

CIVIL RIGHTS

FALSE IMPRISONMENT

Wrongful Conviction

SETTLEMENT: \$7,950,000

CASE/NUMBER: Thomas Lee Goldstein v. City of Long Beach, et al. / CV 04-09692-AHM

COURT/DATE: USDC Central / Aug. 11, 2010

JUDGE: Hon. A. Howard Matz.

ATTORNEYS: Plaintiff - Ronald O. Kaye (Kaye, McLane & Bednarski, LLP, Pasadena); Barrett S. Litt (Litt, Estuar, Harrison & Kitson, LLP, Los Angeles); David S. McLane, Marilyn E. Bednarski, Matthew Sirolly (Kaye, McLane & Bednarski, LLP, Pasadena).

Defendant - Monte H. Machit (Office of the City Attorney, Long Beach); Steven J. Renick (Manning & Marder, Kass, Ellrod, Ramirez, LLP, Los Angeles).

FACTS: In 1979, plaintiff Thomas Goldstein was convicted in the shotgun slaying of John McGinest, based on the testimony of a jailhouse informant, Edward Fink, and one eyewitness. Fink testified that Goldstein made a "jailhouse confession," admitting to the murder when they were housed at Long Beach City Jail.

In 2004, nearly 24 years later, the conviction was reversed based on the following: prosecutors made a deal with Fink to lessen his punishment in another criminal case in exchange for his testimony; prosecutors did not inform Goldstein's lawyer about the deal; Fink lied about the deal in the preliminary hearing and during trial; prosecutors failed to alert the defense or the court that Fink lied under oath; and, the police had pointed out Goldstein as the person who committed the crime to the lone witness at the time of his identification. In 2004, Goldstein's freedom was returned.

Goldstein filed an action against the City of Long Beach, Los Angeles County, Long Beach Police Department Officers Miller, Collette, Wren, and MacLymen, Los Angeles County District Attorney (at the time) John Van de Kamp, and Chief Deputy Curt Livesay.

After Vande Kamp, Livesay, and the County were dismissed, the case proceeded as against the City and the officers.

PLAINTIFF'S CONTENTIONS:

Plaintiff contended that defendants, homicide detectives from the City of Long Beach, pointed out Goldstein to the lone identifying eyewitness as the guilty party, and that the jailhouse informant, who claimed Goldstein had given a "jailhouse confession," received an undisclosed deal in exchange for his testimony. The informant, Eddie Fink, lied at Goldstein's 1980 murder trial when he testified that he did not receive any deal. The Long Beach Police were aware that the informant was lying and failed to bring this to the attention of the District Attorney or to the court.

Plaintiff also contended that Goldstein's case was not an isolated incident and that the City of Long Beach, through its homicide detectives, violated defendants' constitutional rights with impunity by withholding favorable evidence which would have changed the outcome of their trials. This conduct was pervasive by law enforcement in Los Angeles County and was admonished by the 1990 County Grand Jury specially focusing on jailhouse informants.

Finally, plaintiff contended that the information that the Long Beach Police Homicide Detectives suppressed would have led to Goldstein's acquittal, instead of conviction.

DEFENDANT'S CONTENTIONS:

The defense denied the allegations that plaintiff's arrest was illegal or that a violation of constitutional rights occurred. The defense further contended that all evidence was turned over to Goldstein's attorney and disputed that they influenced the witness. The defense contended that Goldstein was guilty of the murder.

DAMAGES: Goldstein sought damages for emotional distress.

RESULT: Defendant City of Long Beach agreed to a settlement amounting to \$7.95 million.