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IN THE SESSIONS COURT FOR KNOX COUNTY

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STATE OF TENNESSEE,  
Plaintiff,  
v.  
WESTLEY KECK,  
Defendant.

No. 1355549

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HEARING

DATE: Wednesday, March 1, 2023  
TIME: 9:03 a.m.  
BEFORE: Christopher Manning, Chairman  
LOCATION: City/County Building  
400 West Main Street  
Knoxville, TN 37902  
REPORTED BY: Joni Bolden  
JOB NO.: 5788806

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A P P E A R A N C E S

ON BEHALF OF WESTLEY KECK:

TRAVIS BRASFIELD, ESQUIRE  
Travis Brasfield Law Offices  
800 South Gay Street, Suite 2000  
Knoxville, TN 37929

ALSO PRESENT:

Westley Keck, Former Officer  
Houston Havasy, Deputy Law Director Knox County  
Myers Morton, Deputy Law Director for the Board  
Paula Taylor, Merit Board Executive Director  
John Valliant III, Vice Chairman Merit Systems  
Board of Directors  
John Marshall, Board Member  
Kenny Boatman, Board Member  
Jim Wright, Jr., Board Member  
Lindsey Willis, Board Member  
Kathy Cate, Legal Assistant for Houston Havasy  
Winston Ragon, Recognized Officer



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P R O C E E D I N G S

THE CHAIRMAN: On the agenda is to set the agenda. So we have three items, if anybody would like to amend or comment. We have the approval of last minute's meetings. Minutes. Excuse me. We have a recognition for a formal representative to the Merit Council. And then, we have the Westley Keck Grievance Hearing. Is there any amendments, additions, or deletions to the agenda?

Okay. Agenda is set. We have a standing motion to approve the minutes. You should have a copy of those, second page behind the agenda. Hopefully, you've had an opportunity to peruse those. And I'll entertain a motion.

MR. WRIGHT: I move to approve.

THE CHAIRMAN: Motion by Marshall. Second by Wright. Any discussion. Hearing now called for the question. All in favor?

MR. WRIGHT: Aye.

THE CHAIRMAN: Any opposed? So move. Thank you. So I'm going to ask all the directors, if you can move to the front of the dais. We're going to present Officer Winston Ragon with a plaque of appreciation for his service as a Law Enforcement

1 Division Employee Representative to the Knox County  
2 Sheriff's Office Employee Merit System.

3 We do appreciate your dedication to  
4 that assignment. It's a critical assignment. The  
5 employees need to have confidence in who their  
6 representatives are, so we want to take a moment to  
7 thank you for your service.

8 And for those that aren't aware, he  
9 served from November 1, 2020, to February 1, 2023.

10 So we thank you. And we would ask you  
11 to -- if you would be willing to come forward, we'll  
12 take some photos and present this plaque to you, sir.

13 I have a point of order. And I  
14 apologize. I don't believe I informed the entire  
15 board that Clarence Vaughn is tied up with a work  
16 commitment this morning, so he will be -- he has an  
17 excused absence from the meeting. Just for  
18 everybody's edification.

19 We did get a note from Mr. Brasfield  
20 that he had another matter in juvenile court. He's  
21 going to be a few minutes late, so we were  
22 anticipating his arrival appropriate 9:15, 9:20. So  
23 unless there's some business, we'll recess until then.  
24 Does anybody have anything they want to discuss while

1 we're in session?

2 Yes, Mr. Havasy.

3 MR. HAVASY: Briefly, sir.

4 Mr. Brasfield has subpoenaed the sheriff of Knox  
5 County to be here, and he's already delaying, which is  
6 frustrating. I would just ask this council require  
7 Mr. Brasfield to call the sheriff first so he can get  
8 back to business. He's a busy man.

9 THE CHAIRMAN: Yes. Yes, sir. Thank  
10 you.

11 Mr. Morton, could you call  
12 Mr. Brasfield during the recess and get a status  
13 update so we don't have the sheriff tied up?

14 MR. MORTON: Yes, sir.

15 THE CHAIRMAN: Thank you.

16 Okay. We stand in recess until Officer  
17 Keck and his counsel appear.

18 (Off the record.)

19 THE CHAIRMAN: Okay. We're back in  
20 session. I'd like to remind everybody to please speak  
21 clearly in the microphone so that way the court  
22 reporter can obtain an accurate transcript of the  
23 record.

24 Mr. Morton, I believe you wanted to go

1 over -- I'd like you to do it up at the lectern,  
2 please. Thank you.

3 This is the beginning of the Westley  
4 Keck Grievance Hearing. Mr. Morton.

5 MR. MORTON: Mr. Chairman, Board, this  
6 is like a pre-jury charge to tell you what we're  
7 doing -- the hearing happens in all trials and these  
8 proceedings. I'm briefly going to go through some  
9 items.

10 The rules that are applicable are the  
11 old rules of the court. The Board has already  
12 determined Rule 9.3.1 defined circumstances under  
13 which Keck's employment may be terminated by the  
14 sheriff. And everyone has those.

15 Rule 9.3.2 defines procedures to  
16 terminate employment by the sheriff before a grievance  
17 is filed. Rule 9.5 defines what a grievance is and  
18 steps to be followed in the sheriff's office. 9.4  
19 requires someone filing a grievance to request a  
20 hearing. 9.3.4 requires the Board to decide whether  
21 or not to allow a hearing. This Board has already  
22 decided to have this hearing today.

23 And 9.4.2 describes the procedures to  
24 be followed at this hearing. I'm not going to go

1 through every element. The pre-hearing statements  
2 have been filed where issues brought up are whether or  
3 not Mr. Keck claims the sheriff has not complied with  
4 the procedures established by this Board, one.

5 Two, Mr. Keck does or not claim this  
6 disciplinary action occurred for political reasons. I  
7 don't believe in any pre-hearing statement that's been  
8 there. That's number two. That's not part of this  
9 hearing, I don't believe. And three, Mr. Keck's claim  
10 does or does not claim -- he does not claim that -- he  
11 does claim that the sheriff -- his termination was  
12 arbitrary in his interpretation of cause. Those are  
13 the two issues that are here today.

14 They've submitted information and  
15 documents. They've been organized by Ms. Taylor.  
16 She's provided the loose-leaf notebook to you. She's  
17 also been involved in investigation. This Board has  
18 investigated itself, and that's part of the material  
19 that she's been -- she's distributed for you all.  
20 You're going to hear all the proof. I'll go through  
21 the procedures.

22 But at the end, this Board has to make  
23 a written, independent decision to be used in public  
24 deliberations. You can make this decision today, or

1 you can decide to do it at another time to deliberate.  
2 That's a decision you'll make eventually today.  
3 You'll have a majority of the six present Council  
4 members to make that decision. That'll be something  
5 you'll address later, Mr. Chairman.

6 If the Board finds the sheriff has not  
7 complied with the procedures established by this Board  
8 or in this case -- the political reason I don't  
9 believe has been brought up. If the sheriff has been  
10 arbitrary in his interpretation to cause, the Board  
11 has the authority to reinstate the employee and award  
12 back pay. That's an extraordinary remedy.

13 Arbitrary can mean -- and counsel get  
14 into this more than me. But arbitrary can mean  
15 without fair, solid, and substantial cause or  
16 something done capriciously or at pleasure without  
17 adequate determination of principles or lack of any  
18 reasonable grounds or reasonable foundation.

19 Okay. The evidence generally, from  
20 these two parties, consists of the numbered exhibits.  
21 And this is the court reporter. She's transcribing  
22 everything. And there'll be a transcript at some  
23 point, provided in normal course, of everything said.  
24 And she keeps track of all the exhibits. So all the



1 exhibits go through her to get numbered during the  
2 proceedings.

3 But the evidence will be numbered  
4 exhibits to testimony witnesses. Mr. Keck will  
5 present evidence first. The sheriff will then be  
6 given an opportunity to present evidence. Normally,  
7 Mr. Keck will present all of his evidence before the  
8 sheriff presents his evidence. Exceptions are made  
9 sometimes, usually to accommodate a witness if we need  
10 to.

11 The witnesses will testify in response  
12 to questions from the attorneys. Witnesses are first  
13 asked questions by the party who calls them to  
14 testify, and then permitted to be cross-examined by  
15 the other party. Although the evidence is being  
16 presented by asking questions, the questions  
17 themselves are not evidence. And insinuation  
18 contained in a question is not evidence. You should  
19 consider a question only if it gives meaning to the  
20 witness's answers.

21 There are two kinds of evidence: direct  
22 evidence and circumstantial evidence. Direct evidence  
23 is direct proof of a fact such as testimony from a  
24 witness about what the witness personally observed.

1 Circumstantial evidence is indirect evidence that  
2 gives you clues about what happened. Circumstantial  
3 evidence is proof of a fact or a group of facts that  
4 causes you to conclude that another fact exists.

5 It is for you to decide whether a fact  
6 has been proved by circumstantial evidence. If you  
7 base your decision upon circumstantial evidence, you  
8 must be convinced the conclusion you reach is more  
9 probable than any other explanation.

10 Here's an example. If a witness  
11 testifies he saw it raining outside, that would be a  
12 direct evidence that it was raining. If a witness  
13 testified that he saw someone entering a room wearing  
14 a raincoat covered in drops of water and carrying an  
15 umbrella, that would be circumstantial evidence, to  
16 which you could conclude it was raining. You are to  
17 consider both direct and circumstantial evidence. The  
18 law permits you to give equal weight to both. But it  
19 is from you to decide how much weight to give the  
20 evidence.

21 In making your decision, you must  
22 consider all the evidence in light of reason,  
23 experience, and common sense. Although you must  
24 consider all the evidence, you are not required to

1 accept the evidence as true or accurate. You should  
2 not decide an issue by the simple process of counting  
3 the number of witnesses who have testified on each  
4 side. You must consider all the evidence in this  
5 case.

6           You may decide that the testimony of  
7 fewer witnesses on one side is more convincing than  
8 the testimony of more witnesses on the other side.  
9 You are the sole and exclusive judges of the  
10 credibility and believability of the witnesses who  
11 have testified in the case. You must decide which  
12 witnesses you believe and how important you think  
13 their testimony is.

14           You're not required to accept or reject  
15 everything a witness says. You are free to believe  
16 all, none, or part of a party's testimony. In  
17 deciding which testimony you believe, you should rely  
18 on your own common sense and everyday experience.  
19 There's no fixed set of rules to use in deciding  
20 whether you believe a witness.

21           During the trial, objections may be  
22 made about evidence or trial procedures. You, the  
23 Board, have to consider those and sustain or overrule  
24 those objections about whether permitting a witness to

1 answer, or the Board -- you may decide to let them  
2 answer, just disregard it.

3 I think what protocol is going to  
4 happen is the chairman is presiding. And there'll be  
5 objections. He may decide the issue but seek  
6 concurrence of a majority of the Board on those  
7 rulings. In deciding a case, you may not draw any  
8 inference from unanswered questions. And you may not  
9 include testimony that you are instructed to  
10 disregard.

11 The employee, Mr. Keck -- he's  
12 asserting a grievance before this Merit Board. He has  
13 the burden of proof. He must present evidence proving  
14 his case. It's up to him to do that. Now, the burden  
15 he has in this case is, he has to present his evidence  
16 that -- to a standard of clear and convincing  
17 evidence. Which means evidence in which there's no  
18 serious, no substantial doubt about the correctness --  
19 let me say that again. I'm sorry.

20 Clear and convincing evidence means  
21 evidence in which there's no serious or substantial  
22 doubt about the correctness of his conclusions drawn  
23 from the evidence. In a typical civil matter, it's  
24 just the preponderance of the evidence. Just a little

1 beyond halfway. In this case, because of the  
2 extraordinary remedy that you all have to provide  
3 him -- the order of the sheriff to rehire him and give  
4 him back pay, his burden is greater.

5 It's beyond -- the evidence has to  
6 convince you more than beyond halfway. It has to be  
7 substantial. It has to be clear and convincing.  
8 Again, that is evidence where there's no serious doubt  
9 about the correction of the conclusions drawn from the  
10 evidence.

11 During this trial, I'm going to be sort  
12 of acting like a bailiff to help people in the right  
13 place, and so if -- ignore me. Okay. Thank you,  
14 Mr. Chairman.

15 THE CHAIRMAN: Thank you.

16 Mr. Brasfield, you're prepared to move  
17 forward?

18 MR. BRASFIELD: I am, sir.

19 THE CHAIRMAN: Thank you. Proceed.

20 MR. BRASFIELD: Members of Council, I'm  
21 here representing Mr. Westley Keck regarding a  
22 termination that arose from a letter dated April 1st  
23 from the sheriff Tom Spangler to Mr. Westley Keck. As  
24 this Council has undoubtedly reviewed the file,

1 Mr. Keck responded within three days in accordance  
2 with the rules to the sheriff prior to filing this  
3 grievance.

4 I think the evidence is going to show  
5 this and furthermore than Mr. Keck offered to  
6 cooperate with any investigation that the sheriff's  
7 office may have had. And the evidence will further  
8 show that the sheriff responded in writing on April 4  
9 without further communication to Mr. Keck. And then,  
10 Mr. Keck filed his grievance on April 17, 2020, and  
11 requested a hearing.

12 And Mr. Keck's position is that the  
13 sheriff did not comply with the rules by conducting an  
14 internal investigation, that he erroneously relied on  
15 a criminal charge solely. And further, I think the  
16 evidence will show that the allegation of -- I think  
17 it was immoral conduct -- yes. I'm sorry. That  
18 criminal charges from this incident constitute  
19 notoriously disgraceful conduct. So that second  
20 allegation of his termination arises from the criminal  
21 charge, according to the sheriff's letter, which I'll  
22 introduce through a witness.

23 So Mr. Keck would ask this Council to  
24 reinstate this employment and award his back pay and

1 all the benefits that he would've been entitled to if  
2 there would've been an internal investigation or  
3 separate investigation that gave rise to his  
4 termination. And that it is error that he was  
5 terminated for being charged with a crime on April 1,  
6 2020.

7 And forgive me. I'm not really sure  
8 how this goes. This is my first Merit Council  
9 meeting. That is my opening statement. And I will  
10 allow him an opening statement. And then, I will  
11 allow him an opening statement. Then, I would call  
12 witnesses. Is that the correct procedure?

13 THE CHAIRMAN: No. My understanding is  
14 you present your statement, then call your witnesses.

15 Mr. Morton, is that correct?

16 MR. MORTON: Yeah.

17 THE CHAIRMAN: Maybe I should ask  
18 Mr. Havasy.

19 MR. HAVASY: Whatever the Board  
20 decides, I'll follow in terms of procedure.  
21 Typically, there's opening statements done by each  
22 side. The petitioner presents evidence through  
23 witnesses. But whatever the Board decides on.

24 THE CHAIRMAN: That's fine. Go ahead

1 and proceed with your opening statement.

2 Thank you, Mr. Brasfield.

3 MR. HAVASY: Good morning, everyone.  
4 I'm Houston Havasy.

5 THE CHAIRMAN: Morning.

6 MR. HAVASY: I represent the sheriff  
7 and Knox County Sheriff's Office. This case is very  
8 simple. It's not a case about whether Mr. Keck is  
9 guilty of a crime. It's not a swearing contest  
10 between Mr. Keck and the victim, Kelli Spears. The  
11 only question presented to this body is whether the  
12 sheriff acted arbitrary in dismissing Mr. Keck.

13 Council just presented another issue to  
14 you that I'm not familiar with, that the sheriff was  
15 required by some unspoken rule to perform another  
16 investigation outside the investigation you're going  
17 to hear from Detective Aken. I'm not familiar with  
18 what he's talking about. So our contention is the  
19 only question presented to you is whether the sheriff  
20 acted arbitrary.

21 The sheriff did write a letter to  
22 Mr. Keck on April 1, 2020, informing him that he would  
23 be terminated on April 8, 2020. There's a seven-day  
24 requirement, and he complied with it. For violating



1 two rules. Merit Council Rule 9.3B. Moral or ethical  
2 situations that make the employee unsuitable. And the  
3 second rule that the sheriff relied on was 9.3G,  
4 notoriously disgraceful personal conduct.

5 You just heard talk about a criminal  
6 charge and no conviction. The sheriff did not then  
7 and he is not now relying upon the cause termination  
8 for a criminal conviction. That is smoke and mirrors,  
9 is our position. The proof will show that Detective  
10 Aken did a thorough and meticulous investigation. It  
11 will show the sheriff reasonably relied upon a  
12 veteran, 20-year Sheriff's Department employee,  
13 Detective Aken, as well as a judge's finding of  
14 probable cause in dismissing Mr. Keck. And we  
15 respectfully say that there will not be a scintilla of  
16 evidence that the sheriff acted arbitrary. Thank you.

17 THE CHAIRMAN: Thank you, sir.

18 Mr. Brasfield, are you ready to call  
19 your first witness?

20 MR. BRASFIELD: Yes, Your Honor. I  
21 call Mr. Keck. Would you like him to sit anywhere in  
22 particular?

23 THE CHAIRMAN: I'll have him stand at  
24 the lectern. I'll swear him in at the lectern,

1 please.

2 WHEREUPON,

3 WESTLEY KECK,

4 called as a witness, and having been first duly sworn  
5 to tell the truth, the whole truth, and nothing but  
6 the truth, was examined and testified as follows:

7 MR. BRASFIELD: With your permission,  
8 Chairman, may I stay seated so I can speak in the  
9 microphone?

10 THE CHAIRMAN: Yes, sir.

11 MR. BRASFIELD: May I approach the  
12 witness?

13 THE CHAIRMAN: Mr. Morton, are you  
14 going to provide a document to him or something?  
15 We're going to have --

16 MR. MORTON: Yes. I'm going to show it  
17 to Mr. Havasy, and then I'm going to provide him a  
18 document.

19 THE CHAIRMAN: Have Mr. Morton deal  
20 with those.

21 DIRECT EXAMINATION

22 BY MR. BRASFIELD:

23 Q Mr. Keck, can you describe to the Council  
24 the document I just handed you?

1           A       The document here before me is the  
2       investigation of conduct regarding the recent arrest  
3       for the domestic assault on April 1st, according to  
4       that. It has here, this letter constitutes under  
5       Merit Council 9.3 that the employment with the  
6       department will be terminated April 8th.

7                   I submitted a grievance and responded all  
8       within the timeframe I needed to for Sheriff Tom  
9       Spangler. He responded with me -- my termination.  
10      Offered to meet with him on -- on occasion on a  
11      personal level. And no response.

12           Q       Would you specifically read the second  
13      sentence in the first paragraph?

14           A       Our investigation has determined that  
15      criminal charges has in this incident -- excuse me --  
16      notoriously disgraceful conduct. As you are aware,  
17      the General Order -- Conduct of all Members,  
18      Section 2, Sub-section 2, Personal Conduct states:  
19      Members shall conduct their private lives in such a  
20      manner to avoid bringing discredit upon themselves or  
21      agency.

22           Q       Okay.

23           A       I would like to be fair. The -- the manner  
24      that I conduct my personal life has reflected and

1 always will reflect professionalism, honesty, and  
2 dignity.

3 Q And, Mr. Keck, that letter --

4 MR. BRASFIELD: And before I move  
5 forward, Council, I would move that this be entered as  
6 Exhibit 1, the letter from the sheriff dated April 1,  
7 2020.

8 (Exhibit 1 was marked for  
9 identification.)

10 THE CHAIRMAN: So moved.

11 MR. HAVASY: No objection.

12 MR. VALLIANT: Mr. Keck, my apologies.

13 Would you care to speak into the microphone a little  
14 bit more clearly? You're a little bit taller than the  
15 microphone is. I'm sorry.

16 BY MR. BRASFIELD:

17 Q Mr. Keck, in response to that letter, did  
18 you respond to the sheriff?

19 A Yes, sir.

20 Q And can you explain what the document is I  
21 just passed you, sir? Or describe it to the Council.

22 A My letter here to Sheriff Spangler.

23 Q And I'm sorry. If you'll just read it, it  
24 would probably be faster.

1           A       I'll say the -- probably be better. It  
2 states, dear Sheriff Spangler. Be assured that during  
3 my employment since July 25, 2015, my conduct, on and  
4 off duty, has been that which fosters stability,  
5 morality, and predictability. I have not assaulted  
6 Kelli Spears or endangered in any misconduct -- or  
7 engaged in any misconduct. Excuse me.

8                   Detective Aken made no attempt to speak to  
9 me prior to my arrest warrant filed April 1st alleging  
10 the assault that occurred on March 27th. After my  
11 arrest, I provided Aken with truthful statements that  
12 occurred. Detective Aken took my cell phone and  
13 reviewed the contents. Inside includes an audio  
14 recording that is in direct conflict with the false  
15 accusations used attain my arrest -- attain an arrest  
16 warrant. Detective Aken returned the cell phone on  
17 April 2nd.

18                   The report filed on April 1, 2020, regarding  
19 the alleged assault on April -- excuse me -- March 27,  
20 2020, is based on untruthful hearsay. I did not  
21 assault Kelli Spears. I was not interviewed prior to  
22 my arrest or the warrant being scheduled -- despite  
23 the fact that I had worked the night before my arrest,  
24 I was made scheduled to return to work on the night of

1 April 1st.

2 Please lift the suspension and allow me to  
3 return to work until the charge -- false charge of  
4 assault is adjudicated. If you desire to meet with me  
5 or speak with me, I will make myself available anytime  
6 for you that's convenient. That's all.

7 MR. BRASFIELD: Chairman, I would move  
8 that that letter be admitted as Exhibit 2, the letter  
9 from Mr. Keck to the sheriff dated April the 4th.

10 (Exhibit 2 was marked for  
11 identification.)

12 MR. HAVASY: No objection.

13 THE CHAIRMAN: So move.

14 BY MR. BRASFIELD:

15 Q Mr. Keck, I just handed you a piece of  
16 paper. Could you tell the Council what that is?

17 A It is a letter from -- dated April 4, 2020,  
18 from Sheriff Tom Spangler. It states, Mr. Keck, I am  
19 in receipt of your letter of April 4th purportedly  
20 responding to your termination letter of April 1,  
21 2020.

22 The letter you provided fails to justify  
23 your actions or provide any additional information in  
24 support of your conduct. In accordance to my letter

1 and for this reason therein, your termination with the  
2 Knox County Sheriff's Department is effective April 8,  
3 2020.

4 MR. BRASFIELD: Chairman, I'd move that  
5 that letter be admitted as Exhibit 3.

6 (Exhibit 3 was marked for  
7 identification.)

8 MR. HAVASY: No objection.

9 THE CHAIRMAN: So moved.

10 BY MR. BRASFIELD:

11 Q Mr. Keck, since April the 1st, since you  
12 received that first letter from the sheriff up until  
13 this date, have you ever been contacted by the sheriff  
14 regarding this matter?

15 A No, sir.

16 Q Has the Office of Professional Conduct or  
17 Internal Affairs Division -- I'm not sure what they  
18 call it at the Sheriff's Office. Have they ever  
19 contacted you about this matter?

20 A No, sir.

21 Q Did Detective Aken question you about this  
22 matter prior to your arrest?

23 A No, sir.

24 Q At that time, in April of 2020, did

1 Detective Aken represent himself as Internal Affairs  
2 or Office of Professional Standards?

3 A No, sir.

4 Q What was your understanding of his role at  
5 the Sheriff's Office?

6 A A detective.

7 Q On that investigates outside criminal  
8 matters or internal and personnel matters?

9 A To be honest, I'm not sure.

10 Q Fair. Did you believe he was with Internal  
11 Affairs when he came?

12 A No, sir.

13 Q In your letter, the one you read earlier, it  
14 said that you had worked at the Sheriff's Office from  
15 2015, approximately five years prior to this event; is  
16 that correct?

17 A Yes, sir.

18 Q During those five years, did you ever  
19 receive any discipline for excessive force? Were you  
20 ever suspended or reprimanded for mistreating  
21 prisoners or anyone else physically?

22 A No, sir.

23 Q What did you do at the Sheriff's Office  
24 during your five years of employment?



1           A     Started out as a housing officer in housing.  
2     Then, moved to a security position.

3           Q     What does that mean when you say you're in  
4     housing?  What was your role and your duties?

5           A     Supervision of inmates.

6           Q     So you would have direct contact with  
7     inmates?

8           A     Yes, sir.

9           Q     How many inmates during the day would you  
10    come into contact with?

11          A     At most, 200.

12          Q     And you worked full-time these five years?

13          A     Yes, sir.

14          Q     You said subsequent to housing, you moved to  
15    security.  Could you tell the Council what that means?

16          A     Security position basically was a -- a  
17    position where if you got called to an emergency or  
18    different events, you had -- you were basically  
19    responsible for the safety and security of the  
20    facility.

21          Q     Is that considered a step up from housing?

22          A     Responsibility-wise, yes, sir.

23          Q     So if housing officers had trouble, did they  
24    call on you to help them?

1 A Yes, sir.

2 Q And how long were you a security officer?

3 A I would say probably little over a year.

4 Q Should I understand you correctly, when you  
5 say you were a housing officer for four years and then  
6 security officer for one year approximately on both  
7 those numbers?

8 A Yes, sir.

9 Q Other than your speaking with Detective Aken  
10 subsequent to your arrest, has anyone else from the  
11 Sheriff's Office contacted you or requested an  
12 interview?

13 A No, sir.

14 Q Did anyone ever advise you of your Garrity  
15 warning?

16 A No, sir.

17 Q Did Detective Aken not advise you of your  
18 Garrity warning?

19 A No, sir.

20 MR. VALLIANT: Excuse me.

21 Mr. Brasfield, for members of this Board who may not  
22 be familiar with that terminology, could you please  
23 explain what a Garrity warning is?

