February 3, 2022
Attn: James Stuart Lewis, Jr. Attorney at law
jimlewisforflorida@yahoo.com
From: Franziska Kaltenbach,
helpernestobehrens@gmail.com
www.helpdna.org
Phone: (954) 258-1721

Re: **After 25 years behind bars maintaining his innocence and through exhausting battles with the court system, Ernesto Behrens finally sees light at the end of the tunnel, after Forensic DNA Consultant Tiffany Roy inspected the State's sole inculpatory DNA evidence in this case and is now concern that there has been a substantial miscarriage of justice in Ernesto's case. Ms. Roy is equally concerned about the quality of the scientific analysis performed by the DNA Unit at the Broward County Sheriff's Office Crime Lab.**

Dear Mr. Lewis,

I am a personal friend of Ernesto Behrens. Ernesto is a Venezuelan Citizen and currently an inmate in the Florida Department of Corrections who has been claiming actual innocence for the past 25 years. In fact, you represented him during a hearing requesting the Court to Interview his Jury Panel after trial and at his Sentencing Proceeding in Case No.: 98-5739CF10A.

Ernesto has been attacking his conviction and sentence in the court system diligently but without obtaining any relief.

In 2016, after a scandal became public on accusations against the Broward County Sheriff's Crime Laboratory--specifically on accusations of mishandling and misinterpreting DNA evidence that contains more than one person's DNA. I immediately contacted Forensic DNA Consultant Tiffany Roy who has been helping Ernesto pro bono while trying to obtain all the DNA related information and evidence in his case.

On June 26, 2017 Ms. Brittany Shammas, a former staff writer at Miami New Times and currently working for the Washington Post wrote an article on him: **"Broward Judge Isn't Letting Defendant Challenge Bad DNA Evidence."** The reason for that article was because circuit court judge Andrew L. Siegel summarily denied his motion requesting DNA retesting without granting a hearing.

However, Ernesto kept demanding, through postconviction motions, for the State to produce all incriminating DNA evidence to be released to Ms. Roy for her own independent review over the DNA analysis and testing performed by BSO Crime Lab in his case. Then, after 4 years of patiently waiting for the State to produce such requested evidence. On September 1, 2020 the State provided all DNA related documents in their possession. However, the next day, on September 2, 2020, two days after the State filed its Response, Judge Andrew L. Siegel again

quickly summarily denied his motion without allowing the necessary time for his DNA Consultant Tiffany Roy to be able to inspect and review the provided DNA documentation. And of course, the necessary time for her to work on her own independent written Report.

Nevertheless, between September 8 and 11, 2020, Ms. Roy was able to quickly inspect and review the State's provided DNA related documentation. Her preliminary conclusion states, in pertinent part:

"These results don't make sense given the report I've reviewed. A mixture of DNA was detected on the sheet, which was never reported..
And if DNA from item 9, the EVIDENCE ITEM green sheet, was found on item 50, the STANDARD from Ernesto Behrens, Broward County Crime Lab DNA Unit has a serious contamination issue, but it doesn't mean Ernesto Behrens committed a crime. We're looking for Behrens DNA on the evidence, not the evidence DNA on Behrens sample? Lane 9 is the lane with stain 1 from the fitted sheet in it. In these notes, a mixture is identified by "more than 2 bands… And also here in her allele table… The row of smaller numbers under the bigger numbers are the additional alleles present in the sample. The calculation performed on this sample to estimate the frequency was not for mixture samples."

After her alarming discovery, she immediately wrote to the Broward County Prosecutor's Integrity Unit the following correspondence:

"My name is Tiffany Roy and I'm a forensic DNA expert working in Broward and the surrounding counties. I have recently been provided documents which have caused me great concern that there has been a substantial miscarriage of justice in the case against Ernesto Behrens. I have reviewed the documents in the Behrens case completely pro bono based on concerns I have about the quality of the scientific analysis in the DNA Unit at Broward County Sheriff's Office Crime Lab DNA Unit."

On the other hand, after a long battle against Judge Andrew L. Siegel and letters written to the Florida Governor Ron Desantis, Ernesto was able to have the Fourth District Court of Appeal to agree with his arguments against this judge and, fortunately Judge Andrew L. Siegel was ultimately recused from his case after a final order from the District Court of Appeal was issued on November 3, 2020.

Unfortunately, the new Judge recently appointed to Ernesto's case, the Honorable Michael A. Usan has also recklessly disregarded his pro bono DNA Consultant Tiffany Roy's Independent Forensic DNA Report by simply rejecting her expertise and concerns, and totally ignored Ernesto's unambiguous claim of Innocence. Of course, without this Judge's order to retest the DNA evidence, it will be impossible for Ernesto to prove his innocence.

It is inconceivable to believe that all the trial Judges that have been presiding over Ernesto's case, have been so against allowing him to prove his innocence. Especially, when his pro bono DNA Consultant is welcome to perform all necessary testing free of charge. In other words,

there is absolutely no economical burden whatsoever placed on the State of Florida when conducting retesting in Ernesto's case.

Mr. Lewis, it is because of all the above-mentioned facts and your passion while representing him back in 2000, that Ms. Tiffany Roy recommended that I contact you. As you can easily see, Ernesto has been treated unjustly by Judge Andrew L. Siegel for the past 16 years and currently treated unfairly by the newly appointed Judge Michael A. Usan.

Although, more recently, Ernesto became in contact with the Innocence Project of Florida as well as the Broward County Prosecutor's Conviction Review Unit and he has completed their respective Petitions, he has not obtained any help from them yet.

Mr. Lewis, it is with respect and great sense of hope that I write to you today, asking if you could please, help me correct this ongoing miscarriage of justice in Ernesto's case. With your help, support and influence, Ernesto sure could be having an opportunity to have these judges reconsidering his case. Tiffany Roy, Ernesto and myself believe in equal justice for everyone. Just as you do!

Thank you for reading and considering this plea for justice!

Sincerely yours,

Franziska Kaltenbach

PS: For more information visit my website at www.helpdna.org my friend constantly updates it.
Ms. Tiffany Roy's information is:
Phone Number: (978) 987-1773 Email: <tiffany.roy@gmail.com>
Feel free to contact her too.