

Friday, May 3, 2013

# The Palm Beach Post

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## In scathing order, judge grants John Goodman a new trial based on allegations of juror misconduct

Updated: 8:55 p.m. Friday, May 3, 2013 | Posted: 4:59 p.m. Friday, May 3, 2013



John Goodman looks up at one of his attorneys during the questioning of juror Dennis DeMartin Monday, April 29, 2013. (Lannis Waters)

By Daphne Duret - Palm Beach Post Staff Writer

WEST PALM BEACH —

More than a year ago, mild-mannered and jovial Dennis DeMartin almost chuckled as he concluded his life was boring compared to other prospective jurors in Wellington polo mogul John Goodman's DUI manslaughter case.

On Friday, however, a judge's ruling tossing Goodman's conviction and 16-year prison sentence because of DeMartin's actions cast him among Florida's — and perhaps America's — most infamous jurors. DeMartin, a 69-year-old retired Delray Beach accountant, now faces a hearing on May 30 where contempt-of-court charges could be brought.

The not-so-surprising reversal of Goodman's conviction Friday also officially began round two in the most publicized Palm Beach County case in recent history. In the years since the February 2010 crash that killed Scott Patrick Wilson, the 23-year-old's death has become the backdrop to

a storyline of Goodman's vast wealth, adult adoption, capped by a Bentley-malfunction-and-barn-drink defense during his March 2012 trial.

Trial has been rendered void under the weight of DeMartin's missteps, which last year centered around a drinking experiment he conducted the night before he and other jurors convicted Goodman. And more recently came revelations that he withheld from the court during jury selection that his ex-wife had a DUI he blamed for the end of their marriage, and a daughter who was the victim of rape during a home invasion robbery.

In the end, Circuit Judge Jeffrey Colbath ruled, DeMartin's repeated violations of his duties as a juror robbed Goodman, prosecutors and the citizens of Palm Beach County of a fair trial.

"Every person charged with a crime deserves a fair trial without the likes of Dennis DeMartin," Colbath wrote in an 11-page ruling.

Colbath said DeMartin had a "reckless indifference" to the truth, and added that allowing Goodman's conviction to stand in light of DeMartin's action "would erode the integrity of the judicial system."

The ruling comes four days after DeMartin appeared in court for a second round of questioning since he and five other jurors convicted Goodman of DUI manslaughter.

Colbath questioned DeMartin last year after he revealed in a self-published book that he conducted the drinking experiment. The judge ultimately ruled that DeMartin had committed misconduct, but said it had no impact on the jury's verdict.

But with the more recent revelations about DeMartin's ex-wife and daughter, Colbath decided that the actions had a cumulative effect of rendering Goodman's trial unfair.

Colbath appeared to be leaning toward tossing Goodman's conviction during a Monday hearing, stopping the questioning of DeMartin twice as the Delray Beach retiree repeatedly attributed his omissions to a poor memory.

"Why didn't you tell us you were having these problems then?" Colbath asked him at one point.

On Friday, Goodman's defense team applauded Colbath's ruling. His lead defense attorney, Roy Black, has long accused DeMartin of lying his way onto the jury with the hopes of landing a lucrative book deal. DeMartin said that he has only made \$322 to date on the three books he's published on Amazon.com since the trial.

"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 Friday. "Fortunately, this time the deception was exposed and a courageous judge set aside the verdict."

Earlier this week, Wilson's parents said the possibility of a new trial reopened the emotional wounds of their son's death. Friday, Scott Smith, the attorney for Wilson's father, William, said his client was disappointed that Goodman's conviction was vacated.

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

"As with the prior trial," he added, "Mr. Wilson will be at the subsequent trial in honor of his son, and in support of those who continue to pursue this matter on behalf of the State of Florida."

Along with clearing the way for the new trial, Colbath's ruling stirs up a host of new questions surrounding Goodman's case. Local attorneys now wonder whether Goodman's legal team will again argue to move the trial out of Palm Beach County, or whether they will come up with a new defense.

There's also the question of whether now-retired veteran traffic homicide prosecutor Ellen Roberts will be back to prosecute the case along with Assistant State Attorney Sherri Collins. Roberts on Friday said William Wilson is inclined to hire her as a private attorney to join the prosecution team, which past courts have permitted in Florida. But the ultimate decision will be up to Palm Beach County State Attorney Dave Aronberg.

Either way, the case prosecutors say cost more than \$250,000 to prosecute through a three-week trial last year will be headed to trial again unless attorneys on both sides work out a plea agreement — which didn't happen last time.