24 MR. BRASFIELD: Yes. Of course, sir.

1 So Garrity stands for an officer or law enforcement  
2 officer personnel -- can be compelled to give a  
3 statement to their agency regarding an incident. And  
4 if they give -- they have to give that statement, or  
5 they're terminated. They can't refuse to give the  
6 statement.

7           However, the statement they give cannot  
8 be used in a criminal proceeding. So the agency can  
9 compel the statement, but the government -- the other  
10 government, the District Attorney -- they can't use  
11 those statements in the prosecution of the case. And  
12 I'm sorry. I took that for granted, because I know  
13 the Chairman was an Internal Affairs Officer for  
14 several years.

15           Does anybody have any more questions  
16 about that, or is that kind of clear as mud?

17           MR. VALLIANT: No. Thank you, sir.

18           MR. BRASFIELD: Sure.

19 BY MR. BRASFIELD:

20           Q     So, Mr. Keck, what happened with your  
21 criminal charge?

22           A     It was dismissed.

23           Q     Were there any agreements to that dismissal?  
24 Did you have to do anything to get that dismissal?

1           A     I had to pay court costs.  And that was it.

2           Q     And why did you agree to that?

3           A     Didn't see any need to drag it on.  They  
4 were ready to dismiss it.

5           Q     Did the criminal charge looming ever cause  
6 you any trouble at any other employers since your  
7 termination with the sheriff?

8           A     Yes, sir.  I've lost probably four jobs due  
9 to that.

10          Q     Any one in particular you can recall that  
11 you lost specifically over these charges?

12          A     Yes, sir.

13          Q     Can you tell the Council about one of them  
14 and how it arose?

15          A     One -- one instance was Publix Supermarket.  
16 I was actually brought on full time from a part-time  
17 position.  And apparently, they do a background check  
18 when you get added onto full-time.  And they  
19 questioned me about it, and I was open.  I was  
20 truthful about what was going on.  And they still  
21 terminated me.

22          Q     So not only did -- you didn't get the  
23 full-time position.  You were in fact fired from the  
24 part-time position because of the charge?

1 A Yes, sir.

2 Q That happened at any other employers that  
3 you can recall specifically?

4 A No, sir.

5 Q Okay. As far as your criminal history, sir,  
6 what other charges have you ever been charged with  
7 other than this?

8 A There isn't any.

9 Q You've never been arrested other than this?

10 A No, sir.

11 Q Have you ever been investigated by Internal  
12 Affairs at the Sheriff's Office during your five years  
13 there for any misconduct?

14 A No, sir.

15 Q You're asking this Board today to reinstate  
16 you as a security officer and pay your back pay and  
17 give you all the benefits you would've been entitled  
18 to; is that correct?

19 A That is correct.

20 Q And it's your position that no internal  
21 investigation was conducted and that you were  
22 dismissed or termination solely based on the warrant  
23 of Detective Aken?

24 A Yes, sir.

1 Q Are you aware of any news articles or TV  
2 coverage of your arrest?

3 A I'm not aware of any.

4 Q Have you spoken to any reporters?

5 A No, sir.

6 MR. VALLIANT: Mr. Brasfield, just a  
7 quick question. I see you're asking a lot of  
8 questions about Internal Affairs. And I think maybe  
9 something this Board lacks is kind of some of the  
10 background on maybe the process of how something like  
11 this should work with an Internal Affairs  
12 investigation. So could you maybe provide some more  
13 insight on what something like that should look like  
14 or the process or procedure?

15 MR. BRASFIELD: Yes. Of course. It's  
16 difficult, as my client has never been the subject of  
17 an investigation to get direct evidence out of him.  
18 But I'll try.

19 MR. HAVASY: May I please object to  
20 counsel testifying about this. If we have a question  
21 about what a rule says or something -- counsel is  
22 about to testify before this body about the Internal  
23 Affairs process. And we can put on witnesses to show  
24 that.

1                   There's no basis for Mr. Brasfield to  
2                   give a -- statements of counsel are not evidence. And  
3                   Mr. Brasfield is about to tell this body about the  
4                   policies and procedures of the Internal Affairs unit  
5                   of the Knox County Sheriff's Office, and he's an  
6                   attorney. He doesn't work for the Sheriff's Office.  
7                   He has no knowledge of that.

8                   MR. BRASFIELD: Well, that's not  
9                   accurate. I've actually represented deputies and --

10                  THE CHAIRMAN: Well, I sustain his  
11                  objection. We have actual executive employees of the  
12                  Sheriff's Office that could directly address any  
13                  questions. And not that you wouldn't have an absolute  
14                  recollection of the process, but there's a potential  
15                  that you had an error. And I'd rather just speak with  
16                  one of the executives from the Sheriff's Office. No  
17                  reflection on your veracity or recollection.

18                  But I think most appropriate that if  
19                  there is a question regarding the process of an  
20                  Internal Affairs investigation or when one is done and  
21                  how it is done, most appropriate to have the folks  
22                  that supervise those have the testimony in front of  
23                  this body, sir.

24                  MR. BRASFIELD: Yes, Mr. Chairman.

1 THE CHAIRMAN: Thank you. Anything  
2 further, sir?

3 BY MR. BRASFIELD:

4 Q Mr. Keck, is there any other information or  
5 statement you'd like to make to this Council?

6 A Not at this time.

7 MR. BRASFIELD: No more questions.  
8 Pass the witness.

9 THE CHAIRMAN: Thank you, Mr. Keck.

10 THE WITNESS: Thank you.

11 THE CHAIRMAN: Mr. Havasy, did you want  
12 to cross-examine Mr. Keck? Please turn to the  
13 lectern. Thank you.

14 MR. HAVASY: May I remain seated, sir?

15 THE CHAIRMAN: Yes, sir. Your witness,  
16 Mr. Havasy.

17 THE WITNESS: I apologize.

18 CROSS-EXAMINATION

19 BY MR. HAVASY:

20 Q To be clear, Mr. Keck, you have no knowledge  
21 of the rules for Internal Affairs; correct?

22 A Not with me, no.

23 THE CHAIRMAN: Mr. Havasy, I'm sorry to  
24 interrupt. I need you to move the microphone, sir.



1 Thank you.

2 MR. HAVASY: Sorry. Usually, my voice  
3 carries enough on its own.

4 BY MR. HAVASY:

5 Q Mr. Keck, you're not familiar with the  
6 policies and procedures of the Internal Affairs unit  
7 of the Knox County Sheriff's Office; correct?

8 A Not at this point in time.

9 Q Okay. It sounded to me like you were  
10 bothered that there was not an Internal Affairs  
11 investigation; correct?

12 MR. BRASFIELD: I'm going to object.  
13 That assumes that he was bothered. I didn't hear any  
14 statements about him being bothered or frustrated.

15 BY MR. HAVASY:

16 Q Are you not bothered that there was no  
17 Internal Affairs investigation, sir?

18 A I wouldn't say that I was bothered.

19 Q You feel like it was wrong; correct?

20 A I feel that it's usually professional  
21 standard that they do have an Internal Affairs when it  
22 involves an officer.

23 Q You're not aware of a policy to not have an  
24 Internal Affairs investigation when a criminal charge

1 is brought; correct?

2 MR. BRASFIELD: Chairman, I'm going to  
3 object in that Mr. Keck is not an executive with the  
4 Sheriff's Office. And his knowledge of the Internal  
5 Affairs process is likely limited. And he's not  
6 qualified to make those statements.

7 MR. HAVASY: This attorney has just  
8 presented evidence to you that the investigation was  
9 lacking because there was no Internal Affairs  
10 investigation. And I'm trying to point out that this  
11 witness knows of no requirement to have an Internal  
12 Affairs investigation and in fact, that there may be a  
13 policy that there's no Internal Affairs investigation  
14 when a criminal charge is brought. And I want to know  
15 if he knows that or not.

16 THE CHAIRMAN: I would refer back to my  
17 initial comment to Mr. Brasfield about expertise. And  
18 I think it more appropriate to have one of the  
19 executives from the Sheriff's Office comment on  
20 whether or not the policy is they shall conduct an  
21 Internal Affairs, or it states that they may. Because  
22 "may" is not compulsory, and "shall" is. And if it  
23 says "may" or if there's an understanding by the  
24 executives that it can be done at the discretion of

1 the executive, then that's fine.

2 But I don't think it's appropriate that  
3 we have the subject employee or his defense counsel  
4 opining on the policies and procedures. I think we're  
5 kind of getting off the tracks here, and I think we  
6 want to stay on --

7 MR. HAVASY: Yes, sir.

8 THE CHAIRMAN: Thank you.

9 MR. HAVASY: I was trying to respond to  
10 what was presented, but I'll move on. Thank you.

11 BY MR. HAVASY:

12 Q I've put a document on the screen, Mr. Keck.

13 MR. HAVASY: I'd like to mark this as  
14 the next exhibit.

15 THE CHAIRMAN: No. 4. Exhibit 4.

16 (Exhibit 4 was marked for  
17 identification.)

18 MR. BRASFIELD: And, Chairman, I would  
19 object to this as being irrelevant, as it was signed  
20 and dated subsequent to the termination letter. And  
21 furthermore, this is part of a criminal investigation,  
22 not an administrative investigation.

23 And if Mr. Keck would have received a  
24 proper Garrity warning -- I can only assume that the

1 sheriff is going to assert that this is his waiver and  
2 his Garrity warning, but I don't see anything about  
3 Garrity. So this is not part of a human resources or  
4 Internal Affairs file. And I would submit to you it's  
5 irrelevant.

6 MR. HAVASY: Counsel is testifying that  
7 this was done prior to the sheriff's termination.  
8 This is part of Detective Aken's investigation, and  
9 this witness signed this document. And I'm trying to  
10 present it to show he waived his rights to talk to  
11 Mr. Aken.

12 THE CHAIRMAN: I don't see that we have  
13 it in our package. Was this provided to the Council  
14 prior to the hearing?

15 MR. HAVASY: Yes, Your Honor. It was  
16 in Detective Aken's investigation. It's 68 pages of  
17 handwritten notes and his entire investigation, with  
18 the DVD attached to it. It was filed at our  
19 pre-hearing statement on the date of the deadline.  
20 February 14th, I believe.

21 THE CHAIRMAN: Okay. So it's part of  
22 the pre-hearing statement.

23 MR. HAVASY: Yes, sir.

24 THE CHAIRMAN: I'm just trying to find

1 it in our packet here.

2 MR. HAVASY: Numerated in the  
3 pre-hearing statement and attached to it, sir.

4 THE CHAIRMAN: I'll overrule the  
5 objection -- go ahead.

6 MR. BRASFIELD: Chairman, that's not in  
7 my pre-hearing statement pack that Mr. Havasy filed.  
8 I'm using his documents this morning.

9 MR. HAVASY: There was also a DVD  
10 attached to it, including his entire criminal  
11 investigation. It was attached to it.

12 THE CHAIRMAN: I'm going to overrule  
13 the objection. This is part of the detective's  
14 investigations packet. We can call the detective and  
15 have him explain it.

16 Mr. Morton, would it be appropriate to  
17 have him testify -- the detective testify as to this  
18 document that's being presented by the law director?

19 MR. MORTON: Pardon me. Ask me again,  
20 Mr. Chairman.

21 THE CHAIRMAN: Would it be appropriate  
22 to request the detective testify regarding this form  
23 before Mr. Havasy uses it as an exhibit to have  
24 Mr. Keck respond to?

1 MR. MORTON: Since he's on the witness  
2 stand, it'd be okay to do that. If I understand your  
3 question, Mr. Chairman, yes.

4 THE CHAIRMAN: That way, Mr. Brasfield  
5 will have an opportunity to cross-examine regarding  
6 his Garrity assertion.

7 MR. MORTON: Yes. You're correct,  
8 Mr. Chairman.

9 THE CHAIRMAN: Mr. Havasy, do you agree  
10 to that?

11 MR. HAVASY: Of course. He can  
12 redirect his witness on anything I talk to him about.

13 THE CHAIRMAN: Okay. So I think what  
14 my question is -- should we have Mr. Keck be seated  
15 and then swear the investigator and have them comment  
16 on this specifically, that way we can -- you and  
17 defense counsel can examine this witness. Then, we  
18 can deal with this document, and then go back to  
19 Mr. Keck, is what I'm saying.

20 MR. HAVASY: My problem with that, sir,  
21 is I intend to move for a directed verdict at the  
22 conclusion of the petitioner's proof. Because they  
23 have insufficient evidence to show that sheriff acted  
24 arbitrary. I'm simply providing this document to this

1 body because he just testified he didn't receive a  
2 Garrity warning.

3 And I've got a complete waiver of his  
4 rights before he spoke to Detective Aken. And that's  
5 what I'm presenting to impeach his credibility as a  
6 witness, Your Honor.

7 THE CHAIRMAN: So defense counsel is  
8 asserting he did not receive it, so that's the wrinkle  
9 in it, is what I'm saying. I'm trying to be  
10 completely transparent for the sake of the employee.

11 MR. HAVASY: I assure this body -- I  
12 assure it that it is in your packet, and he received  
13 it. Not to mention, he signed it himself. It's not  
14 like he's never seen it before. But I assure you that  
15 it is in your packet, and it is in Mr. Brasfield's  
16 packet.

17 THE CHAIRMAN: Mr. Brasfield, do you  
18 wish to respond to that?

19 MR. BRASFIELD: Chairman, it's not in  
20 my packet. If it's on some digital format, perhaps.  
21 But I've got his packet that was sent to me, and I  
22 never received any paper document and/or PDF. So it  
23 may be in some DVD I don't know about.

24 THE CHAIRMAN: I didn't ask the

1 question correctly. Are you in possession of a DVD  
2 that the Law Director's Office provided to you in  
3 regards to the packet pre-trial statement?

4 MR. BRASFIELD: No, Chairman.

5 THE CHAIRMAN: You did not receive a  
6 DVD? Or a CD. Excuse me.

7 MR. BRASFIELD: I don't have a DVD or  
8 CD. I have been bombarded with mail from the  
9 Sheriff's Office and Merit Council office over the  
10 last few days. Perhaps it's in there, but I haven't  
11 received it.

12 MR. HAVASY: I could call my assistant,  
13 who packaged it up. Burned the DVD for everyone,  
14 including this body. Testify that we sent it, but you  
15 know --

16 MR. BRASFIELD: To be clear, I'm not  
17 saying he didn't send it, Mr. Chairman. I'm not  
18 trying to say Mr. Havasy didn't send it. I'm just  
19 saying I don't have it.

20 THE CHAIRMAN: I understand. Thank  
21 you. So back to my original question. Just to get  
22 past this, I think a remedy would be to call the  
23 detective, have him testify regarding the parameters  
24 of this. And then, he can testify whether or not he



1 witnessed Mr. Keck sign it. And then, we can move on.  
2 That's what I'm getting at.

3 MR. HAVASY: Your Honor, this document  
4 signed by Mr. Keck at 4:53 p.m. will become very  
5 relevant to -- not even this Garrity point he's trying  
6 to make, but to the timing of events that occurred.  
7 And when he was arrested and when he was charged with  
8 an offense and statements that he has made now under  
9 oath to this body -- and I would like to point out  
10 that he signed this at 4:53 p.m.

11 I'll move on and deal with this other  
12 stuff later. That he waived his rights. If you'll  
13 let me put in the evidence that he signed it at  
14 4:53 p.m., that's all I want to do with it right now.

15 THE CHAIRMAN: So if I understand you  
16 correctly, you don't want to comment on it. You just  
17 want to have it put in as an Exhibit No. 4? Is that  
18 what you're telling me?

19 MR. HAVASY: Yes, sir. And asked him  
20 if he did in fact sign it at 4:53 p.m. on April 1,  
21 2020.

22 THE CHAIRMAN: Has Mr. Brasfield been  
23 provided a copy of that today?

24 MR. HAVASY: Yes, sir.

1 THE CHAIRMAN: Okay. Proceed.

2 BY MR. HAVASY:

3 Q Mr. Keck, have you seen this document  
4 before?

5 A I believe so. Yes.

6 Q Is that your signature right there that's  
7 highlighted?

8 A Yes, sir.

9 Q Did you in fact sign that on April 1, 2020,  
10 at 4:53 p.m.?

11 A Yes, sir.

12 Q Mr. Keck, I'd like to return to Exhibit 1,  
13 the sheriff's letter to you. Okay. Now, in this  
14 letter, the sheriff, as you testified on direct  
15 examination, dismissed you for violating Merit Council  
16 Rule 9.3B, moral or ethical situations that make you  
17 unsuitable and Merit Council Rule 9.3G, notoriously  
18 disgraceful personal conduct; correct?

19 A Yes, sir.

20 Q All right. Let's move onto your response.  
21 April 4, 2020. I'm pulling it up for you right now.  
22 This has already been entered as Exhibit 2. Again,  
23 this is your response to Sheriff Spangler; correct?

24 A Yes, sir.

1 Q You'd agree with me that your response to  
2 the sheriff was important; correct?

3 A Yes, sir.

4 Q Important to tell your side, right?

5 A Yes, sir.

6 Q Important to tell the truth, correct?

7 A Yes, sir.

8 Q Did you make any false statements in this  
9 letter, sir?

10 A No, sir.

11 Q Okay. Detective Aken made no attempt to  
12 speak with me prior to obtaining an arrest warrant.  
13 You're under oath.

14 A Correct.

15 Q Good.

16 MR. HAVASY: I'd ask the members of  
17 this body to remember that.

18 BY MR. HAVASY:

19 Q Nowhere in here do you mention how  
20 Ms. Spears received all of her bruises and injuries  
21 while living in your home; correct?

22 A That is correct.

23 Q You don't explain that at all; right?

24 A That's correct.

1           Q       Want to move to Exhibit 3, which is the  
2       sheriff's reply to you. And the sheriff replied to  
3       your response and made your termination effective on  
4       April 8, 2020; correct?

5           A       Correct.

6                   MR. HAVASY: I'd like to mark this as  
7       the next exhibit. No. 5. Mr. Keck's Grievance  
8       Appeal.

9                               (Exhibit 5 was marked for  
10                              identification.)

11                   MR. BRASFIELD: No objection.

12       BY MR. HAVASY:

13           Q       Mr. Keck, are you familiar with this  
14       document?

15                   MR. HAVASY: I've got it on the screen  
16       for him too.

17       BY MR. HAVASY:

18           Q       Are you familiar with this document,  
19       Mr. Keck?

20           A       Yes, sir.

21           Q       This is your appeal to the sheriff's  
22       decision, and it's a grievance that you filed on  
23       April 17, 2020, to this body; correct?

24           A       That's correct.

1 Q You'd agree with me that your grievance to  
2 the Merit Council was important; correct?

3 A Yes, sir.

4 Q Important to tell your side, right?

5 A Yes, sir.

6 Q Important to tell the truth?

7 A Yes, sir.

8 Q Did you make any false statements in this  
9 grievance appeal to this body?

10 A No, sir.

11 Q Looking under Subsection B, second sentence.  
12 Appellant was not interviewed prior to any criminal  
13 charges being made, despite numerous opportunities to  
14 do so. You said that; correct?

15 A Correct.

16 Q Is that a true statement, sir?

17 A Yes, sir.

18 MR. HAVASY: I'd ask the members of  
19 this body to remember that.

20 MR. VALLIANT: Mr. Havasy, is there any  
21 distinction to be made between the signature on this  
22 waiver of rights form and an actual interview?

23 MR. HAVASY: I'm sorry, sir. I  
24 couldn't hear it.

1 MR. VALLIANT: Is there any distinction  
2 to be made between an interview and the signature on  
3 this waiver of rights form?

4 MR. HAVASY: We'll get there. If the  
5 Council doesn't dismiss this after hearing the  
6 petitioner's proof, we'll get to it on our proof with  
7 Detective Aken, sir.

8 BY MR. HAVASY:

9 Q That's your signature on this document;  
10 right, sir?

11 A Yes, sir.

12 Q Looking at paragraph four, you said that the  
13 sheriff's termination was arbitrary; correct?

14 A Correct.

15 Q What was arbitrary about it?

16 A The Section 9.3 -- 9.4 states under the  
17 Merit Council rules that a conviction is required for  
18 termination. I was never convicted.

19 Q Didn't say he was terminating you for a  
20 conviction; did he?

21 A He said he terminated me because of my  
22 conduct due to the charges that were filed.

23 Q He didn't say he terminated you for a  
24 conviction; did he?

1 MR. BRASFIELD: I'm going to object.  
2 It's asked and answered.

3 BY MR. HAVASY:

4 Q It's a yes or no question, sir.

5 A Yes, he did.

6 THE CHAIRMAN: Don't answer until I  
7 rule; okay? Mr. Keck. Thank you.

8 THE WITNESS: Apologies.

9 THE CHAIRMAN: Mr. Havasy, I request  
10 that you rephrase.

11 BY MR. HAVASY:

12 Q The sheriff, as you testified earlier, said  
13 he terminated you under nine point -- in the April 1,  
14 2020, letter, the sheriff terminated you, as you  
15 testified, under Rule 9.3B, moral situations, and  
16 9.3G, notoriously disgraceful conduct; correct?

17 A Correct.

18 Q He did not say he terminated you for a  
19 conviction; correct?

20 A I'll need his --

21 MR. BRASFIELD: I'm going to object. I  
22 think the witness didn't testify about the sheriff  
23 telling him anything. The only thing in the evidence  
24 is a letter from the sheriff, which clearly states

1 criminal charges constitute the inappropriate conduct.  
2 I'm just saying Mr. Keck didn't testify about what the  
3 sheriff said other than the letter, Chairman.

4 MR. HAVASY: The letter speaks for  
5 himself. And Mr. Keck did testify the sheriff stated  
6 in the letter --

7 THE CHAIRMAN: Mr. Havasy, let me  
8 respond to his objection. It's overruled. The  
9 statement is clear in the statement of charges to his  
10 client that he was not terminated for a conviction.  
11 He was terminated for the two sections that Mr. Havasy  
12 just quoted.

13 I don't understand why we're bringing  
14 up a conviction of a criminal offense when that wasn't  
15 why he was -- I mean, we've all seen the documents  
16 that the sheriff sent him. And there is no assertion  
17 in the termination letter that it was for a  
18 conviction. The two sections do not cover a  
19 conviction. I'm not understanding why this is being  
20 pursued as a point of contention with the termination.

21 Mr. Brasfield, maybe you can respond to  
22 that.

23 MR. BRASFIELD: Well, Chairman, the  
24 reason it's being pursued is criminal conviction is



1 one of the enumerated reasons to terminate under the  
2 old rules and perhaps even the new rules at the time  
3 that was drafted. And the reason I bring up what the  
4 sheriff did or didn't say is, the only communication  
5 we have from the sheriff is his one letter.

6 And it clearly states the criminal  
7 charges constitute the conduct. And the rules require  
8 a criminal conviction. If the Council wanted the  
9 rules to say a criminal charge was sufficient, then I  
10 have no doubt the Council would express that.

11 MR. HAVASY: The rules clearly -- his  
12 letter clearly states 9.3B and 9.3G. It doesn't  
13 mention a conviction. And I want to ask this witness  
14 about what he is saying was arbitrary about the  
15 sheriff's decision.

16 THE CHAIRMAN: I'm going to make a  
17 point of order here. There's approximately ten other  
18 charges that aren't listed in the letter either.  
19 You've identified one, which is the conviction. But  
20 there's no accusation of falsification of records, no  
21 accusation of acceptance of a gratuity, no  
22 authorization of unauthorized absences, and so on.

23 So I understand what you're putting  
24 forth, Mr. Brasfield, but it's not material to this

1 with the case -- the case is regarding these two  
2 sections. And your statement is that the criminal  
3 arrest -- the sheriff is asserting the criminal arrest  
4 is the behavior that caused the termination, and then  
5 the notoriously disgraceful personal conduct and moral  
6 and ethical situations make the employee unsuitable.

7 So those are the two. And we're not  
8 discussing any of the other cause items that are  
9 enumerated, because those weren't material to the  
10 letter of dismissal that was sent to the employee by  
11 the sheriff. I'm a little confused why you would  
12 bring up something that wasn't in the termination  
13 letter.

14 MR. BRASFIELD: Well, in the  
15 termination letter, Chairman, it said the criminal  
16 charges constitute the conduct. And so if the  
17 criminal charge is the sole basis and the rules  
18 enumerate that a criminal conviction is required, then  
19 the outcome of that criminal proceeding would meet the  
20 Council's standard for terminating him.

21 However, those charges, as the Council  
22 knows, have been dismissed. And no other  
23 investigation other than the criminal investigation  
24 has been conducted. And that case has been resolved.

1 MR. HAVASY: Has no bearing on whether  
2 the sheriff acted arbitrary or not. And the sheriff  
3 was crystal clear in his letter. I want to ask this  
4 witness about how the sheriff acted arbitrary and what  
5 his evidence is.

6 THE CHAIRMAN: Proceed, Mr. Havasy.  
7 Thank you.

8 MR. BRASFIELD: And in fairness,  
9 Chairman, if I could ask Mr. Havasy perhaps to define  
10 "arbitrary" for my client so that he can better  
11 understand his question.

