IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT
1700 N. TAMPA STREET, SUITE 300, TAMPA, FL 33602

May 22, 2023

CASE NO.: 2D23-0321
L.T. No.: 17-CF-4974

KIMBERLY ANN BLEVINS		STATE OF FLORIDA
Appellant / Petitioner	v.	Appellee / Respondent

APPELLANT'S PRO SE RESPONSE TO THE
SHOW CAUSE ORDER DATED MAY 16, 2023

COMES NOW KIMBERLY ANN BLEVINS, Appellant / Petitioner in the above-styled case to show cause why **this appeal should not be dismissed**. At this time, as I understand the appellate process, I am not represented by counsel. This court appointed the 10th Circuit Public Defender to represent me, but no attorney from that office has filed a notice of appearance as my attorney of record in this appeal; my former attorney from the 6th Circuit Public Defender told me to watch for that. Lisa Lott filed a response that was docketed on 05/19/2023, but she did not do so as the attorney assigned to represent me in this appeal. Also, the state has a conflict of interest in moving to strike my response.

My appeal should not be dismissed. The lower court's order dismissing my case due to my continuing incompetence is adverse to me as that order is the outcome of **legal malice** and carries **collateral legal consequences** for me, including that the order is without prejudice to the state to come against me again with legal malice.

The psychologists found me incompetent because I keep discussing treason and genocide. See: Record on Appeal, p. 645-664, Proceedings STATUS CHECK 030521, page 11, line 24 to page 12, line 5, where the state says that my discussing treason and genocide was the reason for the psychologists' findings of incompetence.

I find no such justification in the law including in the federal and state misprision of treason statutes, 18 U.S. Code § 2382 and FLA. STAT. 876.33 for a finding of incompetence based on my discussing treason and genocide. The law presumes I am competent to know treason when I see it and to disclose such knowledge appropriately.

My allegation of treason and genocide is that the state is committing those and other crimes against my family and me since 1986. I started blogging in 2001 to raise the hue and cry about the state committing treason against my family and me. In filing the criminal case in the lower court, the state claimed that my blogs, which include said claims against the state, are proof that I have committed the crime of aggravated stalking. It is an obvious conflict of interest for the state to file such a case and within that to push for me to be deemed incompetent, as the state did so throughout the competency process, keeping me from bringing facts and law in support of my allegation of treason and genocide to be tried in that court of law.

The state charged me with aggravated stalking under Fla. Stat. 784.048(4). That crime is classified as a forcible felony under Fla. Stat. 776.08 "Forcible felony" means treason….aggravated stalking…." I might have raised an immunity defense under Fla. Stat. 776.032(4). "In a criminal prosecution, once a prima facie claim of self-defense immunity from criminal prosecution has been raised by the defendant at a pretrial immunity hearing, the burden of proof by clear and convincing evidence is on the party seeking to overcome the immunity from criminal prosecution provided in subsection (1)."

I disclosed to the lower court judge that I have knowledge of the commission of treason by the state relevant to that case. I gave that notice to the court via my ex parte letter dated April 18, 2018, to the lower court judge, about six weeks before the first

competency evaluation. See: Record on Appeal, pp. 40-44. At the time I wrote that, I did not yet know that the competency process had been initiated on April 5, 2018, contrary to the law. See: Record on Appeal, pp. 34-36; p. 38; and 496-501.

The lower court judge gave notice to the state of my disclosure of knowledge of treason by introducing my ex parte letter in open court during a pretrial conference on April 24, 2018, which seems consistent with the judge's obligation under Florida's Evidence Code, FLA. STAT. 90.201-207. See: Record of Appeal, pp. 592-598.

The state's acts from that point were intentionally in the face of such notice. "In an action for malicious prosecution it is not necessary for a plaintiff to prove actual malice, legal malice is sufficient…." (Alamo Rent-A-Car, Inc. v. Mancusi, 632 So. 2d 1352, 1357 (Fla. 1994).) "Legal malice, which is also referred to as technical malice in law, 'requires proof of an intentional act performed without justification or excuse.'" (Reed v. State, 837 So. 2d 366, 368-69. (Fla. 2002).) "'Legal malice may be inferred from one's acts,' and –unlike actual malice—'does not require proof of evil intent or motive.'" (Olson v. Johnson, 961 So. 2d 356, 359 citing § 95.031(1), Fla. Stat. (1995).)

There was an absence of subject matter jurisdiction to bring the matter before the lower court, an issue that I understand can be raised for the first time on appeal, and I do raise that issue. I ask the Court to grant me relief consistent with the law.

Kimberly Ann Blevins 05/22/23 6:54 AM

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Served:

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