



## Thomas Lee Goldstein

In November 1979, John McGinest was shot and killed on the street in Long Beach, California. Several eyewitnesses provided police with an initial description of the shooter. Six eyewitnesses were shown a photo lineup, but none could identify the shooter. After being shown Thomas Goldstein's photo a second time, however, one witness – Loran Campbell – said it was possible Goldstein was the shooter, which the police took as a positive identification. The police arrested Goldstein, a Vietnam veteran who lived near the murder scene, even though he was white and the other witnesses identified the shooter as black or Mexican. Goldstein was put in a cell with Edward Fink, a jailhouse snitch who had been a police informant for ten years and had previously benefited from telling police about "confessions" from his cellmates. The next day, Fink told police that Goldstein had confessed to him.

At trial, Fink falsely testified that he received no benefit for his testimony, and had never received benefits from cooperating with police. Loran Campbell also testified against Goldstein. No physical evidence connected Goldstein to the shooting. Prosecutors claimed that Goldstein had killed McGinest because McGinest owed him money, but presented no evidence to support that theory. In 1980, a jury convicted Goldstein of murder, and he was sentenced to 27-years-to-life in prison.

After the trial, Goldstein filed numerous appeals on his own behalf, but was unsuccessful. In 1990, a grand jury report revealed that Los Angeles County prosecutors regularly presented false testimony by jailhouse informants between 1979 and 1990. Goldstein eventually tracked down a lawyer who had information showing that Fink had lied in a number of cases, and discovered that Fink had received benefits in exchange for his testimony. Goldstein filed his second federal habeas corpus petition, and the federal public defender's office was appointed to represent him. The office's investigator tracked down Loran Campbell. Campbell recanted his testimony in 2000, saying that the police had coached him to identify Goldstein. In November 2002, a federal district court overturned Goldstein's conviction, ruling that he had been deprived of a fair trial because the prosecution failed to reveal that Fink had received benefits in exchange for his testimony. The prosecution appealed.

In December 2003, the United States Court of Appeals for the Ninth Circuit upheld the district court's decision, overturning Goldstein's conviction and granting him a new trial. The court also ordered Goldstein's immediate release, but local officials did not comply with the order. Instead, when a Los Angeles County Superior Court judge dismissed the original charges against Goldstein in February 2004, the prosecution immediately filed new charges and Goldstein remained in custody. Goldstein was not released until April 2004, after a judge ruled that the prosecution could not use Campbell's testimony from 1980, leading prosecutors to drop the charges.

Goldstein filed a civil suit against the city and county, the police department, the district attorney and the district attorney's chief deputy. The district attorney and his deputy moved to have the case against them dismissed because they had prosecutorial immunity. Though a federal district court

**State:** California

**County:** Los Angeles

**Most Serious Crime:** Murder

**Additional Convictions:**

**Reported Crime Date:** 1979

**Convicted:** 1980

**Exonerated:** 2004

**Sentence:** 25 to Life

**Race:** Caucasian

**Sex:** Male

**Age:** 30

**Contributing Factors:** Perjury or False Accusation, Official Misconduct

**Did DNA evidence contribute to the exoneration?** No  
:

judge denied their motion, they appealed the case to the United States Supreme Court. In January 2009, the Supreme Court ruled that the district attorney and the deputy had absolute immunity from the claims brought against them. In August 2010, Goldstein settled his lawsuit against the city of Long Beach for nearly \$8 million.

- *Stephanie Denzel*

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### ABOUT THE REGISTRY

The National Registry of Exonerations is a joint project of the University of the Michigan Law School and the Center on Wrongful Convictions at Northwestern University School of Law.

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<http://www.nytimes.com/2010/08/13/us/13goldstein.html>

August 12, 2010

## **Wrongly Convicted Man Gets \$7.95 Million Settlement**

By REBECCA CATHCART

LOS ANGELES — A man who spent 24 years imprisoned for a murder he did not commit will receive \$7.95 million from the City of Long Beach after he sued the police there for withholding evidence in his 1980 trial.

The settlement, made public Thursday, is the largest pretrial settlement ever in California for a [wrongful conviction](#) and one of the largest in the country, said Barry Litt, a lawyer for the man, Thomas Lee Goldstein.

