

Number 16CR1428.

FACTUAL STATEMENT

5. Plaintiff was charged with criminal offenses in the District Court of Sedgwick County, Kansas, in a case entitled State of Kansas v. Bret Blevins, Case Number 16CR1428(hereinafter “Criminal Case”).

6. Plaintiff retained Defendant to represent him in this matter. A flat fee retainer of \$30,000 was paid to Defendant for the purposes of representing Plaintiff by Tammy and/or Greg Akers.

7. At the time the Plaintiff’s retainer was paid, Tammy Akers was former and current client of the Defendant.

8. The flat fee agreement did not provide for Defendant to hire experts on behalf of Plaintiff, including an accident reconstructionist or a DNA expert.

9. Tammy Akers was a key State’s witness and a potential suspect in the Criminal Case.

10. In sworn testimony before the Sedgwick County District Court, Defendant acknowledged that Tammy Akers and Plaintiff had divergent interests in the Criminal Case.

11. Defendant had a continuing sense of obligation to Tammy Akers as evidenced by his attempt to suppress her statements to law enforcement in the Criminal Case, and securing a trial strategy that Tammy Akers would invoke her privilege against self-incrimination when called as a State’s witness in the Criminal Case.

12. Indeed, the entire trial strategy, as communicated by Defendant to Plaintiff, was that Defendant would invoke the Fifth Amendment because there was evidence, including DNA evidence, that would potentially inculcate Tammy Akers in the crime.

13. Defendant suffered from multiple conflicts of interest in his concurrent representation of Tammy Akers and Plaintiff.

14. The conflict of interest waiver executed by Plaintiff were insufficient to allow Defendant to continue representing Plaintiff in the Criminal Case.

15. At trial, Tammy Akers, contrary to the trial strategy Defendant created, did not invoke the Fifth Amendment, and testified against the Defendant as a key State's witness.

16. Plaintiff was ultimately convicted of two counts of Second Degree Murder, and other offenses with which he was charged in the Criminal Case, and the subsequently imposed sentence put Plaintiff in prison for life.

17. On December 10, 2021, Plaintiff's convictions were reversed by the Kansas Court of Appeals in 118,639. The reversal was predicated upon the multiple conflicts of interest Defendant had in representing Plaintiff in the Criminal Case.

Count One

LEGAL MALPRACTICE

18. All other paragraphs contained within this Petition are incorporated herein by reference as if fully set forth herein.

19. Defendant had a duty to exercise ordinary skill, knowledge, and loyalty as an attorney in representing Plaintiff.

20. Defendant breached these duties he owed Plaintiff by representing Plaintiff in the Criminal Case while suffering from numerous conflicts of interest in his concurrent representation of Tammy Akers, a key State's witness and suspect in the Criminal Case.

21. There is a causal connection between Defendant's breach of duty and Plaintiff

suffering actual injury as reflected by his convictions in the Criminal Case and subsequent imprisonment for what amounted to a life sentence.

22. Plaintiff suffered actual loss and damages including, but not limited to, being convicted of criminal charges and being sentenced to a long prison sentence while represented by an attorney – Defendant – who suffered from multiple conflicts of interest.

WHEREFORE, the Plaintiff prays for judgment in an amount in excess of \$75,000.00 against the Defendant, for reasonable attorney's fees, costs and any such other and further relief as is appropriate in these matters.

I. DEMAND FOR JURY TRIAL

Plaintiff hereby requests that this matter be tried to a twelve (12) member jury.

DATED: Dec 11th 2023

Bret Blevins
Bret Blevins, pro se

Self-Represented Litigant Certification Form

By signing this form, I certify that the attached filing complies with the certification requirements in the Temporary Rule for Filing in a District Court by a Self-Represented Litigant.

I CERTIFY: *(You must complete this section.)*

I signed the attached filing and provided my name, address, telephone number, email address (if available), and fax number (if available).

I ALSO CERTIFY: *(Only complete one of the next two sections.)*

My document **does not contain prohibited personally identifiable information** ("PII"). I checked my document for PII and made sure that my document meets the requirements of the Temporary Rule. It meets those requirements because:

- my document does not include any of the items listed in Supreme Court Rule 24(b). *(This list is printed on the back of this form for reference.)*
- my document is a Kansas Judicial Council form and I have only provided information that is required on the form.
- the information in my document meets an exception in Supreme Court Rule 24(c). *(This list is printed on the back of this form for reference.)*

OR:

My document **may contain prohibited PII**, but I am asking the court to file it confidentially under seal for the following reason: *(Choose one.)*

- the court entered a prior order on _____ that seals this document.
- the document I am filing now asks the court to issue an order to seal a different document that is not yet filed *(describe the document without using PII)*: _____
- the document I am filing now asks the court to seal a document that is already filed in this case *(describe the document without using PII)*: _____

Date: Dec 11th 2023

Signature: Bret Blewins

Name of Party: Bret Blewins