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The jury took two hours Friday to acquit James Paul Mace of the 2003 murder of his stepfather.

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Mace not guilty of murder

Jury acquits Punta Gorda man in stepfather's 2003 slaying

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PUNTA GORDA — A jury took just over two hours Friday to find a local man not guilty of the murder of his stepfather seven years ago in Deep Creek.

James Paul Mace, 38, broke into tears after the verdict was read Friday afternoon. The Punta Gorda man has been behind bars for almost three and a half years while his case

proceeded to trial.

His mother, seated in the courtroom, also burst into tears.

"I knew all along he wasn't guilty," Jean Major said later.

"It's going to be great to have him home."

Major was unable to sit in during her son's four-day trial



MACE

this week because she was considered a possible witness in the case and could have been called to testify.

She was able to attend the trial Friday morning during closing arguments.

Mace was accused of killing Joseph "Sonny" Dostie, who once was married to his mother. Dostie was found dead in his Deep Creek garage in the early hours of May 19, 2003.

Dostie died of blunt-force trauma to the head, according to officials. He was 54 years old.

Several members of Dostie's family, who had attended all four days of Mace's trial, filed quickly and quietly from the courtroom after the verdict was read. They did not stop to speak.

"It was a tragic thing that

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happened," Major said after Dostie's family emptied the courtroom. "It shouldn't happen to anyone, and I feel bad for the family of my ex-husband."

Mace's attorney agreed.

"I don't ever take any joy in being involved in this kind of situation, but it's my job," said Russell Kirshy. "We still have to consider the idea that there's a family that doesn't have a father, a brother. There are people that miss (Dostie), including my client."

But that didn't mean the defense wasn't pleased with Friday's verdict.

"We are elated," Kirshy

said. "I believed in Mr. Mace's innocence from the day I got the discovery in this case."

The defense attorney said it was difficult to speculate what swayed jurors to rule in favor of his client. "The interesting thing about juries in general is that they will see something dramatically different than we did," Kirshy said.

"Because we're living with it — and I ate, slept and breathed this case — what sticks out for me is probably dramatically different for the jury."

The case began in 2006, when Mace was arrested and charged with second-degree murder in the death of Dostie three years earlier.

His arrest was the first made by the then-newly formed Cold Case Unit of the Charlotte County Sheriff's Office.

During the defense's closing arguments, Kirshy lobbed pointed criticism at how the Sheriff's Office investigated Dostie's death.

Investigators testified during trial that a fingerprint found in an area of "dust disturbance" on a window louver matched that of Mace's right thumb. That louver was found covering Dostie's decomposing body on May 19, 2003.

There was no way, however, to determine when Mace left the print. The defendant's step-

brother and the victim's son — Jason Dostie — testified that Mace had earlier handled that louver and others in 2002.

In his closing arguments to jurors, Assistant State Attorney Donald Mason told jurors that the facts of this "whodunit" case pointed directly at Mace.

The defendant was in Dostie's home — and even the garage — several times during the period where he was unheard from by friends and leading up to the discovery of his body on May 19, 2003, Mason told jurors.

An awful stench already was filling the home on May 13, 2003, when Mace brought a woman to

Dostie's home, which he claimed was his, Mason said.

"Did he make an effort to find where the smell was coming from?" Mason said during closing. "No. He sprays some Glade and opens the windows, and then leaves."

And when Mace drives near the Ocelot Lane home — in the victim's own van — and sees squad cars parked out front on May 19, 2003, what does he do, Mason said to jurors. He doesn't tell his passenger whether he was worried about Dostie or that he hoped everything was OK — Mace drives away, Mason said.

Although he was

acquitted on the murder charge Friday afternoon, Mace remained held at the Charlotte County Jail Friday evening on unrelated charges of burglary and grand theft stemming from an arrest earlier in 2006.

Kirshy said his client soon will be able to bond out on those charges. And Mace has accrued about 41 months of credit for time served, Kirshy pointed out.

Mace's sister, Kerry Mace, said she's looking forward to hugging her brother for the first time in more than three years.

"We're very close," she said. "He's my best friend."

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