

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401

October 05, 2021

CASE NO.: 4D21-1039

L.T. No.: 98-5739CF10A

ERNESTO BEHRENS

v. STATE OF FLORIDA

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that on July 22, 2021, this Court ordered appellant to show cause why sanctions should not be imposed. Having considered appellant's response, we determine that sanctions are appropriate. For the reasons set forth in the order to show cause, we now impose sanctions pursuant to *State v. Spencer*, 751 So. 2d 47 (Fla. 1999). Appellant used an inapplicable generic Brady notice sent by the State regarding cases involving complex DNA samples as grounds for a claim of newly discovered evidence. Appellant's case involved a DNA sample that only contained one DNA profile; therefore, the State's Brady notice was not applicable to appellant's case. Moreover, appellant raised multiple claims in the subject motion for postconviction relief that were either time-barred or successive. In light of appellant's multiple prior appeals and the meritless, successive, and frivolous nature of the claims in the subject motion, we conclude that sanctions are appropriate. The Clerk of this Court is directed to no longer accept any paper filed by Ernesto Behrens unless the document has been reviewed and signed by a member in good standing of the Florida Bar who certifies that a good faith basis exists for each claim presented.

Served:

cc: Attorney General-W.P.B. Paul Patti Ernesto Behrens *W*
State Attorney-Broward Clerk Broward Hon. Michael A. Usan

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LONN WEISSBLUM, Clerk
Fourth District Court of Appeal

