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Victim asked police to shoot him in previous incident

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of The Daily Times Staff

Although Blount County authorities will not call the shooting that left David Brian Keller dead Saturday morning a "suicide by cop," a previous police report involving Keller says he requested that the responding officer shoot and kill him.

In suicide-by-cop cases, the victim wants to die and does something to draw the fire of police. On Sept. 29, 2002, Blount County Officer Steve Donald responded to a call of a mentally ill person on Blue Forest Lane. According to Donald's report, Keller "requested that I withdraw my weapon and kill him." It also states, "he had already slammed his head through a sheetrock wall."

Donald took Keller into custody and transported him to Blount Memorial Hospital for further evaluation, the report shows.

Keller's police record shows he has been charged over 29 times for such charges as numerous driving under the influences, unlawful consumption, burglary, assault, resisting arrest, violation of orders of protection and possession of Schedule VI drugs (marijuana). One of the last charges was a domestic violence with aggravated assault charge filed Dec. 23, 2002.

The incident that drew officers to Keller's mobile home on Jordan Way the day he was killed was a report that Keller was making harassing and threatening phone calls to the parents of his estranged wife.

Tape reviewed

Blount County Sheriff James Berrong gave local media an update on the case Monday afternoon, which included reviewing the tape of the incident that was filmed by the camera within a patrol car.

When asked if he thinks this is a suicide-by-cop case, Berrong replied, "It would be speculation on my part right now before the investigation is complete." However, that will be part of the investigation.

The Blount County Sheriffs Office asked the Tennessee Bureau of Investigation to assist in the investigation as an outside agency, Berrong said.

The sheriff hopes to get the preliminary report within the next few weeks, which will depend on when the toxicology and ballistics reports are completed. "We asked that officials put a rush on this. Toxicology reports can vary from two weeks to six months," he said.

The tape indicates officers arrived at the Keller home on Jordan Way at 4:47 a.m. Saturday and the situation escalated over the next 20 minutes until Keller was shot at 5:07 a.m.

Keller's girlfriend, Larissa June Cutshaw, 27, Ridge Road, Maryville, drove away once officers shined a spotlight on the trailer, but later returned during the altercation.

Berrong said when officers arrived they found Keller, 27, "in a back bedroom of the trailer with both wrists cut. He appeared semiconscious and they tried to get him alert to evaluate his condition. At this point he came to and from that point was very aggressive."

He started throwing anything he could get his hands on at officers, Berrong said.

On the tape he can be heard cursing officers, including calling them ``bitches" numerous times, with thuds and shattering glass sounds in the background.

Officers retreat

``As he was throwing things, blood was going on the officers (from his cut wrists) and they retreated from the trailer," Berrong said.

Cutshaw kept trying to get out of her car, and the officers kept telling her to get back in. She replied ``no" to the numerous questions from officers about whether there was a gun in the trailer.

Berrong said ``it was definitely a concern that he had a gun."

Officers demanded that Cutshaw give them a key to the trailer door Keller had locked and threatened to take her to jail if she did not cooperate.

``Let me talk to him," Cutshaw can be heard saying.

Officers responded, ``You can't talk to him. He's dangerous. He won't listen to anybody right now."

Although she answered ``Oh yes, he will," they made her remain in the car.

Berrong said they could not risk Cutshaw getting injured in what they deemed to be a dangerous situation.

The situation continues until eventually you hear officers say, ``He's got a handful of knives."

Keller stabbed three knives through the locked trailer door and then came outside. In addition to throwing flower pots and other objects at officers, he threw a knife which struck Deputy Rusty Aycocke on the left shoulder. While the knife did not penetrate it did leave a red mark on his shoulder, Berrong said.

Keller then ``started to draw back to throw a second knife when the shots were fired," he added.

Three shots fired

A total of three shots were fired by Cpl. Kevin Condee and Deputy Gary Perkins. Two shots were fired simultaneously making it sound like only two shots were fired, Berrong said.

After arriving on the scene and finding Keller's wrists cut, the officers had already called Rural/Metro Ambulance Service. They remained in the general area and ``would not come in until we cleared it and let them know it was safe," he said.

They responded and Lifestar was summoned to fly Keller to University of Tennessee Medical Center due to the severity of the wounds, Berrong said. The helicopter landing zone was at 411 Raceway.

Keller was pronounced dead at 7:13 a.m. at UT from two gunshots -- one to the right side and the other to the right side of his back. An autopsy Monday determined that these gunshots were the cause of death.

Officers on leave

Condee, Perkins and Aycocke remain on administrative leave with pay while the shooting incident is evaluated.

``Our officers, as any officers in this situation, are going through an emotional roller coaster. We're making sure they're counseled," Berrong said.

They will remain on leave until the preliminary report is complete. Then, if nothing that indicates an error in judgment is found, they will be put on light duty until the final report is complete.

Aycocke could be put on regular duty earlier since he did not fire his gun, Berrong said.

Previous incident

Neither Perkins nor Aycocke have been involved in shootings before, but Condee wounded Terry Dewayne Ogle in an incident on Nov. 12, 1999.

According to the report Ogle was shot after he raised an aluminum ball bat in a striking position. Condee was then placed on administrative leave and was later cleared of any wrongdoing in the incident.

A \$1.5 million lawsuit has been filed in U.S. District Court over the incident. Named in the suit are Condee, Berrong, Blount County government, Capt. Ron Talbott, Deputy Geoffrey King and other sheriff's offices employees not identified by name. Smokies Traveler

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