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November 28, 1988

Mr. Thomas W. Spindle
277-70-4281
Drawer "A"
Ft. Leavenworth, Kansas 66027-7140

Re: United States v. Specialist Four Thomas W. Spindle
CM 443294, Docket No. 51,123/AR

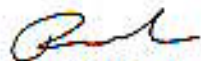
Dear Tom:

Our informal attempts to have the FBI take the fingerprints which were found at the scene of Derek Kusumoto's murder and compare them to those in their automated fingerprint bank has been turned down. Accordingly, we prepared an application for an extraordinary writ to be issued by the Court of Military Appeals, so that they might compel the examination of the fingerprints against those that are maintained in the FBI's fingerprint bank. Although I understand that the practice is for the judges to act on these requests at their weekly conference, as of yet they have not acted, and I understand that it will be at least the middle of December before they do so. If they recess at that time without taking action on the request, then it will be another month, as they take traditionally take a long Christmas recess.

Hope that you are continuing to get along alright, as I know that the upcoming holiday season must be an especially tough time on you. Your stepfather calls me regularly, and I hope that the updates that you receive from him through your regular Saturday night phone calls will keep you apprised, although I will certainly try to keep you updated through regular correspondence. If you have any additional thoughts or questions, please don't hesitate to write.

With best regards,

Sincerely,



Richard E. Fay

REF/ert

cc: Mr. Charles Tipton