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## Judge orders new trial for John Goodman

A Palm Beach County Circuit judge has ordered a new trial for polo mogul John Goodman, who was convicted of DUI manslaughter last year.

From Roy Black: "The jury is the foundation of our criminal justice system. It is the equalizer between the citizen and the state. However, as in any institution run by human beings, there will be those who seek to corrupt the process. A juror who deceives to get on a jury in a high profile case for his own profit is a trial lawyer's worst nightmare. Fortunately, this time the deception was exposed and a courageous judge set aside the verdict. But in this new world of social media and self-publishing, expect this to occur more frequently. John Goodman's trial should stand as a warning to all of us."

The judge made the decision based on problems with trial juror Dennis DeMartin, who at a hearing on Monday emphatically denied lying his way onto the jury for the Wellington polo mogul's DUI manslaughter trial last year.

During 70 minutes of questioning, the Delray Beach retiree repeatedly blamed a bad memory and even called himself "foolish" for previously failing to say during jury selection that one of his ex-wives had a DUI arrest and other family members were crime victims.

"I didn't lie because I didn't remember," an agitated and apologetic DeMartin told Palm Beach County Circuit Judge Jeffrey Colbath, during a special hearing attended by Goodman, victim Scott Wilson's parents and a media throng. "I never tried to deceive to get on this [jury]."

The judge based 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?

The revelation about DeMartin's first wife's DUI arrest — in a self-published book last month — made the 4th District Court of Appeal order Colbath to examine the juror misconduct claim from Goodman's attorneys.

Since then, Goodman's defense team piled on yet more charges against DeMartin, including a claim he talked about the trial outside the courtroom. DeMartin several times on Monday appeared to lose his patience with intense questioning by famed attorney Roy Black.

"You're talking about a foolish 69-year old man who screws up one thing after another," DeMartin said. "So, Merry Christmas."

DeMartin first came under scrutiny a year ago after admitting he held a private vodka-drinking experiment before deliberating Goodman's guilt, and writing about it in a book. Twice Monday he said he sympathized with Goodman, concerning matters of alcohol and drug use.

"I'm stupid because I feel sorry for this gentleman, and I convicted him," DeMartin said. Before sentencing Goodman last May, Colbath had decided the drinking test was juror misconduct but had no effect on the verdict.

Goodman, 49, wore a blue suit and a green tie and was seen conferring with his attorneys throughout Monday's hearing. The millionaire founder of International Polo Club Palm Beach and heir to a Texas manufacturing fortune remains under house arrest at his equestrian estate after posting a \$7 million appellate bond.

Scott Smith, attorney for the victim's father, William Wilson, said he didn't want the spectacle over DeMartin to detract from the Feb. 12, 2010 tragedy.

Goodman was found guilty of driving drunk and smashing his speeding Bentley into Scott Wilson's Hyundai at the intersection of 120th Avenue and Lake Worth Road in Wellington. Wilson's car flipped into a canal, where the 23-year-old drowned.

"Dennis DeMartin did not kill Scott Patrick Wilson," Smith told reporters after the hearing. "John Goodman killed Scott Patrick Wilson."

Lili Wilson, the victim's mother, declined to comment after the hearing. Colbath told the attorneys he would consider DeMartin's testimony and the legal arguments before issuing a ruling.

Assistant State Attorney Sherri Collins, who also questioned DeMartin, said it comes down to whether the judge believes DeMartin lied or forgot the ex-wife's DUI arrest and a home-invasion attack on his family.

"He is foolish," Collins said of DeMartin. "I agree with him."

After DeMartin left the courtroom, Goodman jury consultant Joshua Dubin testified that research from focus groups and two mock trials led the defense team to reject prospective jurors who raised red flags. But they had no way of knowing about DeMartin's hidden family history at the time.

"We would have not kept him around for a split second," Dubin said. "We relied on his honesty."

DeMartin repeatedly rejected Black's claim that he deliberately concealed the DUI arrest of his first wife, which records show happened in 1997 after they were divorced.

"I had blocked it out," the former accountant said, blaming strokes he suffered in 1975 and 1988. "I never thought about that stuff at all, so help me God."

"I was trying to recall things that happened in my life and I just didn't remember it," DeMartin continued. He later remarked: "There's sins of omission and sins of commission."

When Colbath asked him if he wanted to serve on the jury, DeMartin said he decided at the time, "I would like to try it."

DeMartin also explained he kept a spreadsheet report of each day of the trial because he could not remember the events of the case from one day to the next. Writing a book about the trial, he said, was not "my ulterior motive."

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