE OTHER PRINTS WERE FOUND

ACTION

DEPARTMENT OF THE ARMY
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In the foregoing case of Specialist Four (E-4) Thomas W. Spindle, US Army, Headquarters and Headquarters Company, 1st Battalion, 19th Infantry, 25th Infantry Division, Schofield Barracks, Hawaii 96857, the sentence is approved. The forfeitures shall apply to pay becoming due on and after the date of this action. The record of trial is forwarded to The Judge Advocate General of The Army for review by the Court of Military Review. Pending completion of appellate review, the accused will be confined in the United States Disciplinary Barracks, Fort Leavenworth, Kansas, or elsewhere as competent authority may direct.

/s/ Eugene P. Forrester
/t/ EUGENE P. FORRESTER
Lieutenant General, USA
Commanding

BY COMMAND OF LIEUTENANT GENERAL FORRESTER:

DISTRIBUTION:

1-Accused
1-COL Ryker (MJ)
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1-Cdr, 25th Inf Div
1-Cdr, 1st Bde
1-Cdr, 1st Bn, 19th Inf
1-Cdr, HHC, 1st Bn, 19th Inf
10-HQDA (JALS-CC), Nassif Bldg, Falls Church, VA 22041
1-Comdt, USDB, ATTN: ATZL-DB-CO, Ft Leavenworth, KS 66027
1-Cdr, USAERC, ATTN: PASC, Ft Benjamin Harrison, IN 66442
1-Cdr, HI Field Ofc, 6th Rgn, USACIDC
1-Cdr, Ft Leavenworth, ATTN: ATZL-CM-FA-IP, Ft Leavenworth, KS 66027
1-Cdr, 25th Inf Div, ATTN: APVG-FC
1-Cdr, 25th Inf Div, ATTN: APVG-DS
1-Cdr, 25th Inf Div, ATTN: APVG-AGP-A
1-Cdr, 25th Inf Div, ATTN: APVG-AGP-RD


WILLIAM G. CROUCH
SGM, USA
Acting Asst AG