



Photographs by WALLY SKALLI, Los Angeles Times

OUT OF THE SHADOWS: Thomas Goldstein says the legal system failed him many times before his release from prison last April.

Man Wrongly Imprisoned for 24 Years Files Civil Rights Suit

Thomas Goldstein, who was falsely convicted of murder, seeks damages from Long Beach, Los Angeles County and other defendants.

By HENRY WEINSTEIN
Times Staff Writer

Thomas L. Goldstein, who spent 24 years in prison after being wrongly convicted of murder, said Tuesday that he has filed a civil rights suit in federal court in Los Angeles that seeks damages from Long Beach, Los Angeles County, four police officers and two prosecutors.

"There is no way to give me back those 24 years," said Goldstein, 55, who announced the lawsuit at a news conference at the Pasadena offices of Kaye, McLane & Bednarski, the law firm representing him. "No way to give me a career, a wife, a family — all those things I had for myself when I was arrested all those years ago."

"Throughout my 24 years of incarceration, I expected the system to work," Goldstein said.

He added that the system had failed him many times before he secured his freedom last April. Five federal judges ruled that his constitutional rights had been violated, and a state court judge dismissed the charges "in furtherance of justice."

He cited a lack of evidence against Goldstein and the "cancerous nature" of the case.

"I am immensely grateful for the work of the federal public defender's office and other people who helped me, but justice has not been done yet," said Goldstein, a former Marine who served in Vietnam. "Today, I ask for justice. I ask the city of Long Beach and the county of Los Angeles to make amends."

Goldstein, a native of Kansas, was convicted of the November 1979 shotgun slaying of John McGinest in Long Beach.

His conviction was based largely on both the testimony of a notorious jailhouse informant and an eyewitness who later recanted.

Goldstein, who was a Long Beach City College student at the time, has steadfastly maintained his innocence. No physical evidence tied him to the crime and no evidence existed that he had ever met the murder victim. Most of the witnesses who saw the slaying identified



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the killer as black or Mexican American and several said the gunman was considerably larger than Goldstein.

Goldstein's suit asserts that four Long Beach police officers worked with a jailhouse informant to fabricate testimony that Goldstein confessed the murder to him when they were cellmates. The complaint also said the officers improperly influenced one witness, Loran Campbell, to identify Goldstein as the killer.

In the suit, Goldstein's lawyers assert that during his preliminary hearing and trial, prosecutors sat mute as the jailhouse informant, Edward F. Fink, committed perjury when he said that he was receiving no benefits for his testimony against Goldstein.

In reality, Fink received significant benefits for his testimony, a point made by federal judges who overturned Goldstein's conviction. Prosecutors dropped one case against him and reduced charges in another. Fink, who had three felony convictions and a heroin habit, was arrested at least 35 times, including 14 times in Long Beach. He died in 1994.

The district attorney's failure to tell the defense about the deal denied Goldstein a fair trial, U.S. Magistrate Judge Robert N. Block ruled in November 2002. That conclusion was later ratified by four other federal judges.

Goldstein's suit contends that now-retired Long Beach Police Officers John Henry Miller and William MacLyman and other unknown members of the department "illegally influenced Mr. Campbell's identification by pointing to Mr. Goldstein as the perpetrator of the crime," when they showed him a picture of Goldstein in photos of potential suspects.

Block also ruled that Campbell's original testimony against

Goldstein was false and that his recantation in 2002 was credible.

The suit also asserts that Long Beach engaged in a pattern and practice of acting with deliberate indifference and reckless disregard for the constitutional rights of Goldstein and others through their training and supervision of the police officers. In addition, the suit contends that Los Angeles County acted with reckless disregard toward Goldstein's rights by permitting jailhouse informants to testify falsely and commit perjury.

"Like most of us, Tom Goldstein believed in the criminal justice system, but the system failed him miserably," said attorney Ronald O. Kaye. "All along the way, the system proved that where police officers fabricate evidence and prosecutors permit perjury and give their stamp of approval for this outrageous conduct, the system is not only broken, it was corrupt."

Kaye's co-counsel, David S. McLane, said Goldstein's case was not an aberration. He emphasized that the Los Angeles County Grand Jury had issued a special report in 1990 that chastised the district attorney's office for the misuse of jailhouse informants between 1979 and 1990.

McLane said Tuesday that the extensive use of jailhouse informants "created an absurd system of justice where the word of known perjurers was believed over innocent men like Thomas Goldstein."

Attorney Marilyn Bednarski said that another key aspect of Goldstein's suit involves the actions of Los Angeles County deputy district attorneys Ann Ingalls and Patrick Connolly to keep Goldstein in jail for an additional four months after the U.S. 9th Circuit Court of Appeals had twice ordered that he be released in December 2003.

Bednarski said the prosecutors exceeded their lawful authority by faxing orders to prison officials to not release Goldstein until a detective had been sent from Los Angeles to pick him up and keep him in custody.

Last June, after investigating this issue, U.S. District Judge Dickran Tevrizian issued a tartly worded order that criticized the prosecutors' conduct.

"This court condemns and censures" Connolly and Ingalls "for their cavalier attitude, ethical amnesia and questionable conduct in issuing a detainer that did not comply with" the California Penal Code, Tevrizian wrote. Last week, the U.S. 9th Circuit Court of Appeals upheld that order.

On Tuesday, Sandi Gibbons, spokeswoman for the district attorney's office, issued a one-sentence statement regarding Connolly and Ingalls: "Their actions were fully supported by the law and were properly undertaken when reviewing whether or not to proceed with retrial of a murder case."

The Long Beach Police Department declined to comment except to say that the four officers had retired after long careers. "They had years of homicide experience," Sgt. David Cannon said.

MacLyman declined to comment when reached by phone. The Times was unable to reach Miller or the other two retired officers — William Collette and Logan Wren — who are named defendants. County Counsel Ray Fortner said he had not had time to review the suit. The Long Beach city attorney's office did not respond to a request for comment.

Goldstein, now a paralegal, said Tuesday that he was working on a case involving conditions at a jail in Orange County where he had interviewed inmates. Asked about that, he smiled and said, "I kinda liked the idea of being able to walk out."