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Jury to debate death sentence for killer of Broward deputy

By Paula McMahon
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The same jury that convicted Kenneth Wilk of first-degree murder on Tuesday will return Thursday to decide whether he should be executed.

On the fourth day of deliberations, the final 25 minutes took the family of slain Broward Sheriff's Deputy Todd Fatta from a crushing low to overwhelming relief.

Jurors sent out three notes between 2:25 p.m. and 2:50 p.m. Tuesday. The first said they couldn't reach a unanimous decision. The second, written 10 minutes later, said: "Please hold off on our last note for a little while."

Then a third note: "We have a verdict."

Fatta's family cried and trembled as they waited for Lt. Angelo Cedeño, whose finger was shot off in the Aug. 19, 2004, shooting that killed Fatta, to rush to the courtroom for the verdict.

Wilk, 45, was convicted of seven federal crimes.









The three capital convictions include two counts of first-degree murder and use of a firearm in the death of Fatta, 33. Prosecutors charged Wilk with a fourth capital crime, but jurors convicted him of a lesser count of attempted second-degree murder for shooting Cedeño. Wilk also was convicted of conspiracy, obstruction of justice and possession of child pornography.

"We're just glad there's justice done in phase one of the trial, and we're going to continue on to phase two," said Fatta's brother, Joe Jr. As he waited for the verdict, he pinned a button on his lapel -- a photo of his slain "baby brother."

"It was just something personal," the firefighter-paramedic said, tearing up. "I just wanted him with me when we heard the verdict."

In a navy pinstriped suit and white shirt, Wilk seemed calm and showed no reaction to the verdict. His appearance has changed since 2004. He is pale, has shorter hair and wears glasses. He has spent most of his time in solitary confinement at the federal detention center in Miami, partly for his own safety and because of the high-profile nature of the case, witnesses testified.

Wilk never denied he shot the deputies in his northeast Fort Lauderdale home. But jurors rejected Wilk's claims that he acted in self-defense because he thought the deputies, who were serving a federal warrant for child pornography, were intruders. Jurors also rejected other defenses that he

	Free Samples
	Grocery Coupons
	Baby Coupons
	Pet Coupons
	Beauty Coupons
	Movies & Music
	Free Stuff
	View All
CoolSavings	

was temporarily insane due to AIDS-related dementia and unable to hear because of an ear infection.

Diagnosed with HIV in 1985, Wilk has AIDS, Hepatitis B and syphilis. His defense team is expected to argue he has a limited life expectancy and is likely to die before he could be executed.

A former car salesman who earned a six-figure salary, Wilk had never been in trouble before the age of 40.

Wilk wanted revenge on law enforcement after his boyfriend, Kelly Ray Jones, was arrested on charges of child pornography possession and attempting to have sex with a 12-year-old boy, federal prosecutors John Kastrenakes and Neil Karadbil argued. They presented e-mails, letters and recorded phone calls that showed Wilk suspected law enforcement would come to his home and that he planned to kill. Wilk placed loaded weapons around the house so he could grab a gun and ambush officers, the prosecution said. A shot from Wilk's hunting rifle penetrated Fatta's protective vest.

About one hour before the verdict, the eight female and four male jurors took a break in a courtyard. One woman juror cried, and some jurors seemed to try to comfort her.

The penalty phase is expected to end early next week. Both sides will offer more evidence about Wilk's life and actions.

If the jury votes for execution, Wilk would be the first person to get a federal death penalty sentence in Florida since U.S. laws were rewritten in the 1980s. Federal prosecutors face a greater challenge than their state peers because they have to get a 12-0 vote. Under state law, a 7-5 vote is sufficient to impose the death sentence.

Cedeño, 39, who was shot twice in the hand and shoulder and had a third bullet ricochet off his face, would not comment after the verdict.

Sheriff Ken Jenne and dozens of deputies, Fatta's friends and law enforcement officers who worked on the case, rushed to the courthouse for the verdict. Jenne said he was pleased with the outcome.

"What this resolves in the family's mind, in our minds, in the mind of Lt. Cedeño, is that the person who committed this crime knew he was attacking law enforcement," Jenne said.

The Fatta family was reluctant to talk about the case and what will come next, they said, because they do not want to jeopardize the penalty phase. But in an April interview with the *South Florida Sun-Sentinel*, they had said they wanted the ultimate punishment.

"The evidence is overwhelming and he should get the death penalty, regardless of how long that takes before it happens," said Joe Fatta Sr. "I guess a death row inmate is kind of isolated from everyone else and that is punishment that will give him time to think about what he did and his ways."

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