## IN THE SESSIONS COURT FOR KNOX COUNTY

STATE OF TENNESSEE,

Plaintiff

vs.

No. @1355549

WESTLEY KECK,

Defendant
)

## TRANSCRIPT OF PROCEEDINGS:

AUGUST 24, 2021

HONORABLE TONY STANSBERRY PRESIDING

## APPEARANCES:

DISTRICT ATTORNEY JONES

MR. TRAVIS BRASFIELD, Attorney for Westley Keck

CHERYL L. McMASTERS, LCR
HOOD & McMASTERS
P.O. BOX 894, SEYMOUR, TN 37865
865-705-4857

EXHIBIT 7

1	INDEX	2
2	WITNESSES	PAGE
3	TRINITY SPEARS	
4	Direct Examination by General Jones	5 13
5	Cross Examination by Mr. Brasfield	13
6	WESTLEY KECK	
7	Direct Examination by Mr. Brasfield Cross Examination by General Jones	16 22
8	Redirect Examination by Mr. Brasfield	25
9		
10	2 - 5 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	
11		
12		
13	1 7000 (1)	
14		
15	y	
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1		EXHIBITS	3
2	NUMBER	DESCRIPTION PAG	E
3	1	Copy of audio recording by Mr. Keck 21	
5			
6			
7			
8			
9			1
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20	-		
21			
22			
23			
24			
25			

can proceed at your convenience, General.

1	GENERAL JONES: Thank you, Judge.
1	
2	THE COURT: And here's the microphone.
3	KELLI SPEARS,
4	Having been first duly sworn, was called and
5	testified as follows:
6	DIRECT EXAMINATION
7	BY GENERAL JONES:
8	Q Can you tell us your first and last name?
9	A Kelli Spears.
10	Q Okay. I'm going to have you pull that
11	microphone to you and talk real loud into it. Do you know
12	Westley Keck?
13	A Yes.
14	Q How do you know Westley Keck?
15	A I dated him.
16	Q Can you tell me about how long you all
17	dated?
18	A Two months.
19	Q Did something happen to you on March the
20	27th of 2020 that brought you into court today?
21	A Yes.
22	Q Can you tell the judge what happened?
23	A I woke up to him screaming at me, and then
24	he hit me on the center of my back.
25	Q All right. What time was this?

1	А	I'm really not sure. I know it was after
2	7:45.	ta interest to the second of t
3	Q	How do you know that?
4	А	Because that's when he got home from work.
5	Q	Okay. Does he work night shift?
6	А	Yes.
7	Q	So he had come home from night shift, you
8	were sleeping, an	d how did you wake up?
9	А	He was screaming at me and had pushed me on
10	my back.	
11	Q	Okay. Do you remember what he was
12	screaming?	
13	А	No.
14	Q	Okay. Tell me what happened next.
15	А	He was telling me to get out. And so as I
16	was trying to get	out of bed, he kind of like grabbed my leg.
17	I was still tryin	g to get out of the bed. So I ended up
18	falling on the fl	oor.
19	Q	Okay. Can you tell me where he grabbed
20	your leg?	
21	A	Like on the calf and the ankle.
22	Q	Did you have any marks on your leg after
23	that?	
24	A	Yes.
25	Q	Can you tell me just kind of what those

```
7
     marks, if anything, looked like?
                      They were kind of round, but they were like
 2
              A
     in a pattern.
 3
                     Like a hand print?
 5
              A Yeah.
 6
                     Were they bruises?
 7
              A
                     Yes.
 8
              Q Okay. So you said around the calf and the
9
     ankle. And then what happened after that? You said you were
10
     on the floor?
11
              A
                Yeah.
12
                     Okay. What happened when you were on the
              0
13
     floor, if anything?
14
         A Nothing, I don't believe. I don't
15
     remember.
16
              Q Okay. What happened next?
17
        A He was telling me that I needed to get out.
18
     And so I started to try and gather my things.
19
                And after doing that, as you're gathering
20
     your things, what did he do?
21
              A He followed me around the townhouse.
22
                   Okay. How did that make you feel?
23
              A
                     It made me feel stuffy, like I couldn't
24
     breathe.
25
                     Okay. You said it made you feel stuffy.
              0
```

1 Were you scared? 2 Yes. 3 Did he say anything to you as you're Okay. gathering all of your things? 4 5 Just telling me that I have to get out. A 6 What happened next, as you're gathering 7 your things? 8 Α He was following me around the apartment, 9 and I accidentally backed into him because he was standing 10 directly behind me when I was standing at the sink. 11 some jewelry laid out on the bathroom sink. I was just 12 trying to be fast and get out. 13 And then did something happen at the 14 washing machine? Can you tell me about that? 15 A I was sifting through the clothes in 16 the washing machine because I had washed some of mine and his 17 clothes, and hadn't put them in the dryer yet. Okay. And what happened then? 18 I don't remember. 19 20 Okay. Tell me why you don't remember it. 21 What's the last thing that you remember? I remember trying moving my head up as I 22 A 23 was pulling out a pair of leggings. 24 And then what's the next thing that you 25 remember?