12 BY MR. HAVASY:

13 Q Sir, you have no evidence that the sheriff  
14 acted arbitrary; correct?

15 THE CHAIRMAN: Excuse me. Mr. Keck, do  
16 you understand the definition of the word "arbitrary"?

17 THE WITNESS: Yes, sir.

18 THE CHAIRMAN: Thank you.

19 BY MR. HAVASY:

20 Q You have no evidence that the sheriff acted  
21 arbitrary; correct?

22 MR. BRASFIELD: Did you say no?

23 MR. HAVASY: Excuse me, sir. This is  
24 my witness.

1 MR. BRASFIELD: I apologize. I thought  
2 Mr. Keck said no, he did not understand the word  
3 "arbitrary."

4 THE CHAIRMAN: I apologize, Mr. Havasy.  
5 We're having a difficult time hearing you, sir. I  
6 apologize for the lack of that, but if I could impose  
7 on you to please speak clearly and loudly into the  
8 microphone, sir. So you do understand the definition  
9 of the word "arbitrary," sir?

10 THE WITNESS: Yes, sir.

11 THE CHAIRMAN: Thank you.

12 THE WITNESS: If you would -- if you  
13 would, can you go over the definition of "arbitrary"  
14 so everybody is clear?

15 BY MR. HAVASY:

16 Q I'm going to read you the dictionary  
17 definition. Black's Law Dictionary defines arbitrary,  
18 quote, without reason given. There's other  
19 definitions for it too.

20 I'm asking you now as a witness. You have  
21 no evidence that the sheriff acted arbitrary; correct?

22 A Sir, the only evidence I have is his one  
23 letter to me.

24 Q Is that a yes, you do not have any evidence

1 that he acted arbitrary?

2 MR. BRASFIELD: Chairman, I'm going to  
3 object that that's a legal conclusion for the Chair to  
4 decide whether or not he has any or if it's sufficient  
5 to produce or persuade this Council to rule in his  
6 favor. That's reserved for the arbiter. You.

7 THE CHAIRMAN: Sustained.

8 Mr. Havasy.

9 MR. HAVASY: Understood. I'll move on.

10 THE CHAIRMAN: Thank you.

11 BY MR. HAVASY:

12 Q What evidence do you have that the sheriff  
13 acted unreasonable?

14 A Under the Merit Council rules, sir.

15 Q The Merit Council rules are what you rely on  
16 that the sheriff acted unreasonable in terminating an  
17 employee after a criminal investigation determining  
18 that there was probable cause you committed a crime;  
19 is that correct?

20 MR. BRASFIELD: I'm going to object.  
21 That's a misrepresentation. Probable cause was not  
22 determined until long after his termination.

23 MR. HAVASY: That's not true. I'll put  
24 it in right now.

1 THE CHAIRMAN: So your assertion is  
2 that the statement of probable cause as submitted to  
3 the court was after his termination?

4 MR. BRASFIELD: Yes, sir. I was  
5 present when Judge Stansberry ruled on it. And that  
6 was -- I don't even remember the date, but at least a  
7 year after he was terminated.

8 MR. HAVASY: After two years, but there  
9 was a probable cause determination by Chris Rowe, a  
10 magistrate judge when he swore out an arrest warrant  
11 to -- required Detective Aken to arrest this man. And  
12 I'll put that in right now.

13 THE CHAIRMAN: You're submitting that  
14 as an exhibit, Mr. Havasy?

15 MR. HAVASY: I'm sorry, sir?

16 THE CHAIRMAN: You're submitting that  
17 as an exhibit?

18 MR. HAVASY: Yes, sir.

19 THE CHAIRMAN: Thank you. I  
20 understand. Yes. The warrant. Yes.

21 MR. HAVASY: I'd like to mark this as  
22 the next exhibit, No. 6.

23 (Exhibit 6 was marked for  
24 identification.)

1 THE CHAIRMAN: Any further questions  
2 for Mr. Keck?

3 MR. HAVASY: Oh. Yes. I have many,  
4 sir.

5 BY MR. HAVASY:

6 Q Mr. Keck, are you familiar with this  
7 document?

8 A Yes, sir.

9 Q I'm sorry?

10 A Yes, sir.

11 Q Can you look down at the bottom, dated  
12 April 1, 2020, under the signature Chris Rowe,  
13 magistrate. That's his signature; correct?

14 A It appears to be.

15 Q And above it, it says to the lawful officer,  
16 you are therefore commanded in the name of the State  
17 of Tennessee to immediately arrest the defendant named  
18 above and bring the defendant to this court to answer  
19 the charges; correct?

20 A Yes, sir.

21 Q Are you aware that a magistrate judge is  
22 required to find probable cause prior to issuing an  
23 arrest warrant?

24 MR. BRASFIELD: Chairman, I'm going to

1 object.

2 MR. HAVASY: He can't tell me whether  
3 he knows that or not?

4 MR. BRASFIELD: Nowhere in this  
5 affidavit of complaint does it say there's been a  
6 finding of probable cause. And as my learned  
7 colleague knows, a general sessions judge is who  
8 determines probable cause, not a magistrate. The  
9 magistrate just determines if the essential facts are  
10 necessary to make the arrest.

11 THE CHAIRMAN: Mr. Brasfield, I have to  
12 disagree with you. Under the title arrest warrant at  
13 1355549. It says, to the defendant. It says, based  
14 on the affidavit of complaint filed in this case,  
15 there is probable cause to believe that -- et cetera.

16 MR. BRASFIELD: I'm sorry. I don't see  
17 that in here, Chairman.

18 MR. HAVASY: And I'm sorry. But we're  
19 learning that this attorney will say just about  
20 anything. Because any lawyer knows that a probable  
21 cause finding is required to issue an arrest warrant.  
22 It's in the document, sir.

23 MR. BRASFIELD: And the veracity of the  
24 statements and reliability of this document were



1 tested with notice and an opportunity to be heard in a  
2 court of law.

3 THE CHAIRMAN: Gentlemen, I'd ask you  
4 to address the Council, not each other, during this  
5 hearing. So do you agree that that sentence says --

6 MR. BRASFIELD: I agree that this  
7 document is the warrant. I disagree that this is a  
8 probable cause finding. I would submit to the Chair  
9 that there was in fact a hearing. It is undisputed  
10 that probable cause was in fact found by Judge  
11 Stansberry subsequent to Mr. Keck's termination.

12 THE CHAIRMAN: So we're going to  
13 discount the magistrate statement of probable cause?  
14 I'm not understanding the difference there. You're  
15 stating that the magistrate did not issue a finding of  
16 probable cause? Is that what you just said?

17 MR. BRASFIELD: I agree that the  
18 magistrate issued the warrant. I do not agree that he  
19 found probable cause because Mr. Keck did not have  
20 notice or an opportunity to be heard when this  
21 document was signed.

22 THE CHAIRMAN: Well, when an arrest  
23 warrant is issued, the process is not that the accused  
24 comes into court. That's not the process. The

1 process is --

2 MR. BRASFIELD: That's true, Chairman.  
3 And that's why people are presumed innocent until  
4 convicted otherwise.

5 THE CHAIRMAN: But we're talking about  
6 your assertion that there was no statement of probable  
7 cause. This is dated the 1st of April. I'm just  
8 trying to get clarify from you as to -- you stated  
9 that probable cause wasn't stated until almost a year  
10 later.

11 And this document shows that a  
12 magistrate found that there was probable cause for an  
13 arrest because of true belief that some type of  
14 criminal behavior occurred, not the Mr. Keck was  
15 guilty. It's the fact that there was probable cause.  
16 I'm just trying to get a clarification from you that  
17 maybe your earlier statement was erroneous.

18 MR. VALLIANT: I think I can probably  
19 clear some of these things up. I think Black's Law  
20 Dictionary defines "probable cause" as reasonable  
21 ground to suspect that a person has committed or is  
22 committing a crime or that a place contains specific  
23 items connected with a crime.

24 So when the magistrate issued this,

1 there was reasonable grounds to suspect that a person  
2 has committed the crime or is committing a crime. And  
3 when Judge Stansberry ruled on probable cause, it was  
4 a little bit of a different standard. He was  
5 determining that the magistrate had gone through the  
6 proper process to determine that there was a  
7 reasonable ground to suspect that a crime had been  
8 committed. Would that be fair to say based on Black's  
9 Law Dictionary?

10 MR. BRASFIELD: I would agree with  
11 that.

12 THE CHAIRMAN: Thank you. Please  
13 proceed, Mr. Havasy.

14 BY MR. HAVASY:

15 Q You have no evidence that the sheriff acted  
16 unreasonably; correct?

17 MR. BRASFIELD: I'm going to renew my  
18 objection. This is the ultimate conclusion. I  
19 objected earlier, which was sustained.

20 MR. HAVASY: I changed the question  
21 from arbitrary to unreasonable.

22 MR. BRASFIELD: The question was, you  
23 have no evidence.

24 THE CHAIRMAN: I sustain the objection.

1 Please restate the question.

2 BY MR. HAVASY:

3 Q What was arbitrary or unreasonable for the  
4 sheriff to rely on Ms. Spears' testimony that you hit  
5 her and gave her bruises? What was unreasonable about  
6 that?

7 A Sir, this warrant was dated April 1st --

8 Q Forget the warrant. Let's talk about --

9 MR. BRASFIELD: I'm going to object.  
10 You asked him an open-ended question. I'd ask that  
11 the witness be allowed to answer.

12 THE CHAIRMAN: Sustained.

13 Let him answer, Mr. Havasy.

14 THE WITNESS: The warrant was dated  
15 April 1st. She left my residence on the 24th of the  
16 month -- month prior. That's almost -- how many days  
17 is that, sir?

18 BY MR. HAVASY:

19 Q What was unreasonable about the sheriff  
20 relying upon a lady who says that you beat her and  
21 gave her bruises? What is unreasonable about that?

22 MR. BRASFIELD: Mr. Chairman, that  
23 assumes a fact not in evidence that the sheriff relied  
24 on the statement of Ms. Spears. There's been no

1 evidence that in fact he did, nor no statement that he  
2 did.

3 THE CHAIRMAN: I would overrule that.  
4 Based on the criminal report the detective  
5 completed -- has the statement from the victim;  
6 correct --

7 MR. BRASFIELD: Mr. Chairman, that  
8 would assume that the sheriff conducts every criminal  
9 investigation.

10 THE CHAIRMAN: No. That's not what I  
11 said. I said the detective's report has the statement  
12 that he took from the victim, and then the sheriff  
13 reviewed the report. And based on his belief that  
14 this was behavior that would warrant a termination,  
15 that's what he did, unless I'm misunderstanding the  
16 facts.

17 MR. HAVASY: The sheriff's letter is  
18 clear. So I want to ask this witness about what the  
19 sheriff relied on in his letter.

20 MR. BRASFIELD: Respectfully, Counsel,  
21 the sheriff is here if we want to ask what the sheriff  
22 relied on. How could Mr. Keck know? He would be  
23 speculating what's in the sheriff's mind.

24 //

1 BY MR. HAVASY:

2 Q Would it be unreasonable for the sheriff to  
3 rely upon Ms. Spears saying that you beat her and gave  
4 her bruises? Would that be unreasonable?

5 MR. BRASFIELD: That's the ultimate  
6 issue, Mr. Chairman, for the Board to decide. Not for  
7 Mr. Keck.

8 MR. HAVASY: It is not. The ultimate  
9 issue is whether the sheriff acted arbitrary. That's  
10 the only issue in this case. Can I get a question out  
11 asking this witness about the underlying facts?

12 THE CHAIRMAN: Mr. Keck, could you  
13 please answer the question.

14 THE WITNESS: Could you repeat the  
15 question, please.

16 BY MR. HAVASY:

17 Q Would it be unreasonable for the sheriff to  
18 rely upon Ms. Spears saying that you beat her and gave  
19 her bruises?

20 A Sir, I'm not going to tell -- I'm not going  
21 to say what the sheriff is reasonable about his  
22 actions.

23 Q You won't tell me if it's arbitrary or not.  
24 I want to know if it's reasonable.

1           A       So I don't see it as arbitrary, but that is  
2 my opinion.   Okay.

3           Q       Is it arbitrary or -- what is arbitrary or  
4 unreasonable about the sheriff relying upon a  
5 detective with 20 years of experience swearing out a  
6 warrant based of Ms. Spears saying you beat her and  
7 gave her bruises?   What's unreasonable about that?

8           A       Sir, I have -- I have evidence in direct  
9 conflict of all of this.   None of that ever happened.  
10 I don't expect the sheriff to know that as well.  
11 That's why I offered my time to go and speak with him  
12 personally.

13          Q       Where is it?   Where is the evidence in  
14 direct conflict with what Ms. Spears said?

15                   MR. BRASFIELD:   Objection.   Ms. Spears  
16 hadn't said anything.   Unless she's here.   You could  
17 call her for his witness.

18 BY MR. HAVASY:

19          Q       What evidence do you have that's in direct  
20 conflict?   You just said you had it.

21                   THE CHAIRMAN:   Mr. Keck, are you going  
22 to produce evidence this morning that's going to  
23 contradict what was asserted about your behavior?

24                   THE WITNESS:   Yes, sir.

1 THE CHAIRMAN: When do you plan on --  
2 Mr. Keck.

3 MR. BRASFIELD: If I may have just a  
4 brief moment, Chairman.

5 THE CHAIRMAN: Wait a minute.  
6 Mr. Havasy -- this is still his witness, so let's --  
7 Mr. Havasy, do you have any further questions for  
8 Mr. Keck?

9 MR. HAVASY: Yes.

10 BY MR. HAVASY:

11 Q Where is it?

12 A I have an audio recording of the date, the  
13 exact time where she left my residence. I was not  
14 prepared to provide that today, so I do not have it  
15 with me. But I do have it in my possession, just not  
16 at this time.

17 Q But you played it for the general sessions  
18 court judge; correct?

19 A Correct.

20 Q And the general sessions court judge heard  
21 it and determined that there was probable cause that  
22 you domestically assaulted Ms. Spears; correct?

23 A Correct.

24 THE CHAIRMAN: Any other question,



1 Mr. Havasy?

2 MR. HAVASY: Yes, sir.

3 BY MR. HAVASY:

4 Q The Knox County Grand Jury, made up of  
5 taxpayers for the citizens of Knox County -- are you  
6 contending that they acted unreasonably when they  
7 indicted you for domestically assaulting Ms. Spears?

8 MR. BRASFIELD: Your Honor, I'm going  
9 to object. This is just argument, asking Mr. Keck to  
10 speculate on the intentions of people that he wasn't  
11 even present when they made a decision. Defendants  
12 don't get to appear at Grand Jury.

13 THE CHAIRMAN: Sustained.

14 MR. HAVASY: My point, Your Honor, is  
15 how can the sheriff act arbitrary when all these other  
16 safeguards are in place for a defendant? And every  
17 single one of them found probable cause that Mr. Keck  
18 domestically assaulted Ms. Spears. And I'm asking him  
19 what's unreasonable about that. That's all I'm  
20 asking. What's arbitrary about that?

21 THE CHAIRMAN: Mr. Keck.

22 THE WITNESS: If the event never  
23 happened, that's unreasonable, sir.

24 //

1 BY MR. HAVASY:

2 Q Well, let's play the preliminary hearing  
3 where there is sworn testimony from Ms. Spears under  
4 oath where she says you did do these things to her.  
5 Let's play that.

6 MR. BRASFIELD: Chairman, I'm going to  
7 object to hearsay anything being offered to assert the  
8 truth. An outside statement offered in this forum is  
9 clearly hearsay.

10 MR. HAVASY: It's not hearsay under the  
11 rules of evidence, and the rules of evidence don't  
12 apply to this court. It's a prior sworn testimony  
13 where the defendant had an opportunity to  
14 cross-examine her, did cross-examine her. And she is  
15 a witness with -- outside of 100 miles and outside the  
16 state of Tennessee. So it's not hearsay under the  
17 rules of evidence in a court of law, and likewise, is  
18 not applicable to the -- rules of evidence are not  
19 applicable to this body.

20 MR. BRASFIELD: Alternatively, I would  
21 argue that it's collateral. It's undisputed that  
22 probable cause was found by Judge Stansberry  
23 subsequent to the termination.

24 MR. HAVASY: Well, if you'll stipulate

1 that what she said is true in there, then I won't play  
2 it. I think this body has a right to hear the woman  
3 who accused him of beating her.

4 THE CHAIRMAN: Mr. Brasfield.

5 MR. BRASFIELD: Chairman, obviously,  
6 you've heard my clients. He disputes the underlying  
7 facts. He disputes the charge. He testifies in this  
8 hearing as well. I was there.

9 THE CHAIRMAN: Mr. Havasy, do you have  
10 any further questions for Mr. Keck?

11 MR. HAVASY: Yes, sir. I'd like to  
12 play this probable cause finding by the general  
13 sessions court for this body to hear Ms. Spears and  
14 what she testified to and said Mr. Keck did to her.

15 THE CHAIRMAN: Mr. Brasfield, just for  
16 clarification, the rules of evidence in court are a  
17 little tighter than they are in here. So we can hear  
18 this audio. There is an assertion that you can have  
19 hearsay in this hearing. So it'll be played.

20 MR. BRASFIELD: Mr. Chairman.

21 THE CHAIRMAN: Yes.

22 MR. BRASFIELD: I would also submit  
23 that this hearing happened longer after this  
24 termination.

1 THE CHAIRMAN: I understand.

2 MR. BRASFIELD: So those facts were not  
3 available at the time he was terminated.

4 MR. HAVASY: Respectfully, they were.  
5 And Detective Aken will testify that her statements in  
6 court under oath were consistent with exactly what she  
7 told him. And that's what the sheriff relied upon.  
8 I'm getting to the point of, how could this be  
9 arbitrary when all of these events occurred?

10 THE CHAIRMAN: Please play the audio,  
11 Mr. Havasy.

12 MR. VALLIANT: Just a quick point  
13 before we listen to the audio. I think it should be  
14 known before we listen to any more evidence -- I think  
15 we've seen a lot of evidence here today. I understand  
16 the rules that this Board has to abide by, and we do  
17 have a broader scope of evidentiary consideration than  
18 a court of law would.

19 I take specific issue with the fact  
20 that we can apply the rules of evidence to the  
21 preliminary hearing where Judge Stansberry heard all  
22 of this in the first place. Broaden the scope under a  
23 board -- you know, under a volunteer board created  
24 under the County Commission under State law. And then

1 if this were to be appealed at any point, re-restrict  
2 the testimony and all of the evidence being heard  
3 today.

4 I think it should be known that we  
5 probably should reconsider those rules at some point  
6 to make sure that we are consistent with the courts of  
7 the state of Tennessee. That being said, I do  
8 understand the rules today state we can hear more than  
9 what a court can hear.

10 Additionally, I think it should be  
11 noted that this board is not a finder of fact as to  
12 the guilty of Mr. Keck. The sole issue today that we  
13 are determining is whether or not Mr. Keck's dismissal  
14 was arbitrary. So once again, I think it's important  
15 to note that we're not determining as finders of  
16 fact -- we are not finders of fact that -- we are here  
17 today just to determine the sole issue of whether or  
18 not his dismissal is arbitrary. And that's all I have  
19 to say on both of those matters.

20 THE CHAIRMAN: Thank you. Go ahead.

21 MR. HAVASY: Thank you, sir.

22 THE CHAIRMAN: Go ahead and proceed,  
23 Mr. Havasy. Thank you.

24 MR. HAVASY: I need to mark this as the

1 next exhibit, as well as the -- this is the  
2 transcript -- we had it typed up of what was said in  
3 the preliminary hearing, as well as the CD. I'd like  
4 to enter both of those as evidence.

5 (Exhibit 7 was marked for  
6 identification.)

7 MR. BRASFIELD: I would object on  
8 relevance.

9 THE CHAIRMAN: I'm sorry. I didn't  
10 hear your objection. I apologize.

11 MR. BRASFIELD: I just want to renew my  
12 objection to relevance.

13 THE CHAIRMAN: Okay. Overruled.  
14 Proceed.

15 (Audio played.)

16 BY MR. HAVASY:

17 Q Mr. Keck, is it your testimony you contend  
18 that everything Ms. Spears said in there is false;  
19 correct?

20 A Correct.

21 Q Even though it was under oath, correct?

22 A Correct.

23 MR. HAVASY: I'd like to mark this as  
24 the next exhibit.

1 (Exhibit 8 was marked for  
2 identification.)

3 BY MR. HAVASY:

4 Q You didn't give Ms. Spears this bruise. Is  
5 that what you're saying?

6 A No, sir.

7 THE CHAIRMAN: I don't know what we're  
8 looking at. I'm sorry. Which one?

9 MR. HAVASY: Detective Aken's  
10 investigation, where he took pictures and showed  
11 the --

12 THE CHAIRMAN: I'm sorry. I see it on  
13 the screen now. I just meant out of the stack. I  
14 apologize.

15 BY MR. HAVASY:

16 Q Your contention is you did not give  
17 Ms. Spears this bruise on her knee; correct?

18 A None of them, sir.

19 Q Let's look at them. You didn't give those  
20 bruises to her on her right calf?

21 A No, sir.

22 Q That she testified were your finger marks,  
23 correct?

24 A None of them, sir.

1 Q You didn't give her those?

2 A No, sir.

3 Q You didn't give her this bruise on the small  
4 of her back?

5 A No, sir.

6 Q You didn't give her this bruise on her right  
7 forearm?

8 A No, sir.

9 Q These?

10 A No, sir.

11 Q This bruise and scrape, you didn't give to  
12 her?

13 A No, sir.

14 Q Okay.

15 MR. BRASFIELD: Chairman, just a matter  
16 of course, I'd object to foundation. Who took the  
17 pictures, what date they were taken, and who they're  
18 taken of, as it's not clear who's being photographed  
19 in these photos.

20 MR. HAVASY: I'm just asking him if he  
21 gave her those bruises or not.

22 MR. BRASFIELD: Well, that assumes that  
23 it's her.

24 MR. VALLIANT: Mr. Havasy, do you have



1 a way to lay a foundation for those photos?

2 MR. HAVASY: Yes. They are a public  
3 record that we filed with our preliminary statement on  
4 February the 14th before this body in compliance with  
5 the rules. And it was part of Detective Aken's  
6 investigation, and it's attached as a public record,  
7 which is a hearsay exception.

8 MR. BRASFIELD: And I would renew the  
9 objection. If he wants to get these in through  
10 Detective Aken, he absolutely can do that, as I  
11 understand Detective Aken is here.

12 THE CHAIRMAN: Point of clarification.  
13 You received this in his pre-trial statement packet,  
14 Mr. Brasfield; is that correct?

15 MR. BRASFIELD: Yes, Chairman.

16 THE CHAIRMAN: Thank you. Okay.

17 BY MR. HAVASY:

18 Q And, sir, there are other pictures there in  
19 the investigation that show her full body and her  
20 face. I'll move on past them.

21 MR. VALLIANT: Do you have a way to  
22 authenticate that those bruises were caused by  
23 Mr. Keck? I see there are bruises, but do you have  
24 any way to show that he was the cause of those

1 bruises?

2 MR. HAVASY: The sworn testimony of  
3 Ms. Spears, as you just heard, sir. And I'm asking  
4 him if he gave them to her.

5 MR. VALLIANT: Okay.

6 BY MR. HAVASY:

7 Q She rarely left your home in the two months  
8 you dated; correct?

9 A She left twice.

10 Q To do what?

11 MR. BRASFIELD: I'm going to object.  
12 Speculation as to what she was going to do.

13 THE CHAIRMAN: Sustained.

14 BY MR. HAVASY:

15 Q Are you testifying that she received those  
16 bruises in your home?

17 A Excuse me.

18 Q She received those bruises while in your  
19 house; correct?

20 MR. BRASFIELD: Objection, foundation.

21 THE CHAIRMAN: Sustained.

22 MR. BRASFIELD: He has no idea.

23 BY MR. HAVASY:

24 Q Do you know how she received those bruises?

1 A I do not, sir.

2 Q Really?

3 MR. BRASFIELD: I object.  
4 Argumentative.

5 THE CHAIRMAN: Sustained.

6 BY MR. HAVASY:

7 Q Did you at one time know how she received  
8 those bruises?

9 A I can only account for one that's on the  
10 small of her back.

11 Q So you do know how she received one of those  
12 bruises?

13 A Yes, sir.

14 Q How did she get that one?

15 A I'm not sure of the date around about the  
16 time. But I was getting ready for work, and I heard  
17 crashing coming up from -- from down the stairs. And  
18 I got out of the bathroom, and she was piled up at the  
19 bottom of the steps drunk. She had fell. But that's  
20 the only one I can account for.

21 Q Okay. It's not as she said that you kicked  
22 her down the stairs; correct?

23 A I never heard that, sir.

24 Q Okay.

1 MR. VALLIANT: Wait. I'm sorry. In  
2 the transcript we just heard, she said the bruise in  
3 the small of her back came from him hitting her in the  
4 small of her back.

5 MR. HAVASY: Sorry. Yes, sir.

6 BY MR. HAVASY:

7 Q It's not as she said that you struck her and  
8 woke her up from sleeping; correct?

9 A That's what she said. Yes.

10 Q There was another event that I recall  
11 hearing. That's why I asked that question. Thank  
12 you, sir.

13 MR. VALLIANT: Do we perhaps have the  
14 rest of the testimony? I know we stopped on -- I  
15 believe it was, I guess, page 15.

16 MR. HAVASY: Yes, sir. I can play all  
17 of it if you like. I wanted to ask him if he disputed  
18 Ms. Spears on how she got those bruises. That's what  
19 I'm asking him about right now. But if you would like  
20 the rest of the recording, I'm happy to play it. I've  
21 also got the transcript transcribed the whole way  
22 through, sir.

