

Killer to ask state high court to overturn death sentences

BY LISA FUSS

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Convicted murderer Thomas Overton, sentenced to death two years ago, will appeal today to the state Supreme Court to overturn his two death sentences.

The court appearance marks Overton's first appeal to Florida's highest court since he was convicted of the brutal murder of Tavernier couple Michael and Susan MacIvor and their unborn son in 1991.

Although the 44-year-old received a life sentence three weeks ago for an unrelated Tavernier burglary, Overton will likely spend the next eight to 10 years appealing the death sentences that keep him behind bars at Florida State Prison in Starke, said Key West defense attorney Manny García, who represented Overton in both the burglary and murder cases.

Like most Death Row inmates, Overton is expected to file numerous appeals in an effort to avoid the death penalty. They will likely be based on the merits of the murder case, says

García, including the effectiveness of counsel and possibility of a prejudiced jury.

García, who no longer represents Overton, said his former client did not speak on his behalf during the sentencing phase of the murder trial



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nor were family members called to plead for Overton's life as is common in death penalty cases.

Although the absence of his relatives' testimony came at Overton's request, García contends the career

criminal — who has frequently played a leading role in his defense — may have had ulterior motives.

One possibility: Death penalty cases typically receive higher scrutiny by appeals courts than life sentences.

"He's pretty cagey when it comes to the courtroom," said García,

noting that Overton has represented himself on numerous occasions, including last month's burglary trial in Vero Beach. "I'd be working with him, and he'd try to conduct the cross-examination . . . He thinks he's a lawyer too."

Maria Laredo, a Miami-Dade assistant public defender, is representing Overton in today's hearing. She could not be reached for comment.

Overton, a onetime handyman, strangled the MacIvors with items from their own drawers nearly a decade ago. Susan MacIvor, an elementary school teacher who was eight months pregnant with her first child, was found lying on a comforter in the bedroom.

Michael MacIvor was found dead in the living room with masking tape wrapped around his head.

Police used DNA in the blood left on a jail towel to link Overton to semen found at the MacIvors' home. It was the only physical evidence tying Overton to the gruesome murders.