

Pasco man sentenced to life, not death, for killing, dismembering ‘ThunderCats’ writer



James Davis (left), and his defense attorneys Jenna Finkelstein (center) and Anne Borghetti (right) prepare to face Pasco County Circuit Judge Gregory Groger after a 12-person jury found Davis guilty of first degree murder on Monday, May 23.

By **Anastasia Dawson**

DADE CITY — At first, James William Davis told the judge he wasn’t going to defend his right to live.

After 12 years in jail and a week’s worth of grisly testimony, a 12-member jury decided Monday that Davis, a 56-year-old handyman from Zephyrhills, was guilty of premeditated, first-degree murder for the death and dismemberment of his former roommate: “ThunderCats” cartoon writer Stephen Perry.

His eyes seemed dour and distant as Davis told 6th Judicial Circuit Judge Gregory Groger his decision. He didn't want anyone to testify on his behalf when the seven men and five women who convicted him of murder returned to court Tuesday to decide his sentence: life in prison without the possibility of parole or the death penalty. The court could hear from two psychologists who worked with Davis during the 12 years he's spent in jail awaiting trial, Davis said, but he didn't want his family to have to come to his defense — particularly his mother, who's battling cancer and ongoing heart issues. But come Tuesday morning, Davis' mother and brother were there, sitting in the gallery of Groger's courtroom as Davis' attorneys pleaded with him to make his case.

"There are people who care about you," defense attorney Anne Borghetti told her client, her arm around his back as he turned to face his family.

"James Davis has a life worth saving," defense attorney Jenna Finkelstein said.

In the end, their arguments were persuasive enough to convince both their client and his jury. It took less than two hours for jurors to return a verdict that spared Davis from an eventual execution.

Instead, he'll die a natural death in prison — a regulated environment where he's learned to thrive, his defense attorneys said.

Stefanie Beetz, a former mental health coordinator at the Pasco County jail, told the court about how Davis had blossomed under a program that offers mental health counseling tailored to those who struggle with drug and alcohol addiction. In fact, when the coronavirus made it impossible for Beetz and other clinicians to continue holding biweekly group meetings inside the jail, Davis took on the role of instructor to keep the classes going, she said.

Neuropsychologist Hyman Eisenstein told the jury about Davis' upbringing — how his mother became pregnant at the age of 14 and, before Davis was born, his father was shot and killed. He spoke of how Davis was raised primarily by his grandmother, alongside a rotating cast of children — some uncles and aunts, others cousins.

Davis was enrolled in seven different elementary schools, and by the 11th grade had dropped out of school completely — but not because he was troubled, Eisenstein said. By the age of 15, he was working almost full time at a nearby McDonald's so he could help support his family, and despite what the doctor described as Davis' developmental traumas, Davis went on to have a successful marriage of 30 years, with two stepdaughters he raised as his own, Eisenstein said.

“Jimmy was my life, and he still is,” Davis' mother, Gloria Pierce, told the court. “I love all my kids, but Jimmy, being the first, was special. He was such a good boy and has always been there for me.”

Pinellas-Pasco assistant state attorney Manny Garcia argued that Davis' background, and the horrific manner in which Perry was killed, met not just one but four of the aggravating factors state law requires for seeking the death penalty.

Davis was previously convicted of another capital felony involving violence, Garcia said — two armed robberies and two kidnappings. Neither Davis' defense attorneys nor the jurors could deny that Davis has a violent criminal history, the prosecutor said.

But jurors didn't agree that Garcia's other three aggravating circumstances could be prescribed to Davis' crime or life, according to their enumerated response in their verdict.

Garcia failed to convince the jury that Perry's death also met the “aggravating circumstance” for felonies committed for financial gain. He had reminded the jurors of the hundreds of dollars withdrawn from Perry's bank accounts in the days after May 10, 2010 — the day forensic experts believe the 56-year-old writer was killed. Perry's bank cards were later found in Davis' bedroom, Garcia said, and Davis' cousin was among those who identified him in surveillance footage driving Perry's van while making withdrawals from various ATMs.

Garcia asked the jurors to remember the articles on topics such as how to make a homemade silencer that were found in Davis' room, all printed in February 2010 — three months before Perry was killed. Then there was the notebook full of to-do lists with items such as “get a gun” and “get disguise,” Garcia said. But to the jury, the evidence wasn't enough to prove that Perry's slaying was “committed in a cold, calculated and

premeditated manner without any pretense or moral or legal justification,” adding a third aggravating circumstance to Davis’ sentencing.

And then there was the victim himself — a man who was battling both bladder cancer and an ex-girlfriend over custody of their then-5-year-old son, Leo. His diagnosis wasn’t enough for the jury to consider him “particularly vulnerable due to a disability.”

But in a letter, Leo Perry wrote of his own vulnerability without his father’s guidance in his life.

Now 17 years old, Leo offered the only words jurors heard from a loved one on his father’s behalf.

“I never understood why men act the way they do, because I was robbed of the opportunity to ask my father for any life advice,” Leo’s letter said. “Because of this, I suffer from severe masculine insecurity and depression. Within this slew of emotions, I would always come out the end of the tunnel empty, gripping at any and all memories that I could.

“My life has been made 10 times harder than it would have if I had my father with me, and my mental health would have been a lot healthier. I am angry with James Davis for causing so much damage. All these years, and the only question I have for him is ‘why?’

Source: <https://www.tampabay.com/news/crime/2022/05/24/man-sentenced-to-life-not-death-for-killing-dismembering-thundercats-writer>