

March 21st, 2012

What Defense is There for DUI-Manslaughter

The case of allegedly drunk driver John Goodman in Wellington, Florida provides an example of how attorneys can approach DUI-manslaughter. Typically, there aren't many affirmative defenses to this type of crime; if the defendant failed a sobriety test, then he is presumed to have been drunk. However, in Goodman's case, he was not given a sobriety test, so his case hinges on whether or not the prosecution can prove that he was intoxicated, and his defense team is also taking advantage of several other possible defenses.

UPDATE-VERDICT OF GUILTY HAS BEEN SET - SEE BOTTOM FOR MORE DETAILS

Background

John Goodman, a billionaire who moved to Florida from Texas to open a country club, got into a car accident that killed the other driver on February 12, 2010. Goodman, who was driving at about 63 miles per hour, ran a stop sign and hit the other driver's vehicle so hard that the car flipped over into a canal and the driver drowned. Goodman had been drinking at a local bar prior to the accident; after it occurred, he left the scene of the crime and called 911 from a borrowed cell phone. He was given a blood alcohol content test three hours after the accident, which showed that he had twice the legal amount of alcohol in his blood. He was therefore arrested for DUI manslaughter and failing to help an accident victim with his injuries. If convicted, he faces up to 30 years in prison.

Possible Defenses

Since the prosecution's case against Goodman hinges upon whether or not Goodman was drunk, his defense team has the opportunity to assert that Goodman wasn't intoxicated at the time he was driving. Goodman was clearly intoxicated by the time police arrested him, but since this wasn't until three hours after the accident, his lawyer is asserting that he drank more after the accident to calm his nerves and that he was sober while he was behind the wheel. The defense's claim is that the accident occurred because something was wrong with Goodman's car and that Goodman didn't know he had hit a person. Furthermore, the defense claims that Goodman was disoriented because of a personal injury resulting from the accident and that he left to try to get help. Finally, it asserts that he drank between the time he called 911 and the time police arrived.

Conviction

John Goodman was found guilty for DUI-manslaughter, vehicular homicide, and failure to render aid. He is facing 30 years in prison. This conviction was found March 23rd, 2012.

A forensic toxicology expert that John Goodman could have had between 16 and 18 drinks before the crash occurred. There was also a trace a hydrocodone in his blood stream.

The jury didn't find the defense's version of events likely -- the fact that Goodman was not tested until 3 hours after the incident might have provided enough reasonable doubt to allow him not to be convicted of DUI and or DUI-manslaughter. If you are charged with either one of these convictions, there are strict steps to getting your life back on track. The [DUI attorneys](#) at Umansky Law Firm understand the severity of these charges and can represent you aggressively. Contact our [Orlando DUI lawyers](#) today at (407)228-3838.

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