



Will polo mogul win new trial on DUI manslaughter?

Palm Beach County judge to hold inquiry concerning potential juror misconduct in John Goodman case

By Marc Freeman, Sun Sentinel

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The juror's alleged secrets and lies sound like something out of a movie.

Conniving to get picked for the jury on a major trial to become famous. Lying to attorneys during jury selection. Talking about the case outside the courtroom. Drinking booze for an experiment before deliberations — and writing a book about it.

But these scenes of juror misconduct aren't fantasy, say attorneys for Wellington polo executive John Goodman.

They argue these were juror Dennis DeMartin's actions last year — most only recently revealed — and it justifies tossing Goodman's DUI manslaughter conviction and getting a new trial. While some legal observers agree it may happen, prosecutors say they want DeMartin's "credibility" to be checked first before reaching conclusions.

DeMartin is returning to court Monday to answer plenty of questions about the accusations — and then Palm Beach County Circuit Judge Jeffrey Colbath will decide if the Goodman case deserves a do-over.

"Enough is enough," wrote defense attorney Roy Black, of Miami, last week. "If the State will not confess error, as we submit it should, then this Court must act by granting Mr. Goodman a new trial."

If so, then get ready for the return of high-stakes courtroom drama about the Feb. 12, 2010 death of Scott Wilson, 23, claims of a malfunctioning Bentley, testimony about drinking in a man cave, and experts picking through crash-scene evidence.

Attorneys on both sides agree the judge should base his decision for a new trial on a three-part test established by the Florida Supreme Court: Did DeMartin fail to disclose information that's relevant to Goodman's case? Did DeMartin purposely conceal the information during jury selection? Is the concealment the defense's fault?

Art Patterson, a national expert on jury bias from Sarasota, said there appears to be major doubts Goodman got a fair trial.

"The defense had an absolute right to know about the prospective juror's experiences or beliefs," said Patterson, an executive with a trial consulting firm called DecisionQuest.

But University of Dayton Law Professor Thaddeus Hoffmeister, who edits a blog about juries, says don't make plans to attend Goodman's new trial just yet.

"Defense counsel must show that the juror intentionally withheld the information rather than he just forgot or did not understand the question asked of him," Hoffmeister said.

If the judge denies the defense, the legal battle will return to the 4th District Court of Appeal, which directed Colbath to review the newly discovered misconduct claims.

While Goodman's attorneys try to save him from a 16-year state prison sentence, the multimillionaire remains under house arrest at his equestrian estate after posting a \$7 million appellate bond. The 49-year-old founder of International Polo Club Palm Beach comes from a Texas family that ran a successful air conditioning business.

DeMartin, a retired accountant from Delray Beach, adamantly denies any wrongdoing. In an email to the Sun Sentinel late Thursday, he wrote he's "upset with the publicity from the attorney's side of the story."

DeMartin, 69, also provided a letter to Colbath, dated Wednesday. It was similar in content to an April 1 letter to the judge, which also stated he did not lie during jury selection.

"I don't know where the press or the attorney are getting these stories, but they ARE NOT TRUE," DeMartin wrote in his latest correspondence.

DeMartin initially came under scrutiny just before Goodman was sentenced in May 2012. He revealed in a self-published book that he drank three vodkas to help him decide the polo mogul's guilt the night before jury deliberations.

DeMartin admitted to Colbath he conducted the experiment, but DeMartin said it did not convince him to convict Goodman, and that he never told the other jurors about it.

Colbath found the drinking test was juror misconduct, but that it was not "material" to the verdict. The defense later accused DeMartin of lying to the judge.

A renewed focus on DeMartin began in late March, soon after the release of his latest self-published autobiographical paperback. Goodman's attorney seized on a passage that indicated the first of DeMartin's two ex-wives once had been arrested for DUI.

The defense then asked the appellate court to put a hold on Goodman's appeal, so the trial court could explore whether DeMartin deliberately concealed knowledge of the DUI arrest when attorneys were picking Goodman's jury. The appellate court agreed.

Goodman's attorneys say they never would have given DeMartin a ticket on the jury if he had truthfully answered whether "anyone in the panel themselves, close friend or family member or someone that affects you, has ever been arrested, charged or convicted or accused of a crime?"

Black charged DeMartin intentionally lied to get on the jury, but DeMartin insists he simply forgot about the DUI arrest because of memory problems after a late 1980s stroke.

Assistant State Attorney Sherri Collins, in an April 19 response, questioned the veracity of DeMartin's writings and whether there was ever an actual DUI.

But Goodman's defense, in preparation for DeMartin's hearing, already hired a private investigative agency to find the ex-wife and public records about her crime. Private investigator Jimmy Mantozos hit paydirt when he connected with JoEllen Johnston, unearthing even more claims against DeMartin.

In a motion filed Wednesday, Goodman's defense submitted Mantozos' sworn statement of his interview with Johnston on April 18 at the food court of Town Center mall in Boca Raton, as well as a followup phone conversation. Also attached was a report from the Woodbridge, Conn., Police Department on Johnston's Feb. 14, 1997, DUI charge.

According to Mantozos' report, Johnston said DeMartin called her several times during Goodman's trial and the two discussed it and her DUI.

The defense also charged there was yet more misconduct because two of DeMartin's family members were subjected to a home-invasion robbery in Connecticut, also in 1997. This was learned from Johnston and from police records.

DeMartin didn't disclose this when prospective jurors were asked about whether they or relatives were crime victims, Black said, adding it "surely cannot be attributed to 'forgetfulness.'"

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