23 MR. VALLIANT: Now, in preparation of  
24 this, I believe I heard the recording already, but did

1 it play the -- does this version that you have play  
2 the recording that Mr. Keck has already alluded to?

3 MR. HAVASY: Yes, sir. It's the only  
4 version. It's a public record from the general  
5 sessions court judge.

6 MR. VALLIANT: Sure.

7 MR. HAVASY: And I'm happy to play it  
8 through if you want. It's probably another -- doubles  
9 the time, but if you want me to play it, I will. If  
10 not, then I would like to move on and keep questioning  
11 him.

12 MR. BRASFIELD: And I would object and  
13 ask that the entirety of it be played under Rule 106,  
14 rule of completeness.

15 MR. HAVASY: Okay. I've got no problem  
16 with not playing it. Did you say you did or did not  
17 want to play it?

18 MR. BRASFIELD: No. I'm just saying if  
19 the intent is to try and set Mr. Keck up for some kind  
20 of impeachment, then let's just go ahead and hear the  
21 whole thing. Because it's been a while since he's  
22 actually heard it or was present at that hearing.

23 MR. HAVASY: I'm moving on past the  
24 recording. If you want to hear the rest, I'm happy to

1 play it for everybody. I have no more questions about  
2 that specific recording.

3 MR. VALLIANT: I'd like to hear the  
4 rest of the recording.

5 (Audio played.)

6 THE CHAIRMAN: Can you pause it,  
7 please.

8 MR. HAVASY: Yes, sir.

9 THE CHAIRMAN: What are we listening  
10 to?

11 MR. HAVASY: I think it's Mr. Brasfield  
12 and the prosecutor getting the recording ready to  
13 play. But I'm not 100 percent. I don't think the  
14 recording started yet. I think they're trying to get  
15 it played.

16 THE CHAIRMAN: All right. Thank you.  
17 Go ahead and proceed, please.

18 MR. BRASFIELD: Actually, I think the  
19 judge is actually listening to the phone up at the  
20 bench, from what I recall. I'm not sure. You can ask  
21 Mr. Keck. He was there.

22 THE WITNESS: That's correct.

23 (Audio played.)

24 //

1 BY MR. HAVASY:

2 Q Mr. Keck, Ms. Spears' testimony was that the  
3 screaming and the grabbing and the hitting occurred  
4 when she first woke up; correct?

5 A Yes, sir.

6 Q And your audio recording that you began  
7 recording occurred much later than those events;  
8 correct?

9 A Not too long after I got home.

10 Q I thought you said it was an hour and a half  
11 you had been talking on the audio recording?

12 A No. Not on the audio recording, sir.

13 Q Okay. But it was after. You began  
14 recording the conversation after she was woken up and  
15 all those other things transpired; correct?

16 A Yes --

17 MR. BRASFIELD: Mr. Chairman, I'm going  
18 to object. Best evidence. You have a transcript, and  
19 we just heard an audio of that hearing.

20 MR. HAVASY: He was there.

21 THE CHAIRMAN: Overruled. This is  
22 evidently an attempt to put this in a timeline during  
23 the morning of the 27th, if I'm understanding,  
24 Mr. Havasy.

1 MR. HAVASY: Yes, sir.

2 THE CHAIRMAN: And your question was:  
3 Did the recording take place after the alleged  
4 assault? Is that your question?

5 MR. HAVASY: That's correct.

6 THE CHAIRMAN: Pretty straightforward  
7 question.

8 Mr. Keck, are you going to answer that  
9 question, sir?

10 THE WITNESS: Are you insisting that --  
11 and then started recording?

12 BY MR. HAVASY:

13 Q I'm asking if the recording that you made,  
14 this surreptitious recording, if it occurred after the  
15 alleged assault. That's what I'm asking.

16 MR. BRASFIELD: I'm going to object.  
17 That assumes a fact not in the evidence that an  
18 assault occurred. That charge was dismissed.

19 MR. HAVASY: I used the word "alleged."

20 THE WITNESS: Sir, I don't -- like I  
21 said, I don't have the audio recording with me. It  
22 does have a timestamp and a date, but I'm not going to  
23 give any official times on that, sir, without that in  
24 front of me.



1 THE CHAIRMAN: Move on, Mr. Havasy.

2 MR. BRASFIELD: And, Mr. Chairman,  
3 possibly just to save you time, I would like to object  
4 to any and all documents and recordings generated  
5 after Mr. Keck's termination.

6 THE CHAIRMAN: And the reason for the  
7 objection? You're just in general objecting to them  
8 or?

9 MR. BRASFIELD: As they are not  
10 relevant, as he was already terminated. And they were  
11 generated subsequent to his termination.

12 MR. HAVASY: It applies to collateral  
13 estoppel principles, Your Honor. Res judicata. That  
14 these are legal findings that there were probable  
15 cause to arrest Mr. Keck. And our position is and is  
16 going to be one of the issues -- is that the sheriff  
17 can always rely upon the legal precedent of probable  
18 cause to terminate an individual. And that, as a  
19 matter of law, can never be arbitrary.

20 And there was one probable cause  
21 determination finding at the magistrate level. That's  
22 the point of it. And I'm not going to ask many  
23 questions other than just to put these in. I don't  
24 have anything else for this witness --

1 THE CHAIRMAN: Okay. Your objection is  
2 overruled. I just want to get a point of  
3 clarification. So the dismissal occurred after his  
4 termination. And you would want to bring that into  
5 evidence; wouldn't you?

6 MR. BRASFIELD: I don't think it's  
7 relevant, sir.

8 THE CHAIRMAN: His dismissal of the  
9 criminal charges is not relevant to this?

10 MR. BRASFIELD: He was not convicted at  
11 the time he was terminated. I mean, I guess to rebut  
12 it, if the Council preliminary hearings and all kinds  
13 of matters that were generated and occurred subsequent  
14 to the termination, I think the dismissal speaks  
15 volumes as the final outcome. But no. The basis is  
16 the lack of independent facts and circumstances. Lack  
17 of an investigation. The failure to comply with this  
18 Council's rules is the basis of our grievance.

19 THE CHAIRMAN: Okay. You're going to  
20 put those into evidence. Is that what you're doing,  
21 Mr. Havasy.

22 MR. HAVASY: Yes, Your Honor.

23 THE CHAIRMAN: Okay. At this point,  
24 we're going to take a recess. We've got some

1 housekeeping items a couple of the directors need to  
2 take care of, so we'll take a five-minute recess.

3 MR. HAVASY: Thank you, sir.

4 MR. BRASFIELD: Thank you.

5 (Off the record.)

6 THE CHAIRMAN: Thank you for the  
7 opportunity to take a recess.

8 MR. HAVASY: I've marked this as the  
9 next exhibit. Back on?

10 THE CHAIRMAN: You're on. Yes, sir.  
11 Go. Proceed.

12 BY MR. HAVASY:

13 Q Mr. Keck, I've marked this as the next  
14 exhibit for No. 9. What is this document?

15 (Exhibit 9 was marked for  
16 identification.)

17 A Did you ask what the document is, sir?

18 Q Yes, sir.

19 MR. BRASFIELD: Chairman, again, I'm  
20 sorry. I don't want to object to every document,  
21 unless you would prefer that, which would probably be  
22 proper. But again, I would just object --

23 THE CHAIRMAN: Well, you stated you  
24 were objecting to any documents that were going to be

1 submitted. I understand that. And I'm going to  
2 overrule it and allow it, so we're moving on.

3 BY MR. HAVASY:

4 Q Sir, is this the indictment where the Grand  
5 Jury, the citizens of Knox County, indicted you for  
6 domestic assault against Kelli Spears?

7 A Yes, sir.

8 MR. HAVASY: I'd like to mark this as  
9 the next exhibit.

10 THE CHAIRMAN: And just for the record,  
11 we'll take notice that Mr. Brasfield objects to the  
12 exhibit being submitted.

13 MR. BRASFIELD: On the basis of  
14 relevance, Chairman. I'm sorry. I didn't make that  
15 clear.

16 THE CHAIRMAN: I understand. Thank  
17 you.

18 BY MR. HAVASY:

19 Q Okay. Mr. Keck, what's been marked as  
20 Exhibit 10, is this the probable causing finding by  
21 Judge Tony Stansberry, whose signature is in the  
22 bottom left-hand corner? Which is with regard to that  
23 audio recording we just heard. Do you recognize that  
24 document?

1 (Exhibit 10 was marked for  
2 identification.)

3 A Yes, sir.

4 Q Okay. I'll move that in as 10. I'd like to  
5 mark this as Exhibit 11.

6 (Exhibit 11 was marked for  
7 identification.)

8 THE CHAIRMAN: Did you say 11?

9 MR. HAVASY: Yes, sir. No. 11, I  
10 believe.

11 THE CHAIRMAN: I've got 8. It's all  
12 right. I'll figure it out.

13 BY MR. HAVASY:

14 Q Okay, sir. Exhibit No. 11 is Ms. Spears'  
15 letter writing this Council. I want to be clear that  
16 you dispute everything she says in here; correct?

17 MR. BRASFIELD: And, Chairman, on top  
18 of my relevance objection, I would object to this  
19 letter, as it bears no date as to when it was authored  
20 or when it was signed, and that this letter itself is  
21 hearsay offered for the truth to this Council, a  
22 statement made outside of this Council, without the  
23 opportunity to test the veracity and reliability of  
24 these statements.

1 THE CHAIRMAN: I overrule, because this  
2 Council can accept hearsay evidence as one of the  
3 rules of our governance. So your objection, I  
4 understand, in a court would be appropriate. But in  
5 here, we specifically are allowed to hear hearsay  
6 evidence.

7 BY MR. HAVASY:

8 Q I want to be clear that you dispute  
9 everything Ms. Spears says?

10 A Correct.

11 MR. HAVASY: Pass the witness, Your  
12 Honor.

13 THE CHAIRMAN: Pardon me?

14 MR. HAVASY: I pass the witness, Your  
15 Honor.

16 THE CHAIRMAN: Thank you.

17 Any redirect?

18 MR. BRASFIELD: Yes, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. BRASFIELD:

21 Q Mr. Keck, the exhibit, the back of the --  
22 I'm sorry. The audio recording we heard. Was that  
23 recording -- was it generated or made subsequent to  
24 your termination? Was the hearing after you were

1 fired with Judge Stansberry?

2 A Correct.

3 Q And, sir, when you say you dispute  
4 everything Ms. Spears wrote, do you literally dispute  
5 every word, or are you saying that you dispute the  
6 gravamen of the statements, the underlying issue of  
7 the accusation?

8 A I would say all those statements are false.

9 Q Assuming Kelli Spears signed this or  
10 authored this, assuming that fact, you wouldn't  
11 dispute that Kelli Spears is a real person and her  
12 name is Kelli Spears?

13 A No, sir.

14 Q In that audio recording, the judge said that  
15 all bond conditions remained in effect; correct?

16 A Correct.

17 Q Was there ever a violation of any bond  
18 condition or any other facts presented than what was  
19 on the recording? Were there any other hearings?

20 A No, sir.

21 MR. BRASFIELD: Thank you, Mr. Keck.

22 THE CHAIRMAN: Any further, Mr. Havasy?

23 MR. HAVASY: No, sir.

24 THE CHAIRMAN: Thank you.

1 Thank you, Mr. Keck. You can be  
2 seated.

3 THE WITNESS: Thank you, Council.

4 THE CHAIRMAN: It's 12:07.

5 MR. HAVASY: I'm so sorry. I forgot to  
6 ask that he call the sheriff first and to get him out  
7 of here. I don't think the sheriff would be long.  
8 Can we get him out of here? I'm so sorry.

9 THE CHAIRMAN: Well, I'm going to ask  
10 Mr. Brasfield. Are you planning on calling the  
11 sheriff as a witness?

12 MR. BRASFIELD: Well, as the arguments  
13 have unfolded, Your Honor, I think it's probably more  
14 appropriate for me to call Detective Aken, since  
15 that's the first-hand knowledge they're relying on to  
16 establish a foundation for the questions that I would  
17 ask the sheriff.

18 MR. HAVASY: Can we release the sheriff  
19 then so he can go back? He's been here over three  
20 hours. Or put him on call if you want him.  
21 Something.

22 THE CHAIRMAN: I understand. So my  
23 question to you, sir -- the question I ask. Do you  
24 plan on calling the sheriff as a witness?



1 MR. BRASFIELD: Yes, sir.

2 THE CHAIRMAN: Okay. So would it be  
3 prudent, if he's in the building, that he can go about  
4 his duties? You can just ask him to have a quick  
5 response to the hearing. I just don't like the fact  
6 that a department head is --

7 MR. BRASFIELD: I understand,  
8 Mr. Chairman. If I might have the opportunity, if  
9 something comes up with Detective Aken, to re-call the  
10 sheriff.

11 THE CHAIRMAN: Certainly. He's under  
12 subpoena today. I'm trying to be appropriate to the  
13 work of the community.

14 MR. BRASFIELD: Thank you, Chairman.

15 THE CHAIRMAN: Call your next witness,  
16 Mr. Brasfield.

17 MR. BRASFIELD: I would call Tom  
18 Spangler.

19 THE CHAIRMAN: Good afternoon, Sheriff.

20 MR. SPANGLER: Good afternoon.

21 //

22 //

23 //

24 //

1 WHEREUPON,

2 TOM SPANGLER,

3 called as a witness, and having been first duly sworn  
4 to tell the truth, the whole truth, and nothing but  
5 the truth, was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. BRASFIELD:

8 Q Good morning, Sheriff Spangler.

9 A Good morning.

10 Q I'm Travis Brasfield. I represent Westley  
11 Keck. Sheriff, I know you heard Mr. Keck testify.  
12 Was he in fact a housing officer and then a security  
13 officer over a span of five years?

14 A Without going through his record, I couldn't  
15 tell you what his assignments were at that time. But  
16 he was assigned to our corrections division.

17 Q And did he have any discipline or complaints  
18 for excessive force that you're aware of?

19 A Not that I'm aware of.

20 Q How would you describe Mr. Keck as an  
21 officer?

22 A From what I know, up until that time, we had  
23 no issues. So that's the only thing I could tell you.

24 Q Would you say he was a good corrections

1 officer?

2 A Well, without having any complaints -- yeah.  
3 He was a good current employee. He was reliable. As  
4 far as I know, he worked.

5 Q And you appreciate good employees?

6 A Yes, I do.

7 Q Did you ever make a referral to your Office  
8 of -- I think it's Professional Standards is what you  
9 called Internal Affairs at your shop; is that  
10 accurate?

11 A That's correct. No, I did not.

12 Q Do they normally investigate internal  
13 problems or human resource problems for you?

14 A They don't -- they don't investigate every  
15 internal. Some of those may come on a request from  
16 myself, and some may come from different types of  
17 complaints. But there is no specific way of doing  
18 that. If we had every internal investigation or every  
19 internal issue investigated, then our Internal Affairs  
20 or Office of Professional Standards would be  
21 overwhelmed. That's not the purpose, for them to  
22 investigate everything.

23 Q So is it customary to terminate an employee  
24 without an Office of Professional Standards

1 investigation?

2 A It happens. Depending upon the  
3 investigation that -- that had happened, whether it be  
4 in a criminal or any other type of investigation,  
5 that's just like with Mr. Keck. What I've relied on  
6 was Detective -- his investigation of Detective Aken,  
7 what he brought to me and explained to me what he had.  
8 And after showing me a warrant of probable cause, that  
9 was -- his actions is why I terminated.

10 Q When did Detective Aken come to you, sir?  
11 What day was it?

12 A It's been almost three years ago. I can't  
13 tell you the exact date he came into my office.

14 Q Do you remember where you were on April 1,  
15 2020?

16 A No, I don't.

17 Q Do you remember writing the letter to  
18 Mr. Keck?

19 A I remember doing the letter. Yes.

20 Q Said the criminal charges constitute the  
21 conduct?

22 A What it says in the letter.

23 Q Are there any other facts known to you other  
24 than the criminal investigation and the warrant that

1 you had to base your decision to terminate Mr. Keck  
2 on?

3 A Yes. The facts that my detective, Detective  
4 Aken, with his thorough investigation -- somebody  
5 who's been investigating things for over 20 years or  
6 20 years. Knows what he's doing. I take that  
7 individual and other individuals at their word and  
8 their experience of what they do.

9 Q How many Internal Affairs investigations has  
10 Detective Aken done?

11 A As far as I know, zero.

12 Q Is there a reason that Mr. Keck wasn't given  
13 his Garrity warning in the internal investigation?

14 A He wasn't asked any questions as far as with  
15 the department. So Garrity was not warranted at that  
16 time.

17 Q Do you know what time the warrant was signed  
18 by Detective Aken on April the 1st?

19 A I have not looked at that. No.

20 Q Was it before you wrote the letter or after?

21 A With him signing the warrant? It would've  
22 had to be after. He had to come to me.

23 Q He came to you before he signed the warrant?

24 A Aken talked to me about it.

1 Q Before the warrant was signed?

2 A If I go back and look at the -- the notes.  
3 I -- I can't tell you the exact time.

4 Q So he brought you a warrant that was signed,  
5 and then you wrote the letter?

6 A He brought me the information. And I can't  
7 tell you at this point in time, without going back and  
8 looking at things, of when my letter was signed. I  
9 have no idea without going back and looking at that.

10 Q But you met with Detective Aken on April  
11 1st?

12 A I don't remember what date it was I met with  
13 Detective Aken. I'm sure he'll be able to tell you.

14 Q But you remember writing the letter on April  
15 1st?

16 A I remember writing the letter. Yes.

17 Q Did you receive Mr. Keck's response?

18 A I did.

19 Q Did he offer to give a voluntary statement?

20 A In his letter.

21 Q Did you call him?

22 A No, I did not.

23 Q Did you ask your Internal Affairs to call  
24 him?

1 A No, I did not.

2 Q In a criminal investigation, sir, would you  
3 agree that a party admission or a confession is some  
4 valuable evidence?

5 A I would agree with that. Yes.

6 Q And that's for a stranger. You would  
7 interview a stranger that was accused of a crime, yes,  
8 to get that evidence?

9 A Yes.

10 Q But not a reliable and good employee of five  
11 years?

12 A An individual who had been interviewed  
13 during an investigation by my detective. And I trust  
14 that detective of what he does. That investigation  
15 completed what I needed to know. The actions of an  
16 individual who was presented to me to assault an  
17 individual. But you don't know if he had signed the  
18 warrant or talked to Mr. Keck even at the time you  
19 sent the letter?

20 Q I don't know the particulars in time. No.

21 Q When did you review the police report or the  
22 crime report or offense report? I'm not sure what  
23 your agency calls it.

24 A Whenever Detective Aken comes to my office

1 with it.

2 Q Before the letter?

3 A Again, you're asking the same question.

4 Q And it's okay to say you don't know.

5 A I -- I've already said that.

6 Q I was asking about the police report. The  
7 event report.

8 A The event report the day that Detective  
9 Aken -- or Aken comes into my office.

10 Q When did you talk to Ms. Spears?

11 A I did not talk to Ms. Spears.

12 Q Do you think that might've been some  
13 valuable information?

14 A For me to talk to her? No, sir.

15 Q You wouldn't want firsthand information  
16 regarding firing a reliable five-year employee?

17 A I had firsthand information from Detective  
18 Aken.

19 Q What did Detective Aken tell you he saw?

20 A You'll be able to ask him that.

21 Q I'm sorry. What firsthand information did  
22 Detective Aken offer you?

23 A The information of his investigation.

24 You're asking me to recall something, without any kind



1 of notes that he has, almost three years ago.

2 Q You received notice of this hearing; yes?

3 A Yeah.

4 Q Do you allow all detectives and all sworn  
5 members of your agencies to conduct internal  
6 investigations?

7 A No, sir.

8 Q But you do allow Detective Aken to do it?

9 A Detective Aken interviewed and did a  
10 criminal investigation from a complaint.

11 Q How was Detective Aken or how were you  
12 alerted to the underlying facts of the criminal  
13 charges that led to the conduct?

14 A How was I alerted of it or informed of it --

15 Q Yes. You said he answered a complaint. Do  
16 you know how?

17 A No. I don't know how.

18 Q Do you know who complained?

19 A No, I do not.

20 Q Is it standard for all your supervisors that  
21 hear of any kind of inappropriate conduct to report  
22 that to your Office of Professional Standards?

23 A No. Their first line is report it to their  
24 supervisor.

1 Q And what are your standing orders on what  
2 that supervisor is to do with that information?

3 A They are to do an investigation of their  
4 own. And if they find out that there's something to  
5 it, then they turn it over to their supervisor as  
6 well. And it may go to the chief of corrections or  
7 the chief of patrol, whoever it may be. And if  
8 there's been enough information for it to be forwarded  
9 onto Internal Affairs, then Internal Affairs will open  
10 an investigation on it.

11 Q Do you have a Captain Cooper in your  
12 employees, sir?

13 A Captain who?

14 Q Cooper. C-O-O-P-E-R.

15 A Yes.

16 Q And do you know a Madison Jenkins in your  
17 employees?

18 A Not right offhand, no. I have about  
19 anywhere from 800 to 1100 employees. So sorry.

20 Q I understand. But you're certain Mr. Keck  
21 has never been accused of violence or inappropriate  
22 conduct other than this one criminal charge?

23 A As far as I know, yes.

24 Q What's your relationship with Lorie Spears,

1 sir?

2 A Who?

3 Q Lorie Spears.

4 A Lorie Spears. Don't know.

5 Q You don't know her?

6 A No.

7 Q Do you know Madison Jenkins?

8 A No.

9 Q Did Captain Cooper ever make any reports to  
10 you about Ms. Spears or Westley Keck?

11 A Not any of my recollection, no.

12 Q Other than the statements in the warrant  
13 that was presented -- I forget the exhibit number. Do  
14 you recall the warrant up on the screen?

15 A Yes. I remember it. Yes.

16 Q Other than that, is there any other  
17 information that you have, any specific facts or  
18 circumstances, that led you to the decision to  
19 terminate Mr. Keck's employment?

20 A Yes. Detective Aken's investigation.

21 Q And that is documented in the warrant, his  
22 averments?

23 A It's in his file, and it's in his -- as you  
24 heard earlier, 60-something page investigation.

1 Q And before he signed that warrant or before  
2 you wrote the letter to Mr. Keck, you knew everything  
3 in that file; correct? Or you'd reviewed it.

4 A I knew everything that Detective Aken  
5 explained to me. I did not go from page to page of  
6 his investigation. I went on what he told me. It's  
7 just like any other general order. I know I'm  
8 speaking out -- any general order states that you can  
9 be fired for violating a general order. So again, we  
10 go back to violation of general orders of his conduct.  
11 It wasn't because of a charge or a conviction. Had  
12 nothing to do with that.

13 Q You're saying his termination had nothing to  
14 do with the criminal warrant and/or the charge?

15 A No. That's not what I said.

16 MR. HAVASY: Objection to form. That's  
17 not what he said.

18 MR. BRASFIELD: The witness testified  
19 he terminated --

20 THE CHAIRMAN: Can we read it back?

21 MR. HAVASY: It was a misstatement of  
22 what the sheriff just said, is the objection.

23 THE CHAIRMAN: Could you read back his  
24 testimony.

1 THE REPORTER: Yes.

2 THE CHAIRMAN: Thank you.

3 (The reporter read the record as  
4 requested.)

5 BY MR. BRASFIELD:

6 Q So, Sheriff, was your decision based on any  
7 conduct that occurred outside of the averments or the  
8 allegations in the warrant on that date, time, and  
9 location, anything outside of that that Mr. Keck  
10 engaged in that perhaps hadn't been presented?

11 A No. How could I do that if it hadn't been  
12 presented? I don't know anything about that. My  
13 whole decision was based on Detective Keck's -- or  
14 Detective Aken -- his investigation. Period.

15 And when the actions of Mr. Keck at that  
16 time violated those general orders posted, written  
17 down, my decision was made. I cannot -- the sheriff  
18 cannot -- whoever the sheriff is in Knox County  
19 certainly wouldn't want to have somebody working  
20 within this agency that's been known to assault  
21 someone.

22 Q Do you still believe Mr. Keck assaulted  
23 someone, sir?

24 A Yes, I do. There's testimony to it.

1 Q Even though you are aware the assault was  
2 dismissed?

3 A I know the circumstances why it was  
4 dismissed.

5 Q And what is your understanding of that?

6 A That the -- the young lady is out of -- out  
7 of state now. You heard Mr. Keck say that he paid  
8 something. So you know, the way I look at that is,  
9 well, it may have been dismissed, but he paid  
10 something to get it dismissed. That's kind of like a  
11 plea.

12 Q That's your understanding?

13 A Yes.

14 Q That a dismissal with cost is in fact a  
15 guilty finding?

16 A If you're going to -- if you're going to pay  
17 something to have something dismissed --

18 Q Then you see that as a guilty?

19 A I see it as something.

20 Q Do you have a Garrity warning statement at  
21 your agency that you offer employees when they're  
22 subject to human resource or personnel investigation?

23 A When they're under an Internal Affairs  
24 investigation, yes. They're granted their Garrity

1 warning.

2 Q Was Mr. Keck under an internal  
3 investigation?

4 A No, he was not.

5 Q Did you ever do any kind of internal  
6 investigation?

7 A No. I think it's been said that -- no. He  
8 was not.

9 Q Other than the events that occurred in the  
10 warrant, you have no other specific facts or a  
11 specific transaction or occurrence that Mr. Keck  
12 engaged in to base your termination on; do you?

