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## Wilk, convicted of murdering Broward deputy, could get first federal death sentence

By Paula McMahon  
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Kenneth Wilk should get the death penalty for committing the "king of all crimes" -- murdering a police officer, federal prosecutors urged jurors Tuesday.

The defense pleaded for mercy and compassion, asking jurors to spare Wilk's life and pointing out that he already is facing a death sentence because he has AIDS.

"You must look at his whole life, not just one morning of one day," Wilk's attorney Bill Matthewman said.

Jurors deliberated for one hour, 20 minutes Tuesday and will resume their deliberations today. Last week, the same jury convicted Wilk of three capital crimes and four other felonies.

The eight women and four men have not been told their decision could make history.

If they vote to impose the death penalty, Wilk, 45, would be the first person to get a federal death sentence in Florida since the laws on capital crimes were rewritten in 1988. While federal prosecutors in South Florida have sought the death penalty at least twice since then, they have not succeeded, in part because U.S. law requires a 12-0 vote.

Wilk made his own choices when he fatally shot Broward Sheriff's Deputy Todd Fatta on Aug. 19, 2004, prosecutors said. Fatta was serving a federal child pornography warrant at Wilk's home in northeast Fort Lauderdale.

Wilk wanted vengeance against the Law Enforcement Against Child Harm task force because his boyfriend, Kelly Ray Jones, had been arrested and later convicted of possessing child pornography and trying to have sex with a 12-year-old boy, prosecutors said.

Fatta, 33, had nothing to do with the task force; he was called in at the last minute to help serve the warrant. But he paid the price for Wilk's rage, they said.

"[Wilk] is a cop killer without remorse, without compassion," prosecutor John Kastrenakes said.

The prosecution ridiculed Wilk's earlier defenses -- that he was temporarily insane because of AIDS-related dementia -- pointing out that Wilk testified coherently in his own defense during the first part of his trial. He spent most of seven days on the witness stand.

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"You saw the defendant testify -- there is absolutely nothing wrong with him other than that he is evil," Kastrenakes said. Wilk's I.Q. tests also show he is smarter than 85 percent of the population, he noted.

Wilk killed a hero who spent his life protecting others, prosecutor Neil Karadbil said: "He should pay with his life."

Defense attorney Matthewman told jurors Wilk committed a terrible crime, but he is not a terrible person. For the first 40 years of his life, he never got in any trouble and was a kind, generous and loving person who helped less fortunate people, Matthewman said.

"He has value in him as a human being," Matthewman said. He asked jurors to "reject death and another killing, this time at the hands of the government."

On the top two capital counts of murdering a police officer, the jury must choose between death or life in prison for Wilk. On the third capital count, using a firearm to kill Fatta, they must choose between, death, life in prison or a lesser sentence. The jury's decisions are binding.

The change in Wilk's personality, between 2000 and 2004, can only be attributed to the damage AIDS wreaked on his mind and body, Matthewman said. Even a prosecution witness, a neurologist, agreed that Wilk may have had a mild form of dementia, he said.

Matthewman portrayed Wilk as a flawed human being, caught up in an emotionally abusive relationship with a controlling man, Jones. Wilk also suffered from depression and was abusing alcohol and drugs in the months before the murder, he testified earlier in the trial.

The defense also suggested federal agents and Broward sheriff's officials botched the raid on Wilk's house, a point Fatta's family agrees on -- they have filed a civil wrongful death lawsuit against the Sheriff's Office. Matthewman said others made mistakes in the planning and execution of the raid.

"The way they entered that house was wrong ... there's some blame to go around in this case," Matthewman said.

Earlier Tuesday, Wilk's father, Walter, and youngest sister, Karen Marie Wilk, testified about Wilk's middle-class upbringing. They said they disliked Jones and implied he was a bad influence on Wilk.

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