In 2004, Mr. Goldstein was freed from prison after the Los Angeles district attorney dismissed all charges against him in the 1979 killing of a Long Beach drug dealer. The move was based on new evidence that the police had coached the only witness in the case by pointing Mr. Goldstein out in a photo spread as a suspect who had failed a polygraph test.

Lawyers also presented evidence that the police had offered Eddy Fink, a heroin addict and police informant, leniency in a grand theft conviction if he testified against Mr. Goldstein.

At the trial, Mr. Fink told the jury that Mr. Goldstein had confessed to the killing when the two men briefly shared a jail cell. Mr. Fink, who has since died, lied in court when asked if he had made any deal with the police before testifying, Mr. Litt said.

But Monte Machit, the Long Beach deputy attorney who defended the city in the case, said the police had not provided Mr. Fink “with any benefit in exchange for the information he offered.”

“We don’t believe there was any wrongdoing” by city officials, Mr. Machit said. “This is a lot of money, but in light of the potential verdict,” which could have been \$24 million to \$30 million and lawyers’ fees, he said, “we thought it better to get it resolved.”

Mr. Goldstein, 61, said the settlement was the end of a 30-year-long “painful chapter” in his life.

He said he would spend his coming years trying to “rebuild my life, prepare for retirement and help others who have not been as fortunate as I am today.”

<http://victimsoflaw.net/InnocentsInPrisonCurrentNewsViews.htm>

**CALIFORNIA**

## **Wrongly Convicted Man Gets \$7.95 Million Settlement**

By Rebecca Cathcart New York Times

08-12-10 -- A man who spent 24 years imprisoned for a murder he did not commit will receive \$7.95 million from the City of Long Beach after he sued the police there for withholding evidence in his 1980 trial. . . . The settlement, made public Thursday, is the largest pretrial settlement ever in California for a **wrongful conviction** and one of the largest in the country, said Barry Litt, a lawyer for the man, Thomas Lee Goldstein. . . . In 2004, Mr. Goldstein was freed from prison after the Los Angeles district attorney dismissed all charges against him in the 1979 killing of a Long Beach drug dealer. The move was based on new evidence that the police had coached the only witness in the case by pointing Mr. Goldstein out in a photo spread as a suspect who had failed a polygraph test.

<http://www.nytimes.com/2004/06/21/us/starting-over-24-years-after-a-wrongful-conviction.html?pagewanted=all&src=pm>

# Starting Over, 24 Years After a Wrongful Conviction

By JOHN M. BRODER

Published: June 21, 2004

Over the many long years in prison, Thomas Lee Goldstein's sense of disbelief, his bitterness at the judicial system, even his revenge fantasies slowly faded, leaving only a feeling of numbness and a grim patience.

He screamed his innocence to an unhearing world until finally one judge, then another, then another -- five federal judges in all -- agreed that he had been wrongly convicted of murder in 1980 and ordered him set free late last year. Even then, local authorities kept him locked up for four more months before turning him loose on April 2, more than 24 years after he was first picked up for a murder that it now seems clear he did not commit. He emerged from the black hole of the California prison system on a Friday afternoon in a white-and-yellow jail jumpsuit, his feet in cheap slippers and his pockets empty, a white-haired man of 55. His first stop was at a Veterans Administration office in Los Angeles, hoping to get some clothes, a little money, a place to live. But the V.A.'s computers were down and officials could find no record of Mr. Goldstein's three years in the Marine Corps. He drove away with his lawyer, homeless and still empty-handed.

On his first night of freedom since November 1979, Mr. Goldstein's lawyer, Ronald O. Kaye, took him to a Mexican restaurant in Boyle Heights, east of downtown Los Angeles, where he had a big plate of chicken enchiladas and his first beer in a quarter-century, a Bohemia.

The next morning, Mr. Goldstein said in an interview at Mr. Kaye's offices in Pasadena: "I called up an old girlfriend hoping for a day of wild sex. Of course she wasn't home, so I went to the law library instead."