13 A No, sir.

14 MR. BRASFIELD: Thank you, Sheriff.

15 THE WITNESS: Thank you.

16 MR. HAVASY: Thank you for your time,  
17 Sheriff.

18 MR. VALLIANT: I'm sorry. I have a  
19 couple of quick questions. I'm sorry for the sheriff.

20 Are there other means of disciplining  
21 an employee outside of dismissal?

22 THE WITNESS: There are.

23 MR. VALLIANT: Such as suspensions or  
24 other means such as that?

1 THE WITNESS: Sure.

2 MR. VALLIANT: Why were those means not  
3 used in this set of circumstances?

4 THE WITNESS: I cannot have -- Knox  
5 County cannot have someone who's been charged --  
6 accused -- charged with an assault, a domestic  
7 assault, and be able to work around inmates, not  
8 knowing what could happen. I have the responsibility  
9 to the taxpayers to make sure that -- that they are  
10 safe as well.

11 So if I have someone -- and he's not  
12 the only person who's ever been terminated from this  
13 agency because of one action. So it -- a lot of that  
14 relies on me. And for the most part, you know, I have  
15 to do what's right for the agency.

16 MR. VALLIANT: So why was a dismissal  
17 here more appropriate than perhaps a suspension?

18 THE WITNESS: I just explained it to  
19 you. Because of the -- the severity of the actions  
20 against an individual, against a young lady. And I'm  
21 not going to have that type of action go on within  
22 this administration or this -- this agency.

23 MR. VALLIANT: Sure. So what is the  
24 customary procedure for sending -- I guess in



1 Mr. Keck's case or any other case, what is the  
2 procedure for going through the arrest process when  
3 something like this happens? So an arrest warrant is  
4 issued. Officers are dispatched to the home of the  
5 individual or wherever the individual is located. I  
6 guess, what is the process?

7 THE WITNESS: Well, the process is,  
8 once the complaint comes in, then depending on where  
9 it was, the -- whichever detective it was assigned to,  
10 that -- that detective does their investigation. And  
11 upon their findings, then they -- they go to a judge  
12 or a magistrate. And if there is findings there for  
13 them to take that probable cause to that magistrate  
14 and/or judge, then they will either sign or deny.

15 MR. VALLIANT: What about when the  
16 arrest is effected? After the magistrate accepts it  
17 and -- what about when the arrest is effected after  
18 that?

19 THE WITNESS: Then we -- we are  
20 notified as an administration that we've had an  
21 officer who has been charged. And then -- then, I'll  
22 look into that from there.

23 MR. VALLIANT: So once the arrest  
24 warrant is issued and officers are dispatched, what is

1 the typical procedure there?

2 THE WITNESS: Depending on the severity  
3 of the crime.

4 MR. VALLIANT: So what would be typical  
5 in a situation like Mr. Keck's?

6 THE WITNESS: Mr. Keck's --

7 MR. VALLIANT: Well, excuse me. In a  
8 situation where you're dealing with a domestic  
9 violence issue or charge, what would be the typical  
10 response from an arrest standpoint, effectuating the  
11 arrest?

12 THE WITNESS: Them going to their  
13 hearing. And whether it -- there's enough evidence  
14 there for the judge to either find someone guilty or  
15 send it on to a grand jury. Bound over. So those --  
16 those other courts would hear.

17 MR. VALLIANT: I'm sorry. I may have  
18 misspoke when asking the question. I was hoping to  
19 focus in on the procedure for the actual arrest  
20 itself. So once the arrest warrant is issued and the  
21 officers are dispatched, what's typically the  
22 procedure for, I guess, confronting the accused and  
23 actually effectuating the arrest?

24 THE WITNESS: In the criminal

1 proceeding part of it? Is that what you're asking?

2 MR. VALLIANT: I guess before the  
3 criminal proceeding part. I guess the part where  
4 officers are dispatched.

5 THE WITNESS: I'm sure I -- I still  
6 don't understand where you're -- how you're going.

7 MR. VALLIANT: So when an arrest  
8 warrant is issued and officers are dispatched to the  
9 location of the individual, I'm sure there's some  
10 procedure for how many officers effectuate the arrest,  
11 how the arrest is handled, where they go, you know,  
12 how they communicate with the accused. And this is  
13 before the court proceedings and everything. This is  
14 on the day that the charges, I guess, are brought  
15 before the accused.

16 THE WITNESS: Again, I don't know what  
17 you're going at, other than what I think you'll hear  
18 from Detective Aken of what will and how it proceeded  
19 through that, if you will. A big part of that is, it  
20 could not have been -- it may not have been even a  
21 patrol officer answered the call.

22 They could be a -- an individual  
23 walking into our family crisis unit and making a  
24 complaint there. And it's issued there to a detective

1 who will handle that call. So it could be very -- it  
2 varies from every individual at least -- every  
3 situation is different.

4 MR. VALLIANT: Sure. So I think in the  
5 case of -- you know, let's say there's somebody who's  
6 armed and dangerous in a neighborhood committing a  
7 violent crime. I think you would dispatch more  
8 officers than if you had a noise complaint. Is that  
9 probably fair to say?

10 THE WITNESS: That's probably fair to  
11 say. Yes.

12 MR. VALLIANT: I guess on the spectrum  
13 of the level of response within that spectrum, where  
14 would a domestic violence response fall kind of within  
15 that spectrum?

16 THE WITNESS: Knowing that domestic  
17 violence is one of the most dangerous calls that an  
18 officer answers, you know, it's pretty high. But I  
19 would rely and let Detective Aken answer that question  
20 when I ask -- you know, who -- who went on that  
21 arrest?

22 MR. VALLIANT: Sure. I think that's  
23 all I have.

24 THE WITNESS: Thank you.

1 THE CHAIRMAN: Thank you, Sheriff.

2 THE WITNESS: Thank you.

3 THE CHAIRMAN: I believe it's 12:30.  
4 We're going to take a lunch break. We'll reconvene at  
5 1:30.

6 MR. HAVASY: I do want to make the  
7 Council aware that Detective Aken has an interview  
8 with a child -- maybe you could speak to it -- at  
9 three o'clock. Do we need to move that or --

10 THE CHAIRMAN: Mr. Brasfield, are you  
11 going to call Detective Aken after lunch?

12 MR. BRASFIELD: I'm going to rest,  
13 Mr. Chairman. Thank you.

14 THE CHAIRMAN: Mr. Havasy, are you  
15 going to call the detective?

16 MR. HAVASY: I will be calling  
17 Detective Aken. But first, I'd like to move for a  
18 directed verdict on the evidence you've heard so far,  
19 if I could get that in before the break.

20 THE CHAIRMAN: Okay. Is that a  
21 one-sentence request, or are you going to expound on  
22 that?

23 MR. HAVASY: I would submit to this  
24 body that the petitioner has failed to show that the

1 sheriff acted arbitrary in any way, and the evidence  
2 is insufficient to meet the burden of clear and  
3 convincing evidence that he's required to prove that  
4 the sheriff acted arbitrary. And there is no evidence  
5 in this record that the sheriff acted arbitrary.  
6 That's the motion. And I ask that the body vote on  
7 it, please.

8 THE CHAIRMAN: Thank you.

9 Mr. Morton. I'm sorry. Mr. Brasfield,  
10 did you want to --

11 MR. MORTON: I'm sorry. Did you call  
12 for me?

13 THE CHAIRMAN: Yeah. I was calling. I  
14 apologize. Getting a little ahead of myself here.  
15 Mr. Morton. The question I have is: Do we openly  
16 discuss this as a board, or can we inquire of opposing  
17 counsel with questions? Or what is the next step?

18 MR. MORTON: Whatever the chairman,  
19 what the board decides. But this is part of the  
20 deliberation. The effect of his vote, of his motion  
21 is, there's no proof here. And he doesn't have to  
22 really put on any more proof, because they didn't  
23 prove their case. And the board would deliberate that  
24 whenever you -- now or after lunch. But you all would

1 deliberate that.

2 THE CHAIRMAN: Okay. So the process  
3 would be, I would entertain a motion and second. And  
4 then, there would be discussion and then a vote;  
5 correct?

6 MR. MORTON: Yes, Mr. Chairman.

7 MR. BRASFIELD: May I respond?

8 THE CHAIRMAN: You wanted to respond,  
9 sir?

10 MR. BRASFIELD: Please.

11 THE CHAIRMAN: Certainly.

12 MR. BRASFIELD: Members of Council,  
13 Board. At the beginning, Mr. Morton went over clear  
14 and convincing and adequate evidence and no  
15 substantial doubt. And talked about arbitrariness  
16 being without adequate evidence.

17 So as you just heard the sheriff say  
18 many times over, he doesn't know when Detective Aken  
19 called him. He doesn't know if he wrote the letter  
20 before or after the warrant was signed. And he  
21 admitted that he had no information other than the  
22 transaction or occurrence -- those facts that occurred  
23 which are the subject matter of the warrant. There's  
24 been no other investigation into this matter. This

1 tribunal has heard the recording from the preliminary  
2 hearing where both parties testified.

3 There's obviously a dispute in fact in  
4 that. All of that evidence happens subsequent to  
5 Mr. Keck being fired without an investigation by the  
6 Sheriff's Office regarding these matters. Mr. Keck  
7 did not get a Garrity warning. There was no Internal  
8 Affairs complaint. And I don't know what the  
9 sheriff's specific policy is on the value of Internal  
10 Affairs or Garrity or five-year reliable employees  
11 with zero other complaints and zero criminal history,  
12 and this one event has been dismissed by a court.

13 Perhaps, you know -- the sheriff even  
14 opined that a dismissal in exchange for money, I  
15 guess, is not a dismissal. And he sees that as true  
16 or guilty. I would submit to you that Mr. Keck, based  
17 on the testimony of Mr. Keck and the sheriff -- that  
18 it is absolutely clear and convincing that he was  
19 terminated solely on the information based in that  
20 warrant.

21 And if the Council would like for  
22 criminal charges or probable cause or preponderance of  
23 the evidence to be the standard, then the Council may  
24 absolutely make that rule. But the Council didn't.



1 The Council said conviction. The Council said clear  
2 and convincing. What we have, based on this evidence,  
3 as you've heard, is a sheriff that doesn't know a lot  
4 about Mr. Keck. And didn't call his five-year  
5 employee, even when he offered to drive himself down  
6 there and give a voluntary statement. I would ask  
7 that you deny the sheriff's motion.

8 MR. HAVASY: Sheriff relied on  
9 Detective Aken, a 20-year veteran in the department.  
10 He relied on the probable cause finding from a  
11 magistrate. This letter from the sheriff, April 1,  
12 2020, says, our investigation has determined the  
13 criminal charges from this incident. The criminal  
14 charges were already pending. The magistrate had  
15 already signed the warrant.

16 Okay. The sheriff relied on an  
17 investigation by this detective who the petitioner  
18 didn't even bother to call as a witness in their  
19 case-in-chief to ask him about his investigation, the  
20 very thing the sheriff relied on. The sheriff did not  
21 act arbitrary, and they have failed to prove by clear  
22 and convincing evidence that he did.

23 THE CHAIRMAN: Thank you. So I'll take  
24 input from the board. Do we want to recess for lunch?

1 Or do we want to move forward and deliberate this or  
2 discuss it or -- I'm soliciting opinions.

3 Mr. Marshall.

4 MR. MARSHALL: I would like to make the  
5 motion that the sheriff did not act arbitrary in his  
6 decision to dismiss Mr. Keck. I think we can deal  
7 with this now.

8 MR. VALLIANT: Before we do that, I've  
9 got a question for Mr. Keck, if that's okay.

10 THE CHAIRMAN: He has to withdraw the  
11 motion first.

12 Can you withdraw your motion? He's got  
13 a question.

14 MR. MARSHALL: No. I don't withdraw my  
15 motion.

16 THE CHAIRMAN: Okay. So chairman point  
17 of order. I'll table your motion and allow him to ask  
18 a question.

19 Proceed, Mr. Valliant.

20 MR. VALLIANT: Mr. Keck, if you had the  
21 opportunity today, would you go and work for the  
22 sheriff again?

23 THE WITNESS: Yes, sir.

24 MR. VALLIANT: So you still believe

1 that that's a place that you'd want to work right now?

2 THE WITNESS: Yes, sir.

3 MR. VALLIANT: I guess we've kind of  
4 talked about some of it. But you know, I know you  
5 haven't -- we discussed the discussion in the process  
6 of -- or the lack of process in determining whether or  
7 not somebody talked to you surrounding the grievance.  
8 Have you talked to the people within the sheriff's  
9 office, I guess, within the context of this about  
10 coming back at any point?

11 THE WITNESS: As far as anybody --

12 MR. VALLIANT: Working there again.

13 THE WITNESS: No, sir.

14 MR. VALLIANT: Okay. Were any of these  
15 charges eligible from an expungement?

16 THE WITNESS: Yes, sir.

17 MR. VALLIANT: And why haven't you  
18 expunged them?

19 THE WITNESS: I've been waiting for a  
20 Merit Council resolution.

21 MR. VALLIANT: Thank you, Mr. Keck.

22 THE WITNESS: Thank you. Thank you,  
23 Council.

24 THE CHAIRMAN: Mr. Keck, that was based

1 on counsel's advice to wait to get an expungement  
2 until after our ruling or -- is that what you're  
3 saying?

4 THE WITNESS: It's based on nobody's  
5 advice.

6 THE CHAIRMAN: It's just your thought?

7 THE WITNESS: I'm sorry.

8 THE CHAIRMAN: I didn't hear you.

9 THE WITNESS: I didn't take anybody's  
10 advice.

11 THE CHAIRMAN: You just decided  
12 independently that you were going to wait until after  
13 this hearing to seek an expungement afterwards?

14 THE WITNESS: Yes, sir.

15 THE CHAIRMAN: Okay. Thank you,  
16 Mr. Keck.

17 We have a motion on the floor. Can you  
18 restate your motion, Mr. Marshall.

19 MR. MARSHALL: That the sheriff did not  
20 act arbitrary in dismissing Mr. Keck.

21 THE CHAIRMAN: I have a motion. Do I  
22 have a second?

23 MR. BOATMAN: I have a second.

24 THE CHAIRMAN: Second by Mr. Boatman.

1 Okay. Any discussion on the motion?

2 MR. VALLIANT: I would disagree. I  
3 think the circumstances were that -- and I mean, I  
4 think we've heard a lot of evidence that is truly  
5 outside of the scope of what we were supposed to be  
6 deliberating today.

7 You know, I think a lot of the evidence  
8 we've seen speaks more to the fact of the issue as to  
9 whether or not Mr. Keck committed the act that he was  
10 accused of and not the simple fact that the memorandum  
11 or the letter the sheriff sent said that the charge,  
12 the criminal charge constitutes the -- I can't  
13 remember the exact phrase. It's on Exhibit 7. It was  
14 conduct that was --

15 MR. BRASFIELD: It's still up on the  
16 screen.

17 MR. VALLIANT: For this notoriously  
18 disgraceful conduct, I believe, is what's on the  
19 screen. I believe the gravamen of this grievance is  
20 that the charge did not meet the requirement of  
21 Subsection F, and that there is a -- and it seems to  
22 me like it does not meet the gravamen of Subsection F.

23 I mean, the letter says that the charge  
24 constituted moral or ethical misconduct or notoriously

1 disgraceful conduct. Excuse me. And it seems to me  
2 like that standard hasn't been met here. It seems to  
3 me like a directed verdict would be inappropriate  
4 under these circumstances.

5 THE CHAIRMAN: Thank you, Mr. Valliant.  
6 Any other comments from directors?

7 Just one point of clarification on this  
8 9.3.1 clause. These are not all inclusive. It says  
9 based on one or more of the following. So again, does  
10 not have to be a conviction of a criminal defense. It  
11 can be one of these A through L. And the sheriff in  
12 the dismissal letter noted B and G. And nowhere in  
13 the documentation is there conversation about  
14 conviction of a criminal offense, so.

15 Any other further discussion on the  
16 motion? I'd like to do a poll vote on this motion.

17 Ms. Willis.

18 MS. WILLIS: Without hearing from  
19 Detective Aken, I don't know that I can make a  
20 decision right now. I would abstain.

21 THE CHAIRMAN: Mr. Wright.

22 MR. WRIGHT: I'll abstain. I'd like to  
23 hear Detective Aken if so be.

24 THE CHAIRMAN: Mr. Valliant.

1 MR. VALLIANT: I believe the directed  
2 vote of verdict is appropriate. I can't remember  
3 exactly how the motion was phrased. But I would move  
4 not to have a directed verdict at this time.

5 THE CHAIRMAN: So you're either in the  
6 negative or an abstention. So is that my  
7 understanding of your --

8 MR. VALLIANT: Yes.

9 THE CHAIRMAN: Okay. Thank you.

10 I vote yes.

11 MR. MARSHALL: I vote yes.

12 MR. BOATMAN: I vote yes.

13 THE CHAIRMAN: So we have three  
14 abstentions, three yes votes. So that's not a  
15 majority. So we will move forward after lunch and  
16 hear from Detective Aken. So we are in recess at this  
17 point. We'll reconvene at 1:45. Thank you.

18 (Off the record.)

19 THE CHAIRMAN: I'd like to call the  
20 Merit Council back in order.

21 Mr. Havasy, go ahead and proceed,  
22 please.

23 MR. HAVASY: Thank you, sir.

24 Yes. Sheriff's Office calls Detective

1 Kenneth Aken.

2 THE CHAIRMAN: Sir, raise your right  
3 hand.

4 WHEREUPON,

5 KENNETH AKEN,  
6 called as a witness, and having been first duly sworn  
7 to tell the truth, the whole truth, and nothing but  
8 the truth, was examined and testified as follows:

9 THE CHAIRMAN: Thank you.

10 THE WITNESS: Can you hear me? Am I  
11 speaking loud enough for you guys?

12 THE CHAIRMAN: You're doing fine.  
13 Thank you.

14 DIRECT EXAMINATION

15 BY MR. HAVASY:

16 Q Your name for the record, sir.

17 A Detective Kenneth Aken.

18 Q Who is your employer?

19 A The Knox County Sheriff's Office.

20 Q How long have you been employed with the  
21 Sheriff's Office?

22 A I've just started my 20th year there with  
23 the Sheriff's Office.

24 Q What's your title and rank, sir?



1           A     Detective with the Juvenile Crimes Division.  
2     I've been a detective now for eight years.

3           Q     At the time of the events of this case, what  
4     unit were you with?

5           A     I was assigned -- for my first five years, I  
6     was assigned to the Family Crimes Unit and dealing  
7     with domestic violence, child abuse, and elder abuse  
8     investigations.  And I'm currently assigned to the  
9     Juvenile Crimes unit.

10          Q     Okay.  So you were at the family crimes unit  
11     at the time of this investigation?

12          A     Yes, sir.

13          Q     Okay.  Do you recall how you became aware of  
14     needing to begin the investigation?

15          A     I originally was assigned a case through  
16     our -- I believe it would've been our unit secretary.  
17     An email was forwarded to me from Captain Greg  
18     Faulkner, our unit commander, of a complaint from  
19     Lorie Spears stating that something had occurred with  
20     her daughter, Kelli Spears.  So came into me that way.  
21     Around -- on April 1st, around 1:54 in the afternoon,  
22     myself and Detective Nina Hummel went out to --

23          Q     Apologies, sir.

24          A     Yes.  Go ahead.

1 Q Can I ask you if this is that email? I'd  
2 like to mark this as the next exhibit.

3 A It is that email.

4 MR. HAVASY: What number are we on,  
5 please?

6 THE REPORTER: Twelve.

7 MR. HAVASY: Okay. Exhibit 12.

8 (Exhibit 12 was marked for  
9 identification.)

10 THE CHAIRMAN: Mr. Havasy, does defense  
11 counsel have it? Do they have that email?

12 MR. HAVASY: Yes, sir. I just provided  
13 it -- and it was also in the packet.

14 THE CHAIRMAN: Okay. Thank you.

15 MR. HAVASY: I'd like to move it into  
16 evidence.

17 MR. BRASFIELD: And, Chairman, I would  
18 also object to the hearsay of the out-of-court  
19 statement offered in court to prove the truth of the  
20 matter asserted.

21 THE CHAIRMAN: Noted.

22 BY MR. HAVASY:

23 Q Is this email why you went and investigated  
24 this case?

1 A Yes, it is.

2 Q Okay. All right. And did you investigate  
3 this case with Mr. Keck?

4 A I did.

5 Q Was there another officer included in the  
6 investigation?

7 A Detective Nina Hummel.

8 Q All right. Let's get the investigation in  
9 now. I'd like to mark this as the next exhibit.  
10 Excluding your audio files and other digital files,  
11 does this appear -- what is this?

12 (Exhibit 13 was marked for  
13 identification.)

14 A This is the --

15 MR. BRASFIELD: Chairman, I would  
16 object to this. It is dated 4/2/20. Mr. Keck was  
17 terminated on the 1st.

18 THE CHAIRMAN: Noted.

19 Move on.

20 BY MR. HAVASY:

21 Q What is this packet of documents, sir?

22 A This packet of documents is the paper case  
23 file for my investigation.

24 Q Okay. I'd like to move that into evidence.

1 (Exhibit 13 was received into  
2 evidence.)

3 MR. BRASFIELD: Renew my objection.

4 THE CHAIRMAN: Noted.

5 BY MR. HAVASY:

6 Q I'd like to turn your attention to this  
7 document. I'd like to mark it as the next exhibit.  
8 Do you recognize this document, sir?

9 (Exhibit 14 was marked for  
10 identification.)

11 A Yes, I do. This is the narrative to my  
12 incident report.

13 Q Okay. Can you read it into the record,  
14 please, slowly for the court reporter.

15 MR. BRASFIELD: Chairman, is the rest  
16 of the report in the case file? All I have is a  
17 narrative page.

18 THE CHAIRMAN: Should be in your  
19 pre-hearing discovery -- or statements. Excuse me.

20 MR. HAVASY: This is all in your  
21 packet, and this is one piece of paper out of the  
22 entire previous exhibit.

23 THE CHAIRMAN: Oh. It's in here?

24 MR. HAVASY: Yes, sir.

1 THE CHAIRMAN: Thank you.

2 BY MR. HAVASY:

3 Q Can you please read your narrative into the  
4 record, please, sir.

5 A I can.

6 Q Slowly.

7 A On April 1, 2020, at or about 1354 hours,  
8 myself and Detective Hummel responded to 8011 Branson  
9 Road on a domestic assault call. There we met with  
10 Kelli Spears. She told us that on the morning of  
11 Friday, March 27, 2020 --

12 MR. BRASFIELD: Mr. Chairman, I would  
13 object to the hearsay of what Kelli Spears told him.

14 THE CHAIRMAN: Noted.

15 Continue, please, Detective.

16 THE WITNESS: Okay. She told us that  
17 on the morning of Friday, March 27, 2020, she was  
18 asleep in a bed at her boyfriend's, Westley Keck's  
19 house at -- or I'm sorry. 930 Chip Cove Lane,  
20 Knoxville, Tennessee 37938. When her boyfriend,  
21 Westley Keck, came home from working night shift.

22 She said he woke her up by hitting her  
23 in the small of the back. She had a bruised area in  
24 the small of her back. She said he told her that they

1 were breaking up. She said he grabbed her by the  
2 right arm. Pulled her out of bed. She said when he  
3 pulled her, her feet were caught in a blanket, causing  
4 her to fall from the bed, hitting her knees.

5 Kelli Spears had a bruised area on her  
6 right forearm and bruises on both of her legs. She  
7 said he was yelling at her to get her things and get  
8 out. She said she gathered her things and left. This  
9 is an ongoing investigation.

10 BY MR. HAVASY:

11 Q Is what Ms. Spears told you consistent with  
12 the preliminary hearing testimony you heard earlier  
13 today that she testified to?

14 A Yes.

15 Q Of -- of us people who have not served in  
16 the military or in the capacity of a sheriff's office  
17 or other police agency, what does 1354 mean?

18 A It is 1:54 p.m.

19 Q 1:54 p.m. is when you -- exactly. And you  
20 wrote down to the minute.

21 A Yes.

22 Q That's when you spoke to -- when you met  
23 with Ms. Spears --

24 A Yes.

1 Q -- on April 1, 2020?

2 A Yes.

3 Q Your last sentence says, this is an ongoing  
4 investigation.

5 A Yes.

6 Q What does that mean?

7 A That the investigation -- well, it was still  
8 going on. Being able to gather things and if other  
9 things had come up as part of the investigation.

10 Q You wanted to gather more information?

11 A There -- there were some other concerns that  
12 were brought up that I did look into after meeting  
13 with Mr. Keck on the 1st.

14 Q Okay. Well, let's hold on. We'll get  
15 there. Earlier these were objected to. Do you  
16 recognize these photos, sir?

17 A Yes. These are the photos that I had one of  
18 our forensics technicians come out to the house on  
19 8011 Branson Road and take pictures of Ms. Spears'  
20 injuries.

21 MR. HAVASY: For the record, this was  
22 previously introduced as Exhibit 8.

23 BY MR. HAVASY:

24 Q Do you recognize this one as well?

1           A     Yes.

2           Q     Was this Ms. Spears?

3           A     Yes.

4           Q     Ms. Spears?

5           A     Yes.

6           Q     Was this Ms. Spears?

7           A     Yes.

8           Q     Was this Ms. Spears?

9           A     Yes.

10          Q     Was this Ms. Spears?

11          A     Yes.

12          Q     Was this Ms. Spears?

13          A     Yes.

14          Q     And this one?

15          A     Yes.

16          Q     How did she say she got those bruises?

17          A     That Westley Keck grabbed her and pulled her

18          out of the bed.

