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Former choir director found guilty of murder West Chicago man killed lover five years ago, New York jury decides

Author(s): Garrett Ordower Daily Herald Staff Writer

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Michael **Pavone** didn't take it well when Keith Sutherland broke off a relationship with him.

The former Geneva **choir** director was so distraught he tried to take his own life.

But then, **Pavone** appeared to relent, even arranging to meet with his former lover and two women he knew for a "double date."

The date did take place, prosecutors said, as evidenced by two cigarette butts with female DNA found in Sutherland's car. But it was a trap, and afterward **Pavone** stabbed Sutherland more than 20 times and left his body in Tift Farms Lake at a nature preserve outside Buffalo, N.Y., a jury said Thursday.

After 10 days of testimony, the Erie County jury deliberated for five hours before finding **Pavone** guilty of second-degree murder and criminal possession of a weapon. He was acquitted of a criminal mischief charge. When sentenced on Feb. 18, the West Chicago 59-year-old faces 25 years to life in prison.

Pavone worked at St. Peter Church in Geneva as a **choir** director from August 2003 until the day after Easter, when he flew to Buffalo to turn himself in to police. **Pavone** had been the prime suspect since Sutherland's murder in October 1999, but all the evidence did not come together until early this year, prosecutors said.

"It was a strong circumstantial evidence case," Erie County Deputy District Attorney Joe Marusak said. "We had a lot of evidence that proved he had the motive and the opportunity."

Sutherland's family initially took to **Pavone**, believing the organist and **choir** master at an Orchard Park, N.Y.-church was helping him through a rough divorce.

Sutherland, 46 at the time of his death, had struggled through life, his family said in published reports, finding it hard to hold down a job because of a severe learning disability.

The two moved in together around Valentine's Day 1999, but after about six months Sutherland began trying to break off the relationship.

Pavone tried everything, including writing a love poem to Sutherland. Family members and friends testified during the trial about Sutherland's last struggle, in which he tried to break it off with his partner.

In September 1999, with his attempts to reconcile failing, **Pavone** took a knife to Sutherland's abdomen, Marusak said.

"We were able to prove, at the time of the murder, (Sutherland) did not want to have a relationship with **Pavone** and Pavone did," Marusak said.

Three weeks later, **Pavone** set up the date at the nature preserve. This was no secret among Sutherland's family and co-workers, Marusak said.

"He used two women to lure Keith to his eventual demise," Marusak said.

On the night of the murder, one of **Pavone's** acquaintances testified, **Pavone** came to him soaking wet and offered to pay him \$500 to steal Sutherland's car. At the preserve, though, the car wouldn't start, and the pair accidentally switched on the hazard lights before busting them out so as not to attract attention to the scene, the man testified. A cigarette butt with the man's DNA was found in **Pavone's** car.

When Sutherland did not show up for work the next day, his supervisor testified, **Pavone** called and said he would be out the rest of the week. He also had other conversations that showed "consciousness of guilt," Marusak said, and upon hearing of the murder from one of Sutherland's friends revealed that his throat had been slit, which was not made public.

Police found Sutherland's body floating in Tiff Farms Lake three days after he went missing.

Two defense witnesses testified to **Pavone's** good character at the trial, a priest and another colleague from the 2,500-member Nativity of Our Lord Catholic Church in Orchard Park where he worked at the time of the murder.

Evidently, that and the lack of evidence were not enough to counter the story prosecutors wove of a jilted lover with the opportunity to kill and the actions of a man who had done so.

The five-hour deliberation showed a decisive jury, Marusak said.

Sutherland's parents and four sisters, one of whom had publicly urged **Pavone's** arrest for years, cried as they heard the verdict, Marusak said.

"They were tears of relief," he said.