



## **South Carolina Department of Corrections**

Sept. 18, 2020

For immediate release

Contact: Chrysti Shain, (803) 413-8206

[Shain.Chrysti@doc.sc.gov](mailto:Shain.Chrysti@doc.sc.gov)

**COLUMBIA, S.C.** – The S.C. Department of Corrections Police Services released the arrest warrants today for Eliberto Gutierrez Jr., a correctional officer at Wateree River Correctional Institution.

Gutierrez, 49, of Elgin, is charged with furnishing a prisoner with contraband, misconduct in office and criminal conspiracy. The charges against him involve bringing a cell phone, charger, multi-tool knife and rolling papers into the institution with the intention of delivering them to an inmate. He was fired after his arrest.

The S.C. Department of Corrections reminds members of the public that after an arrest, the burden of proof is on the state to prove guilt beyond a reasonable doubt within a court of law.

Copies of the arrest warrants are attached.

## ARREST WARRANT

2020A4310100674

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

THE STATE

36-2020-032

against

Eliberto Gutierrez, Jr

Address:

Phone:

SSN:

Sex: M Race: H Height: 5 7 Weight: 190

DL State: SC DL #:

DOB: Agency ORI #: SC040095C

Prosecuting Agency: S C Department Of Corrections Division

Prosecuting Officer: Thomas E Pinkerton, Jr - S00708

Offense: Misconduct / Misconduct in office, malfeasance, misfeasance, or nonfeasance

Offense Code: 0819

Code/Ordinance Sec: 17-25-0030

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

## RETURN

A copy of this arrest warrant was delivered to

defendant

on

Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

General Sessions  
215 N. Harvin St.  
Sumter, SC 29150

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

Personally appeared before me the affiant Thomas E Pinkerton, Jr

who

being duly sworn deposes and says that defendant Eliberto Gutierrez, Jr

did within this county and state on or about 9/17/2020

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Sumter )

in the following particulars:

DESCRIPTION OF OFFENSE: Misconduct / Misconduct in office, malfeasance, misfeasance, or nonfeasance

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on September 17, 2020, the defendant did in Sumter County, SC, commit the offense of Misconduct in Office while employed as a South Carolina Correctional Officer, a public official. As a Correctional Officer, he willfully and dishonestly failed to properly and faithfully discharge the duties of his public office imposed to him by law, To Wit: the defendant was located inside of Wateree Correctional Institution property while in possession of 1 package containing 1 cell phone, 1 cell phone charger, rolling papers and a multi tool knife. Probable cause is based on evidence and admission to Police Service Agents that the contraband was intended to be smuggled into the South Carolina Department of Corrections.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

Affiant's Address P.O. Box 21787

Columbia, SC 29221-1787

Affiant's Telephone (803)896-1963

## ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/17/2020

defendant Eliberto Gutierrez, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Sumter ) as set forth below:

DESCRIPTION OF OFFENSE: Misconduct / Misconduct in office, malfeasance, misfeasance, or nonfeasance

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 9/17/2020

Signature of Issuing Judge

Fred H Gordon (Magistrate) Jr

Judge Code: 7217

(L.S.)

Judge's Address Post Office Box 1428

Sumter, SC 29151-

Judge's Telephone (803)436-2280

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518



## ARREST WARRANT

2020A4310100675

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

THE STATE

36-2020-032

against

Eliberto Gutierrez, Jr

Address:

Phone: SSN:

Sex: M Race: H Height: 5 7 Weight: 190

DL State: SC DL #:

DOB: Agency ORI #: SC040095C

Prosecuting Agency: S C Department Of Corrections Division

Prosecuting Officer: Thomas E Pinkerton, Jr - S00708

Offense: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

Offense Code: 0049

Code/Ordinance Sec: 16-17-0410

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

## RETURN

A copy of this arrest warrant was delivered to

defendant Eliberto Gutierrez

on 9/17/20

Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

General Sessions  
215 N. Harvin St.  
Sumter, SC 29150

ORIGINAL

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STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

