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## Jury pool questioned on death penalty in Wilk murder case

By Vanessa Blum  
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They will determine his innocence or guilt, but it was another question that weighed heaviest during the first day of jury selection. If they convict Kenneth Wilk, could they sentence him to die for killing a Broward sheriff's deputy?

"I'm not here to take someone else's life, no matter what they did," a woman told U.S. District Judge James Cohn. She was among almost 200 taking part in the painstaking process to seat 12 jurors and four alternates for the unusual federal death penalty trial.

Another potential juror said he would favor execution. "We have too many people in the system," he said.

Others seemed ambiguous.

"Morally, I'm against the death penalty ...but I also abide by the law," said one young woman.

Wilk, 45, is charged with killing Detective Todd Fatta and wounding Deputy Angelo Cedeño as they conducted a child-pornography raid on his Fort Lauderdale home in August 2004. The case is in federal court because the officers were executing a federal warrant.

Though jury selection can be tedious, it is pivotal in a high-stakes case like Wilk's. It's common for lawyers to enlist consultants to help screen the pool for potentially sympathetic jurors.

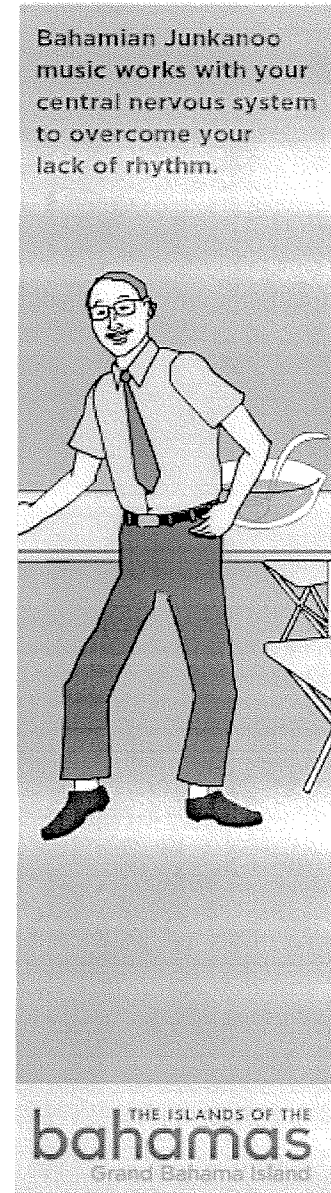
"The trick here is to get people who have a hesitation about imposing the death penalty and yet can say they would in some circumstances," said Humberto Dominguez, a Miami defense attorney who tried a federal death penalty case in 2004.

According to prosecutors, Wilk lay in wait with a Winchester hunting rifle and intentionally shot the first officers to enter.

If convicted of first-degree murder, Wilk faces a possible death penalty, making the issue a crucial part of the jury selection process.

Under the law, jurors chosen in capital cases must be willing to impose a death sentence. That means those strongly opposed to capital punishment are excluded, unless they can put those views aside.

On Monday, Cohn questioned 37 people -- among them a teacher, an actress, and a stay-at-home



mom. The *South Florida Sun-Sentinel* typically does not identify jurors until after a verdict is reached.

"This is a difficult issue for a lot of people," Cohn said. "It's the court's responsibility at this stage to determine if someone is qualified to serve on a case of this nature."

Cohn, who previously had said he wanted to get through more than 100 prospective jurors Monday, acknowledged the process could drag on for several more days.

Of the first 37, 15 are to return this morning to be examined by prosecutors and defense lawyers. Cohn disqualified the remaining 22 because of personal conflicts, their views on the death penalty or other biases.

Roughly 70 prospective jurors are to come in today for questioning, with a third group called in on Wednesday. Ultimately, each side will be able to exclude 20 potential jurors of their choosing.

Wilk's team includes jury consultant Robert Hirschhorn of Dallas. Hirschhorn previously advised lawyers for Robert Durst, an eccentric New York millionaire acquitted in 2003 on charges he murdered and dismembered his neighbor, 71.

Marshall Hennington, a California-based jury consultant who is not involved in the case, said Wilk's lawyers should be looking for independent thinkers who are suspicious of authority and the police.

Prosecutors tend to want jurors with a more rigid view of the world and a "do the crime, do the time" mentality, he said.

In the Wilk case, the death penalty is just one of several hot button issues to be dealt with during jury selection.

Because Wilk is gay and has AIDS, the process also must weed out individuals with biases against homosexuality and AIDS patients. Also to be excluded are individuals whose judgment would be swayed by strong feelings about child pornography or the killing of a law enforcement officer.

Cohn asked one woman, whose husband works for a federal law enforcement agency, if she could put her emotions aside and judge Wilk solely on the evidence. "That's a hard call," she said. "I don't know if I could."

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