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Out to pull just one heartstring, defendant is hitting a sour note

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As courtroom drama goes, it's hard to top a death-penalty defendant taking the stand.

Especially a defendant who hasn't disputed killing a Broward sheriff's deputy at close range, detailed a long-simmering feud with an undercover officer who made life miserable for him and his child pornography-obsessed domestic partner, and spent part of his time touting his charitable nature and strong religious and moral fiber.

"I like who I am," Kenneth Wilk said at one point Wednesday. "I like helping people."

Josephine Fatta, mother of slain deputy Todd Fatta, bit her lip when she heard that part. The large contingent of Sheriff's Office personnel watching in U.S. District Judge James Cohn's courtroom, including 10 uniformed deputies, looked unmoved.

The opinions of the 12 jurors who will decide Wilk's fate weren't so easy to read.

And that's the strange part of this huge gamble.

Because this is a federal case where the jury must be unanimous in recommending death if it convicts him of first-degree murder, all Wilk needs to do is pull one heartstring to save his life.

At this point, before prosecutors have even torn into him on cross-examination, it's not clear if he can even do that.

There's no doubt Wilk shot and killed Fatta during an Aug. 19, 2004, raid, but prosecutors need to prove the act was calculated and premeditated to get a first-degree murder conviction.

Wilk's attorneys argue that Wilk, suffering from AIDS dementia and hearing loss, mistakenly thought task force members who entered his Fort Lauderdale home to serve an arrest warrant were armed intruders.


Wilk and his lawyers are trying to create two things with his testimony: reasonable doubt and sympathy.

Having Wilk go on about the injustice of police trolling Internet chat rooms to entrap child predators might not be the most effective tactic.

It also seemed a little counter-intuitive for Wilk's defense to be built around AIDS dementia, then



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have Wilk present himself as lucid, articulate and intelligent, with a steel-trap memory to boot.

You have to wonder how jurors will react to Wilk's tale of financial woe after the string of child porn arrests of his partner, Kelly Jones: "I went from driving a Mercedes to a 20-year-old Cadillac."

Or what they'll make of the letter he wrote three days before the shooting that said, "I've become such an angry, bitter person. I just want to hurt something."

Or what they'll make of his admission Wednesday that in the weeks leading up to the shooting, "I was drinking way too much, smoking way too much pot, spending too much time on the computer, doing a lot of irresponsible things."

Wilk and his attorneys spared no detail when it came to the long-running feud between Wilk and Neil Spector, a Port St. Lucie officer who worked undercover on the Internet as part of a multi-agency task force targeting child predators and pornography.

Wilk called Spector "a 4-foot dwarf" and admitted to an instant message exchange that ended with Wilk writing he would hunt Spector down and "be the last person you'll see on earth."

He said those remarks were the culmination of a "30-minute tête-à-tête " in which Spector wrote inflammatory remarks about gays. "I was just so p----," Wilk said. "He could really get under my skin."

Wilk alleged that Spector e-mailed child porn to Jones to entrap him and doctored evidence against Wilk. He also told how Jones was beaten during a 2001 arrest that left his blood splattered all over their home, and how one officer smeared blood on the couple's domestic partnership documents.

Maybe the point was to paint a fuller portrait of a couple that felt persecuted. But as Wilk went on, he just seemed like someone whose long-simmering rage found the wrong target.

"I'm not against law enforcement," he said. "I'm against people stepping over the line."

The Fatta family didn't look impressed.

Michael Mayo's column runs Tuesday, Thursday and Sunday. Read him online every weekday at Sun-Sentinel.com/mayoblog. Reach him at mmayo@sun-sentinel.com or 954-356-4508.

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