(No verbal response.)

25

A

1	Q But he had been telling you to get out?
2	A Yes.
3	Q Was he blocking the door?
4	A He was mainly talking but I told him I was
5	leaving or I would scream.
6	Q Okay. You told him you were leaving or you
7	would scream?
8	A Yes.
9	Q Okay. And then what did he do in response
10	to that?
11	A He moved out of the way, even with the
12	steps.
13	Q And how did he make you feel when all of
14	that was happening?
15	A Like I really needed to leave.
16	Q All right. So do you leave the is it an
17	apartment or
18	A It was a townhouse, I guess, or I think
19	it's classified as. I'm not sure.
20	Q Okay. So you leave the townhouse. Do you
21	immediately call the police?
22	A No.
23	Q Okay. What, if anything, do you do then?
24	A I started putting my bags into my car, and
25	I go back for my last one, and he kind of tosses it. And I

1	grab it and leave, and then go home.
2	Q Okay. And is home at (inaudible).
3	A No, it's my parents' house.
4	Q Okay. And then how do the police get
5	involved, I guess is the best way to ask this question?
6	A My mom worked for the detention center that
7	he also worked at.
8	Q Okay. Do you have a conversation with your
9	mom or what happened? Why did the police get notified?
10	A She actually texted me while she was on her
11	way home from court. I guess she was in the parking lot.
12	And she said, I would like to talk to you when I get home. I
13	hadn't been sleeping much anyway. So I just stayed awake
14	until she got home.
15	Q Okay. Did your mom see the bruises on your
16	leg?
17	A She saw the one that was on my eye, but she
18	had only seen
19	MR. BRASFIELD: Speculation as to what her
20	mother saw.
21	THE COURT: Sustained.
22	BY GENERAL JONES:
23	Q Well, let's just talk specifically about
24	where, if any, you had bruises that were visible.
25	A I mean I was wearing long pants and a

White or gray.

	1
1	GENERAL JONES: Let the record reflect she
2	has identified Mr. Keck.
3	THE COURT: Noted.
4	GENERAL JONES: Okay. That's all. Mr.
5	Brasfield may have a few questions. Okay?
6	THE WITNESS: Uh-huh.
7	CROSS EXAMINATION
8	BY MR. BRASFIELD:
9	Q Good morning, Ms. Spears. My name is
10	Travis Brasfield. I represent Mr. Keck. Earlier you said he
11	came in screaming and hit you; is that correct?
12	A I didn't specifically say he hit me, but he
13	did or at least I don't remember saying that, but he
14	pushed down on my back hard.
15	Q Okay. So he didn't hit you shortly after
16	7:45?
17	A I don't know exactly how you would classify
18	it but I know I was woken up by someone touching me
19	forcefully.
20	Q Okay. So if he didn't hit you at 7:45, you
21	later say he screamed and pushed you on your back; is that
22	correct?
23	A What? I didn't
24	Q Did he push you on your back?
25	A What do you mean? I don't understand your

14 1 question. 2 Q Earlier you testified that you were 3 screaming and he pushed me on my back. A Oh, yes. I thought you meant like from the 4 front to the back. I didn't understand your question. 5 6 Q So did he push you down onto your back or 7 you're saying he pushed you in the back? A I said on my stomach. My back was facing 8 9 towards the roof. Q So you were asleep. And when he got home 10 he didn't just start striking you immediately? Is that 11 12 incorrect or is that correct? 13 A I didn't know he was home until I heard screaming. 14 15 You later said he grabbed you on your calf? 0 16 A Yes. 17 Now, the warrant says that he grabbed you 0 by the arm. 18 19 A He did grab my arm. But that wasn't on 20 March 27th. So you're walking around, gathering your 21 0 22 stuff, and he's telling you to get out? 23 A Yes. 24 Okay. And then you went home and you 0

25

called 911?

