

Jury recommends death in Venice double murder

By [Todd Ruger](#)

Published: Friday, February 11, 2011 at 2:00 a.m.

Last Modified: Thursday, February 10, 2011 at 7:34 p.m.

SARASOTA COUNTY - A jury recommended Thursday that David Myers be put to death for the 2009 murders of his ex-girlfriend and her boyfriend in a rural Venice house.



David Myers is 68 years old, and would have a good chance of dying naturally before a state execution.

A majority of the jurors voted that Myers deserved the death penalty, setting the stage for the 68-year-old to become one of the oldest people ever sent to receive the state's ultimate sentence.

Although it never came up during the attorneys' arguments in the case, a mandatory and lengthy appeals process means Myers has a good chance of dying naturally before the state could execute him.

Still, prosecutors highlighted the cold, calculated details of the murders: the way Myers broke into the home on Kennedy Avenue in June 2009 and fatally shot Maureen Modlin, and remained there and waited to kill Michael Bistranin, who came home from work hours later.

"An older person should know better," Assistant State Attorney Karen Fraivillig told the jury during closing arguments. "The impulsiveness and the hastiness of youth should be gone, and a person should be able to temper his behavior."

Myers murdered for financial gain, prosecutors said. He felt Modlin had taken his property, since he had signed it over to her when they lived together so he could get a \$100,000 credit line for renovations. The couple broke up and the debt was never paid, and the dispute led to court battles and Modlin seeking a protective order.

The shootings were separated by hours, enough time to calmly reflect instead of rearming himself and killing Bistranin, Fraivillig said.

"Let us not forget why we are here today. We are here today because David Myers, the man sitting at that table, killed two people," Fraivillig told jurors.

The jury deliberated for about two hours and took two votes, one for each first-degree murder charge, and could either recommend for the death penalty or life in prison. The jury voted 7-5 for the death sentence for Modlin's murder, and 9-3 for death in Bistranin's murder.

Myers' sentence is ultimately up to Circuit Judge Charles Roberts, who must give "great weight" to the jury's recommendations during a sentencing hearing later this year.

Myers' defense attorneys brought in his friends, his daughters and a psychologist to paint a picture of a man who was a good employee and father who became delusional with age, family traumas and financial problems.

Myers is a veteran of the Army and Army Reserves, whose father and brother committed suicide, while another brother was murdered.

As a father and grandfather, Myers kept in touch with grandchildren and daughters even after his incarceration.

Assistant Public Defender Carolyn Schlemmer ultimately asked the jury to compare the details of this case to others where the defendant was sentenced to death.

"This is not such a case," Schlemmer said. "State versus David Myers does not stand out."

This story appeared in print on page BN1

All rights reserved. This copyrighted material may not be re-published without permission. Links are encouraged.