

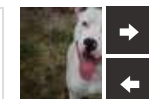


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Holly Baltz

# Attorney for Judge Colin's son calls Palm Beach Post reporter to testify in hearing

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© May 27, 2016 | Filed in: **bnblogs, newsfeed, post-staff, Uncategorized.**

In a highly unusual move, the family attorney for the son of embattled Circuit Judge Martin Colin called a Palm Beach Post reporter as a witness in a court hearing about the [care of the judge's grandson](#). The move threatened to block John Pacenti from covering the hearing because witnesses are not allowed in the courtroom until they testify.

Both Colin and his wife, Elizabeth "Betsy" Savitt, were on the list to testify, but only Colin took the stand.

Attorneys say that Savitt may still testify when the hearing continues at a later date as Matthew Colin and Kacie Herrick try to work out a parenting plan for their 10-month-old baby. Matthew lives with his father, the judge, and is the head Wellington High School basketball coach.

But the hearing began, centered not on two angry parents, but instead on coverage by The Palm Beach Post.

Neither Pacenti nor The Post received notice or a subpoena seeking Pacenti's testimony, but Broward County

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*Palm Beach Post reporter John Pacenti (center) speaks to attorneys John Schutz (left), Natalie S. Kay (second from right), and Tracy Belinda Newmark to determine whether he needs to testify in a case between Matthew Colin, son of Palm Beach Circuit Judge Martin Colin, and Kacie Herrick. Pacenti was briefly required to take the witness stand. Damon Higgins / The Palm Beach Post*

Horowitz said Pacenti could not cover the proceeding unless he answered questions by attorney John F. Schutz.

When the judge called Pacenti to swear him in, the reporter relented and agreed to answer one question about a sentence in a blog posted Friday morning. Pacenti told the judge he felt the move was “chilling coverage” of the case, asked for a hearing and presented case law to the judge to no avail.

“I didn’t know what I was going to miss” while the hearing went on, he said later. “I was intimidated.”

This year, Pacenti wrote a series of investigative stories about Judge Colin and Savitt, a professional guardian, who has taken thousands in fees from her wards before a judge approved them. The series, *Guardianship: A Broken Trust*, showed that while Colin did not hear his wife’s cases, his colleagues in the south county courthouse did and approved her fees. Afterward, Judge Colin was moved to the main courthouse and all of Savitt’s cases were moved to the north county courthouse to avoid any favoritism.

Circuit  
Judge  
Alfred  
J.

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Kacie Herrick

The question put to Pacenti on the stand pertained to a sentence in a story published on this blog Friday morning that came from court documents. The sentence said this, referring to Herrick's attorneys: The attorneys hope that Herrick can get approval of a proposed parenting plan that will allow her to move out of Florida to Maine where her parents live and away from Judge Colin's family. Schutz wanted to know whether it was a direct quote from her attorneys. It wasn't.

The nearly all-day hearing centered around two parents who clearly don't trust each other.



Matthew Colin, son of Palm Beach Circuit Judge Martin Colin, testifies. Damon Higgins / The Palm Beach Post

Matthew Colin testified that his parent help care for his child. Both he and his father testified that Herrick refused to put the father's name on the birth certificate.

Under cross-examination, Matthew said he reported Herrick to the Department of Children and Families as mentally unstable as she recovered in the hospital following a Cesarean section. The agency concluded the report was unfounded.

Herrick's father, Gary Owen Herrick, testified that the Colin family hired process servers to wait at Kacie's home after she got out of

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the hospital.

And on and on the accusations went. At more than one point Horowitz seemed exasperated by the minute detail about the Colin and Herrick clans squaring off at Wellington Regional Medical Center. "I'm not going to decide this case on Day 2 of his life," he said, referring to the baby.

Howowitz stepped into the case after Kacie Herrick said she feared Colin's influence if any of his colleagues heard the case.

Judge Colin testified midday, speaking of his love for his grandson and how he helps transport him between mother and father. "He's an absolute bundle of joy," Colin said. "(He) is the happiest baby I've seen."

Colin was asked by Herrick's attorney Tracy Belinda Newmark if he helped his son with the legal bills. Colin said no, but then he asked to amend his answer, saying that he did give cash to Matthew Colin in order to pay Schutz and other attorneys.

During breaks, the Colin family circled around the judge. After the hearing concluded, Judge Colin immediately followed Schutz outside the courtroom for a talk.



*Palm Beach Circuit Judge Martin Colin*

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Professional guardian Elizabeth Savitt. She is married to Circuit Judge Martin Colin.

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