

## **South Carolina Department of Corrections**

Sept. 18, 2020 For immediate release Contact: Chrysti Shain, (803) 413-8206 <u>Shain.Chrysti@doc.sc.gov</u>

**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.

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ARREST WARRANT	STATE OF SOUTH CAROLINA )		ORIGINAL	Form Approved by S.C. Attorney General
000044040400074	X County/ Municipality of )	AFFIDAVIT		April 21, 2003 SCCA 518
2020A4310100674	Sumter )			
STATE OF SOUTH CAROLINA	Personally appeared before me the affiant Th	homas E Pinkerton, Jr		who
	being duly sworn deposes and says that defen	dant Eliberto Gutierrez, Jr		
Sumter		17/2020		criminal laws of the
THE STATE 36-2020-032 against	State of South Carolina (or ordinance of $X$ Co in the following particulars:	bunty/ Municipality of Sumte	r	)
Eliberto Gutierrez, Jr	DESCRIPTION OF OFFENSE: Misconduct / Misco	onduct in office, malfeasance, misfeasance,	or nonfeasance	
Address:				
	I further state that there is probable caus	e to believe that the defendant nam	ned above did commi	it
Phone: SSN: Sex: M Race: H Height: 5 7 Weight: 190	the crime set forth and that probable cause is			2
	That on September 17, 2020, the defendant did in			
DL State: <u>SC</u> DL #: DOB: Agency ORI #: SC040095C	as a South Carolina Correctional Officer, a public and faithfully discharge the duties of his public o			
Prosecuting Agency: S C Department Of Corrections Division	Correctional Institution property while in possess			
Prosecuting Officer: Thomas E Pinkerton, Jr - S00708	multi tool knife. Probable cause is based on evide	ence and admission to Police Service Agen		
Offense: Misconduct / Misconduct in office, malfeasance,	smuggled into the South Carolina Department of	Corrections.	0	
misfeasance, or nonfeasance			$\sum (i)$	-
Offense Code: 0819	(	1 17	$\mathcal{I}$	
Code/Ordinance Sec: 17-25-0030	Signature of Affiant	in h	T	
This warrant is CERTIFIED FOR SERVICE in the				
County/ Municipality of	STATE OF SOUTH CAROLINA )	Affiant's Address P.O. Box 21787		
. The accused	X County/ Municipality of )	Columbia, SC 29221-	1787	
is to be arrested and brought before me to be	Sumter	Affiant's Telephone (803)896-1963		
dealt with according to the law.				
(L.S.)		ARREST WARRANT		
Signature of Judge			10	
Date:	TO ANY LAW ENFORCEMENT OFFICER OF THIS S	TATE OR MUNICIPALITY OR ANY CONSTABL	E OF THIS COUNTY:	
	It appearing from the	he above affidavit that there are	reasonable grounds	to believe that
RETURN	on or about 9/17/2020	Liberto Cutierroz In		
A copy of this arrest warrant was delivered to	on or about 9/17/2020 did violate the criminal laws of the State of Sou	defendant <u>Eliberto Gutierrez, Jr</u>		1.
defendant JUMETO GUORS	X County/ Municipality of Sumter		as set forth below:	
on <u>9/17/20</u>				
00 01	DESCRIPTION OF OFFENSE: Misconduct / Misco	onduct in office, malfeasance, misfeasance,	or nonfeasance	
ELQUI	Having found probable cause and the above affiant having			
Signature of Constable/Law Enforcement Officer	her before me forthwith to be dealt with according to law. soon thereafter as is practicable	A copy of this Arrest Warrant shall be delivered to	the defendant at the time of	its execution, or as
RETURN WARRANT TO:	Sworn to and subscribed before me )			
General Sessions	on <u>9/17/2020</u> )	Judge's Address Post Office Box 142	2	
215 N. Harvin St.	(L.S.)	Sunter, SC 29151-	,	1
Sumter, SC 29150	Signature of Issuing Judge	Judge's Telephone (803)436-2280	11-11-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-	Hannah - Alta Argenta - Marana Mar
	Fred H Gordon (Magistrate) Jr )		Municipal	
	Judge Code: 7217 )	Issuing Court: X Magistrate	Municipal	Circuit
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ARREST WARRANT	STATE OF SOUTH CAROLINA )			ORIGINAL	Form Approved by S.C. Attorney General
202044240400075	X County/ Municipality of )	AFF	IDAVIT		April 21, 2003 SCCA 518
2020A4310100675	Sumter )				
STATE OF SOUTH CAROLINA	Personally appeared before me the affiant	Thomas E Pinkerton, Jr			who
X County/ Municipality of	being duly sworn deposes and says that de	efendant Eliberto Gutie	errez, Jr		
Sumter	did within this county and state on or about	9/17/2020	-	violate the	criminal laws of the
THE STATE 36-2020-032	1	County/ Municipa	ality of Sumter		)
against	in the following particulars:				
Eliberto Gutierrez, Jr	DESCRIPTION OF OFFENSE: Conspiracy / Crin	minal Conspiracy, Commo	n Law conspiracy defin	ed	
Address:					
	I further state that there is probable ca		he defendant named	above did comm	nit
Phone: SSN: SSN: SSN: SSN: SSN: SSN: SSN: SS	the crime set forth and that probable cause				
DL State: SC DL#:	That on September 17, 2020, the defendant di				
DOB: Agency ORI #: SC040095C	Contraband, a crime between two or more per				
Prosecuting Agency: S C Department Of Corrections Division	means, To Wit: the defendant who is employed Department of Corrections Inmate,		ce Contraband into the		
Prosecuting Officer: Thomas E Pinkerton, Jr - S00708	Specifically, 1 package containing 1 cell phon				
Offense: Conspiracy / Criminal Conspiracy, Common Law	Jamal Richardson with said Contraband. Prob	able cause is based on evid	lence and admission to		
conspiracy defined	contraband was intended to be smuggled into	the South Carolina Departs	ment of Corrections.		
Offense Code: 0049		~	12/		
Code/Ordinance Sec: 16-17-0410	Signature of Affiant	15/	T.G /	1/	
This warrant is CERTIFIED FOR SERVICE in the	Signature of Alliant	1c	Inc		
County/ Municipality of	STATE OF SOUTH CAROLINA	) Affiant's Address P.O	. Box 21787	,	
. The accused	X County/ Municipality of		mbia, SC 29221-1787	7	and a subscription of the second s
is to be arrested and brought before me to be	Sumter		3)896-1963		
dealt with according to the law.	and a second		-)		
4.6)					
(L.S.)		ARREST WARR	ANT		
Signature of Judge					
Date:	TO ANY LAW ENFORCEMENT OFFICER OF THIS				
	It appearing from	the above affidavit t	hat there are rea	sonable grounds	to believe that
RETURN	on or about 9/17/2020	defendant Eliberto	Gutierrez, Jr		
A copy of this arrest warrant was delivered to	did violate the criminal laws of the State of				
on pursenta Guovenz	X County/ Municipality of Sumf	ter	) as se	et forth below:	
on 9/17/20	DESCRIPTION OF OFFENSE: Conspiracy / Cri	iminal Conspiracy Commo	n Law conspiracy defi	and	
V SONALD	Description of offense. Conspiracy / Ch	linnal Conspiracy, Contine	In Law conspiracy dem	icu	
A Chlots Ill	Having found probable cause and the above affiant ha	aving sworn before me, you are	empowered and directed to	arrest the said defend	dant and bring him or
Signature of Constable/Law Enforcement Officer	her before me forthwith to be dealt with according to la soon thereafter as is practicable	aw. A copy of this Arrest warran	t shall be delivered to the d	erendant at the time o	fits execution, or as
RETURN WARRANT TO:	Sworn to and subscribed before me	)			
General Sessions	on 9/17/2020	) Judge's Address Post	t Office Box 1428		
215 N. Harvin St.	(L.S.)		nter, SC 29151-		
Sumter, SC 29150	Signature of Issuing Judge		3)436-2280		
	Fred H Gordon (Magistrate) Jr	)		Municipal	
	Judge Code: 7217	) Issuing Court: X		Municipal	Circuit
ORIGINAL ORIGINAL O	RIGINAL ORIGINAL	ORIGINAL	ORIGINA		DRIGINAL