Mr. Goldstein, whose dark hair has turned white and whose slight build has slid into a middle-aged paunch, told his story in the language of the trained legal investigator that he has become.

He said that he survived his years in a succession of California prisons, from San Quentin to Folsom to the maximum-security lockup at Tehachapi, with a combination of Transcendental Meditation and a return to his Jewish roots. While in prison, he had a Star of David tattooed on his forearm. He said he observed the High Holy Days and on several occasions he led Passover dinners with three or four fellow Jewish fellow prisoners, sharing a single Haggadah.

Mr. Goldstein, a native of Kansas and Texas who drifted out to California in the 1970's, spent countless hours in prison law libraries, eventually earning a paralegal certificate. He filed repeated habeas corpus petitions, first on his own, later with the help of public defenders, until in 1996 a federal judge agreed to hold a hearing on his case.

In 2002, Magistrate Judge Robert N. Block delivered a lengthy opinion stating that Mr. Goldstein had been wrongly convicted and ordered him released. Judge Dickran Tevrizian of Federal District Court in Los Angeles and a three-judge panel of the United States Court of Appeals for the Ninth Circuit later affirmed his opinion.

The case arose from the shotgun killing on Nov. 3, 1979, of John McGinest in an alley in Long Beach near where Mr. Goldstein was living in an unheated \$85-a-month garage. At the time, Mr. Goldstein said, he was an engineering student at Long Beach City College and drinking heavily. He had three arrests for disturbing the peace and public drunkenness, but no record of violence.

The police came to his residence two weeks after the crime to interview him and conduct a search. Although they found no forensic evidence linking him to the shooting, they arrested him and administered a polygraph exam, which was inconclusive. Nonetheless, they charged him with the murder based on what was later -- years later -- shown to be tainted testimony.

Mr. Goldstein's central contention was that the two chief witnesses against him -- a jailhouse snitch named Edward Fink and a supposed eyewitness to the 1979 murder in Long Beach named Loran Campbell -- had testified falsely at his 1980 murder trial, which lasted barely a week.

Both have since died, but Mr. Goldstein was able to establish conclusively that Mr. Fink, a habitual criminal, heroin addict and serial liar, had fabricated his account of Mr. Goldstein's "confession" to him when they were together briefly in a Long Beach police holding pen. Mr. Fink said on the stand at Mr. Goldstein's trial that he was receiving no benefit or leniency in exchange for his testimony, a statement that bolstered his credibility with the jury but that was flatly untrue, according to court documents. Mr. Fink became a central figure in a later grand jury investigation into the misuse of informant testimony in numerous criminal trials in Los Angeles County.

Mr. Campbell's testimony was the other key to Mr. Goldstein's conviction, the courts later found. He testified at trial that he saw Mr. Goldstein shoot the victim, but two years ago he recanted his testimony, saying he had been overeager to help the police and had been prompted in his identification of Mr. Goldstein by investigators. Other witnesses to the crime gave conflicting accounts, but none positively identified Mr. Goldstein as the shooter.

Mr. Goldstein was sentenced to 25 years in prison, plus two years for using a gun in a felony. A state appeals court affirmed the verdict after a relatively brief hearing.

Mr. Goldstein said that from the time of his arrest to his conviction nine months later he never believed he would be found guilty. He said that he wanted the proceedings speeded up to bring a quick end to his nightmare. "I just felt let's get this over with," he said. "I thought they'd give me a second polygraph and that would be the end of it."

But, he said: "Not only did no one believe what I said, but the police were putting words into witnesses' mouths. It was just a betrayal of trust by municipal and county employees."

He said that his mother, who still lives in Kansas, never believed he was guilty, but that he stopped corresponding with her and other members of the family after about five years in prison. "I got kind of depressed and I cut them all loose," he said. "It was very, very difficult on me and I just didn't want to deal with it."

Mr. Goldstein says he does not harbor dreams of revenge, but rather of holding the system that so betrayed him accountable. He spends his days as a paralegal at the small Pasadena law firm of Hadsell & Stormer and working with Mr. Kaye on a damage claim against the authorities who took his freedom.

Mr. Kaye said he had not yet decided how large that claim would be.

