

Sexual assault charge refiled against former state prison guard

She's accused of having a sexual relationship with an inmate.



The exterior of the State Corrections Institution Chester. (MEDIANEWS GROUP)

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CHESTER — A sexual assault charge was refiled this week against a former Pennsylvania Department of Corrections officer accused of maintaining a sexual relationship with an inmate at State Correctional Institution Chester earlier this year.

Alyssa N. Pierce, 32, Philadelphia, had been facing three counts of institutional sexual assault representing three alleged sexual encounters she had with a 27-year-old male inmate inside the prison, but those charges were dismissed following a preliminary hearing before Magisterial District Judge Dawn Vann last week.

Pierce was held for trial on two counts of criminal use of a communication facility for messages she allegedly exchanged with the inmate at that hearing, however. A single new charge for institutional sexual assault was refiled Tuesday by the Delco DA's office.

Dawn heard from Lt. George Arias at the Aug. 30 hearing, who described his role as internal affairs for the DOC. Arias said he had received an anonymous tip that Pierce was engaged in an inappropriate sexual relationship with a particular inmate.

While reviewing security footage, Arias said he saw Pierce and the inmate enter a single-person bathroom measuring about 4-by-8 feet for a period he estimated at less than 20 minutes. Arias said the video could not see into the bathroom, but Pierce appeared to be adjusting her uniform shirt when she exited, then went into a nearby sergeants' office.

Arias said the bathroom is in a hallway that requires a key to access.

On cross-examination by defense counsel Scott Sigman, Arias said Pierce had been handing out various cleaning implements to inmates and that it appeared the alleged victim took a mop into the bathroom with him. He said an officer supervising cleaning should have remained outside that small room, however.

State Police Trooper Matthew Gibson, the affiant in the case, also recounted his affidavit of probable cause in his testimony. Gibson, a criminal investigator, said he was alerted by Arias June 10 about a possible sexual assault and went to the prison June 15 to review security footage.

Gibson said there were actually three videos of Pierce and the inmate using the bathroom about the same time on May 23, May 24 and June 4. He focused on the June 4 video, which was the one Arias had described. Gibson said both people were in the bathroom for about 12 minutes and also noted that Pierce appeared to be "redressing" upon exiting, then spent about 20 minutes in the sergeants' office.

Gibson said the camera is mounted in an elevator hallway with about a 180-degree angle. It was able to see through a glass outer door to the hallway where the bathroom is located, but noted the bathroom door stayed open while Pierce and the inmate were inside. He believed the mop may have been left on a doorjamb.

Gibson told Assistant District Attorney Brian Barth that he investigated an email type of application used by inmates known as GTL Message, which costs 25 cents per message. Gibson said he reviewed more than 1,100 messages sent between the inmate and a username with the handle "Alexander May" that he believes was being used by Pierce.

Gibson said he was able to track those messages, some of them sexually explicit, to an Internet Protocol address associated with Pierce's phone.

A review of other phone records additionally showed Pierce communicating with family members of the alleged victim, according to Gibson, though the inmate's mother denied knowing who Pierce was when she was shown a picture.

Another relative of the inmate refused to speak to investigators, but Gibson said there were electronic money transfers between her and Pierce, some of which he believed were to pay for the GTL messages.

On cross-examination, Gibson said he had no direct credit card information tying Pierce to the messenger system, nor could he say whether it was actually Pierce sending messages under the "Alexander May" moniker. The inmate had also not provided any statement that anything sexual had happened to him, Gibson acknowledged.

Sigman argued that without a complaint from the alleged victim, any allegations of a sexual assault had to be dismissed.

"We have no victim saying anything happened, so all we're left with is bits and pieces of circumstance," he said. "More likely than not, with all the evidence presented in this court, there's communication. There's some form of relationship. Whether this is a legal relationship or a not-legal relationship is what I believe has not been made out even at this level."

While Pierce may have become "too friendly" with the inmate, Sigman argued, there was no evidence of any real sexual relationship. They may have been conversing too much and may have been doing so inside that bathroom, he reasoned, but it is a "big jump" to go from simple conversations to sexual assault.

Barth argued that this is exactly the kind of case the Prison Rape Elimination Act was established to combat and that the circumstantial evidence was overwhelming that a sexual relationship did exist between these two people.

He recounted the numerous sexually charged messages, the alleged relationships Pierce maintained with the inmate's family members, as backed up by phone records, the three videos showing them occupying the same very small space for extended periods of time and Pierce "re-dressing" as she exits the bathroom.

At the very least, he argued, the criminal use of a communication facility should be held, but argued there was enough evidence at the district court level for institutional sexual assault as well.

Vann disagreed, however, dismissing the sexual assault charges. Formal arraignment on the remaining charges is set for Sept. 28 at the County Courthouse in Media.

Pierce, who remains free on \$25,000 unsecured bail also has a preliminary hearing date of Sept. 27 on the refiled institutional-sexual-assault charge. That will also be before Vann.