ARREST WARRANT	STATE OF SOUTH CAROLINA
2020A4310100676	X County/ Municipality of ) A F F I D A V I T   Summton )
STATE OF SOUTH CAROLINA	Sumter ) Personally appeared before me the affiant Thomas E Pinkerton, Jr
X County/ Municipality of	being duly sworn deposes and says that defendant Eliberto Gutierrez, Jr
Sumter	did within this county and state on or about 9/17/2020
THE STATE 36-2020-032	State of South Carolina (or ordinance of X County/ Municipality of in the following particulars:
against Eliberto Gutierrez, Jr	DESCRIPTION OF OFFENSE: Prisoners / Contraband, possession by prisoner, furnish
Address:	
Phone: SSN: SSN: 0	I further state that there is probable cause to believe that the defenda the crime set forth and that probable cause is based on the following facts:
Sex: <u>M</u> Race: <u>H</u> Height: <u>5</u> 7 Weight: <u>190</u>	That on September 17, 2020, the defendant did in Sumter County, SC, commit the o
DL State: SC DL #:	furnish prisoner to wit: the defendant was located inside of Wateree Correctional Ins
OOB: Agency ORI #: SC040095C	package containing 1 cell phone, 1 cell phone charger, rolling papers and a multi too
Prosecuting Agency: S C Department Of Corrections Division Thomas E Pinkerton, Jr - S00708	and admission to Police Service Agents that the contraband was intended to be smug Corrections.
Offense: Prisoners / Contraband, possession by prisoner,	Corrections.
furnishing or attempt to furnish prisoner with	
Offense Code: 0074	
Code/Ordinance Sec: 24-03-0950	Signature of Affiant
his warrant is CERTIFIED FOR SERVICE in the	
County/ Municipality of . The accused	STATE OF SOUTH CAROLINA   )     X   County/     Municipality of   )     Affiant's Address   P.O. Box 2178     Columbia, SC 2   Columbia, SC 2
s to be arrested and brought before me to be	Sumter ) Affiant's Telephone (803)896-1962
ealt with according to the law.	
(L.S.)	ARREST WARRANT
Signature of Judge Date:	TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY COM
	It appearing from the above affidavit that there
RETURN A copy of this arrest warrant was delivered to	on or about 9/17/2020 defendant Eliberto Gutierrez,
$\sim$	did violate the criminal laws of the State of South Carolina (or ordinance of
on 9/17/20	X County/ Municipality of Sumter
Engla Dis	DESCRIPTION OF OFFENSE: Prisoners / Contraband, possession by prisoner, furnish
Signature of Constable/Law Enforcement Officer	Having found probable cause and the above affiant having sworn before me, you are empowered a her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be deli
	soon thereafter as is practicable Sworn to and subscribed before me )
RETURN WARRANT TO:	on 9/17/2020
General Sessions	Judge's Address Post Office Bo
215 N. Harvin St.	(L.S.) Sumter, SC 29
Sumter, SC 29150	Fred H Gordon (Magistrate) Jr ) Judge's Telephone (803)436-2280
	Judge Code: 7217 ) Issuing Court: X Magistrate

