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Goodman defense pummels controversial juror during questioning; judge to issue written ruling

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Lannis Waters

John Goodman looks up at one of his attorneys during the questioning of juror Dennis DeMartin Monday, April 29, 2013.

By Daphne Duret - Palm Beach Post Staff Writer

WEST PALM BEACH —

There was an objection, then a response and a quick ruling from Palm Beach County Circuit Judge Jeffrey Colbath. It lasted less than 20 seconds, but that was all it took Monday for Dennis DeMartin to forget everything — again.

“It just went blank again,” DeMartin said of his mind, throwing his hands up.

The holes in DeMartin’s memory seemed wide from the start Monday, as he took the witness stand to answer allegations he repeatedly violated court orders before and during the March 2012 DUI manslaughter trial of Wellington polo club founder John Goodman.

Colbath is now considering whether the 69-year-old retired Delray Beach accountant’s contradictory, often confused answers are enough to throw out Goodman’s conviction and 16-year prison sentence for a new trial.

If that happens, DeMartin could go down as one of the most infamous jurors in local court history — a reputation he helped solidify Monday as he struggled to keep straight dates, times and conversations surrounding defense allegations that he essentially lied his way onto the high-profile jury panel last year. In court filings leading up to Monday’s hearing, Goodman’s attorneys argued that DeMartin deliberately withheld the fact that his ex-wife was once arrested for DUI and his daughter was raped during a home-invasion robbery.

DeMartin’s return to the witness stand post-trial comes nearly a year after Colbath quizzed him about a drinking experiment he conducted before he and other jurors began deliberations, an incident chronicled in his self-published juror memoir “Believing in the Truth.” For this round — prompted by last month’s release of DeMartin’s newest self-published book “Will She Kiss Me or Kill Me?” — Colbath allowed Goodman’s defense attorney Roy Black and prosecutor Sherri Collins to also question him.

Black, who had been especially effusive with prospective jurors during jury selection last year, took the gloves off with DeMartin Monday. Goodman, who is appealing his conviction, sat quietly at his courtroom table as Black pummeled DeMartin with one question after another until the controversial juror complained his head was swelling and he needed a drink of water.

Goodman’s team said had DeMartin been more forthcoming about the past incidents in his life, they never would have picked him as a juror.

On the witness stand, details of DeMartin’s life seemed to flow in and out of his memory fluidly. The retired accountant said he and his first wife were married in 1969 and divorced 22 years later, but he put the divorce date between 2003 and 2005. After Colbath questioned his calculations, he put the divorce date at the late 1980s, or “1990 or 91, one of the two.”

He answered affirmatively when asked if his second marriage came four years later, in 1995. The truth, Collins said, was that his first divorce wasn’t until 1995. He remarried the same year.

Confronted with those facts, DeMartin nodded vaguely, as if he wasn't sure but felt the dates sounded correct.

That, however, called into question the report of his first ex-wife's DUI, which defense investigators say happened in 1997 — meaning DeMartin couldn't have blamed it for the couple's break-up since they were already divorced. To that end, DeMartin said he was sure that his ex-wife's DUI was in the mid-1980s, probably around 1985.

“Oh, so you mean there was a second DUI that I didn't know about? Is that what you're trying to tell me?” a puzzled DeMartin asked Black when confronted with the 1997 date.

At times, DeMartin's testimony Monday contradicted even passages from the “Will She Kiss Me or Kill Me?” book he published last month. In the book, DeMartin said his first marriage ended after his ex-wife met another man at a DUI treatment program after her arrest. On the stand, however, he said he didn't know where she met the man.

DeMartin attributed his omissions to memory lapses because of health problems. He even tried to provide Colbath with research — an article about how stress affects cortisol levels, and another about how cholesterol levels affect memory.

After several rounds of questioning from Black, an exasperated DeMartin turned to the judge — telling him again that he never intentionally lied.

“Judge, you guys can say all you want ... there are sins of omission and sins of commission,” DeMartin said. “I didn't remember anything, so help me God!”

After Monday's hearing, Collins and former prosecutor Ellen Roberts spoke with Scott Wilson's parents, Lili and William, who last year settled a wrongful death suit with Goodman for \$46 million. Collins said the hearing re-opened wounds that were just beginning to heal. William Wilson's attorney, Scott Smith, said no matter DeMartin's flaws, it was Goodman — not DeMartin — who caused the crash that killed the 23-year-old in February 2010.

The hearing Monday also revealed new facts about the lengths Goodman's team went in preparing for Goodman's trial. Jury consultant Joshua Dubin, arguing to Colbath that the defense team would have never left DeMartin on the jury had they known about the DUI or the home invasion, also revealed that they conducted two mock trials to see what kinds of potential jurors were more likely to view the polo magnate unfavorably.

But Collins said several other jurors spoke of being past victims of crime, and Goodman's team failed to probe further. On the issue of DeMartin's memory, Collins said, everyone knew he had some difficulty remembering things even during jury selection. After the hearing, Collins said she agreed with at least one statement DeMartin made on the stand — the one where he called himself a fool.

“I'm just a foolish 69-year-old that screws up everything,” he told Black at one point. “You're going to be happy that you screwed me up today, so Merry Christmas.”

What's next

Palm Beach County Circuit Judge Jeffrey Colbath is expected to rule soon on whether International Polo Club Palm Beach founder John Goodman will get a new trial in his DUI manslaughter case surrounding allegations of misconduct by juror Dennis DeMartin.

If Colbath denies a new trial, then the matter will return to the 4th District Court of Appeal.

Goodman, meanwhile, remains on house arrest at his Wellington compound after posting a \$7 million bond.



[Lannis Waters](#)

Dennis DeMartin testifies about his memories Monday afternoon, April 29, 2013. John Goodman's defense team recently accused the 69-year-old retired Delray Beach accountant of lying his way onto the jury.



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Allen Eyestone

William Wilson, Scott Wilson's father, arrives for a hearing in front of Judge Jeffrey Colbath at the Palm Beach County Courthouse. A hearing was held Monday afternoon, April 29, 2013, with the judge questioning juror Dennis DeMartin in the Goodman DUI case. (Allen Eyestone/The Palm Beach Post)



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Allen Eyestone

Lili Wilson, Scott Wilson's mother, arrives for a hearing in front of Judge Colbath at the Palm Beach County Courthouse. A hearing is being held this afternoon so that Judge Colbath can question DeMartin in the Goodman DUI manslaughter case. (Allen Eyestone/The Palm Beach Post)



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Allen Eyestone

Dennis DeMartin, juror in the Goodman trial who wrote about his experience, is escorted down the hallway in the Palm Beach County Courthouse. A hearing is being held this afternoon as Judge Colbath will be questioning DeMartin. (Allen Eyestone/The Palm Beach Post)



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Allen Eyestone

John Goodman arrives for his hearing Monday, April 29, 2013, before Judge Jeffrey Colbath at the Palm Beach County Courthouse. Dennis DeMartin, juror in the Goodman trial who wrote about his experience, will be questioned by the judge. (Allen Eyestone/The Palm Beach Post)

[John Goodman trial](#)