

# Shepherd found not guilty in sexual assault case

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Daniel Shepherd was found not guilty by the jury Wednesday. Shepherd had been charged with sexual assault and unlawful sexual contact.

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“Eleven months of hell” came to a dramatic close for Daniel Shepherd and his family Wednesday when the former Greeley police officer was found not guilty of sexually assaulting a woman during a traffic stop last spring.

The announcement of each of the verdicts was met with a loud, synchronized sigh of relief from Shepherd, 29, his attorneys and the dozens of family members and friends who attended the court hearing in his support.

He emerged from the courtroom with tear-stained, red eyes, hugging family and friends.

“Obviously, justice was done here,” said Shepherd, who had been charged with sexual assault and unlawful sexual contact of a then 19-year-old woman, after he ordered her to leave a party March 13,

2011. “It’s been 11 months of hell, and I’m glad it’s over.”

Equally relieved was his wife, Cece Shepherd.

“We all believed in his innocence from the beginning,” she said. “We knew. We knew.”

Jurors spent three hours deliberating following a morning filled with closing arguments by defense attorney Dan Recht of Denver and Weld County Chief Deputy District Attorney Matt Maillaro.

According to the victim and her attorneys, Shepherd had followed her from the party on north C Street, eventually to 28th Avenue east of Sanborn Park. Once stopped, he turned off his overhead lights, approached her window and began talking to her, breaking every police protocol, Maillaro said.

According to the woman, Shepherd asked her if she was OK to drive, then ordered her out of the car to search for weapons. She said he then groped her and sexually assaulted her, while holding her hands behind her back.

Shepherd and his attorneys said the woman never got out of the car; he said he asked her to find a ride home, then left minutes later for another call. He said he was embarrassed that he allowed her to leave the party, and he couldn’t live with himself if she hurt someone while driving drunk.

He was fired shortly after his interview with police, in which he lied continuously about the stop for an hour, then owned up to the stop only. He maintained on the witness stand that he never touched her, but by then, his credibility was in trouble, jurors said.

The difference for the jury, made up mostly of nine men and three women, was credibility. Juror David Sanchez, a college student in Greeley, said the jury had trouble believing both the woman making the allegations and Shepherd during their testimonies.

“All we had to go on was their testimony,” Sanchez said. “And we couldn’t believe either of their testimonies, with her inconsistencies and previous claims, and he lied throughout most of the (investigation).”

The woman had made false claims about an assault in the past.

There simply was not enough evidence, agreed Sanchez and juror David Jones of Erie.

“For me, it came down to believing their testimony vs. the evidence we were presented,” Jones said, noting that the doubts they had forced the jury to acquit Shepherd. “Ultimately, we knew he was there, but we could not prove he ever put his hand down her pants.

“Without that being there, there was enough reasonable doubt,” Jones said. “Had the DNA come back, it would have made the difference. It was a situation where we wished we had a smoking gun either way. But our job is guilty vs. not guilty, not guilty vs. innocent.”

The jurors, and the attorneys in closing arguments, lamented the missteps made at the beginning when

the first responding officers to the woman's home failed to collect her clothes or offer her a rape examination at the hospital to preserve any DNA.

"Were those little mistakes? No, those were mistakes they could have shown unequivocally that he was wrongfully accused," Recht told the jury. "They didn't preserve her clothing, you could have that information and you don't. This is basic sex assault investigation 101.

"If someone is alleging sexual assault, you take their clothing and you preserve it, and don't wash it, and that wasn't done," Recht said. "This isn't some technical little thing that wasn't done, to the huge detriment of Daniel Shepherd, who stands before you wrongfully accused."

Maillaro said during closing arguments that Shepherd's cover-up began right away, knowing that dispatchers had displayed to all police officers that morning that an officer was accused of sexually assaulting a woman during a stop.

"He doesn't say, 'I messed up, I contacted this girl, but none of this happened,'" Maillaro said. "Instead, he decides to cover it up entirely, to deceive each and every person with whom he works closely. Because of a traffic stop? Just because of a traffic stop."

When eventually questioned by his superiors about the allegations, Shepherd denied for about an hour that he ever stopped the woman, even still denying it for a while when confronted with GPS evidence of his car's whereabouts. He said he was afraid of losing his job for allowing a drunk person to drive.

The story admittedly didn't paint the best picture of the Greeley Police Department, said Greeley Police Chief Jerry Garner, but the detectives in the case worked it hard, presenting what they could to the prosecution.

"Clearly, there were errors made at the start of the case, and that made the detectives work harder," Garner said. "This is one of those investigations where I'd say, while very good work was done, it certainly wasn't perfect."

He said the initial missteps were handled with corrective action and additional training. He said he also changed reporting procedures to make sure something like this case never happened again.

"It think the good message that comes out, is that everyone is accountable, whether you're a police officer or state legislator, whatever you happen to be," Garner said. "Obviously internally, we held our employees accountable."

Maillaro told jurors that the only one telling the truth from the beginning was the woman, because her story was corroborated by the evidence, such as the GPS tracking on Shepherd's vehicle, and her story never changed. And, he asked, why would she have a motive against a police officer who let her go from a looming DUI ticket?

After the verdict, Maillaro and deputy district attorney Anthea Carrasco, left the courtroom without comment.

Said Sanchez: “Some definitely believed he was guilty, but some had doubts. We found him not guilty despite what our personal beliefs might have been.”

Shepherd, who’s recently been working with his father in Denver, said after the verdict that he doesn’t have any plans to get back into law enforcement, but he wasn’t ruling anything out.

He said he was just going to enjoy the moment.

“My biggest thing is going back home to my kids and spending time with them,” he said amid hugs and congratulatory handshakes outside of the courtroom. He said prosecutors worked hard to keep out the “good things about him” in the trial while working hard to keep the “bad things” about his accuser out.

“I know in my heart what happened,” Shepherd said.