

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CRIMINAL DIVISION: "W"
CASE NO.: 2010CF005829AXXMB

STATE OF FLORIDA,

vs.

JOHN GOODMAN,
Defendant.

FILED
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CLAYTON R. BOCK, CLERK
PALM BEACH COUNTY, FLORIDA
CIRCUIT CRIMINAL

ORDER DENYING MOTION FOR NEW TRIAL

THIS CAUSE came before the Court on the Defendant's Motion for New Trial filed on April 2, 2012 pursuant to Florida Rules of Criminal Procedure 3.600(a)(2), (b)(6), (b)(7), and (b)(8). After carefully considering the Motion, having reviewed the court file and record, and being otherwise fully advised in the premises, the Court finds as follows:

While the Defendant cites a litany of reasons why a new trial is warranted, and while this Court considered the Motion as a whole, the four main reasons the Defendant asserts a new trial is required are as follows:

1. An improper and unconstitutional relationship existed between the State and witness Lisa Pembleton based on the lawyer provided to her by the lawyers in the corresponding civil case and it was error to admit her taped statement without giving the Defendant the opportunity for meaningful cross-examination. Further, the State improperly released witness Pembleton from her subpoena.
2. The Court erred in allowing witness Thomas Livernois to testify where there was a lack of evidence regarding the party responsible for payment of his fees, he conducted "secretive examinations" on the Defendant's vehicle, and he conducted tests on an exemplar vehicle that was not provided to the defense.

3. The Court further erred in determining a discovery violation had not occurred with respect to witness Livernois's testimony. Further, the Defendant argues both *Brady* and *Giglio* violations based on information that existed regarding the purported failures of the "fail-safe" system Bentley, and its parent company Volkswagen, employed in contrast to witness Livernois testimony.
4. The Court erred by allowing the State to present a so-called "wealth-bias" strategy and compounded this error by precluding the Defendant from introducing evidence with regards to his personal history in an attempt to rebut the State's strategy.

The Court finds that both the sufficiency and weight of the evidence in this case supported the verdict rendered by the jury. *See e.g., State v. Andrews*, 820 So. 2d 1016 (Fla. 4th DCA 2002). With regards to each of the remaining arguments raised by counsel, this Court finds they are meritless and relies on its prior written orders on the matters as well as its oral rulings made during the course of the trial. Accordingly, it is hereby

ORDERED AND ADJUDGED that the Defendant's Motion for New Trial is **DENIED**.

DONE and ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida
this 12 day of April 2012.



JEFFREY COLBATH
CIRCUIT JUDGE

COPIES FURNISHED:

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