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Ex-Tri-Cities man gets 25 to life Former choir director sentenced in second-degree murder case

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Page: 1
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It has been more than five years since Donna Rae Sutherland last saw her brother, Keith.

First came the torture of his disappearance.

Then the pain of police finding him stabbed to death, and the struggle to keep the investigation moving along.

Friday, Donna Rae felt something new as Michael **Pavone**, a former Geneva choir director, received the maximum sentence for the October 1999 murder of her brother in what New York State Supreme Court Judge Ronald Tills called a "vicious, vicious crime."

"This is a feeling of relief, and a belief in our judicial system," Sutherland said. "There is a sense of victory, I can't deny that."

Pavone, 59, will be 84 years old before he is even considered for parole, which is the maximum sentence for second-degree murder. He could spend the rest of his life in prison.

Ups and downs

A victory for Keith Sutherland was rare. His tribulations started the day he was born. The hospital forcefully delayed his birth until a doctor could arrive, Donna Rae Sutherland said, which may have caused the severe learning disability that affected every part of his life, and eventually contributed to his death by making him vulnerable to **Pavone**.

His mental development stunted at the age of 14, making it a struggle for Sutherland to work. But he tried hard. Sutherland held down more than 30 jobs over 26 years.

Bullies picking on him as a child made things difficult for Sutherland, but as he grew older a personality described as lovable and affectionate shone through.

He married in his late 20s, and stayed together with his wife for 18 years. But eventually, anger on his part and neediness on his wife's became insurmountable, Sutherland said.

In 1998, as his marriage was dissolving, Keith met Michael **Pavone**. The Sutherlands welcomed Michael, seeing him as an intelligent, gifted musician who cared for Keith.

Michael himself had recently divorced a musician whom he lived with for years in Ohio.

In January 1999, Keith stuck a ketchup-smeared knife into the wall of his home and his wife obtained a restraining order. For months, he had been questioning whether he was a homosexual, and in February, he filed for divorce and moved in with **Pavone**, Sutherland said.

By summer, Keith complained that **Pavone** tried to control him and forced him to have sex when he didn't want to. In mid-September, he broke off the relationship and moved in with his sister.

Pavone started sending him money and gifts, and sent him a love poem. On Oct. 1, when Keith went to pick up belongings, he found **Pavone** bleeding from a self-inflicted stab wound to his

stomach, prosecutors said.

In mid-October, **Pavone** set up a "double date" with two women for himself and Keith, who now thought he really was heterosexual. The date was a ruse, and it was on that night **Pavone** stabbed Sutherland 23 times.

Five-year fight

Pavone had an unlikely alliance of people campaigning to send him to jail for the rest of his life - the Sutherland family and his own brother.

After the murder, police immediately identified **Pavone** as the prime suspect. He acted erratically in the days after the murder. When police went to question him initially, he overdosed on drugs.

But they did not have enough to arrest him. He continued to work as **choir** director and organist at Nativity of Our Lord Church in Orchard Park, N.Y.

While Joe **Pavone** knew about the murder when police came to talk to his family, it took him some time to become convinced of his brother's guilt. He enjoyed a comfortable if not close relationship with his brother until late 2000, shortly before the death of his father, Anthony, and more than a year after Sutherland's murder.

Michael **Pavone** had moved back to his hometown of Buffalo, N.Y., in 1998 after living in South Carolina and Ohio.

Gradually, he became close with his parents again, eventually having his father give him power of attorney. Joe found his brother's behavior suspect.

Shortly after 92-year-old Anthony **Pavone** died in 2001, Michael left town with about \$25,000 of his father's money, his car and other valuables, Joe **Pavone** said. He left his mother, who was 87 and in a wheelchair, with \$100 to her name. She now lives in a nursing home a few blocks from Joe **Pavone** in New Jersey.

In March 2001, Joe **Pavone's** attorney sent a letter about the parents' money to Michael through the Western Springs church where he was working. There was no response.

He has not attempted to get in touch with his mother in more than four years, Joe **Pavone** said.

Michael's flight from Buffalo indicated guilt, **Pavone** said.

"The fact that he is your biological brother doesn't give him a pass to commit crimes and evil," said **Pavone**, the youngest of the four **Pavone** brothers, just after Michael.

From 2001 until his arrest last year, Michael **Pavone** had been living and working in Chicago-area churches, and Joe **Pavone** had been following his every move. When he would start work somewhere new, **Pavone** sent a package with news footage and articles about his brother.

The Archdiocese of Chicago fired him in the summer of 2001; St. Charles Episcopal Church chose not to later that year. **Pavone** left that job voluntarily and started at St. Peter Catholic Church in Geneva in the summer of 2003. Until his arrest eight months later, St. Peter Church officials said they didn't know about his past.

The day after directing his **choir** at St. Peter through Easter Sunday Mass last year, **Pavone** flew to Buffalo to face murder charges. Prosecutors charged him after an inmate came forward and said **Pavone** asked him to help sink a car the night of the murder. The inmate stood to gain nothing by testifying, prosecutors said.

The trial took place in December, and a jury wasted little time in finding him guilty. Donna Rae Sutherland testified at the sentencing Friday about how for her parents, "burying their only son was the hardest thing they have ever done together."

Joe **Pavone** outlined his history with Michael in a letter to New York State Supreme Court Judge Ronald Tills, though the judge opted not to take it into consideration.

"If Michael **Pavone** is capable of murder and stealing from his own mother - IS THERE ANYTHING HE IS NOT CAPABLE OF?" **Pavone** asked in the letter.

Michael **Pavone** portrayed his brother as homophobic, and while Joe **Pavone** has made statements that God "clearly condemns homosexuality," he said he stayed in touch with his brother long after he first accepted he was a homosexual in the 1970s. He said Michael's actions motivated him to send the packages, not hatred.

"He is not a victim of homophobia; he is a predator and a thief," **Pavone** said. "I derive a sense of closure, triumph and happiness that justice has finally caught up with him and his masquerade is over."

Sutherland credited the Buffalo Police Department and Erie County Deputy District Attorney Joseph Marusak for keeping up with the case and winning the three-week trial.

Sutherland said her mother, Joan, commented, "Listening to his summation was like seeing your life on 'Law & Order,' he was that good."

Though they feel vindication, Sutherland and her family still long for something else: forgiveness.

"I want to be able to do the Christian thing," Sutherland said. "I want to forgive. ...In the spirit of Keith Sutherland, the right thing to do would be to forgive. How can you forgive someone when they're in denial?"

- Judith A. Flannery with The Southtowns Citizen in Orchard Park, N.Y., contributed to this story.

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