IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT, PALM BEACH COUNTY, FLORIDA

CRIMINAL DIVISION "W"

CONTEMPT CASE NO: ARISES FROM: 502010CF005829 AXX

STATE OF FLORIDA

VS.

DENNIS DEMARTIN, Respondent.

ORDER TO SHOW CAUSE

(Indirect Criminal Contempt)
Rule 3.840

IN THE NAME OF THE STATE OF FLORIDA:
TO ALL AND SINGULAR THE SHERIFF'S OF THE STATE OF FLORIDA

TO: DENNIS DEMARTIN

1101 CACTUS TERRACE, #102 DELRAY BEACH, FL 33445

YOU ARE HEREBY ORDERED to appear before the Honorable Jeffrey J. Colbath, Judge of the Court on May 30, 2013, at 8:30 a.m. at the Palm Beach County Courthouse in Courtroom 11-F, 205 No. Dixie Highway, West Palm Beach, Florida 33401, to show cause why you should not be held in indirect criminal contempt of court. The Court finds that there is probable cause to believe that you have committed this offense in that you committed the following acts:

On the 6th day of March, 2012, you were impaneled as a potential juror in the case of <u>State v. John Goodman</u>, Case No. 50 2010 CF 005829; (hereinafter; *Goodman* case).

During voir dire the Goodman you were sworn to tell the truth during the jury selection process. At that time, you were directly and indirectly asked questions regarding your prior experiences, to wit:

a) Has anyone in the panel themselves, close friend or family member or someone that affects you, ever been arrested, charged or convicted or accused of a crime?

You did not disclose that your ex-wife had been arrested for or charged with a DUI.

Your failure to disclose this information deprived the State's Attorney, the Defense Attorney, and the Court from relevant, material information in deciding whether or not you would be a suitable juror in the *Goodman* case. Had you made this disclosure, you most probably would have been excused as a juror. As a result of your failure to make this relevant and material disclosure, you were selected and impaneled as a juror in the Goodman case. You, and the other jurors, found Mr. Goodman guilty of the crimes of which he was accused. As a result of your willful failure to disclose the above-referenced matters, the law required the Court to set aside the jury's verdict and grant a new trial for Mr. Goodman. 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. Therefore,

You are **ORDERED** to appear before me **personally** and may be represented by an attorney at said contempt hearing. On the date of this hearing, the Court will arraign you on this contempt of court charge at which time you may enter a plea of guilty or not

St. v. DeMartin

Case No:

Arises from: 50 2010 CF 005829 AXX

guilty. This is a criminal proceeding and you are entitled to legal representation and all the other rights that any criminal defendant has when facing criminal charges. Further, the Clerk of Court is hereby

ORDERED to assign a new misdemeanor case number in this matter and to issue a summons.

If you fail to appear at said contempt hearing an arrest warrant shall be issued forthwith.

DONE AND ORDERED in chambers, at Palm Beach County, Florida, this

3 day of May, 2013.

JUDGE JEFFREY J. COLBATH

ÇÍRCUIT JUDGE

Copies furnished: via email (w/enc.)

Respondent to be served personally by Sheriff

Sheri Collins, Assistant State Attorney

Roy Black, Esquire, Counsel for Defendant

Mark Shapiro, Esquire, Counsel for Defendant

Douglas Duncan, Esquire, Co-counsel for Defendant

Guy Fronstein, Esquire, Co-counsel for Defendant