

South Florida Sun-Sentinel.com

John Goodman deserves new DUI trial, thanks to reckless juror

Dennis DeMartin unwittingly writes the book on how to spoil a case

Michael Mayo
Sun Sentinel Columnist

6:01 PM EDT, April 10, 2013 This pains me to say, but millionaire Wellington polo magnate John Goodman deserves a new trial.

A lot of time, expense and effort went into Goodman's first trial, which led to his DUI manslaughter conviction for the death of Scott Wilson, 23. Wilson's family surely doesn't need the emotional duress of another trial, nor the endless revisiting of the February 2010 night when a drunken Goodman slammed his Bentley into Wilson's Hyundai, sending Wilson to his drowning death in a canal while Goodman fled and didn't call for help.

But justice likely demands a new trial, thanks to a string of questionable events surrounding juror Dennis DeMartin.

DeMartin, 68, of Delray Beach, has pretty much been a one-man wrecking crew with his self-published books since Goodman's conviction a year ago. In his first book, DeMartin revealed that he conducted a home drinking experiment during jury deliberations to replicate Goodman's alcohol intake.

That's a huge no-no, since jurors were instructed not to do their own research, investigations or experiments by trial judge Jeffrey Colbath. DeMartin initially said he didn't tell other jurors about drinking three vodka tonics the night before they found Goodman guilty, but other jurors have said DeMartin mentioned it during deliberations.

Then, in a second book released this year, DeMartin revealed that his ex-wife was once arrested for DUI, something he failed to mention during jury selection questioning before the trial.

I don't know whom DeMartin writes his books for, but he's certainly found an appreciative audience in Goodman's high-powered defense team, led by attorney Roy Black.

Black has grasped at some pretty desperate straws to get Goodman's conviction overturned in the past year, launching flimsy misconduct claims against lead prosecutor Ellen Roberts, and alleging that another juror was pressured into delivering a guilty verdict.

DeMartin's conduct gives Goodman his best shot at finally prevailing.

It would have been nice if both sets of lawyers knew of DeMartin's ex-wife's DUI arrest before he was selected, but it's hard to say what impact — if any — that had on his mind-set or the trial. In a letter to Colbath, DeMartin said he didn't recall the arrest because of a 1988 stroke, a memory that was jogged by recent contact with his ex-wife.

To me, the drinking experiment is the bigger issue. It flew in the face of instructions, and might have unduly influenced other jurors.

Colbath has sheduled a hearing with DeMartin on April 29, after an appeals court sent the matter back to the judge. Goodman, meanwhile, has started serving his 16-year sentence at his Wellington mansion while his appeals play out, paying \$2,000 a day for supervision by Palm Beach Sheriff's deputies.

Whatever you think of that arrangement (which only the rich can afford), or the ways Goodman keeps trying to get his conviction tossed, he still was entitled to a fair trial.

Because of DeMartin, I don't know if Goodman had one.

mmayo@tribune.com, 954-356-4508