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Trial brings out grim evidence

Graphic details of deputy's slaying, child pornography presented to jury

By Paula McMahon
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The murder case against Kenneth Wilk has been one of disturbing images.

The photo of a dark puddle of blood on the floor. That's where Broward Sheriff's Deputy Todd Fatta fell after a bullet pierced his chest while serving a federal warrant at Wilk's home.

The autopsy photos. They showed the damage wreaked by the fatal shot that tore through Fatta's liver and severed his spinal cord.

And the sordid images of child pornography. Prosecutors say Wilk and his partner possessed dozens of them on their personal computers.

In the first two weeks of Wilk's trial in federal court in Fort Lauderdale, jurors, Fatta's family and other spectators have had to endure distressing evidence.

The charges against Wilk, 45, include first-degree murder of Fatta, the attempted murder of another deputy, Lt. Angelo Cedeño, and possession of child pornography. If convicted of the Aug. 19, 2004, slaying, he faces the death penalty or life in prison.

Prosecutors have to walk the line between giving jurors enough evidence to convict but not to inflame. They carefully chose which few seconds of pornographic video to show, and selected just a handful of photographs of children being sexually assaulted. Authorities say they found dozens and dozens of similar photos and 17 videos on computers in Wilk's Fort Lauderdale home.

Wilk's defense attorneys, Bill Matthewman and Rafael Rodriguez, lost their bid to stop the pornographic images from being shown.

The pictures were so repulsive, U.S. District Judge James Cohn first warned the public and jurors that they might find the images disturbing. He also reminded the jury that Wilk, who has pleaded not guilty, must be presumed innocent.

Jurors visibly braced themselves and studied the images briefly displayed on computer monitors and a larger screen. Then several looked away. The courtroom atmosphere remained grim and quiet for minutes afterward.

Prosecutors John Kastrenakes and Neil Karadbil said Wilk embarked on a campaign against law

enforcement after his partner, Kelly Jones, was arrested on child porn charges and accused of setting up a meeting to try to have sex with a child. Wilk's efforts, they said, included threatening officers and spending hours online trying to expose people he thought were undercover officers doing investigations in online chat rooms.

The defense does not dispute that Wilk shot at the deputies and federal agents who knocked and then broke in his front door to serve the warrants. In opening statements, they told jurors Wilk was temporarily insane because of AIDS-related dementia and thought he was acting in self-defense. Wilk told officials that anti-gay activists had previously broken his windows and harassed him.

Jurors also are getting unusual insight into Wilk's thought processes and actions shortly before the shooting. Because Jones was in jail, phone conversations he made to Wilk at their Fort Lauderdale home were recorded and played in court. Prosecutors also read aloud in court letters the two wrote to each other.

"I get so angry I want to kill every cop I see," Wilk wrote to Jones on Sept. 2, 2001.

Wilk's AIDS-related dementia defense may be suffering as prosecutors brought out evidence that Wilk encouraged Jones to fake dementia so Jones could use that as a defense in the criminal charges against him. Jones was convicted and is in prison.

Among the evidence: Wilk wrote a letter to Jones outlining the symptoms of AIDS-related dementia. Jones wrote back complaining he doubted his attorney was convinced: "I also really have to put on a show for the "D" thing. I don't think he believes it."

In another unusual move, prosecutors subpoenaed Jones' attorney, assistant federal public defender Sam Smorgon, to testify against Wilk. Judge Cohn ordered Smorgon, who fought the subpoena, to testify only about two matters: that Wilk had suggested Smorgon pursue an AIDS-related dementia defense for Jones and that Wilk had a copy of the evidence against Jones. Prosecutors are trying to show that Wilk may be faking dementia and that Wilk knew the evidence against Jones was strong.

Fatta's parents, Joe Sr. and Josephine, and his brother, Joe Jr., have attended every day of the trial, which is expected to last several more weeks. His sisters have been there on key days. Fatta's mother quietly cries every time the raid and his death are mentioned in court.

A member of the prosecution team quietly warns her when to expect graphic photographs related to her son's death: "You probably want to step out now."

And she discreetly walks outside to wait in the lobby.

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