19          Q     Okay. Changing gears. You've been here, so

20          you've heard everything. But Mr. Keck has accused the

21          Sheriff's Office, you, sir, of not speaking with him

22          prior to charging him?

23          A     That's correct.

24          Q     I want to talk about that. He didn't just



1 say it today. He said it in Exhibit 2. Let me pull  
2 up Exhibit 2. Detective Aken made no attempt to speak  
3 with me prior to obtaining an arrest warrant on  
4 April 1, 2020.

5 A Yes, sir.

6 Q Okay. Also, in the fourth or fifth  
7 paragraph, he says, I was not interviewed prior to the  
8 warrant being issued or my arrest.

9 Do you see that?

10 A Yes, sir.

11 Q Okay. Are those statements true or false?

12 A They're false.

13 Q You're sure about that?

14 A Yes, sir.

15 Q You're saying you did question him prior to  
16 arresting him?

17 A I did.

18 Q All right. Let's look at his appeal to the  
19 Merit Council, what he told this body. Exhibit 5.  
20 Under Subsection B. Appellant was not interviewed  
21 prior to any criminal charges being made, despite  
22 numerous opportunities to do so.

23 Do you see that?

24 A Yes, sir.

1 Q Is this statement true or false?

2 A It's false.

3 Q And you're under oath, sir. You understand  
4 that?

5 A Yes, sir. I do.

6 Q So you're saying you did question him --

7 A I did.

8 Q -- before you arrested him? Is that a yes?

9 A Yes, it is. I did question him.

10 Q Let's prove it to the Merit Council.

11 Exhibit 4.

12 A Okay.

13 Q Are you familiar with this document?

14 A I am. This is the Waiver of Rights Form.  
15 It's the Miranda warning. It is --

16 Q Why did you have Mr. Keck sign all of these  
17 things?

18 A I wanted to advise him of his rights before  
19 I spoke to him, because he could incriminate himself  
20 during our talk.

21 Q Because you were still investigating?

22 A Yes, sir.

23 Q Okay. It is very important to have accurate  
24 records. What time did you have him execute this

1 document and what day?

2 A It was April 1, 2020. And it was signed at  
3 4:53 p.m.

4 Q So you interview Spears at 1:54 p.m.?

5 A Yes.

6 Q Say your investigation is ongoing, right?

7 A Yes.

8 Q And then at 4:53 p.m., because of the  
9 allegations, you have him sign this, and then you  
10 question him?

11 A Yes.

12 Q Okay. About how long did you question him  
13 for?

14 A I want to say probably roughly an hour. I'm  
15 not quite sure. I'd have to look at my body cam  
16 footage for the exact time.

17 Q All right. I'd like to mark this as the  
18 next exhibit.

19 MR. BRASFIELD: Same objection,  
20 Chairman.

21 MR. HAVASY: You're objecting to the  
22 public record of this witness's document?

23 MR. BRASFIELD: I'm objecting to the  
24 relevance of this document in that it has nothing to

1 do with human resources or an internal investigation.

2 MR. HAVASY: Their relevance is to the  
3 witness's credibility of saying that Detective Aken  
4 did not speak to him prior to arresting him or  
5 charging him. And this document reflects he spoke to  
6 him for about an hour.

7 THE CHAIRMAN: Overruled. Continue.  
8 Let me interrupt here. I want to ask a question.

9 Detective.

10 THE WITNESS: Yes, sir.

11 THE CHAIRMAN: There's been some  
12 conversation today about the process. So almost  
13 2 p.m., you get notice for the investigation. You  
14 respond. You talk to the victim. And the process is,  
15 you go to court and get the arrest warrant signed. Is  
16 that sort of the next step?

17 THE WITNESS: So that day -- so that  
18 day after we spoke to Ms. Spears, I notified my  
19 captain, Captain Faulkner, what was going on and my  
20 intentions to go over to Mr. Keck's house to speak  
21 with him.

22 So at that time, he -- he said, okay.  
23 Captain Faulkner said, okay. Myself and Detective  
24 Hummel met him and a couple of our patrol officers and

1 a patrol supervisor. I believe it was Lieutenant  
2 Overton. We all went up to the address there on Chip  
3 Cove Lane. Met with Westley. Went on the door.  
4 Knocked on the door. We had our body cam -- were  
5 turned on, so it was being recorded.

6 Mr. Keck came out to the front porch.  
7 Sat on his swing. I advised him of his Miranda  
8 warning. Asked him if he understood his warning. He  
9 said he did. Asked him if he would like to speak with  
10 me that afternoon. He said he would without a lawyer  
11 present. At which time, I did have him sign the  
12 Miranda warning and put the time down there that he  
13 did sign it.

14 We talked about an hour about the  
15 incident that Ms. Spears was -- told me about. After  
16 that hour, it was determined -- I determined that he  
17 was the primary aggressor in the domestic assault that  
18 had occurred. I placed him in custody at that point  
19 in time. And then, I went to the commissioner to go  
20 sign the arrest warrant after that.

21 THE CHAIRMAN: Okay. Just for  
22 clarification for the Council. At two o'clock, you  
23 get the initial. And then, about five --

24 THE WITNESS: Yes.

1 THE CHAIRMAN: So approximately five  
2 o'clock, you contact Mr. Keck, and you do the Miranda  
3 waiver at his residence. That's that form we just saw  
4 prior to this one --

5 THE WITNESS: Yes.

6 THE CHAIRMAN: -- with all the  
7 initials. Okay. So he hadn't been transported yet.  
8 He was transported --

9 THE WITNESS: For -- for about that  
10 hour there, we were on his front porch.

11 THE CHAIRMAN: Okay. Thank you.

12 BY MR. HAVASY:

13 Q This document in front of you, sir,  
14 Exhibit --

15 MR. VALLIANT: I'm sorry. Could I ask  
16 another question, I guess, about the process?

17 THE WITNESS: Yes, sir.

18 MR. VALLIANT: When Sheriff Spangler  
19 was up here earlier, he said it was customary to speak  
20 to supervisors and handle with supervisors. If you  
21 have an officer who acts out or has an issue, it's  
22 customary that you speak with the supervisor and  
23 handle with the supervisor. I guess that's probably  
24 some sort of Internal Affairs process or procedure

1 that exists within the department. Can I ask why  
2 Mr. Keck's supervisor was not approached surrounding  
3 this incident?

4 MR. HAVASY: He approached him. He's  
5 already testified to -- his supervisor contacted him  
6 by email to investigate it.

7 THE WITNESS: In the original email  
8 that I received -- an email went from Lorie Spears to  
9 Lieutenant Smith out at the detention facility  
10 alleging there had been a domestic assault that had  
11 occurred. I believe it was forwarded up to Captain  
12 Cooper.

13 Also stating that if there was  
14 concerns -- if Kelli was a victim of a crime, she  
15 needed to reach out to the Family Crisis Unit. At  
16 which point, I believe Captain Cooper then forwarded  
17 to, I believe, Chief Purvis, who sent it over to  
18 Captain Faulkner. Where it ended up with me.

19 THE CHAIRMAN: When you talked to the  
20 victim, did she give any explanation as to why she  
21 didn't report it?

22 THE WITNESS: I can't recall that off  
23 the top of my head, why she didn't report it.

24 THE CHAIRMAN: And based on your

1 experience and expertise and training, do you have a  
2 reasonable explanation for that?

3 THE WITNESS: It is common sometimes  
4 for domestic violence victims not to report against  
5 their abusers. Also, it takes -- in dealing with  
6 different types of traumas, it takes victims sometimes  
7 days or years to even report that something had  
8 happened to them.

9 THE CHAIRMAN: So you didn't take any  
10 note of that? You didn't think it was unusual?

11 THE WITNESS: No. No, sir.

12 THE CHAIRMAN: Thank you.

13 MR. VALLIANT: So I guess question  
14 would go back -- so his supervisor was notified. Why  
15 was there not more of an internal effort to discuss  
16 this? I mean, it seems like -- if I'm reading the  
17 emails correctly, Lorie Spears reached out to -- yeah.  
18 William Smith.

19 William Smith reached out to Paul  
20 Cooper. Paul Cooper reached out to maybe Greg  
21 Faulkner or William Purvis. And then, Greg Faulkner.  
22 And then, I guess it got to you. It still seems like  
23 there's a -- maybe this is an internal affairs  
24 question.



1           If an employee within the organization  
2 had this issue, why was it not further, I guess -- I  
3 mean, I understand you went to the -- and effectuated  
4 the arrest. Why was this handled in that way instead  
5 of maybe directly or internally?

6           MR. HAVASY: With all due respect, he  
7 did not go effectuate the arrest. He went and  
8 investigated the claimant, then the respondent, and  
9 then arrested him. And then, went and got the arrest.  
10 He didn't just go arrest this man. He investigated it  
11 first.

12           MR. VALLIANT: My understanding, he  
13 said he just effectuated the arrest with two other  
14 officers.

15           MR. HAVASY: At 5:45 p.m. after he  
16 interviewed both Ms. Spears and Mr. Keck for about an  
17 hour.

18           MR. VALLIANT: Sure.

19           So my question is: Still why was this  
20 handled in that way and not internally?

21           THE WITNESS: I'm not sure why it was  
22 handled that way, sir. I'm not assigned to the -- or  
23 Internal Affairs Unit. I was assigned in the Family  
24 Crimes Unit. And that day, this reported that a

1 possible crime of domestic violence had occurred  
2 involving an officer.

3           You know, it doesn't -- I don't get to  
4 choose my victims or my suspects. I just get to  
5 investigate what is given to me to my best ability.  
6 And I did so that day and determined that Mr. Keck was  
7 the primary aggressor. And I did place him under  
8 arrest for the assault.

9           MR. VALLIANT: So I had a quick  
10 question. I'm sorry. I was reviewing Exhibit 13.  
11 And I was going through. I guess it is the -- the  
12 title of the report -- I guess it probably is case  
13 files. But it just says the Knox County Sheriff's  
14 Office. I believe it's page number 4 and 5. Front  
15 and back 4 and 5, probably. And it looks like more of  
16 a -- okay. Sure. Well, can I ask the question and  
17 then just -- this is the only copy I've got up here,  
18 unfortunately.

19           And then, I'm happy to turn it over so  
20 he can answer it. I guess there was a -- you know, it  
21 shows that you spoke about the victim's injuries with  
22 her. Okay. And it talks about how she was fearful.  
23 But then, it also talks about -- there are pieces of  
24 this report where it talks about how -- I guess

1 between her and her mother, they talked about how she  
2 was hit in the eye.

3 But then, she dismissed the charge a  
4 month later on May 4th. And then, in the transcript  
5 listed as Exhibit 7, on page 12, she said she couldn't  
6 remember how her eye became bruised. I mean, I guess  
7 my question is -- it looks like there are some  
8 conflicting pieces of this report.

9 Counsellor, I can give Exhibit 13, if  
10 it would help with the answer to the question.

11 So I guess my question is -- you talked  
12 with her. And maybe this is a general question to  
13 Mr. Havasy.

14 THE WITNESS: Okay. You said page 4  
15 and 5? Front and back here.

16 MR. VALLIANT: I think it's the fourth  
17 or fifth page. And it's the one that looks like the  
18 transcript. There was -- so I guess the question to  
19 you would be --

20 THE WITNESS: Okay.

21 MR. VALLIANT: It looks like you went  
22 through the process, the correct process. Discussed  
23 with the victim everything that happened and discussed  
24 the injuries. But then later in this transcript, on

1 page 12, she says she can't recall how she received  
2 some of these injuries, which -- the conflicting  
3 information kind of worries me a little bit here.

4 I mean, is there a reason? Do you  
5 recall her talking about that? Do you recall any of  
6 the details of your conversation with her that might  
7 be clarify some of those discrepancies?

8 THE WITNESS: In the -- in my original  
9 interview with her at the house there on Branson, the  
10 only injuries -- she'd just told me about the injuries  
11 to her back, her arm, and her legs. Nothing about any  
12 injury to the eye at the time. So I was going off of  
13 her statement at the house there. Off of -- off of  
14 that. The statement for the eye, not seeing where --

15 MR. VALLIANT: Well, in the packet, I  
16 think you've got a picture of her eye as well.

17 THE WITNESS: Yes. We take general  
18 pictures of everything, determining -- maybe that  
19 could've been something. 'Cause we do take pictures  
20 of progression of bruising. 'Cause sometimes, bruises  
21 don't show up right then and there. Three to four  
22 days later, they'll show up. A week later, they show  
23 up. And things like that. Are you talking about  
24 where she's met with Khadijah Roller, a victim

1 advocate?

2 MR. VALLIANT: I'm sorry. What was the  
3 question?

4 THE WITNESS: I'm just trying to  
5 find -- in this packet here, I'm trying to find what  
6 page you were talking about.

7 MR. VALLIANT: Is that Exhibit 13?

8 THE WITNESS: Yes.

9 MR. VALLIANT: I think it was page 4 or  
10 5 in the transcript. I think it was on the front of  
11 page 4. I think it had something to do with your  
12 interview with her. Largely speaking, maybe this is a  
13 different type of question. There are discrepancies  
14 in some of the testimony and some of the report and  
15 some of the transcripts as to what happened and the  
16 nature of the injuries and how they occurred. And I  
17 just have concerns with that.

18 Is there any way we can clear up those  
19 concerns, Mr. Havasy? Or anybody?

20 MR. HAVASY: I have no idea aside from  
21 subpoenaing Kelli Spears. She's out of state. I  
22 don't know how you do that. Well, I'll leave that for  
23 closing argument.

24 THE CHAIRMAN: Detective, let me ask

1 you a question. Maybe I'll help clarify that.

2 THE WITNESS: Yes.

3 THE CHAIRMAN: In your experience, has  
4 a victim/witness or an involved party in an  
5 investigation ever left out facts during a subsequent  
6 interview?

7 THE WITNESS: Yes. Sometimes, stories  
8 do change in the interviews and things like this.  
9 Down the road, victims do remember more than the  
10 initial incident that comes to light down the road.  
11 Usually, the stories do -- are generally the same.  
12 There might be another detail added in to -- someone  
13 may -- can't recall color of shirt at the time of an  
14 incident. And down the road, oh. I do remember. It  
15 was a blue shirt. And things like that.

16 MR. VALLIANT: How often do they  
17 remember less?

18 THE WITNESS: Sometimes it happens.  
19 Depending on how the -- how they are affected by the  
20 traumatic event. Depending on what type of event they  
21 had gone through. Sometimes, we -- we have that as  
22 well. And then sometimes, victims change their mind  
23 and become uncooperative and decide not to testify  
24 down the road.

1 MR. VALLIANT: And maybe this is a  
2 broader question. My understanding is the District  
3 Attorney has like, a conviction rate in the upper 90th  
4 percentile. And unfortunately, I have seen the cases  
5 where, without a victim pursuing, they still pursue.  
6 And there's a reason they have a conviction rate in  
7 the upper 90th percentile. It's because they don't  
8 lose, and they bring a case that they can win just  
9 about every single time.

10 MR. HAVASY: I disagree with that.  
11 I've had cases where they've dismissed it when a  
12 victim did not want to pursue it. I was a criminal  
13 defense lawyer for many years.

14 MR. VALLIANT: I absolutely think that  
15 they have dismissed charges before, but I've also seen  
16 instances where they continue to pursue afterwards. I  
17 mean, is there any explanation as to why this wasn't  
18 pursued further by them? I mean, if they have, you  
19 know, an incredibly high conviction rate and an  
20 incredibly high success rate, it seems odd to me that  
21 this would've been dismissed.

22 THE WITNESS: I'm not sure why they  
23 chose to dismiss it. Unfortunately, I do not work for  
24 the District Attorney's Office. So it was their

1 decision to dismiss that. I can't offer you an  
2 explanation of it.

3 MR. VALLIANT: Sure.

4 My apologies, Counsel. You can  
5 continue.

6 MR. HAVASY: I'm very happy this board  
7 is interested in asking questions. So please do not  
8 apologize for that. It's a good thing.

9 BY MR. HAVASY:

10 Q Looking back at Exhibit 15, sir --

11 (Exhibit 15 was marked for  
12 identification.)

13 THE CHAIRMAN: Let me interrupt you. I  
14 have another question.

15 MR. HAVASY: Yes, sir.

16 THE CHAIRMAN: Detective, again, based  
17 on your training, experience, and expertise in the  
18 area of investigating domestic violence crimes -- and  
19 as you stated earlier, there is sometimes hesitancy.  
20 Or in this case, she did not bring it forth. It was  
21 brought forth by her mother.

22 So was there any hesitation or less  
23 than aggressive engagement with you when you went to  
24 contact the victim? What I mean is, was she trying to



1 not get involved in this? Or did you have to convince  
2 her to be interviewed? Or give me some sign of an  
3 understanding.

4 THE WITNESS: No. I -- there was no  
5 trying to convince her to interview or anything  
6 like -- you know, forcing her to interview or anything  
7 like that. If a victim is not -- with my experience,  
8 if a victim -- I can't force a victim to testify. If  
9 a victim is unwilling to go forward and things like  
10 that, I do not try to pressure or coerce a victim  
11 into --

12 THE CHAIRMAN: Again, based on all of  
13 your experience in handling these types of crimes, do  
14 you have any reason to question her veracity as to the  
15 allegations?

16 THE WITNESS: No. I have no reason to  
17 disbelieve her on this.

18 THE CHAIRMAN: Thank you.

19 MR. BOATMAN: If I could ask. Was  
20 Ms. Spears' mother present when you questioned Kelli  
21 Spears?

22 THE WITNESS: No, she was not. In  
23 dealing with victims, I want to talk to them by  
24 themselves so I don't have kind of an outside

1 influence. Well, when I talk to anybody, you know, I  
2 try to talk to them separately in the whole situation  
3 so I can get -- you know, stories can match up.  
4 They're not together kind of making up the story. So  
5 it's -- it's a victim, a witness, or a suspect. I try  
6 to interview everybody by themselves.

7 BY MR. HAVASY:

8 Q Looking back at Exhibit 15, sir. It's on  
9 the screen. I don't want to let this fall by the  
10 wayside. What time did you arrest Mr. Keck?

11 A 1745, which is 5:45 p.m.

12 Q And that was approximately -- I don't know.  
13 I can't do the math on that. Fifty-two minutes after  
14 you had him sign his waiver in Exhibit 4?

15 A Yeah. About roughly an hour.

16 Q Okay. And you've testified that you  
17 questioned him for that period of time investigating  
18 the case?

19 A Yes.

20 Q You had no arrest warrant yet. You had not  
21 presented one to a magistrate; correct?

22 A Correct.

23 Q Is domestic assault one of the exceptions to  
24 needing a warrant to arrest an individual for a

1 misdemeanor offense in the state of Tennessee?

2 A No.

3 Q Okay. It is not?

4 A No. You can -- you can do a warrantless  
5 arrest for a domestic assault.

6 Q Correct. It is an exception to -- you do  
7 not need a warrant to arrest somebody for domestic  
8 assault; correct?

9 A Correct.

10 Q Okay. We were trying to say the same thing,  
11 I think. After you arrested him, do you know how long  
12 before you went and got that warrant?

13 A As soon as -- I went down immediately. I  
14 had some paperwork I had to fill out. I think went  
15 straight from his house to my office to fill out some  
16 more paperwork. And then, from my office straight  
17 over to the Commissioner's Office.

18 Q Okay. The sheriff was in here. He  
19 testified. Do you recall speaking to the sheriff  
20 sometime about this case?

21 A I don't recall whether I talked to him that  
22 day or not. Unfortunately, I've talked to Sheriff  
23 Spangler on several occasions on different  
24 investigations, so I'm not sure.

1 Q I'm sure he likes talking with you. I don't  
2 think unfortunately. Let's get back to my previous  
3 point.

4 THE CHAIRMAN: Mr. Havasy, can I ask  
5 you to move the microphone, please, sir.

6 MR. HAVASY: Sorry. You can't hear me?

7 BY MR. HAVASY:

8 Q Again, this Subsection B, where Mr. Keck  
9 told this body that he was not interviewed prior to  
10 any criminal charges being made, despite numerous  
11 opportunities to do so. You're saying that you did  
12 speak to him and interviewed him for about 45 minutes;  
13 is that correct?

14 A Yes, sir. I did.

15 Q How would you characterize that statement?

16 A It's -- it's falsehood. Basically, a lie.

17 MR. BRASFIELD: I'm going to object.  
18 On the conclusion of the evidence of whether it is  
19 true or false is reserved for the Council. Not for  
20 the witness.

21 MR. VALLIANT: I'm sorry. Subsection B  
22 says internal investigations.

23 MR. HAVASY: Appellant was not  
24 interviewed prior to any criminal charges being made,

1 despite numerous opportunities to do so. Detective  
2 Aken just said he interviewed him for 45 minutes prior  
3 to arresting him, and then another maybe -- you know,  
4 longer than that before he charged him.

5 MR. VALLIANT: The qualifier directly  
6 before that sentence is, internal investigations was  
7 neither initiated nor completed. Seems like that is  
8 in reference to internal investigations.  
9 Subsection B. Internal investigations was neither  
10 initiated nor completed. Appellant was not  
11 interviewed prior to any criminal charges being made,  
12 despite numerous opportunities to do so. Seems like  
13 that's in reference to internal investigations; is it  
14 not?

15 MR. HAVASY: This is a standalone  
16 sentence that says appellant was not interviewed prior  
17 to any criminal charges being made, despite numerous  
18 opportunities to do so. And this man just testified  
19 he interviewed him for 45 minutes before he arrested  
20 him, and even longer than that before he took a  
21 criminal charge out against him. And then in addition  
22 to that, in his letter to the sheriff --

23 MR. VALLIANT: I'm sorry, Mr. Havasy.  
24 I can see the text. Could you hover the mouse over

1 that section?

2 MR. HAVASY: The grievance or the  
3 letter to the sheriff?

4 MR. VALLIANT: The one that's up right  
5 now on the computer screen.

6 MR. HAVASY: This is the Exhibit 5.  
7 The grievance.

8 MR. VALLIANT: Yes.

9 MR. HAVASY: You're wanting me to do  
10 what with the mouse?

11 MR. VALLIANT: Well, I'm sorry. I was  
12 reading through Section B. Is that not the section  
13 you were referring to?

14 MR. HAVASY: It is. The second  
15 sentence that says, Appellant was not interviewed  
16 prior to any criminal charges being made. And this  
17 witness has just said that that is a false statement  
18 unequivocally.

19 MR. VALLIANT: I believe, once again,  
20 the qualifier before that is, internal investigation  
21 was neither initiated nor completed. Seems like he's  
22 referring to an internal investigation interview.

23 MR. HAVASY: Criminal charges don't  
24 have anything to do with an internal investigation.

1 I'm not going to argue that point with you. But let's  
2 refer back to Exhibit -- Mr. Keck's letter of April 4,  
3 2020, from Mr. Keck to Sheriff Spangler.

4 MR. VALLIANT: Is that April 4th?

5 MR. HAVASY: Yes. April 4th.

6 BY MR. HAVASY:

7 Q Detective Aken made no attempt to speak with  
8 me prior to obtaining an arrest warrant on April 1,  
9 2020.

10 Sir, is that true or false?

11 A It's false.

12 Q How long did you speak to him before you  
13 went and got an arrest warrant?

14 A Roughly an hour.

15 Q Okay.

16 MR. VALLIANT: I think in the following  
17 paragraph he says, after my arrest, I provided  
18 Detective Aken with a truthful statement of what  
19 occurred. I mean, forgive me if I'm misinterpreting  
20 this. It seems like the context, once again, seems to  
21 be referring to an internal investigation standpoint.  
22 I do think he did say on the stand that that did not  
23 happen, that no attempt was made to speak with him  
24 prior to obtaining the arrest warrant.

1 My understanding was he was talking  
2 about it within the internal standpoint and that -- I  
3 mean, because it plainly says in the April 4th letter,  
4 after my arrest, I provided to Detective Aken with a  
5 truthful statement of what occurred. It seems like  
6 that's kind of a -- seems like he's admitted that  
7 much, that he's spoken to Detective Aken.

8 BY MR. HAVASY:

9 Q Detective Aken, did you complete your  
10 investigation prior to arresting Mr. Keck?

11 A With the arrest, yes, I did.

12 Q Okay. And what was the results of your  
13 investigation?

14 A That I determined that Mr. Keck was the  
15 primary aggressor in a domestic assault against Kelli  
16 Spears. And placed him into custody for it.

17 Q Did you then fill out an affidavit of  
18 complaint and submit it to a magistrate judge to  
19 determine whether there was probable cause or not?

20 A I did.

21 Q I'm referring to Exhibit 6. And it's on the  
22 screen. Is this the narrative that you filled out in  
23 your affidavit of complaint?

24 A Yes.



1 Q Did the magistrate judge agree with you and  
2 sign the arrest warrant concluding that there was  
3 probable cause to arrest Mr. Keck for domestically  
4 assaulting Ms. Spears?

5 A Yes.

6 Q Based on your investigation and your  
7 experience as a detective in the Family Crimes Unit  
8 and an officer for 20 years in the sheriff's office,  
9 was there probable cause to charge Mr. Keck with  
10 domestic assault?

11 MR. BRASFIELD: Chairman, I'm going to  
12 object. That is -- I think we can agree -- a legal  
13 conclusion, whether or not probable cause exists. And  
14 this witness is not qualified to make it.

15 MR. HAVASY: You're right. Magistrate  
16 Rowe was, and he did. But I'm asking this witness if  
17 he believed that there was probable cause.