appeared before me the affiant	Thomas E Pinkerton, Jr		who
ly sworn deposes and says that	defendant Eliberto Gutierrez, Jr		
this county and state on or about	9/17/2020		the criminal laws of the
South Carolina (or ordinance of X	County/ Municipality of	Sumter	)
TION OF OFFENSE: Prisoners / Con	ntraband, possession by prisoner, furn	ishing or attempt to furnish p	prisoner with
state that there is probable set forth and that probable caus	cause to believe that the defe se is based on the following facts:	ndant named above did o	commit
risoner to wit: the defendant was lo containing 1 cell phone, 1 cell phor	did in Sumter County, SC, commit the ocated inside of Wateree Correctional ne charger, rolling papers and a multi the contraband was intended to be sr	Institution property while in tool knife. Probable cause is	possession of 1 based on evidence
Signature of Affiant	13 th	$\mathcal{D}$	
SOUTH CAROLINA			
nty/ Municipality of	Affiant's Address P.O. Box 2		
	) Affiant's Telephone (803)896-1	C 29221-1787 963	
		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
	ARREST WARRANT		
	ARREST WARRANT		
AW ENFORCEMENT OFFICER OF TH	HIS STATE OR MUNICIPALITY OR ANY	CONSTABLE OF THIS COUNTY	a ser sere
It appearing from	m the above affidavit that the	ere are reasonable grou	inds to believe that

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

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to	on or about 9/17/2020		defendant Elibe	erto Gutierrez, Jr	
IBAZZ	did violate the criminal laws of the S	tate of S Sumte		) as set forth below:	
Duy	Having found probable cause and the above	affiant hav	ing sworn before me, ye	y prisoner, furnishing or attempt to furnis ou are empowered and directed to arrest the said Narrant shall be delivered to the defendant at the	defendant and bring him or
	on 9/17/2020	(L.S.)	) Judge's Address	Post Office Box 1428 Sumter, SC 29151-	
	Signature of Hasyling Judge Fred H Gordon (Magistrate) Jr Judge Code: 7217	-	) Judge's Telephone ) Issuing Court:	(803)436-2280 X Magistrate Municipal	Circuit
VAL	ORIGINAL ORIGINAL		ORIGINAL	ORIGINAL	ORIGINAL