1	A No.
2	Q When did you notify the police of this?
3	A I never did.
4	Q You never talked to any detective or
5.	officer?
6	A I talked to them but I didn't call them.
7	His boss did.
8	Q Do you remember what you told them?
9	A Yes.
10	Q Did you tell them that he came home to get
11	you and that's how you woke up?
12	A He was screaming and pushing on my back.
13	Q Are you sure that's how this happened, as
14	you described it earlier?
15	A Yes.
16	Q Would you be surprised if there was a
17	recording of this event (inaudible).
18	A Yes.
19	MR. BRASFIELD: Thank you, ma'am.
20	GENERAL JONES: Nothing further from the
21	state.
22	THE COURT: You can step down, ma'am.
23	Thank you for your testimony. Does the state rest?
24	GENERAL JONES: That's the state's proof,

25

Judge.

1 (Whereupon, the witness was excused.) THE COURT: Do you have any proof on behalf 2 of Mr. Keck, Mr. Brasfield? 3 MR. BRASFIELD: Yes, Your Honor. I call 4 Mr. Keck. 5 THE COURT: Okay. If you will come up and 6 7 be seated. 8 WESTLEY KECK, 9 having been first duly sworn, was called and testified as follows: 10 11 DIRECT EXAMINATION 12 BY MR. BRASFIELD: 13 Mr. Keck, we're here today talking about 14 matters that happened on April the 27th? 15 Yes, sir. A 16 So you worked the night of the 26th, and 17 got off on the morning of the 27th, and go home; is that 18 correct? 19 Yes, sir. A 20 Tell me what happened when you got home. I got home after working night shift. 21 A Kelli Spears was asleep on the couch. I went to take the 22 trash out and noticed empty vodka bottles in the trash can 23 that wasn't there the day before. I asked her -- I woke her 24 25 up and I asked her if she had been drinking. She said no.

told her that I had found the liquor bottles that she was hiding. After taking the trash out, I went back inside and spoke to her, that she needed to leave. She refused. I asked for her phone that was locked. I asked her to unlock it to contact her mother. She did not. She went back to sleep. After that, I convinced her -- I tried to convince her for thirty minutes, I believe, to leave, that she needed to go, and she refused. I told her that she could stay until about 8:00 p.m. that night, because I had to leave for work that night, to sober up. She was too intoxicated to leave. I told her that, you know, she was more than welcome to stay. She just stayed on the couch for the time being. I told her that I was going to bed, that I didn't want to get anybody else involved, I needed to get some rest. So I went upstairs. She followed me upstairs. I began to record in my I laid down in my bed. She got in the bed with me. I told her that she needed to leave, she needed to leave my She was up there causing me problems. I told her probably for a solid hour and a half, if not longer, that she needed to leave, I didn't want her there. After that, after the conversation I was still audio recording. I told her that if she wasn't leaving, I was leaving, and she didn't want that. So I got out of my bed, went downstairs. going to leave. She got the rest of her things. She took her purse and threw it, slinging her stuff everywhere

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

18 I told her that she was an adult, that she downstairs. 1 didn't need to act like that, that she needed to get it, pick 2 her stuff up and leave my house. She didn't. 3 When did she leave? How much time elapsed 4 from when you got home to when she left? 5 I got home around seven-ish. This lasted 6 up until 11:45 or noon. 7 Did you scream at her? 8 No, sir. A 9 Did you hit her? 0 10 No, sir. A 11 Did you grab her leg, or grab her out of 12 the bed? 13 No, sir. A 14 Did you push her in the back? 15 No, sir. 16 Α When she says she had bruises, marks and 0 17 scars, where did those come from? 18 Some of those bruises happened before the 19 I noticed that cut above her eye on the 25th. I asked 20 her even after I had seen it. She hid it with her hair. And 21 she said -- I said, it's cut. She said that she did it on a 22 pair of eyelash curlers. The one on her back happened way 23

before. It was probably the 19th, when I was getting ready

for work one night, I heard a crash coming up from

24

1 downstairs. I was in the bathroom at the time. And when I 2 leave the bathroom, at the base of the steps, she was laying 3 there. A couple of days later, I noticed on her back. I even told her, I said, do you have a mark on your back from 4 you falling down the steps, because you were drinking. 5 6 Why didn't you want to get anyone else 7 involved? You said that earlier. 8 I was just trying to convince her to leave 9 without any kind of conflict. 10 Q Did you ever have a chance to talk to 11 sheriff, deputy, or police officer about this? 12 Not prior to my arrest, no. 13 Okay. Subsequent to your arrest, did you 14 talk to a police officer? 15 A Yes, sir. 16 What did you tell them? 17 Exactly what I've told you. A 18 Did you show them any pictures or give them 19 any recordings or anything like that? 20 They actually confiscated my phone and A 21 reviewed the audio recording that took place. 22 And what would that audio recording 23 describe? Describe what would be on it. 24 GENERAL JONES: Object, Your Honor. That

