

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. In August 2010, Goldstein settled his lawsuit against the city of Long Beach for nearly \$8 million.

*Case description courtesy of the National Registry of Exonerations*

Convicted: 1980 in Long Beach, CA

Sentence: 27 Years to Life

Served: 24 Years



**Vindication:** 2004

—Perjury or False Accusation

—Official Misconduct

# THOMAS GOLDSTEIN

## FROM PRAIRIE VILLAGE, KANSAS