

## Editorial: If latest allegations against juror are true, Goodman should have a new trial

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Allegations of lies, misconduct has Goodman juror sharing negative spotlight with convicted polo mogul

By Jac Versteeg - Palm Beach Post Staff Writer

If John Goodman gets a new trial, Dennis DeMartin should be consigned to perdition. And if the allegations that Goodman's attorneys unveiled last week are true, Goodman — convicted of DUI manslaughter with failure to render aid and sentenced to 16 years in prison — should get a new trial.

Many consequences would flow from a finding that Mr. DeMartin so badly violated the rules governing jurors that the March 2012 conviction must be tossed out. The worst would be that the family of Scott Wilson — the young man Goodman killed — must once more cope with the pain and uncertainty of a trial.

That awful development, if it happens, should do more than embarrass Mr. DeMartin. It should mortify and shame him. It is not at all clear that the egocentric Mr. DeMartin is capable of self-examination and self-reproof. Self-aggrandizement is more his style. Not only did he conduct himself badly, Mr. DeMartin publicized his misbehavior in self-published books.

Palm Beach County Circuit Judge Jeffrey Colbath, who presided over last year's trial, today will question Mr. DeMartin. An appellate court ruled that Judge Colbath must review Mr. DeMartin's antics, which included an admission that before deliberations he fed himself shots of alcohol to test the effects. He also had admitted that during jury selection he failed to reveal that his ex-wife had been arrested on a DUI charge. It had slipped his mind, the 69-year-old juror claimed, possibly because of a 1988 stroke.

Those breaches of juror conduct were serious enough to require a careful look. They did not make a case for a new trial. But now Goodman's attorneys say they can show that Mr. DeMartin discussed the case with his ex-wife several times during the trial. The defense team also revealed that Mr. DeMartin's daughter and son-in-law had been victims of serious crimes not disclosed during jury selection. Those allegations, if true, reach a tipping point.

Goodman, who founded International Polo Club Palm Beach, deserves no public sympathy. He inherited millions. He was convicted of getting drunk in February 2010 and driving his Bentley into Mr. Wilson's Hyundai, pushing it into a canal. Instead of trying to rescue Mr. Wilson, Goodman fled. When his attorneys couldn't get him off at trial with claims that his car malfunctioned and caused the crash and that Goodman did his drinking after the crash rather than before, they raised claim after claim on appeal while their client remains under house arrest in Wellington with terms that permit dancing lessons and daily tennis games.

But court rules protect all defendants, sympathetic or not. The public's revulsion, which can result simply because charges are filed, is not proof. It is easy to speculate that any juror chosen in place of Mr. DeMartin also would have voted to convict. After all, the other five jurors did. Such speculation is not sufficient to send a defendant, however disliked, to prison for 16 years.

Our courts have to reach a just conclusion by a just process. If Mr. DeMartin seriously tainted that process, Goodman should have a new trial. That does not mean he should escape justice.

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for The Post Editorial Board