could be hearsay. If he wants to introduce it, he

But I don't think he can talk about what is 1 can. 2 on the audio recording. MR. BRASFIELD: That's fair, Your Honor. 3 I'd like to attach it as an exhibit. 4 THE COURT: I'm sorry. You'll have to 5 speak up. I can't hear you. 6 MR. BRASFIELD: Your Honor, I'm sorry. I'd 7 like to introduce it. Mr. Keck has it and can play 8 9 it. 10 THE COURT: Very good. THE WITNESS: The audio covers --11 12 BY MR. BRASFIELD: 13 Let's move on from the audio. Do you have the audio with you? 14 15 Yes, sir. Now, I know you gave it to the deputy. So 16 17 have you reviewed it? GENERAL JONES: (Inaudible). 18 MR. BRASFIELD: I'm sorry. Can I ask for a 19 brief recess so I can let the General hear this? 20 21 GENERAL JONES: (Inaudible). THE COURT: We're in the middle of a 22 23 hearing. We need to proceed. 24 MR. BRASFIELD: I understand, Your Honor. 25 Do you want to review this?

	21
1	GENERAL JONES: If you're going to
2	introduce it, I do.
3	MR. BRASFIELD: Yes, absolutely. I'm
. 4	sorry. I thought we could (inaudible) to the
5	General.
6	GENERAL JONES: Can we actually play the
7	audio because
8	THE COURT: You cannot hear it?
9	GENERAL JONES: Yeah, I can hear it. It's
10	just an audio recording (inaudible). If he wants
11	to introduce it, that's fine.
12	MR. BRASFIELD: Yes, Your Honor, I would
13	like to introduce it as an exhibit, if I may. Do I
14	need to lay a foundation for the recording, Judge?
15	THE COURT: No. If she's not objecting ot
16	it, go ahead.
17	MR. BRASFIELD: Okay.
18	(Exhibit No. 1 was filed.)
19	(Whereupon, the recording was played.)
20	THE COURT: It's barely audible. I can't
21	hear anything she's saying. I can hear half of
22	what he's saying.
23	(Whereupon, the recording continued to be played.)
24	THE COURT: I mean the value of this is
25	limited, if any. I can't hear anything she's

	22
1	saying. I can barely hear what he's saying. So if
2	you want to play it, that's fine. If you don't,
3	that's fine too. It's not picking up. I can't
4	hear it. It's not loud. I'm sorry.
5	MR. BRASFIELD: It's not loud. Really the
6	only purpose of the exhibit is that (inaudible)
7	there wasn't a physical assault. That there was
8	(inaudible). It was an amicable, reasonable
9	GENERAL JONES: (Inaudible).
10	THE COURT: Do you have any other questions
11	for your client?
12	MR. BRASFIELD: I'll pass the witness, Your
13	Honor.
14	THE COURT: Cross examination.
15	CROSS EXAMINATION
16	BY GENERAL JONES:
17	Q Mr. Keck, how long have you been seeing Ms.
18	Spears?
19	A A few months.
20	Q Was this the first time you guys had gotten
21	into an altercation?
22	A There was no altercation.
23	Q Okay. Was this the first time you guys had
24	gotten into a fight?
25	A No.

accused you of biting her before this incident?

_	
1	A No, it wouldn't surprise me.
2	Q Okay. Have you ever bitten her before?
3	A No.
4	Q Have she ever asked you not to bite her?
5	A No.
6	Q Have you ever tripped her going up or down
7	the stairs?
8	A No.
9	Q Would it surprise you that she made that
10	allegation?
11	A No.
12	Q You said, the only thing that I could
13	really hear in the video, I don't want to cause you problems.
14	That's what you said to her. What did you mean by that?
15	What kind of problems would you cause her?
16	A Getting the police involved.
17	Q I don't want you to cause me any problems.
18	What do you mean by that?
19	A Getting the police involved.
20	Q Why would that cause you problems?
21	A Because I worked at the sheriff's office,
22	ma'am.
23	Q Why would that cause you problems if you
24	were just asking her to leave, and she was intoxicated?
25	A She stated that she would not leave unless

I called the police. 1 She did leave, and you didn't call the 2 3 police? Yes, ma'am. 4 A GENERAL JONES: I think that's all the 5 6 questions I have. 7 THE COURT: Redirect, if any. MR. BRASFIELD: Just a few. 8 9 REDIRECT EXAMINATION 10 BY MR. BRASFIELD: 11 Mr. Keck, I got a little confused when you said she never left your apartment. What did you mean, she 12 13 never left your apartment? Can you explain that a little 14 further? 15 A Yes, sir. The duration of our 16 relationship, I can think of maybe one occasion that she left 17 my residence maybe. But prior to that, she's never left. 18 She stayed for months at my residence. 19 Did she walk outside the door? 20 A No, sir. Maybe when I was gone to work. 21 But other than that, she didn't leave? 22 No, sir. 23 So what you were trying to say is, she was 24 there in your home the majority of the time?

