

June 9, 2022

Attn: Reporter Roy Ramos -The Local Channel 10 News - Subject Matter - Local Crime

www.local10.com

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From: Franziska Kaltenbach,

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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. Ramos,

I was watching the daily news and saw your report about a South Florida man known as the "Pillowcase Rapist" who is now facing charges in connection with six Broward County cases from the 1980's. According to authorities, Robert Koehler raped a woman at knifepoint in June 1984 after breaking into her apartment in Pompano Beach.

I found this report very interesting. Specifically, because my friend Ernesto Behrens, now 58 years old, was called exactly that "the pillowcase rapist" in the 1990's, in the Broward County area. He was accused of the exact same thing placing a pillowcase over the victim's head and make her perform oral sex on him at knifepoint. Of course, same scenario: early hours of the morning while the victim was home alone, etc. Even though Ernesto's case is not considered a "cold case" because he went to trial and was found guilty. There are a lot of unanswered questions in his case. Beside the fact that he has maintained his innocence for the last 25 years. Anyway, one of the most remarkable facts in Ernesto's case is the reality that he had surgery four days before the crime was committed on May 12, 1995; he had an ironclad alibi witness for the time the crime was committed; and none of the fingerprints or palm prints lifted from the point of entry and exit matched Ernesto's. Another important description given by the victim, is that the perpetrator of her crime was circumcised, Ernesto is not. So, it would be interesting to make a comparison between the prints collected at Ernesto's case and Mr. Robert Koehler's prints; finding out if he is a circumcised individual; and what were his whereabouts around the time of May 1995? It sounds to me like too many coincidences within both cases. And, of course, Ernesto has been claiming innocence all these years.

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!

He 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 Shammass, 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 with letters written to the Florida Governor Ron DeSantis, Ernesto was able to have the Fourth District Court of Appeal 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. Ramos, It is because of all the above-mentioned facts and your passion for exposing the truth and people's misconduct in your professional arena 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. (Both of these Petitions are available on my website www.helpdna)

Mr. Ramos, it is with respect and great sense of hope that I write to your office today, asking if you could please, help me publish this ongoing miscarriage of justice. With your help, 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.

Cc: Cold Case Unit Sgt. Kami Floyd for the Broward Sheriff's Office.