

March 24, 2025

Mrs. Jenny Kitchlings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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MAR 26 2025

SC Court of Appeals

Re: The State v. Frederick T. Stutler  
Appellate case No. 2025-000457

Dear Mrs. Kitchlings,

Recently I received notice from my attorney stating that I am required to write the South Carolina Court of Appeals to inform the court of any arguable basis that there are issues preserved for appeal. I will do my best to articulate any such reasons I believe present arguable basis for appeal.

Starting with the plea agreement, details presented to me prior to court indicated that a guilty plea would be entered for two counts of criminal sexual conduct with a minor second degree against Julie Solomon. However, during court the solicitor indicated a second victim, Aubrie Solomon. After receiving the sentencing sheet later, it became clear that the plea agreement included the second victim. The defendant in a criminal case should be made aware of any alteration to pre determined plea agreement, and be afforded an opportunity to consider the changes made and how it may alter sentencing. The court should insure the defendant is aware of the conditions under which a plea is entered and that the defendant is also clear about what is contained in such an agreement before accepting a plea.

In court the solicitor referenced a recording containing incriminating statements made by the defendant. However, portions of such a recording were not mentioned in the Rule 5 and never provided to defense counsel for review, even when requested. Any evidence to be used to obtain a conviction is required to be shared. The court should not allow the solicitor to bolster their case with claims that lack evidence to support them.

The court allowed the solicitor to make statements regarding unconfirmed and unconvicted bad acts, from outside the state of South Carolina, to further bolster ~~their~~ their case and attempt to convince the judge to lengthen the sentence. This would be a probable violation of SCACR rules of evidence Rule 404. The court should not have allowed this.

South Carolina Criminal Procedure states that the solicitors office has 90 days to file an indictment after receiving an arrest warrant or notice of arrest from the sheriffs office. In this case it appears that the solicitor did not file an indictment with the grand jury for more than 150 days, a clear violation of criminal procedure, a violation the court should not allow. Additionally, as it pertains to indictments, there were six indictments filed with the grand jury, of those six the two third degree indictments were never served. However, in court, the solicitor stated that I had been indicted for 5 counts of criminal sexual conduct with a minor - second degree and two counts of criminal sexual conduct with a minor - third degree. These statements were inaccurate and made only to further strengthen their case in an effort to sway the judge. Only the four indictments served should be allowed, and statements regarding the others should have been disregarded.

Please consider these issues when ~~also~~ determining my eligibility for appeal. It is my belief that there were seven violations that happened at my hearing. Please notify me as to the decision made regarding my petition for appeal, I would appreciate it greatly. Thank you very ~~much~~ much.

Sincerely;

Frederick T. Stutler

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