18 THE CHAIRMAN: He can offer an opinion.  
19 Not doing a legal opinion. Just asking his opinion.

20 MR. BRASFIELD: And I'm sorry,  
21 Chairman. Perhaps the proper objection would be  
22 collateral. We've already heard this. We've heard  
23 the ruling of the court, Judge Stansberry. And you  
24 have these documents. I don't know how the witness

1 saying it for the third time would be probative of the  
2 issue.

3 MR. HAVASY: If you'll stipulate there  
4 was probable cause to arrest him, we'll move on.

5 THE CHAIRMAN: Was that directed at  
6 Mr. Brasfield?

7 MR. HAVASY: Yeah. I'm trying to move  
8 this along. If he'll stipulate there was probable  
9 cause to arrest Mr. Keck for domestic assault, we'll  
10 move right along.

11 MR. BRASFIELD: I didn't know we were  
12 here for a probable cause hearing on an arrest. I'm  
13 only here to challenge that the procedures were not  
14 followed and that the employee was terminated. I'm  
15 not here to try and exonerate Mr. Keck. The court's  
16 already done that.

17 MR. HAVASY: But the sheriff knew these  
18 things. He knew of the arrest, and he knew of the  
19 magistrate's finding of probable cause at the time he  
20 dismissed him.

21 MR. BRASFIELD: The sheriff said he  
22 didn't know. He didn't remember. He was here.

23 MR. HAVASY: That's not accurate.

24 MR. BRASFIELD: Even this witness has

1 said he doesn't know when he talked to the sheriff.  
2 But he talks to the sheriff a lot about a lot of other  
3 cases. But he didn't know about this one.

4 MR. HAVASY: Well, it's in his letter  
5 terminating Mr. Keck saying the criminal charges  
6 existed. He knew that they existed and that there was  
7 a finding of probable cause. That's why I'm asking  
8 this witness about it, is his experience.

9 THE CHAIRMAN: Mr. Havasy, let's move  
10 on.

11 BY MR. HAVASY:

12 Q Are you aware of the reasons that the  
13 sheriff dismissed Mr. Keck, Detective Aken?

14 MR. BRASFIELD: Going to object.  
15 Speculation. He's asking him what the sheriff  
16 thought.

17 THE CHAIRMAN: I got it. I was going  
18 to sustain your objection. Let me ask the witness a  
19 question.

20 Detective, have you served in the  
21 Internal Affairs office?

22 THE WITNESS: No, I have not.

23 THE CHAIRMAN: So you don't have any  
24 personal information or training regarding the

1 Internal Affairs process or statement of charges and  
2 that kind of stuff; correct?

3 THE WITNESS: No. I don't have any  
4 training.

5 THE CHAIRMAN: Okay. Let's move on  
6 from that, gentlemen. Thank you.

7 BY MR. HAVASY:

8 Q Okay. Just a couple more questions, sir.  
9 Is beating up your girlfriend moral or ethical  
10 situations that make the employee unsuitable to work  
11 in the Sheriff's Office?

12 MR. BRASFIELD: That assumes a fact not  
13 in evidence.

14 THE CHAIRMAN: Mr. Havasy, let me again  
15 state that the detective has no experience in the  
16 Internal Affairs office, so to make those charges  
17 would be outside of his purview. That's usually done  
18 by the executive branch of the department or the  
19 office, where his entire Internal Affairs crew or  
20 chief deputies or assistant sheriff -- they have the  
21 conversation.

22 The detective's role would be to brief  
23 the executive on the investigation and the finding of  
24 the investigation. and then, he would most probably

1 extricate himself and go about doing police work and  
2 allow the administrative functions to be handled by  
3 those folks that have that charge and responsibility.  
4 So let's move away from that, please.

5 MR. HAVASY: Okay. Thank you, sir.

6 BY MR. HAVASY:

7 Q Do you believe that your investigation was  
8 accurate, sir?

9 A Yes, sir.

10 Q Do you believe it was complete?

11 A Yes, sir.

12 Q To this day, do you believe your  
13 investigation was complete?

14 A Yes, sir.

15 Q Presented with the same facts and  
16 circumstances today, would you swear out a warrant on  
17 Mr. Keck?

18 A I would.

19 MR. HAVASY: Thank you, sir. Pass the  
20 witness.

21 THE CHAIRMAN: Cross?

22 MR. BRASFIELD: Please.

23 //

24 //

1 CROSS-EXAMINATION

2 BY MR. BRASFIELD:

3 Q Detective Aken, where were you when you  
4 received notice of this complaint from Lorie Spears?

5 A I probably was in my office in the morning,  
6 working on other cases.

7 Q And where is your office located?

8 A At the time, it was at the Family Justice  
9 Center over off Harriet Tubman.

10 Q So 400 Harriet Tubman?

11 A Yes.

12 Q And then you met with Captain Greg Faulkner  
13 after that?

14 A I did, after we went out and talked with  
15 Ms. Spears.

16 Q So you left 400 Harriet Tubman, and you went  
17 out to -- what's the address you and the captain went  
18 to?

19 A 8011 Branson.

20 Q 8011 Branson. Where is that at?

21 A I believe it's in North Knoxville. I'd have  
22 to look it up again. Myself and Detective Hummel went  
23 out to speak with Ms. Spears.

24 Q How long did it take you to get there?

1 A I'm not sure.

2 Q And how long were you there talking to  
3 Ms. Spears?

4 A I'd have to look at the -- my body cam  
5 footage to see exactly how long. Probably a little  
6 over an hour, I'd say.

7 Q So drive time from downtown to Corryton.

8 A Depending on traffic.

9 Q Okay. So at 1154 is your time and numbers.  
10 Did you call dispatch and get those time and numbers?

11 A I did.

12 Q Okay. At 1354?

13 A I call -- I'm not sure exactly when I called  
14 them, but I called them. And that's the time that  
15 they had given me.

16 Q Okay. So how long did you talk to Captain  
17 Faulkner about this?

18 A I was speaking to him on and off by phone  
19 call. So probably several phone calls.

20 Q He wasn't at the office with you?

21 A In the morning, Captain Faulkner was in the  
22 office with me.

23 Q Was he with you in person when you were  
24 talking to him about this case?

1           A     It -- probably so at the beginning of the  
2 case.

3           Q     Okay. And then, would you agree that it's  
4 at least a 20-minute drive from downtown to Branson  
5 Road and Corryton?

6           A     Depending on traffic.

7           Q     Maybe longer.

8           A     Could be longer. Could be shorter.

9           Q     Okay. And then you talked to Ms. Spears for  
10 over an hour; correct?

11          A     Yes.

12          Q     And then what happened?

13          A     From there, myself and Detective Hummel  
14 drove out to Chip Cove Lane.

15          Q     You didn't call the patrol supervisor and  
16 some uniforms and a wagon and meet up with the crew  
17 before going to 930 Chip Cove?

18          A     On our way, we called Detective -- or  
19 Captain Faulkner. And before we drove off to Chip  
20 Cove Lane, we met with Captain Faulkner and the patrol  
21 units.

22          Q     Where did you meet at?

23          A     Close by that address. I couldn't recall  
24 exactly where we met at.



1 Q Do you know what time you met?

2 A No, I don't.

3 Q You don't know where, and you don't know  
4 what time?

5 A I'd have to look on my body cam footage  
6 where we met. And I'm not sure exactly. We -- we  
7 probably met at -- at a close location before driving  
8 up there.

9 Q So did you have a Paddywagon go with you?

10 A I don't believe we did.

11 Q So you effected the arrest, and you  
12 transported Mr. Keck?

13 A No. I did not transport Mr. Keck. I don't  
14 have a cage in my unmarked unit. So after -- after  
15 the arrest was made, that's when we contacted the  
16 Paddywagon to come up there.

17 Q So when you go to meet Mr. Keck -- whatever  
18 time it may have been, unless you remember -- do you  
19 remember?

20 A It was a few minutes before 4:53. 'Cause we  
21 knocked on the door. And he came out, sat down. And  
22 then, I went -- talked to him for a moment. And then,  
23 we went straight into the Miranda warning.

24 Q And when did he arrive at the jail?

1           A     I don't know. 'Cause I don't know how full  
2 the wagon would've been, so I don't know when he got  
3 out to the jail.

4           Q     And you said you talked to him for an hour  
5 and a half?

6           A     About an hour. About an hour and a half.

7           Q     Okay. How many Internal Affairs  
8 investigations have you done in your eight years as a  
9 detective, sir?

10          A     Zero. 'Cause I'm not assigned to the  
11 internal investigations unit.

12          Q     Have you ever had a case like this before?

13          A     Yes, sir. I have. I've arrested one other  
14 police officer. I've arrested firefighters,  
15 preachers, teachers, coaches.

16          Q     So you're saying you haven't done internal  
17 investigations, then?

18          A     No, I've not.

19          Q     How many of your investigations and based on  
20 your recommendation have employees been terminated?

21          A     I don't know. I'm not part of the  
22 administration.

23          Q     Well, how many times have you recommended to  
24 the sheriff to fire someone?

1           A       I've never recommended that the sheriff fire  
2 anyone, 'cause I'm not part of the administration.

3           Q       You didn't recommend the sheriff to  
4 terminate Mr. Keck?

5           A       No, sir. I did my criminal investigation,  
6 advised my -- my supervisor what's going on. Advised  
7 the administration what was going on. And after I got  
8 done with the arrests on the arrest warrant, probably  
9 the next day at the office, started getting my case  
10 file together. Started working on the other cases  
11 I've been assigned.

12          Q       So you actually typed this report on the  
13 2nd?

14          A       No, sir.

15          Q       You typed this report on the 1st?

16          A       Yes, sir.

17          Q       Did you type on your way to Chip Cove from  
18 Branson? Or how did that work out?

19          A       The report was done?

20          Q       Yes.

21          A       By the time I probably got it finished and  
22 everything in -- in the report, I did it in my office.

23          Q       About what time was that, when you finished  
24 this report?

1           A       Depending whatever the drive time back from  
2       Chip Cove Lane to Harriet Tubman would've been. I'm  
3       not sure.

4           Q       Didn't you stop off at the commissioner?

5           A       No, sir. I got done there at my office in  
6       Harriet Tubman Lane. Was able to put all the  
7       information in my computer. And from Harriet Tubman  
8       to the City/County Building, I believe, is maybe a  
9       mile. So just a couple minute drive down here to sign  
10      the warrant with the commissioner.

11          Q       So you said that you interviewed him just a  
12      few minutes prior to 4:53. You're certain on that  
13      time?

14          A       Yes, sir.

15          Q       Okay. What time did you sign the warrant?

16          A       I don't know

17          Q       Okay. In your notes, sir, your case file  
18      checklist is what I'm looking at.

19          A       Yes.

20          Q       I'm sorry. I got lost in the minutiae of  
21      these documents.

22                       MR. MORTON: Exhibit 13.

23      BY MR. BRASFIELD:

24          Q       So in the course of your investigation, up

1 to this date, have you looked at Mr. Keck's personnel  
2 file?

3 A No, sir.

4 Q On 4/1/2020, how many times had you met  
5 Kelli Spears before that date?

6 A Never.

7 Q And what did you know about Kelli Spears on  
8 that date when you approached her?

9 A Nothing.

10 Q What did you know about Kelli Spears at the  
11 time you arrested Mr. Keck?

12 A That she'd been assaulted by Mr. Keck.

13 Q Now, you earlier testified you had no reason  
14 to disbelieve her; correct?

15 A Correct.

16 Q Do you have any reason to disbelieve  
17 Mr. Keck?

18 A Do I have any reason to -- to believe  
19 Mr. Keck?

20 Q To believe that he was telling you a  
21 falsehood. Do you have any reason -- do you have any  
22 personal knowledge of him being untruthful in a prior  
23 situation?

24 A In -- with this, with her testimony and her

1 injuries and the description of her story and stuff, I  
2 determined that -- yes. Mr. Keck did do this.

3 Q So you believe Mr. Keck was lying to you?

4 A That he did -- that he assaulted her. Yes.  
5 I do believe that.

6 Q So you believe Mr. Keck to be untruthful  
7 because of what Kelli Spears told you?

8 A Yes.

9 Q Okay. And you have no other basis to think  
10 he is untrustworthy?

11 A And her -- and the document -- her injuries  
12 match the story that she had given me as well.

13 Q And you conducted a background check on  
14 Ms. Spears too, I presume?

15 A On Ms. Spears?

16 Q Yes, sir.

17 A The criminal -- criminal history?

18 Q Yes, sir.

19 A No, sir. I did not.

20 Q Did you do it on Mr. Keck?

21 A Yes, sir. I do it on all of my suspects.

22 Q But no victims?

23 A No victims.

24 Q So is it fair to say you have no knowledge

1 of Ms. Spears or the veracity of any of her statements  
2 other than the one interaction you had with her?

3 A It's the only time -- one and only time I  
4 met her.

5 Q In your notes -- and these pages aren't  
6 numbered. But there's some handwritten notes. I  
7 assume they're yours.

8 A Towards the back?

9 Q Yeah. Towards the back.

10 A Yes, sir.

11 Q In the upper left-hand corner, it's labeled  
12 number one.

13 A Yes, sir.

14 Q Down the page it says, kind of aggressive.  
15 Thought it was his job. Do you see that? I've got it  
16 circled.

17 A Yeah. I do. I do.

18 Q So you heard the sheriff's testimony earlier  
19 that he's been a corrections officer for five years  
20 with zero complaints or any allegations of violence?

21 A Correct.

22 MR. HAVASY: Object to the form. He  
23 said he was unaware of any.

24 THE WITNESS: Was unaware of -- this is

1 probably a statement that Ms. Spears had told me --  
2 these were my handwritten notes of my interview with  
3 Ms. Spears.

4 BY MR. BRASFIELD:

5 Q Would you agree that there is no evidence  
6 that Mr. Keck is aggressive other than your  
7 interactions and your basis of knowledge from your  
8 hearsay of Ms. Spears?

9 A Being aggressive as well. Also, after we  
10 investigate, the arrest is done at 10:51 p.m.  
11 Information had been brought up that there may have  
12 been another domestic assault that occurred between  
13 Mr. Keck and another corrections officer, Madison  
14 Jenkins, which I was going to look into.

15 So I called the detention facility to talk  
16 to Ms. Jenkins, since she was working night shift.  
17 The information brought up that this possibly had  
18 happened to her, so I wanted to speak with her to see  
19 if this had happened, maybe if she was another victim  
20 or not. And in doing so, we determined that she was  
21 not a victim of it.

22 Q Since you brought up Ms. Jenkins --  
23 Detective, you said information had come up about a  
24 prior domestic that you're saying Mr. Keck was



1 involved in. Who gave you that information?

2 A At the time --

3 MR. HAVASY: I'll object to this, that  
4 it was not presented to me. It's the first time I'm  
5 seeing it.

6 MR. BRASFIELD: It's cross-examination.  
7 Rule 611 in the rules of evidence -- which I  
8 understand this Council is not bound by -- says that  
9 it's open cross in the state of Tennessee. And he  
10 brought it up on his direct, and I am in  
11 cross-examination now.

12 THE CHAIRMAN: So just for our  
13 education, what is it?

14 MR. HAVASY: It's a document, some type  
15 of memorandum, sir. I would want just want to respond  
16 to that. That the Merit Council rules require you to  
17 file all relevant documents that you intend to use two  
18 weeks prior to the hearing. And I've never seen this  
19 document.

20 MR. BRASFIELD: And in fairness, I  
21 didn't realize this was a character assassination  
22 against Mr. Keck over multiple incidents.

23 MR. HAVASY: You asked him the question  
24 if he was aware of any other aggressive behavior, and

1 it's in his notes.

2 THE CHAIRMAN: We don't have copies of  
3 this for the rest of the Council; correct?

4 MR. BRASFIELD: I think you filed  
5 discovery on the sheriff's office. I'm sure they gave  
6 it to you.

7 THE CHAIRMAN: Mr. Havasy is correct on  
8 the rules regarding pre-hearing discovery. You are  
9 supposed to file that with us. Whether or not he has  
10 access to it is of no material to me. If it's part of  
11 your packet, you're supposed to submit it.

12 MR. BRASFIELD: Mr. Chairman, if the  
13 Council is not inclined to admit it, I would ask that  
14 it be stamped for ID only and placed in the file.

15 MR. HAVASY: No objection to that.

16 MR. BRASFIELD: Okay.

17 THE CHAIRMAN: Will move. Thank you,  
18 Mr. Brasfield.

19 MR. BRASFIELD: The only number --

20 MR. HAVASY: Yeah. Make whatever  
21 proffer you want on it.

22 MR. BRASFIELD: What number is that?

23 THE REPORTER: Sixteen.

24 //

1 (Exhibit 16 was marked for  
2 identification.)

3 THE CHAIRMAN: Continue, Mr. Brasfield.  
4 Thank you.

5 BY MR. BRASFIELD:

6 Q I'm sorry, Detective. Who mentioned this  
7 previous --

8 A I -- I can't recall how I got Madison  
9 Jenkins' name and Brittany Dotson's name. But it was  
10 brought up to me that this possibly had happened with  
11 them. And I just wanted to double-check with them to  
12 make sure that they weren't also victims of a domestic  
13 violence situation between them and Mr. Keck.

14 Q Was it someone who worked for the Sheriff's  
15 Office who told you about this?

16 A I believe -- probably so.

17 Q But you don't remember?

18 A No, sir. I don't. I can't recall at this  
19 time.

20 Q Did you investigate it?

21 A I did. I called out to the detention  
22 facility. Says 10:51 phone call to Madison Jenkins,  
23 which I did record on an audio recording. Had to talk  
24 to her about what was going on with Mr. Keck. And

1 then also -- and the recording with Ms. Dotson as  
2 well -- audio recording. Talked to her that night as  
3 well.

4 Q So did you go sign a warrant for Mr. Keck  
5 for those?

6 A No, sir.

7 Q Why is that?

8 A Because I determined that nothing had  
9 happened between them.

10 Q Is Lorie Spears the same complainant that  
11 told you that that told you about the alleged assault  
12 with Kelli Spears?

13 MR. HAVASY: Asked and answered.

14 MR. BRASFIELD: Well, actually, he said  
15 he didn't know. I just asked him if Lorie Spears is  
16 the one that told him.

17 THE WITNESS: I don't know.

18 BY MR. BRASFIELD:

19 Q You don't know who reported that crime of  
20 violence between employees?

21 A The crime that was committed between Westley  
22 and Kelli was reported by Lorie, her mother. But I  
23 can't recall who told me about Madison and Brittany.

24 Q Did you refer the complaint about Madison

1 and Brittany to the Internal Affairs Division?

2 A No, I did not. I don't believe I did in  
3 our -- our conversation. I don't have it in my notes  
4 here.

5 Q Do you think you should've?

6 A With a criminal investigation, if I  
7 determine that nothing had gone on between them, that  
8 there was no criminal investigation, no. I would not  
9 have told them to refer it to the Internal Affairs  
10 Unit.

11 Q You got information that there was violence  
12 between two uniformed employees, and your statement is  
13 it's not appropriate to report that to the Internal  
14 Affairs Division?

15 A I had information that they may be victims  
16 of a domestic violence situation -- which at the time,  
17 I was assigned to the domestic violence unit, the  
18 family crimes unit, to investigate if a crime had been  
19 committed. And which I was doing to make sure no  
20 other crimes had been committed.

21 And the victims could've been Madison and  
22 Brittany. And in speaking so that determined that  
23 nothing had happened between them criminally. So no.  
24 I did not refer them to talk to the Internal Affairs

1 unit.

2 Q So I understand you don't remember who told  
3 you about those?

4 A Correct, sir.

5 Q How many reports about Mr. Keck did you  
6 receive at the agency during your tenure of 20 years?

7 A How many reports?

8 Q Yeah. How many reports of violence between  
9 employees or any other misconduct about Mr. Keck did  
10 you investigate?

11 A I investigated the -- the -- all the  
12 incidents on April 1st. So it would've been one that  
13 I did make -- I had three possible victims that I  
14 looked into. One that I just determined that he was  
15 the primary aggressor, which I did make the arrest.  
16 And the other two, I determined nothing had happened.

17 MR. VALLIANT: Wait. I'm sorry. The  
18 other two were also reported on April 1st?

19 THE WITNESS: I got that information.  
20 Yes. And I can't recall who gave it to me. And I  
21 made a phone call. And I have a recording of the  
22 phone call that I did out to the detention facility,  
23 'cause the two employees were working night shift. So  
24 I called out there at 10:51 p.m. to speak with them.

1 BY MR. BRASFIELD:

2 Q And did you report that to those employees'  
3 supervisors?

4 A I cannot recall if I reported that. I  
5 believe I called out there and asked to talk to them.  
6 So probably checked with the lieutenant of operations  
7 that night to see if they were working.

8 Q Did you tell the lieutenant and/or those  
9 officers' supervisors of the allegations?

10 A I told the officers what the allegations  
11 were and why I needed to talk to them. Yes.

12 Q But not their supervisors?

13 A No.

14 Q Did you call Mr. Keck and ask him about it?

15 A No. 'Cause I talk to the victims first  
16 before talking to the suspect.

17 MR. VALLIANT: Mr. Brasfield, can I ask  
18 a quick question of Mr. Keck?

19 Mr. Keck, you can stay in your seat if  
20 you want. What was the time period of your alleged  
21 relationship with these other two alleged victims? Or  
22 whatever the --

23 MR. KECK: One, I did not have any  
24 relationship at all with. And the other was close to

1 a year, probably.

2 MR. VALLIANT: The year prior to the  
3 1st?

4 MR. KECK: What's that?

5 MR. VALLIANT: A year prior to  
6 April 1st?

7 MR. KECK: Give or take, yes, sir.

8 MR. VALLIANT: Sorry, Counselor.  
9 Continue.

10 BY MR. BRASFIELD:

11 Q Detective, what time did you meet with the  
12 sheriff on April 1st?

13 A I -- I can't recall what time I talked to  
14 him on -- on the 1st. I -- I don't know. I don't --  
15 I can't recall that.

16 Q When's the last time you met with the  
17 sheriff outside of this day?

18 A Outside of today, I talked to him last week  
19 on a school threat that we had called into one of the  
20 high schools. I had to make a phone call to him, tell  
21 him what was going on with it.

22 Q But you didn't meet with him?

23 A No, sir. I was out at the -- I was out at  
24 one of our schools. I was on -- on the scene.



1 Q When's the last time you met with the  
2 sheriff prior to today?

3 A Met with the -- I can't recall that. I met  
4 with him on other occasions. I made several phone  
5 calls to him about what's going on in investigations  
6 that we -- that he wants to know about.

7 Q Did you meet with the sheriff on April the  
8 1st?

9 A I can't recall if I did, sir, or not.

10 Q What's your rank, sir?

11 A Detective.

12 Q Is that like a sergeant or a corporal?

13 A Yes, sir. It's a sergeant.

14 Q A sergeant.

15 A Yes, sir.

16 MS. WILLIS: Can I ask a question along  
17 those same lines? We're talking about timelines, and  
18 I'm trying to get everything sort of situated in my  
19 head. I understand that you don't know the exact time  
20 that you spoke with Sheriff Spangler. But do you know  
21 about what point in all of the different events --  
22 when did you brief Sheriff Spangler on the issue?

23 I mean, it says that you met with  
24 Ms. Spears at 1:54, and then you met with Mr. Keck at

1 4:53. You arrested him at 5:45. After that, the  
2 affidavit was filled out, and the magistrate agreed  
3 that there was probable cause. Where in all of that,  
4 do you recall, did you speak with Sheriff Spangler to  
5 brief him on issues?

6 THE WITNESS: It would've been later  
7 after I've gotten everything done. I don't recall an  
8 exact time that I spoke to him that day. And I just  
9 can't remember that. But up until that point, in  
10 doing all of this stuff, at the time I was keeping my  
11 immediate supervisor advised of the situation, Captain  
12 Faulkner.

13 Now, he -- Captain Faulkner was with me  
14 out there at Chip Cove Lane, so he did know what was  
15 going on. And he was there when we did make the  
16 arrest and things like that. And then, as soon as --  
17 after I left Chip Cove, then I had some paperwork  
18 to -- to finalize up with all this stuff.

19 MS. WILLIS: But do you think that you  
20 spoke with him on April 1st?

21 THE WITNESS: I can't recall, ma'am.

22 MS. WILLIS: Okay. And I'm asking  
23 because the letter that Sheriff Spangler issued  
24 terminating Mr. Keck was on April 1st.

1 THE WITNESS: Yes, ma'am. I do  
2 understand that. And I can't recall. I mean, it's  
3 been three years with this and a lot of other stuff  
4 going on. And I just -- I can't recall when I talked  
5 to him that day.

6 MS. WILLIS: Okay. Thank you.

7 THE CHAIRMAN: Anything else? Anything  
8 further, Mr. Brasfield?

9 MR. BRASFIELD: If I could have just a  
10 moment, Mr. Chairman.

11 THE CHAIRMAN: Thank you.

12 MR. VALLIANT: May I ask a quick  
13 question of the detective while you regroup,  
14 Mr. Brasfield?

15 MR. BRASFIELD: Yes. Thank you, sir.

16 MR. VALLIANT: So in the course of 24  
17 hours, there were three complaints for domestic  
18 assault. There was an entire investigation. You  
19 interviewed Mr. Keck. You arrested Mr. Keck. And  
20 Mr. Keck was terminated. All within the same day?

