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Murder suspect admits shooting deputy, says he mistook him for intruder

By Paula McMahon
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Kenneth Wilk did the one thing most defense attorneys advise against in capital murder trials: He took the witness stand.

Wilk, charged with killing a Broward sheriff's deputy and wounding another, tried to convey an image of remorse and misunderstanding Tuesday.

He didn't discuss AIDS dementia, a key part of his defense. He immediately admitted he fired his gun but said he thought the people in his Fort Lauderdale home, Deputy Todd Fatta and Lt. Angelo Cedeño, were intruders, not police. He also said he tried to perform first aid on Fatta, the man he is accused of murdering.

Defense attorney Bill Matthewman asked when Wilk realized the men were officers.

"At a point after the second man [Cedeño] had left and I approached," Wilk paused, making a sound like he was choking with emotion.

"When I approached Deputy Fatta," he paused again, then stuttered "I, I, I saw a radio near him, and a vest, but I wasn't 100 percent sure, but I thought at that point he was a policeman."

Wilk said he went to Fatta.

"There was blood loss so I was trying to find a bullet hole so I could put my finger in it," Wilk said. "I couldn't find a bullet hole where the blood was coming from."

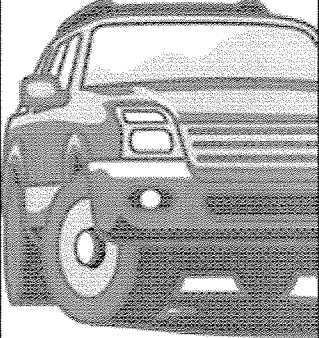
So he put down his rifle and went to the front door, calling out to police: "Medic, medic, don't shoot me."

In a little more than an hour of testimony Tuesday, Wilk's attorney spent just a few minutes on the shooting, moving on quickly to Wilk's life before Aug. 19, 2004, when Fatta was killed.

Wilk, 45, is charged with several offenses, including first-degree murder for shooting Fatta and attempted murder for severely injuring Cedeño. He also faces charges related to obstruction of justice and child pornography. If convicted, he could get the death penalty.

His testimony is risky because it could be viewed as self-serving. It also gives prosecutors a chance to attack his account using previous evidence, including Wilk's own words on phone calls recorded before the shooting when he said he suspected officers would come to the house.

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Wilk's testimony is expected to continue today, when prosecutors will cross-examine him.

He testified Tuesday about everything from his childhood in Chicago to his career as a luxury auto salesman who once earned a six-figure salary. He talked about his severe depression following his HIV diagnosis in 1985 and his return to work after being declared disabled by the Social Security Administration in 1995.

Wilk seemed calm while discussing an early security guard job at NASA's Johnson Space Center in Houston.

He described meeting President George W. Bush, then-President George H. W. Bush, and former Gov. Jeb Bush, at the Republican Party's National Convention in 1992 in Houston when Wilk was a driver for CNN.

During the convention, he said, he once sat between the Revs. Jerry Falwell and Pat Robertson. "I thought 'Oh my God, I have to behave,'" he said.

He had good relationships with police officers he met while selling commercial vehicles to the Houston Police Department and discount personal vehicles to many officers, Wilk told the jury panel of 10 women and four men. He bragged about taking part in an undercover sting with Chicago police to catch an identity-theft suspect who tried to buy a car from him.

Outside of court, Wilk's attorneys, Matthewman and J. Rafael Rodriguez, wouldn't comment on Wilk's desire to testify. "We're just honoring his request," Rodriguez said.

When U.S. District Judge James Cohn asked Wilk if he discussed the decision with his lawyers, Wilk replied: "There's been tremendous conversation back and forth. ... And this is something I have to do and, uh, it's my decision and mine alone and I stand by it."

Attorneys in most criminal trials, and particularly in capital cases, do not want clients to testify, said Raag Singhal, a Fort Lauderdale death penalty attorney.

Among the reasons: preventing prosecutors from cross-examining them, he said. Suspects can't be forced to testify. By law, the decision is theirs to make.

"The client is not up there as someone who has taken courses on how to testify," Singhal said. How a person speaks and their mannerisms can negatively influence a jury, he said.

"Jurors can hold it against the person for testifying if they don't believe him," Singhal said.

Wilk's defense is temporary insanity due to AIDS-related dementia at the time of the shooting. His attorneys say he also had hearing loss and may not have heard the officers knock and announce they were sheriff's deputies before breaking in his front door. The deputies were there to serve child porn warrants.

The insanity and dementia defense could make Wilk's testimony tricky, Singhal said, because jurors can react negatively to a person who doesn't fit their idea of how a person with dementia should act.

Wilk, who now wears glasses and is thinner and paler than when he was arrested, wore an open-necked white shirt and dark pinstriped suit. Courtroom security was increased when his shackles were removed so jurors would not see them.

Fatta's father, Joe Sr.; his brother, Joe Jr.; and his sister, Linda, listened intently to Wilk's testimony but would not comment Tuesday. Fatta's mother, Josephine, was ill and unable to attend court for the past two days.

Staff Writer Andrew Tran contributed to this report.

Paula McMahon can be reached at pmcmahon@sun-sentinel.com or 954-356-4533.

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