GENERAL JONES: Your Honor, I'm going to

1 object. He needs to be the one that says what he was saying. 2 THE COURT: Sustained. 3 BY MR. BRASFIELD: 4 Why didn't she leave your apartment? 5 6 A She wanted to stay. What would she do all day when she was 7 0 8 there? Watched TV, drink, play games on her phone. 9 I was gone most of the time, usually work. But that's what 10 11 she did when I was there, and sleep. Did you guys drink a lot? 12 Somewhat. Not a lot. 13 A 14 0 Was there any other reason that you were afraid to get a third party involved? Other than your 15 employment, was there someone that you were worried about 16 discovering the drinking? 17 No, sir. 18 A MR. BRASFIELD: Okay. Thank you. 19 THE COURT: Anything else from the state? 2.0 21 GENERAL JONES: No, Judge, nothing further 22 from us. THE COURT: You're excused, sir. Thank you 23 for your testimony. 24 Thank you, Your Honor. 25 THE WITNESS:

(Whereupon, the witness was excused.)

THE COURT: Does the defense rest?

MR. BRASFIELD: Yes, Your Honor.

THE COURT: Arguments, motions?

GENERAL JONES: Waive and reserve, Judge.

THE COURT: Argument.

MR. BRASFIELD: Your Honor, obviously, you have conflicting testimony saying that he hit and struck this lady, and he's saying he didn't. She said there was a screaming match and a violent assault that went on for over a half an hour. Your Honor heard the audio recording, while it was not motion picture quality, it is apparent that there was no screaming and there was no fantastic violent encounter that was captured. More importantly, (inaudible) this matter was not reported until five days later. Obviously there was a dispute between these folks, and Mr. Keck, he was (inaudible) he evicted her. And five days later these allegations come forward.

I would submit to you that her testimony has been rebutted, not only by his testimony, but also by the exhibit, Your Honor. And I would ask that you dismiss this charge.

THE COURT: General.

Δ

1

3

2

45

6

7

9

8

10

11

12

1314

15

1617

18

19

20

21

22

23

24

25

GENERAL JONES: Your Honor, what the victim testified to today was that she was woken up by the defendant yelling at her to get out of the apartment, that he put marks on her back during that part of the altercation, that he grabbed her ankle and her calf and she had bruises there. There was also testimony from her where she is standing at the washing machine one moment, and then the next thing she remembered was laying on her back and looking up and seeing Mr. Keck. She had a bruise on her eye (inaudible). We do have (inaudible) but what I think makes more sense is that she was scared of him, and she tried to leave. And of course she doesn't want to get the police involved because he was a police officer and she knows how bad it looks for him to be charged with domestic violence. He had a lot to lose here. the state is going to ask that you fined her as (inaudible). She was scared of him. She had marks on her. And it is a jury question.

THE COURT: I mean I don't know when the tape was played. I don't have a time context. I don't have, you know, where in the course of events that she testified to, that he testified to, that that was played, and it's a very poor quality. I'm

going to bind the case over after finding probable cause on the same bond. The bond conditions are still in full force and effect, Mr. Keck. (Whereupon, the proceedings were concluded.) 

## CERTIFICATE 1 2 STATE OF TENNESSEE 3 COUNTY OF KNOX I, CHERYL L. McMASTERS, Court Reporter and Notary 4 5 Public in and for the State of Tennessee, do hereby certify that the foregoing pages were transcribed by me, and that I 6 7 was not present at the proceeding, which was held on August 24, 2021; that the foregoing pages were transcribed from a 8 disc provided to me, and is a true record of the proceedings 9 to the best of my knowledge and ability. 10 I further certify that I am not an attorney or 11 counsel for any of the parties, nor an employee or relative 12 of anyone connected with the action, nor financially 13 14 interested in the action. IN WITNESS WHEREOF, I have hereunto set my hand and 15 seal this the 8th day of February, 2023. 16 17 Cheryl $^{U}$ L. McMasters, Court Reporter and Notary Public 18 My Commission Expires: 05/11/24. 19 Tennessee Licensed Court Reporter: #424 20 21 22

23

24