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## Appeals courts sends Goodman case back to trial court for ruling on juror's alleged misconduct



John Goodman testifies in Palm Beach County court during a hearing December 18, 2012  
(Lannis Waters/The Palm Beach Post)



Gary Coronado  
Dennis DeMartin of Delray Beach wrote about his experience as a juror in the John Goodman trial.



Lannis Waters  
Circuit Judge Jeffrey Colbath will have 45 days to rule on fresh allegations of juror misconduct.



Lannis Waters

John Goodman smiles at the end of a hearing December 18, 2012, as Circuit Judge Jeffrey Colbath rules that prosecutors failed to prove that Goodman intentionally broke his house arrest monitor in an October incident that sent him back to jail.

By Daphne Duret  
Palm Beach Post Staff Writer

WEST PALM BEACH —

The DUI manslaughter case of Wellington polo mogul John Goodman is headed back to a circuit court after an appeals court ruling Monday cleared the way for the trial judge to decide on fresh allegations of jury misconduct.

The new allegations revolve around the latest self-published book from juror Dennis DeMartin, whose self-described drinking experiment at the end of Goodman's trial last year has provided what could be Goodman's best chance at getting his conviction and 16-year prison sentence overturned. Goodman is on house arrest during his appeal.

DeMartin, who wrote of the drinking experiment in his book "Believing in the Truth," this month published a new book that revealed his ex-wife had left the scene of a crash and been arrested for DUI — a fact he never disclosed during jury selection. DeMartin went on to write that his ex-wife subsequently began an affair with an alcoholic she met at a court-ordered treatment program, and attributed her drinking to the end of their marriage.

Goodman's defense team, who had asked prospective jurors whether they or any of their family members had been charged with DUI, said they would have never allowed DeMartin to remain on the panel had they known about his past. Defense attorneys Richard Strafer and Roy Black asked the 4th District Court of Appeal to give up its jurisdiction in the case temporarily so Palm Beach County Circuit Judge Jeffrey Colbath, who presided over the case, can interview DeMartin on the new allegations.

The higher court will give up its jurisdiction on the case for 45 days to give Colbath time to rule on the issue.

That request, last week, came packaged with a quest to get the appellate court to reconsider its denial of a previous request to allow Colbath to rule on allegations of improper conduct launched against retired Assistant State Attorney Ellen Roberts, the case's lead prosecutor.

The 4th DCA declined to reconsider that request, but in a one-page ruling issued Monday agreed to allow Goodman's team to "file and present to the trial court a motion based upon the alleged juror misconduct and for the court to allow a juror interview and then to rule on the issue," according to the ruling. It also added, "Such relief is not procedurally barred."

"All we have ever sought is a fair and just trial for Mr. Goodman, just like everyone else is entitled to," Guy Fronstin, another member of Goodman's legal team, said Monday. "The Court of Appeal recognizes that jury misconduct prevents a fair trial, and as a result has returned Mr. Goodman's case to the trial court to determine if jury misconduct occurred."

DeMartin and other jurors convicted Goodman of DUI manslaughter with failure to render aid in the February 2010 Wellington crash that killed Scott Wilson, 23. Goodman, shortly before his trial last year, settled a wrongful death suit with Wilson's family for \$40 million — a sum reportedly paid through the Texas heating and air-conditioning heir's insurance company.

As the 4th DCA considered the new claims against DeMartin last week, Scott Smith, the attorney for Scott Wilson's father, William, said the legal wrangling takes attention away from the true loss in the case — a young man's life.

"Mr. DeMartin can write a hundred books, and it still won't change the facts of what happened that night," Smith said.