"How do you really evaluate in financial terms what 24 years of life are worth?" Mr.

Kaye said. "He was locked up from age 30 to 55. He didn't have a chance to find a wife, have children, build a career. He is a talented legal researcher, a talented draftsman. I ask you, is \$25 million enough? Is \$50 million enough?"

Mr. Goldstein said his "sustaining fantasy" in prison was of a farm in Kansas, far from the confining gray walls of prison and the back streets of Long Beach.

"I dream of owning a large plot of land in the Midwest with a house and a dog and huge field of flowers and a grassy area," he said. "I want to just sit back there and look at the fields and fields of nothing, the antiprison."

<http://truthinjustice.org/p-pmisconduct.htm>

**California:** On Dec. 4, 2003 a three-judge panel of the U.S. 9th Circuit Court of Appeals ordered the State of California to release Thomas Lee Goldstein without bail after finding that 24 years ago prosecutors had denied him a fair trial. But California ignored the Court and has kept Goldstein in custody. On January 30, 2004, the judges repeated their original order, putting in capital letters their directive for Goldstein's "[IMMEDIATE RELEASE FROM CUSTODY.](#)"

Hours after a judge dismissed Thomas Lee Goldstein's 24-year-old murder conviction, Goldstein was right back where he started his long legal struggle: standing in a courtroom, entering a plea of innocent. Superior Court Judge Arthur Jean granted a defense motion on February 2, 2004 to dismiss the conviction, but prosecutors refiled the case almost immediately. [Innocence is Irrelevant](#)

UPDATE: On April 2, 2004, Thomas Lee Goldstein was *finally freed* when LA Deputy DA Patrick Connolly admitted the state lacks sufficient evidence to retry him. [Justice Delayed 24 Years](#)

<http://truthinjustice.org/goldstein-free.htm>

## Wrongly Imprisoned for 24 Years, Goldstein Freed

By Henry Weinstein and Christiana Sciaudone  
Times Staff Writers  
April 2, 2004

After being wrongfully imprisoned for murder for 24 years, Thomas Lee Goldstein, a 55-year-old former Marine, was freed by a Long Beach Superior Court judge today and took the first steps toward trying to create a new life.

"I'm nervous and anxious and uncertain about the future, but I am glad to be out," Goldstein said outside the Long Beach courthouse just moments after he was released.

Goldstein said he was bitter about how he had been treated. He has always maintained his innocence and had been convicted on the basis of testimony from an unreliable jailhouse informant and an eyewitness who later recanted. In recent years, five federal judges all agreed that Goldstein's constitutional rights had been violated by the Los Angeles County district attorney's office.

Three hours before Goldstein walked out of jail, Judge James B. Pierce ordered Goldstein released after a prosecutor told the judge district attorney's office was unable to retry Goldstein.

Earlier this week, Pierce dealt a critical blow to the prosecution's case when he ruled that they could not present testimony from Loran Campbell, a key witness against Goldstein at his 1980 trial. Campbell had recanted his testimony in 2002 and died months later.

### Photos



Thomas Goldstein  
February, 2003



Thomas Goldstein as a  
young Marine

"In light of the court's previous ruling on the trial testimony of Loran Campbell, the people are unable to proceed," Deputy Dist. Atty. Patrick Connolly said.

Goldstein, who has always maintained his innocence — and reiterated it today — looked numb as his 24 years in custody came to an end after a two-minute hearing. His defense lawyers, Dale Rubin and Charles Lindner, briefly embraced him as Goldstein, dressed in an orange jail jump suit, left the courtroom.

After Goldstein was released, one of his attorneys drove him to a downtown Veterans Administration center to help facilitate his reentry into society, a move arranged by Father Gregory Boyle, an East Los Angeles priest who has been an activist on criminal justice issues.

The district attorney's office grudgingly gave up the case four months after a federal appeals court ruled that Goldstein had been wrongfully convicted of shotgunning John McGinest to death in Long Beach on Nov. 3, 1979.

The U.S. 9th Circuit Court of Appeals also ruled that Goldstein should be immediately released. State and local officials, however, did not comply with the order, leading to a criminal investigation that is now pending in Los Angeles federal court.

