

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  
Plaintiff,

vs.

JOHN GOODMAN,  
Defendant.

FILED  
Circuit Criminal Department

MAR 22 2012

SHARON B. BOCK  
Clerk & Comptroller  
Palm Beach County

ORDER DENYING USE OF AFFIRMATIVE DEFENSE

**THIS CAUSE** came before the Court upon the Defendant's proposed jury instructions which included a request for a putative affirmative defense related to the Defendant's alleged head injury and its effect on his knowledge, citing *Martin v. State*, 323 So. 2d 666 (Fla. 3d DCA 1975), and *Knowles v. State*, 29 So. 3d 466 (Fla. 4th DCA 2010). *Martin* is inapplicable because the affirmative defense in that case went to the defendant's mental state as to his willfulness required by section 316.027, Florida Statutes. *Martin*, 323 So. 2d at 667. The Defendant in this case is not charged with willfully leaving the scene of an accident and therefore any instruction regarding his intent to leave the scene would be completely irrelevant to this case. Further, *Knowles* addresses the defendant's knowledge that the accident occurred and whether he "knew or should have known that an accident occurred" and does not speak to the propriety of lack of that requisite knowledge as an *affirmative* defense. *Knowles*, 29 So. 3d at 468. Accordingly, it is hereby

**ORDERED AND ADJUDGED** that the request for an affirmative defense instruction is **DENIED**.

**DONE and ORDERED** in Chambers at West Palm Beach, Palm Beach County, Florida this 22nd day of March 2012.

  
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JEFFREY COLBATH  
CIRCUIT JUDGE

COPIES FURNISHED:

Ellen Roberts, ASA  
Assistant State Attorney