



Judge grants polo mogul Goodman new DUI manslaughter trial

Order follows new claims of misconduct by juror Dennis DeMartin



Dennis DeMartin testifies about his memories Monday afternoon, April 29, 2013. John Goodman's defense team recently accused the 69-year-old retired Delray Beach accountant of lying his way onto the jury. (Lannis Waters)

By Marc Freeman, Sun Sentinel

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Polo magnate John Goodman, convicted of DUI manslaughter and sentenced to 16 years in state prison, will get a new trial because of newly discovered juror misconduct, a Palm Beach County judge ordered Friday.

The stunning ruling in one of South Florida's most-watched criminal cases comes after more than a year of complaints by Goodman's defense attorneys against Dennis DeMartin, a Delray Beach retiree accused of lying for a seat on the jury.

Circuit Judge Jeffrey Colbath — who previously denied a retrial concerning DeMartin's infamous drinking experiment before jury deliberations — rejected DeMartin's latest claim he merely forgot about his ex-wife's DUI arrest during March 2012 jury selection.

"Every person charged with a crime deserves a fair trial without the likes of Dennis DeMartin," Colbath wrote in his order granting a new trial for Goodman, 49. "To allow this conviction to stand ... would erode the integrity of the judicial system."

The ruling follows a hearing Monday, during which DeMartin repeatedly denied the defense's charges he deliberately concealed his first ex-wife was arrested for DUI in Connecticut in 1997.

Colbath also charged DeMartin, 69, with criminal contempt of court. He ordered him to appear for a May 30 hearing to enter a plea of guilty or not guilty.

"Your failure to disclose this relevant and material information will impose substantial costs and expenses to the citizens of the State of Florida in addition to serious inconvenience and emotional upheaval of the witnesses and victims involved in the Goodman case," Colbath wrote in an order to DeMartin.

It was the March 14 release of DeMartin's self-published paperback book titled "Will She Kiss Me or Kill Me?" that prompted a flurry of motions and investigations by high-powered defense attorney Roy Black of Miami.

Black persuaded the 4th District Court of Appeal to call a 45-day time out from Goodman's appeal and send the new juror misconduct question to the trial court.

On March 23, 2012, DeMartin and five other jurors found Goodman guilty of driving drunk and smashing his Bentley into a car driven by Scott Wilson, 23, at a Wellington intersection on Feb. 12, 2010. Goodman, founder of International Polo Club Palm Beach and heir to a Texas air conditioning fortune, said his car malfunctioned. He walked away and said he drank after the crash to dull the pain of a broken wrist.

Black argued he never would have accepted DeMartin as a juror with such a background that could doom the defense.

"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," Black said in a statement after Colbath's ruling. "Fortunately, this time the deception was exposed and a courageous judge set aside the verdict."

The next court date for Goodman is June 3, when the defense attorneys and prosecutors will discuss scheduling the new trial.

"The state is prepared to prosecute this case and ensure justice for Scott Wilson," said Mike Edmondson, spokesman for State Attorney Dave Aronberg. It's premature to say if the state will consider any type of appeal, he said.

Goodman remains under house arrest at his Wellington estate, under a \$7 million appellate bond. He wears an ankle monitor and pays \$2,000 a day for two Palm Beach County Sheriff's Office deputies to guard his every move.

Scott Smith, attorney for William Wilson, the victim's father, said Wilson was "disappointed" Goodman's conviction was overturned.

But Wilson is "more committed than ever to the State of Florida's pursuit of justice of the person responsible for Scott's preventable and premature death," Smith said.

Chris Searcy, an attorney who represented William Wilson and Lili Wilson, the victim's mother, in their wrongful death civil lawsuit against Goodman, also expressed confidence justice will be served a second time.

"If there is a new trial, I don't expect the results would be much different than the first trial," Searcy said.

Goodman's insurance company reportedly paid the parents a \$40 million settlement before the trial.

DeMartin on Monday kept insisting his lousy memory from two strokes was to blame for forgetting details during jury selection, when attorneys asked the former accountant if he, or any close friends or family members had been arrested, charged, convicted or accused of a crime.

"I was trying to recall things that happened in my life and I just didn't remember it," testified a frustrated and defensive DeMartin. "I never thought about that stuff at all, so help me God."

DeMartin also blamed stress, and he struggled to recall various events in his life such as when he divorced his first wife or when her DUI arrest happened — two years after their divorce.

But Colbath, in his order, blasted the former juror's "cavalier and offense demeanor" during the Monday hearing.

"He lacks candor, sincerity, and an appreciation of the sacred role a juror plays in the judicial system," the judge wrote.

DeMartin also tried to deflect the defense's claim that he craved fame and fortune and wanted desperately to serve on the jury. DeMartin, who has achieved notoriety from the trial publicity, said he made only \$322 from his 33-page trial memoir, titled "Believing in the Truth."

It's the book that revealed he drank three vodkas in an experiment to assess how impaired Goodman might have been during the crash.

Before Goodman's sentencing one year ago, DeMartin insisted to Colbath he didn't tell the other jurors about the test, and he denied using the results to decide Goodman's guilt. The defense called DeMartin a liar and a "stealth juror."

But Colbath ruled the drinking experiment, while "inappropriate," did not taint the verdict and he refused to order a new trial because of it.

Yet the latest turn of events proved to be too much for the judge.

"The cumulative effects of DeMartin's antics, however, have transformed an imperfect but fair trial into a constitutionally impermissible proceeding," Colbath wrote.

Legal experts who reviewed the DeMartin allegations in recent weeks agreed there were significant doubts Goodman received a fair trial and expected the order for a do-over.

The drinking experiment was one of the central focuses of Goodman's appeal until the defense widened their attack on DeMartin after he wrote about his ex-wife's DUI in his latest book. A private investigator tracked down police records, and also discovered DeMartin failed to mention that other family members had been crime victims.

Colbath wrote he found it "incredible" DeMartin did not mention that DUI during jury selection, considering DeMartin's writings and statements that he was distraught about it and believed it played a part in ending his marriage.

The judge based his decision for the new trial on a three-part test established by the Florida Supreme Court. He ruled DeMartin: failed to disclose information during jury selection that was relevant to Goodman's case; purposely concealed the information; and the defense can't be held responsible for the concealment.

DeMartin, concluded Colbath, "denied the State, the Defense and the citizens of this Circuit a fair trial."

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