Goldstein's attorneys said they were pleased at the outcome but both expressed disgust that Goldstein had been imprisoned for so long on such thin evidence, even after the five federal judges had ruled that his constitutional rights had been seriously violated.

Dist. Atty. Steve Cooley's office re-charged Goldstein, contending that they had a strong case that never materialized.

"They had nothing. No fingerprints. No forensic evidence. No gun," said Rubin.

"This was nothing but pure, outrageous false imprisonment," Linder said.

In continuing to push the case the past four months, the district attorney's office engaged in "display of prosecutorial chutzpah nearly equal to the mendacity it employed to secure the defendant's original conviction," Lindner said outside the courtroom.

Sandi Gibbons, the public information officer for the district attorney's office, gave reporters a formal three-paragraph statement that said Goldstein was convicted by a jury and that the verdict had been upheld by state appellate courts.

The statement said the conviction only had been overturned on "the basis of an eyewitness [Campbell] who, after two decades, recanted his identification of the defendant."

In fact, that was not the only basis of the actions by the federal judges. They also emphasized the prosecution's use of Edward F. Fink, an unreliable jailhouse informant, who testified that Goldstein had confessed to the murder when the two were briefly incarcerated together in the Long Beach city jail.

Fink testified falsely that he had received nothing in return for his testimony. In reality, prosecutors had agreed to drop one case against him and reduce the charges on another case.

The district attorney's failure to tell the defense denied Goldstein a fair trial, Chief U.S. Magistrate Judge Robert N. Block said in November, 2002. The ruling was upheld by a federal judge in Los Angeles and three 9th Circuit judges.

Reached by phone in Kansas, Goldstein's 78-year-old mother Geri was jubilant.

"You can't imagine how I'm feeling," she said. "Finally, finally, finally, this has happened. What a wonderful gift for Passover. Freedom at last."

<http://truthinjustice.org/goldstein-free.htm>

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February, 2003



Thomas Goldstein as a  
young Marine

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<http://truthinjustice.org/goldstein.htm>

# Court Bolsters Demand for Release

By Henry Weinstein  
Times Staff Writer

January 31, 2004

The U.S. 9th Circuit Court of Appeals directed a federal judge Friday to examine whether several California law enforcement officials should be held in contempt of court for "deliberately failing to comply" with an order to release a man who was convicted of murder 24 years ago on the word of an unreliable jailhouse informant.

On Dec. 4, a three-judge panel of the appeals court ordered the state to release Thomas Lee Goldstein without bail after finding that prosecutors had denied him a fair trial.

But instead of releasing Goldstein, who turns 55 today, G.E. Harris, warden of the state prison at Coalinga, turned him over to Los Angeles County sheriffs. They transported him to a county jail, where he has remained behind bars.

In their order Friday, the 9th Circuit judges repeated their original order, putting in capital letters their directive for Goldstein's "IMMEDIATE RELEASE FROM CUSTODY."

The federal judges found several serious problems with Goldstein's original trial. The chief one was prosecutors' use of an informant, Edward F. Fink. Over a period of 10 years, Fink testified in at least 10 cases that people had confessed crimes to him while they shared his jail cell.

At Goldstein's trial in 1980, Fink testified that Goldstein had confessed murder to him when they shared a cell at the Long Beach city jail. Asked if he had received any benefit from authorities for his testimony, Fink said no.

In fact, federal judges have ruled, the evidence suggests that Fink and authorities had reached a deal for Fink to get a lighter sentence in exchange for his testimony.

Prosecutors' failure to tell defense lawyers about the deal violated Goldstein's constitutional rights, the judges said when they ordered Goldstein's release without bail.

In mid-December, when he learned that Goldstein was still in custody, Deputy Federal Public Defender Sean K. Kennedy, one of his lawyers, asked that state officials be held in contempt.

In response, Deputy Atty. Gen. William H. Davis Jr. sent a letter to the court. The letter

said that Los Angeles County prosecutors intended to retry Goldstein.

They were concerned, it said, that "if Mr. Goldstein were released, he would seek to avoid further proceedings and leave the state's jurisdiction."