Personally appeared before me the affiant Thomas E Pinkerton, Jr who

being duly sworn deposes and says that defendant Eliberto Gutierrez, Jr

did within this county and state on or about 9/17/2020 violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Sumter )

in the following particulars:

DESCRIPTION OF OFFENSE: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on September 17, 2020, the defendant did in Sumter County, SC, commit the offense of Conspiracy to commit the crime of Contraband, a crime between two or more persons for the purpose of accomplishing an unlawful object or lawful object by unlawful means, To Wit: the defendant who is employed as a South Carolina Correctional Officer did conspire with a South Carolina Department of Corrections Inmate, to introduce Contraband into the Wateree Correctional Institute. Specifically, 1 package containing 1 cell phone, 1 cell phone charger, rolling papers and a multi tool knife with the intent to furnish Jamal Richardson with said Contraband. Probable cause is based on evidence and admission to Police Service Agents that the contraband was intended to be smuggled into the South Carolina Department of Corrections.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

Affiant's Address P.O. Box 21787  
Columbia, SC 29221-1787  
Affiant's Telephone (803)896-1963

## ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/17/2020 defendant Eliberto Gutierrez, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Sumter ) as set forth below:

DESCRIPTION OF OFFENSE: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 9/17/2020

Signature of Issuing Judge

Fred H Gordon (Magistrate) Jr

Judge Code: 7217

Judge's Address Post Office Box 1428

Sumter, SC 29151-

Judge's Telephone (803)436-2280

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518

AFFIDAVIT



## ARREST WARRANT

2020A4310100676

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

THE STATE

36-2020-032

against

Eliberto Gutierrez, Jr

Address:

Phone: SSN: 0

Sex: M Race: H Height: 5 7 Weight: 190

DL State: SC DL #:

DOB: Agency ORI #: SC040095C

Prosecuting Agency: S C Department Of Corrections Division

Prosecuting Officer: Thomas E Pinkerton, Jr - S00708

Offense: Prisoners / Contraband, possession by prisoner,  
furnishing or attempt to furnish prisoner with

Offense Code: 0074

Code/Ordinance Sec: 24-03-0950

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be  
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

## RETURN

A copy of this arrest warrant was delivered to

defendant

on

Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

General Sessions  
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## AFFIDAVIT

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Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518

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being duly sworn deposes and says that defendant Eliberto Gutierrez, Jr  
did within this county and state on or about 9/17/2020 violate the criminal laws of the  
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Sumter)  
in the following particulars:

DESCRIPTION OF OFFENSE: Prisoners / Contraband, possession by prisoner, furnishing or attempt to furnish prisoner with

I further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:

That on September 17, 2020, the defendant did in Sumter County, SC, commit the offense of Contraband, furnishing or attempt to  
furnish prisoner to wit: the defendant was located inside of Wateree Correctional Institution property while in possession of 1  
package containing 1 cell phone, 1 cell phone charger, rolling papers and a multi tool knife. Probable cause is based on evidence  
and admission to Police Service Agents that the contraband was intended to be smuggled into the South Carolina Department of  
Corrections.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

Affiant's Address P.O. Box 21787  
Columbia, SC 29221-1787  
Affiant's Telephone (803)896-1963

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It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/17/2020 defendant Eliberto Gutierrez, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Sumter ) as set forth below:

DESCRIPTION OF OFFENSE: Prisoners / Contraband, possession by prisoner, furnishing or attempt to furnish prisoner with

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or  
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as  
soon thereafter as is practicable  
Sworn to and subscribed before me

on 9/17/2020

Signature of Issuing Judge  
Fred H Gordon (Magistrate) Jr

Judge Code: 7217

Judge's Address Post Office Box 1428  
Sumter, SC 29151-

Judge's Telephone (803)436-2280Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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