21 THE WITNESS: Yes, sir.

22 MR. BRASFIELD: I have no more  
23 questions.

24 THE CHAIRMAN: Thank you.

1 MR. WRIGHT: If I could.

2 THE CHAIRMAN: Certainly.

3 MR. WRIGHT: Do you feel that  
4 Brittany's mother, Lorie, had any bearing on this to  
5 be so expedited -- at 2 a.m., she sends out an email.  
6 And at 5:45 that evening, he's arrested. Do you think  
7 because she was a law enforcement officer, that helped  
8 push it? Or maybe some supervisors had told you to  
9 proceed with it to make it happen?

10 THE WITNESS: No. It made no bearing  
11 on -- on the investigation, on how I investigated or  
12 you know, priority of the investigations. It was  
13 assigned to me that day as whatever -- how many other  
14 cases I was assigned that day, I'm not sure. Some  
15 take a little longer, dealing with child abuse or  
16 other things. They're a longer process. Others can  
17 be handled in -- in a timely manner. This is one of  
18 the ones that can be handled in a timely manner.

19 And you know, with my time management  
20 or whatever, I decided to do it. I -- that's what I  
21 chose to -- you know, we'll go out. I made the  
22 decision. I'll go out, take another detective with  
23 me, and we'll look at this, you know, today. And  
24 we'll start the investigation, and we'll see where it

1 goes from there.

2 MR. WRIGHT: I did notice on one of the  
3 reports, it looked like there was ten units that  
4 showed up with a Paddywagon. Was all that just for  
5 the interview?

6 THE WITNESS: The original interview --  
7 I know Lieutenant Overton and then we had -- he was a  
8 patrol supervisor. Then, we had a couple patrol units  
9 go with us. Captain Faulkner, myself, and Detective  
10 Hummel in dealing with that. It's just kind of safety  
11 issue for everyone involved that we did that in the  
12 initial approach to the house. Once the investigation  
13 began, my -- interview talking, it was myself and  
14 Detective Hummel that did the interview.

15 MR. VALLIANT: Sorry. There were ten  
16 units that approached Mr. Keck's home to effectuate  
17 the arrest?

18 THE WITNESS: No, sir. There was --  
19 I'm not sure exactly how many were up there. I know  
20 we had a couple patrolmen. Jason Overton, the  
21 lieutenant, myself. Captain Faulkner and -- and  
22 Detective Hummel. I don't know if there was a little  
23 bit more than that up there. And going up there was a  
24 safety issue. To make that determination, I believe

1 Captain Faulkner made that determination to have that  
2 amount to go to the house originally for -- for  
3 everyone's safety at that time.

4 MR. VALLIANT: I understand this is  
5 probably more of a hearsay issue. I guess I'd ask for  
6 your opinion, then. Why were there so many officers?  
7 What was different about this situation that required  
8 so many individuals participating in this process?

9 THE WITNESS: It's for everyone's  
10 safety, including Mr. Keck's. We want to make sure  
11 everyone is completely safe, first and foremost.  
12 That's, you know, the number one goal. Everybody goes  
13 home at the night, and no one gets hurt. So that --  
14 that's the reason that was chosen to do it that way.  
15 Sometimes, it's just myself and another detective.  
16 Sometimes, it's just myself going out on -- on calls.  
17 It depends on -- on that call at that moment.

18 MR. VALLIANT: What seemed unsafe about  
19 Mr. Keck in this situation that required ten units, I  
20 guess, is my question.

21 THE WITNESS: It's -- I believe Captain  
22 Faulkner made that determination to have those -- that  
23 amount of units to go out there. Of course, he's my  
24 boss, and it's up to him for that -- for the safety.

1 So we don't have any type of situations where anyone's  
2 going to get hurt.

3 MR. VALLIANT: Was there a reason to  
4 believe that someone would get hurt or in your  
5 professional experience?

6 THE WITNESS: We don't want -- we don't  
7 want anybody hurt on any type of call. So sometimes,  
8 if more officers have to go to make sure no one gets  
9 hurt, that's the determination that's made at the  
10 time.

11 THE CHAIRMAN: Detective, are you aware  
12 of whether or not Mr. Keck was issued a firearm during  
13 his employment?

14 THE WITNESS: I can't recall, sir.

15 THE CHAIRMAN: Okay. But is that the  
16 reason?

17 THE WITNESS: More than likely. You  
18 know, we're worried about if there are other firearms  
19 or things at the house --

20 THE CHAIRMAN: So based on the outcome  
21 of no violence at the scene, and no one was injured  
22 either, law enforcement or the suspect -- what is your  
23 opinion of the captain's decision?

24 THE WITNESS: It's -- it's the correct

1 decision. I've made calls like that, having other  
2 patrol units go with me on other investigations. At  
3 the beginning, you know, when I show up -- we may have  
4 a lot of people show up at the -- at the front end.  
5 And then, when the process starts, we -- we can let  
6 people go. It's easier to do that than have -- trying  
7 to get people there after something happens.

8 THE CHAIRMAN: And this is my verbiage.  
9 Did you peel people off at the scene once you  
10 contacted Mr. Keck and he was cooperative --

11 THE WITNESS: Yes.

12 THE CHAIRMAN: -- do you believe?  
13 During the course of the interview, how many employees  
14 of the Sheriff's Office were present at the scene?

15 THE WITNESS: For the interview?

16 THE CHAIRMAN: Yes.

17 THE WITNESS: Myself and Detective  
18 Hummel were there. And I believe Captain Faulkner --  
19 he was close by us when we were on -- on the front  
20 porch there.

21 THE CHAIRMAN: So once the scene was  
22 stabilized, you went from ten to three? Is that what  
23 I would understand?

24 THE WITNESS: I believe so.



1 THE CHAIRMAN: Thank you.

2 Anything further from the Board?

3 MR. WRIGHT: I did watch the video, and  
4 looked like there was at least four officers standing  
5 there as he was being walked to the Paddywagon.

6 THE WITNESS: I'm not sure. You know,  
7 depending on if they were released. If they stayed or  
8 not, why they stayed, I don't know.

9 THE CHAIRMAN: You've got to have a  
10 driver for the car? Any other questions from the  
11 Council for the detective?

12 MR. BRASFIELD: I have one, Chairman.

13 THE CHAIRMAN: Yes, sir.

14 BY MR. BRASFIELD:

15 Q Detective Aken, the event that was reported  
16 to you, what date did that occur on, the event  
17 Ms. Spears said that alleged the assault had occurred  
18 to you?

19 A The alleged -- March 27th.

20 Q And what day did you respond with the  
21 Paddywagon and the rest?

22 A We started our investigation on -- on April  
23 1st.

24 Q So did you have any reason to believe that

1 there was an ongoing domestic violence situation at  
2 that residence on that date?

3 A On April 1st?

4 Q Yes, sir.

5 A No, 'cause she was not at the house.

6 Q Do you know that Mr. Keck worked in the jail  
7 the night before and was scheduled to work the night  
8 that he was arrested?

9 A I believe so.

10 Q Is there any particular reason why you  
11 didn't just wait for Mr. Keck to come to work?

12 A Why we didn't wait for him to come to work?

13 Q Yes, sir.

14 A I made the determination to leave the house  
15 at Branson Lane and drive up to his house.

16 Q Regarding an event that had happened days  
17 prior?

18 A Correct.

19 Q So there's no immediate threat to anyone.  
20 You would agree with that?

21 A No. There was no immediate threat. But in  
22 my decision, in my investigation that day, I made the  
23 determination that myself and Detective Hummel, we  
24 were going to go -- after speaking with Kelli Spears,

1 we were going to drive straight over to Mr. Keck's  
2 house to get his side of the story.

3 Q Are housing and security officers with five  
4 years, ten years normally issued firearms with the  
5 sheriff?

6 A I don't know if he'd gone through the  
7 academy or not. I don't know if he was certified or  
8 not. So I don't know if he was issued a firearm or  
9 not.

10 Q Did you call his supervisor and ask him  
11 before you went over to his house?

12 A No.

13 Q Did you call personnel and ask what his  
14 status was before going to his house?

15 A No.

16 Q So for all you know, he was a SWAT Team  
17 member and a former Green Beret?

18 A Could have been.

19 MR. BRASFIELD: Thank you, sir.

20 THE CHAIRMAN: Any further for the  
21 witness, Mr. Havasy?

22 MR. HAVASY: I'm just curious about  
23 general domestic assault, so --

24 THE CHAIRMAN: Can't hear you, sir.

1 MR. HAVASY: Sorry.

2 THE CHAIRMAN: Thank you.

3 REDIRECT EXAMINATION

4 BY MR. HAVASY:

5 Q Generally, in a domestic assault, you get  
6 called out to a scene, and you make an arrest. How  
7 long does a typical domestic assault investigation  
8 occur from the time you arrive on scene and begin  
9 interviewing somebody to making an arrest? How long  
10 does that happen?

11 A I can't really say that there's a -- a time  
12 factor in it, because every case is different.  
13 Depending on the severity of the type of calls that  
14 you get, it could be someone has been injured enough  
15 to end up in a hospital. Or someone has been slapped  
16 across the face, or something's been thrown at them.  
17 Or someone's been strangled.

18 Depending on the type of call that you get  
19 and how you respond, a call could last from a couple  
20 of hours to a couple of days to several months long,  
21 depending on how -- the -- the -- each call is  
22 different. So I can't tell -- there's -- you know,  
23 there's no direct timeframe.

24 Q You're saying that you have had cases where

1 you've responded to a spouse being beaten up or  
2 something to where it's only been a couple hour  
3 investigation before you made an arrest?

4 A Yes, sir.

5 MR. HAVASY: Okay. Thank you.

6 THE CHAIRMAN: Anything further?

7 MR. HAVASY: No, sir.

8 THE CHAIRMAN: Thank you, Detective. I  
9 appreciate your time. And we got you three minutes  
10 before your scheduled interview. Thank you.

11 MR. HAVASY: Since Mr. Brasfield has  
12 already called the sheriff and Mr. Keck, we rest.

13 THE CHAIRMAN: Rest. Okay. Thank you.

14 MR. HAVASY: We presented our testimony  
15 through them.

16 THE CHAIRMAN: I didn't hear you,  
17 Mr. Havasy.

18 MR. HAVASY: We presented the testimony  
19 we needed through them.

20 THE CHAIRMAN: Thank you.

21 Now we go back to the deliberations,  
22 Mr. Morton? Do we deliberate now?

23 MR. BRASFIELD: Do you want to waive or  
24 close? Or do you want to close?

1 THE CHAIRMAN: Were you asking me or  
2 Mr. Havasy?

3 MR. BRASFIELD: I was asking Mr. Havasy  
4 first. I'm sorry, Mr. Chairman.

5 MR. HAVASY: It's up to everyone here.  
6 Typically, lawyers make closing arguments. If you  
7 feel like it would be helpful, then I'm happy to give  
8 one. If you feel that we've presented everything,  
9 then I'm happy to be quiet and sit down.

10 THE CHAIRMAN: Do you wish to give a  
11 closing argument, Mr. Brasfield?

12 MR. BRASFIELD: Briefly, sir, please.

13 THE CHAIRMAN: Thank you. Proceed.

14 MR. BRASFIELD: Members of Council, you  
15 heard the sheriff's testimony that Mr. Keck was a good  
16 and reliable employee. He has no criminal histories  
17 prior to this arrest or subsequent to, and it has been  
18 several years. He's had no complaints of violence in  
19 his work history or outside of these criminal charges  
20 that were brought. And Detective Aken said it best.  
21 Every case is different.

22 Detective Aken is a criminal  
23 investigator to serve the citizens. And this case is  
24 different in that Mr. Keck is a law enforcement

1 officer. Sworn. He gets a whole panoply of  
2 protections under Garrity and these Council rules,  
3 more importantly, regarding his employment, which is  
4 why we're here. Mr. Keck's memory was -- I submit to  
5 this Council, was pretty sharp. On the events, on the  
6 timelines.

7 I think the evidence is clear that the  
8 sheriff's memory and Detective Aken's memory of when  
9 things happened -- if they even talked on April 1st,  
10 it was never established. The sheriff said, he  
11 updated me. And the detective sergeant can't remember  
12 talking to the head of the largest law enforcement  
13 agency in East Tennessee.

14 But the sheriff defers to the criminal  
15 investigator for his Internal Affairs issues. And  
16 this is an Internal Affairs issue. When it comes to  
17 terminating an employee or disciplining an employee,  
18 we're not talking about the District Attorney seeking  
19 retribution. We're just looking for a fair process  
20 for employees.

21 Mr. Keck, as he sits here today --  
22 don't just see Mr. Keck. See him as a sworn member of  
23 the agency. See him in his uniform interacting with  
24 200 prisoners a day for 5 years without complaint in a

1 reliable manner. As an employee who offered to give a  
2 statement. Who said, call me. I'll make myself  
3 available. I'd like to tell you my side. And wrote  
4 his side. And signed it and sent it.

5 And you know, talking about safety on a  
6 call, on a 911 call. Or an email from one employee to  
7 another employee to another employee that finally gets  
8 in. If this is truly a criminal issue, if I were to  
9 pick up the phone and call 911 -- and I live in Knox  
10 County -- they would promptly come and assist me. I  
11 have no doubt.

12 That didn't happen in this case. It's  
13 a bunch of emails between a bunch of insiders. Which  
14 I submit to you, based on how that complaint arose,  
15 this is an internal investigation. Detective Aken  
16 testified that he called and got time and numbers for  
17 his report. So that report was generated by the  
18 detective. And Mr. Keck was terminated without an  
19 internal investigation.

20 So I would ask that this board  
21 reinstate Mr. Keck, let him go back to being a good  
22 and reliable employee, and restore him to his benefits  
23 that he had earned. And he will faithfully serve this  
24 community as he has. Thank you.



1 THE CHAIRMAN: Thank you, Mr. Brasfield  
2 Mr. Havasy.

3 MR. HAVASY: Thank you, everyone, for  
4 your time and patience today. I told you at the  
5 beginning of this case, and I'm telling you again.  
6 This case is simple. You've heard things like  
7 Garrity, internal investigations, technicalities that  
8 they want to argue with the arrest and the  
9 investigation. It's just not relevant to -- that may  
10 be relevant to attacking a criminal charge. It has  
11 zero relevance on whether the sheriff acted  
12 arbitrarily in dismissing Mr. Keck. It's not a case  
13 about whether he's guilty or innocent. It's about  
14 whether the sheriff acted arbitrary.

15 It's not even a case about whether --  
16 swearing contest between Ms. Spears and Mr. Keck.  
17 Mr. Keck has the burden of proof, and he has to prove  
18 to you by clear and convincing evidence that the  
19 sheriff acted arbitrary, and he can't do it. The  
20 evidence you've heard today is overwhelming that the  
21 sheriff correctly acted when he relied upon a  
22 detective, veteran detective. Twenty years in his  
23 agency.

24 And he also relied upon the

1 magistrate's finding of probable cause. They want to  
2 argue that he didn't, but it's right here in his  
3 April 1 letter, where he actually references the  
4 criminal charges. Criminal charges wouldn't have  
5 existed without the magistrate having executed the  
6 arrest warrant. Probable cause had been found.

7           So in addition to the detective's  
8 complete, meticulous, voluminous, thorough  
9 investigation on a simple misdemeanor, he's also got  
10 the probable cause finding of the magistrate that he  
11 relied upon. And the reason that's important, aside  
12 from the obvious -- as a matter of law, a sheriff has  
13 to be able to terminate an employee when he has  
14 probable cause to do so. That is a legal finding.

15           I want to state that another way. It  
16 cannot be arbitrary to rely upon a legal precedent  
17 that a fact has occurred. And that's one of the  
18 reasons the sheriff has dismissed Mr. Keck. And I  
19 want you to think about the alternative. If you were  
20 to rule in Mr. Keck's favor and overturn the sheriff  
21 when there's a probable cause finding, the sheriff  
22 would never be able to terminate an employee  
23 regardless of the criminal charge.

24           Think of the most heinous charge you

1 can think of. Murder. We would have people in -- if  
2 someone was so charged, acting as a law enforcement  
3 officer, you know, in a position of trust, charged  
4 with murder. When one of his officers has found that  
5 there was probable cause to arrest him for him. And  
6 that just can't be the law.

7 Looking at the merits of the case,  
8 Mr. Keck's position gets even worse. The evidence has  
9 shown the victim has zero incentive to lie. To this  
10 date, she still stands on her accusation. No  
11 incentive to lie at all. She gains nothing from lying  
12 to you, this body, and testifying under oath that he  
13 did these things to her. There is only one person  
14 that would benefit. Only one.

15 I asked Mr. Keck in cross-examination,  
16 in addition to what he wrote in these papers, where he  
17 said he wasn't questioned prior to being arrested --  
18 if you want to try to qualify that with words around  
19 it, I understand. But I also asked him verbatim the  
20 sentence he said under oath. And he said he had not  
21 been questioned prior to being arrested.

22 I'd submit to you that Detective Aken  
23 did everything by the book. I can't think of one  
24 critical thing that I can say about Detective Aken's

1 investigation. Not one. Even looking back on it --  
2 and we've picked it apart with a fine-tooth comb, and  
3 I don't see anything that he did that was  
4 inappropriate. He would still, to this day, swear out  
5 a warrant against Mr. Keck based off what he knows.  
6 It wasn't arbitrary for the sheriff to rely on  
7 Detective Aken. It wasn't arbitrary for the sheriff  
8 to rely upon the magistrate's finding of probable  
9 cause.

10 I guess, in closing, I want to say that  
11 the only question, again, presented to you is whether  
12 the sheriff acted arbitrary. And there is not a  
13 scintilla of evidence that he did. Thank you.

14 THE CHAIRMAN: Thank you.

15 Okay. We've come at a point where we  
16 can deliberate as a Council. So does anybody have any  
17 thoughts on this action? Go ahead, John.

18 MR. VALLIANT: I think, once again, the  
19 scope of evidence being considered is much larger than  
20 we should be considering. I think the scope is much  
21 larger than the scope that we should be considering  
22 it. Excuse me. I'm sorry for the grammar.

23 I have some issues, I think, with a  
24 statement the sheriff made where he said that he

1 believed that the dismissal with cost was indicative  
2 of something other than it being dismissed. It  
3 appears to me that the situation was maybe a little  
4 bit overkill under the circumstances.

5 I think there were a lot of processes  
6 that I probably don't understand from probably an  
7 Internal Affairs standpoint. I think there were a lot  
8 of processes that I still can truthfully say I don't  
9 understand surrounding the process that was taken to  
10 effectuate his arrest and investigate his arrest and  
11 investigate his conduct. And I think that it's  
12 probably -- but under the circumstances, it seems to  
13 me like Mr. Keck's case was dismissed with cost.

14 I know at the last Merit Board hearing,  
15 of which we have one sitting member, we are in a  
16 position where -- I think at that last Board hearing,  
17 we determined that what we needed to do was determine  
18 whether or not there was a conviction, and if based on  
19 the conviction, we would make a decision as to whether  
20 or not the decision was arbitrary. That's my  
21 understanding of the last hearing.

22 So I would submit to this board that we  
23 probably need to take that into consideration when  
24 making our decision. However, I would say I believe

1 Mr. Keck should be reinstated with pay on all of those  
2 bases.

3 THE CHAIRMAN: Any other comments from  
4 anyone?

5 So again, the conviction is one of the  
6 12 different causes that are articulated in the  
7 policies and procedures, the old version that has  
8 jurisdiction over this appeal. So it's not an  
9 all-encompassing, you shall have a conviction. It's  
10 any of these. Everything from failure to meet  
11 performance requirements all the way down to false  
12 testimony and investigation or being insubordinate.  
13 So I'm looking at the decision form that we're  
14 supposed to complete on this. And there's four  
15 adjudications.

16 The first one is, the sheriff did not  
17 comply with procedures established. It appears that  
18 he complied with those. We have a difference of  
19 opinion on whether or not it was -- or the activity  
20 raised to the level of justified cause to dismiss.

21 The second one is, dismissal occurred  
22 for political reasons. That's never been asserted.  
23 And the sheriff was arbitrary. That's been asserted  
24 by the former officer, but there was no evidence given

1 as to why it was arbitrary. There's been a lot of  
2 conversation about the fact that we had an alleged  
3 victim with injuries that she alleged the former  
4 employee caused.

5 We have a detective who testified that  
6 he did interview the former employee, and the employee  
7 says he wasn't interviewed. So I don't see any  
8 logical reason why the investigator would lie that he  
9 did interview when he in fact did not, as the officer  
10 is asserting.

11 So based on the only individual that's  
12 been inconsistent in his statements is the terminated  
13 employee, we don't have an inconsistency in the  
14 investigation. There's no requirement for an internal  
15 investigation. I get the flavor from the Council that  
16 there's a desire for that.

17 And that's just another layer of --  
18 having done these investigations, basically, you do  
19 not initiate an administrative investigation until the  
20 criminal investigation is completed, because there are  
21 rules of evidence, and you do not want to contaminate  
22 the criminal investigation by conducting an  
23 administrative investigation.

24 Because in an administrative

1 investigation, Mr. Keck could've been ordered to talk.  
2 And if he hadn't complied with the order, he would've  
3 been terminated for insubordination. But then, you've  
4 got this coerced statement, and you still have this  
5 criminal proceeding pending. So you usually have to  
6 wait so there's no tainting of the criminal  
7 investigation. And the idea that they are corollary  
8 or simultaneous is not accurate.

9           You don't contaminate the criminal -- I  
10 unfortunately had to deal with an officer-involved  
11 homicide. Off-duty. And there was a lot of push to  
12 start the internal admin investigation. And you just  
13 can't. Literally, you would jeopardize the successful  
14 prosecution of the employee. So we had to educate  
15 some folks as to that.

16           I don't see where Mr. Keck has raised  
17 enough of an issue to show that the sheriff was  
18 arbitrary in its dismissal. He's denied it. I'm  
19 aware of that. But he denied an interview with the  
20 detective, and I don't see how the -- what does the  
21 detective benefit from, number one, lying, or more  
22 importantly, not interviewing the suspect during the  
23 investigation.

24           If you notice on the reports, somebody



1 reviewed the report. And that would probably have  
2 been a red flag by a supervisor going, how come you  
3 didn't interview this guy that you just booked? So I  
4 take pause in the statement that the detective did not  
5 interview.

6 Anybody have any comments? I'll  
7 entertain a motion if there is one. There's no  
8 motion.

9 MR. MARSHALL: I'll entertain a motion  
10 that -- I assume that we're going to fill out these,  
11 turn them in, and it'll be tabulated; is that correct?

12 THE CHAIRMAN: Right. Let me ask  
13 Mr. Morton.

14 Do we publicly state the vote, or do we  
15 fill these out? Tell me the process.

16 MR. MORTION: Publicly, yes.

17 THE CHAIRMAN: Okay. And then, we just  
18 verify our vote by filling out the form.

19 MR. MORTION: Okay. I'll make a motion  
20 that the sheriff did not act arbitrary in his  
21 dismissal of Mr. Keck and that the sheriff's dismissal  
22 should be upheld.

23 THE CHAIRMAN: Do I have a second?

24 MR. BOATMAN: I'll second that.

1 THE CHAIRMAN: Second by Mr. Boatman.  
2 Any discussion on the motion? I'll poll the members.

3 Ms. Willis.

4 MS. WILLIS: My only concern is the  
5 timeline of everything. And since there was no  
6 evidence that the conversation between Detective Aken  
7 and Sheriff Spangler occurred on the 1st, I would have  
8 to say I would agree with the motion that the sheriff  
9 did not act arbitrarily.

10 THE CHAIRMAN: So you're voting to  
11 uphold the termination?

12 MS. WILLIS: Yes.

13 THE CHAIRMAN: Thank you. Yes. Okay.  
14 Mr. Wright.

15 MR. WRIGHT: I'll say C. The sheriff  
16 was arbitrary in interpretation of cause. I feel that  
17 because of the timeline.

18 THE CHAIRMAN: Thank you, Mr. Wright.  
19 Mr. Valliant.

20 MR. VALLIANT: I would say C. The  
21 sheriff was arbitrary in the interpretation of cause.  
22 And really, A, just by default of -- pretty much C.  
23 That's how I cast my vote.

24 THE CHAIRMAN: Thank you. Yeah. I

1 vote there was no arbitrary -- or I uphold the  
2 termination of Mr. Keck.

3 MR. MARSHALL: I would vote the sheriff  
4 was not arbitrary and uphold the termination of  
5 Officer Keck.

6 MR. BOATMAN: I also vote that the  
7 sheriff was not arbitrary in the dismissal of  
8 Mr. Keck.

9 THE CHAIRMAN: Okay. That concludes  
10 the vote. It's four to uphold the termination of  
11 Mr. Keck. And so moved.

12 Is there any further business? Okay.  
13 Thank you very much. We are adjourned.

14 (Exhibit 17 was marked for  
15 identification.)

16 (Whereupon, at 3:18 p.m., the  
17 proceeding was concluded.)

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CERTIFICATE OF DEPOSITION OFFICER

I, JONI BOLDEN, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

*Joni Bolden*

JONI BOLDEN

Certified Reporter in and for the  
State of Tennessee

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CERTIFICATE OF TRANSCRIBER

I, CHRISTIAN HARTSELLE, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



CHRISTIAN HARTSELLE

<b>1</b>	166:22	179:8 180:20	<b>24</b> 4:4 181:16
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[chosen - complete]

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[completed - conviction]

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[conviction - course]

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**[court - deal]**

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[detective - dismissed]

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[dismissing - effectuated]

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[effectuating - evidence]

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[evidence - explanation]

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[expound - find]

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[havasy - honor]

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[initial - investigation]

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[recollection - renew]

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[sit - specific]

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[trying - untrustworthy]

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