The Los Angeles district attorney's office had issued a detainer order to state prison officials, and it was "a lawful state order" that provided the basis for keeping Goldstein in custody, the letter said.

The detainer order, Davis wrote, was "independent state action which is consistent with, and in conformance with," the 9th Circuit's order "permitting the retrial of Goldstein."

In a statement Friday, Sandi Gibbons, spokeswoman for the Los Angeles district attorney's office, repeated that assertion, saying that Goldstein had been properly detained and that police and prosecutors were holding him pending a new trial.

After the 9th Circuit's original order, prosecutors "made a preliminary decision to retry the case on the basis that the evidence in support of the original conviction of first-degree murder is strong," Gibbons said. "A reinvestigation began immediately, involving both this office and the Long Beach Police Department."

Goldstein "remains in state custody without bail, and a hearing on the case is scheduled for Monday in Long Beach Superior Court," Gibbons said.

"The prosecutor assigned to this case and Long Beach Police detectives are working diligently to reconstruct this 24-year-old murder case."

The 9th Circuit judges did not directly address the arguments for keeping Goldstein in custody, but their action Friday indicates that they did not agree with the state's claims.

The appeals court told District Judge Dickran M. Tevzian to hold a hearing to determine whether "together or individually or with others as yet unknown," Harris, the state attorney general's office, local prosecutors or prison officials had deliberately failed to comply with the court order and if so, "what sanctions might be appropriate under the circumstances."

Kennedy, who has expressed dismay for weeks that Goldstein had not been released, said he was pleased with the court order.

<http://truthinjustice.org/goldstein2.htm>



February 3, 2004

## Murder Charge Re-filed After Conviction Overturned

by Tim Molloy

LOS ANGELES (Feb. 3) - Hours after a judge dismissed Thomas Lee Goldstein's 24-year-old murder conviction, Goldstein was right back where he started his long legal struggle: standing in a courtroom, entering a plea of innocent.

The 55-year-old remained in custody Monday even though two federal judges and a federal appeals panel ruled he was wrongly convicted based on the testimony of a jailhouse informant. Last week, the 9th U.S. Circuit Court of Appeals demanded Goldstein's immediate release.

Superior Court Judge Arthur Jean granted a defense motion Monday to dismiss the conviction, but prosecutors' refiled the case almost immediately. Bail was set at \$1 million.

"If the 9th Circuit is correct and this is an innocent man, they're certainly adding to the nightmare that he's gone through for the past 24 years," said Goldstein's attorney, Dale M. Rubin, said. "You're telling me there's nothing better they can do with their time? I haven't seen any evidence that establishes his guilt."

Sandi Gibbons, spokeswoman for the Los Angeles County district attorney's office, said prosecutors were confident they could again win a conviction. "We feel that the evidence in this case is strong," she said. Monday's legal drama was only the latest reversal of fortune for Goldstein.

A three-judge appeals court panel ordered in December that he be released without bail, but state prison officials instead turned him over to Los Angeles County jailers, citing orders from the district attorney.

The 9th Circuit said Friday it found serious problems with his original trial, especially the use of informant Edward F. Fink.

Fink, a heroin user with a lengthy criminal record, had testified in more than 10 cases that people had confessed crimes to him while they shared his jail cell.

Evidence suggests Fink struck a deal with prosecutors to get a lighter sentence in exchange for his testimony. Prosecutors' failure to tell defense lawyers about the deal violated Goldstein's constitutional rights, the judges said.

The appeals court also told District Judge Dickran M. Tevrizian to determine whether law-enforcement officials should be held in contempt for refusing to release Goldstein. No hearing on that issue has yet been set.

Goldstein was a college student when John McGinest was killed by shotgun fire on a Long Beach street on Nov. 3, 1979. Goldstein, who lived in a rented garage near the murder scene, was arrested two weeks later.

No physical evidence linked him to the killing, and the murder weapon was never found.

Prosecutors relied on the statements of Fink and another witness, Loran B. Campbell, both of whom are now dead.

Two decades after Goldstein's conviction, Campbell said he had "put his doubts aside" about whether the gunman he saw was Goldstein because "police had convinced me they had arrested the right person."