

State Police officer busted for trafficking drugs

Written by Gallupsun Staff
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Officer Daniel Capehart on administrative leave

Staff Reports

ALBUQUERQUE – U.S. Attorney John C. Anderson, Acting Special Agent in Charge Maxwell D. Marker of the FBI's Albuquerque Division, New Mexico State Police Chief Pete Kassetas, San Juan County Sheriff Ken Christesen, and Director Kevin Burns of the HIDTA Region II Narcotics Task Force announced that a NMSP officer has been arrested and is charged with violating federal drug laws.

NMSP Officer Daniel Capehart, 33, of Bloomfield, N.M., was arrested by the FBI, NMSP, San Juan County Sheriff's Office, and HIDTA Region II Narcotics Task Force on June 29, 2018. At the time of his arrest, Capehart was assigned to patrol duty in Farmington and San Juan County, N.M. Upon arrest, Capehart was placed on administrative leave.

Capehart made his initial appearance in federal court in Farmington, N.M., this morning before U.S. Magistrate Judge B. Paul Briones on a criminal complaint charging him with distribution of marijuana and methamphetamine. Capehart remains in custody pending a preliminary hearing and a detention hearing, both of which are scheduled for July 5, in federal court in Albuquerque.

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The criminal complaint generally alleges that Capehart abused his position as a law enforcement officer by stealing quantities of drugs seized during arrests and giving the drugs to females with whom he was interested in pursuing romantic or sexual relationships.

To this end, the complaint alleges that on June 15, Capehart initiated a “flirtatious” “texting” relationship with a 16-year-old female who was a passenger in a friend’s vehicle, which was the subject of a traffic stop. After Capehart allegedly agreed to dismiss the friend’s citations, Capehart allegedly sent a number of text messages to set up two clandestine deliveries of marijuana to the minor on June 21 and 23.

The complaint alleges that unbeknownst to Capehart, the minor had turned her cellphone over to a SJCSO detective on June 19, and Capehart allegedly had been communicating with the SJCSO detective instead of the minor. According to the complaint, investigators conducted surveillance as Capehart allegedly left the marijuana at the designated drop locations as discussed in the text messages, and collected the marijuana after Capehart departed from the areas.

According to the complaint, a confidential source, known to Capehart as a methamphetamine user, informed the investigators that Capehart had been texting her for approximately nine months and that Capehart had contacted her by text as recently as June 5.

The source reported that the texting relationship with Capehart also began with a traffic stop and was sexual in nature. The source permitted an FBI Special Agent to take control of her cellphone and pose as the source beginning on June 27.

The complaint alleges that during text messaging on June 28, between the FBI Special Agent posing as the source and Capehart, the FBI Special Agent asked Capehart if he could “make me happy or vice versa,” and Capehart allegedly responded “if you know someone I can bust tomorrow then it makes my job easy. Whatever I get I just split it.”

After the FBI special agent sent text messages to Capehart setting up a sting, the investigators put a plan into place to have an undercover officer, posing as a methamphetamine dealer and carrying 24 grams of methamphetamine, accompany the source to the SunRay Casino in Farmington.

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According to the complaint, on the night of June 28, while the undercover officer and the source were driving to the casino, Capehart allegedly executed a traffic stop on the undercover officer's vehicle, arrested the undercover officer, and seized the methamphetamine.

In subsequent text messaging, Capehart allegedly told the FBI special agent, whom he believed to be the source, that he would arrange for her to get her share of the methamphetamine after he booked the drug dealer.

In the early hours of June 29, investigators conducted surveillance as Capehart allegedly drove from the San Juan County Detention Center to a park in Bloomfield, and walked into and out of the bathroom area in the park.

After Capehart departed the area, investigators went into the bathroom area and found a plastic container containing approximately 5.7 grams of methamphetamine. The description and location of the container were consistent with information Capehart allegedly previously sent to the FBI special agent, whom he believed to be the source, by text message. Investigators arrested Capehart shortly thereafter at the Farmington office of the NMSP.

"As guardians of our communities, police officers have a solemn trust and responsibility to uphold the law. Any suggestion that an officer has breached that trust demands prompt action," U.S. Attorney John C. Anderson said. "My office will work closely with FBI, NMSP, SJCSO, and HIDTA Region II Narcotics Task Force to ensure that any violation of the public trust is addressed swiftly, thoroughly and in accordance with law."

"The majority of law enforcement officers perform their duty with dedication and integrity, putting their lives on the line every day to keep our communities safe," said Acting Special Agent in Charge Maxwell D. Marker of the FBI's Albuquerque Division. "It is a sad day when the FBI and our partners investigate someone accused of betraying their solemn oath to uphold the law, but it is a task we perform thoroughly and vigorously because the public must be able to trust their protectors. We hope this arrest sends a clear message that misconduct by any law enforcement officer or any public official will not be tolerated."

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“The State Police is fully cooperating with the FBI in their investigation and we look forward to justice being served,” said New Mexico State Police Chief Pete Kassetas. “Police officers take an oath to uphold the law and any violations of that oath are unacceptable.”

“The vast majority of law enforcement officers fulfill their duty with integrity and honor,” said San Juan County Sheriff Ken Christesen, “The small fraction that does not will not be tolerated in San Juan County or the State of New Mexico.”

“Police officers are entrusted by the citizens of New Mexico to uphold their oath with limited supervision. It is always unfortunate when law enforcement officers have to investigate one of their own,” said Director Kevin Burns of the HIDTA Region II Narcotics Task Force. “We are pleased with the hard work of our task force officers and our collaboration with the FBI on an investigation to uphold the integrity of our profession.”

If convicted on the marijuana distribution offenses, Capehart faces a statutory maximum penalty of five years of imprisonment. If convicted on the methamphetamine distribution offense, Capehart faces a statutory maximum penalty of 20 years of imprisonment. Charges in criminal complaints are merely accusations and defendants are presumed innocent unless found guilty in a court of law.