



## **Goodman defense expands case for new trial**

### **Polo mogul's attorneys cite numerous juror misconduct claims**

By Marc Freeman, Sun Sentinel  
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John Goodman's bid for a new trial may have gotten a boost Wednesday with yet more allegations against a juror already accused of misconduct in the Wellington polo magnate's DUI manslaughter trial last year.

Juror Dennis DeMartin, of Delray Beach, spoke with his ex-wife about Goodman's case and her 1997 DUI arrest several times during the trial, Goodman attorney Roy Black told a judge and declared in a new pleading.

The defense — preparing for Monday's court-ordered hearing with DeMartin — also said it just learned from DeMartin's ex-wife, JoEllen Johnston, that a family member was subjected to home-invasion robbery in Connecticut, also in 1997.

DeMartin intentionally concealed all of these facts, Black argues, before and after the attorneys picked jurors based upon their answers to questions about whether they or family members were victims of crimes, and/or had been arrested or convicted of any crimes. The traumatic events reportedly happened two years after DeMartin and Johnston divorced.

"Mr. DeMartin was the only prospective juror whose life was so seriously influenced by the combination of a DUI arrest and prior crimes committed against a family member," Black wrote. "Counsel would have never risked keeping such a person on the jury."

Monday's DeMartin inquiry was arranged after the 4th District Court of Appeal in West Palm Beach on April 1 granted a request from Goodman's lawyers. The high-powered defense had pounced on a newly-published book by DeMartin, which mentioned his ex-wife's DUI.

Goodman's appeal of his conviction and 16-year prison sentence is on hold while Palm Beach County Circuit Judge Jeffrey Colbath tries to get to the bottom of the charges that DeMartin, 69, deliberately lied to get on the panel.

Colbath said Wednesday he will conduct the DeMartin interview and then he might allow Black and prosecutors to pose questions, which Black wants.

"Mr. DeMartin has shown us throughout these proceedings that he has been less than candid," Black said, speaking by phone from his Miami office. "The only way that the truth is going to come out at this hearing is if counsel is given the opportunity to question him based upon the facts and is able to expose what he has been covering up and not telling the truth about."

Goodman, 49, was granted permission to skip Wednesday's discussion about the upcoming hearing. He's on house arrest at his Wellington estate after paying a \$7 million appellate bond after his sentencing.

Lili Wilson, mother of Scott Wilson, attended Wednesday's meeting. Her son was 23 when he drowned in February 2010, moments after his car flipped into a Wellington canal after being hit by Goodman's speeding Bentley.

Goodman, a wealthy former Texan who founded International Polo Club Palm Beach, blamed the crash on a car malfunction and said he drank liquor afterward to ease the pain from his broken wrist. Goodman's blood-alcohol level was measured at .177 percent, more than twice the .08 legal limit.

After DeMartin's paperback came out in March, he told Colbath in a letter that he forgot about his ex-wife's DUI arrest until recently, due to the effects of a stroke.

But Black said he learned a much different story after the defense's private investigator recently tracked down Johnston and spoke with her, and also dug up police and court records. Assistant State Attorney Sherri Collins said she wants to speak with Johnston as well, before Monday's hearing.

Previously, Goodman's defenders based appeals around another DeMartin book published after the trial, which described the juror's drinking experiment held during jury deliberations to test Goodman's impairment.

DeMartin "deliberately concealed anything that might have prevented him from being chosen as a juror," Black wrote in an April 9 motion.

DeMartin told the attorneys during jury selection: "I'm even trying to think of family. I don't think any of my family had any problems," the motion quotes from court transcripts.

Collins last week responded by calling Goodman's defense "disingenuous" for saying now it would have booted DeMartin from the jury since the attorneys lacked "due diligence" while questioning him at the time.

Black then responded that more questioning wouldn't have mattered.

"Mr. DeMartin was embellishing the fictional portrait of himself ['the boring, jovial senior citizen'] that would guarantee a spot for him on the jury and help him attain his hoped-for fame and fortune," Black wrote.

Former Assistant State Attorney Ellen Roberts, the lead prosecutor on the Goodman case, also watched Wednesday's discussion. She later said she wasn't worried yet about the conviction being tossed because of the alleged juror misconduct.

"Monday morning quarterbacking is a wonderful thing," Roberts said.