



INNOCENCE PROJECT OF FLORIDA, INC.
Unlock the Truth

1100 East Park Avenue
Tallahassee, FL 32301
Phone: (850) 561-6767
Fax: (850) 561-5077
www.floridainnocence.org

CONFIDENTIAL LEGAL MAIL

December 15, 2016

Mr. Ernesto Behrens, #732564
Martin Correctional Institution
1150 S.W. Allapattah Road
Indiantown, Florida 34956-4397

Dear Mr. Behrens,

I hope this letter finds you well. I am writing to you today because Jeff Hittleman from Coast to Coast Legal Aid of South Florida, Inc., contacted me in reference to your case. Mr. Hittleman indicated you may be interested in our services.

Innocence Project of Florida provides legal assistance free of charge to inmates with claims of actual innocence. Our organization only works on cases in post-conviction. In other words, a person looking for assistance from us must have been convicted in a Florida State court, sentenced, and have already completed their direct appeal process. Additionally, we cannot work directly on cases where an attorney is presently appointed or retained, nor do we work on clemency cases, sentence reductions or modifications, or any other claims that are not strictly related to issues of innocence.

If what we do applies to your situation, and you are interested in having your case evaluated by our office, please complete and return the attached papers. Do not send us any other additional materials at this time. We will let you know if we need more paperwork.

If you do not wish to have your case screened by our office, please feel free to disregard this correspondence.

All the best to you this holiday season.

Sincerely,

Dr. Adina M. Thompson
Intake Coordinator



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I, ERNESTO J. BEHRENS, fully understand that the Innocence Project of Florida represents only people who are innocent. I also understand that DNA testing can prove any involvement I might have had in the crime and foreclose any future chance of exoneration.

I also understand that I am not to send any documents except for those specifically requested by the Innocence Project of Florida.

(Signature)

JAN 1, 2017

(Date)

Please note that you **will not** receive a confirmation from us that your questionnaire was received in our office. Your next communication from us will be a letter informing you of our decision or any next steps. Please understand that due to the overwhelming number of requests for assistance, there is a wait of **six months or more** before a questionnaire is reviewed.

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PROVIDED TO
MARTIN CORRECTIONAL INSTITUTION
ON 01/03/17
FOR MAILING
EB

The Innocence Project of Florida (IPF) will use your answers to the following questions to determine whether your case is one we can accept for further investigation. Please give full and complete answers to all of the questions that apply to your case. If you do not understand a question, please write "I do not understand this question." If you do not know the answer to a question that you think you should answer, please write: "I do not know." It is important that you answer as completely and truthfully as possible. Failure to do so will result in the denial of your application for assistance by the Innocence Project of Florida.

(Please use ink)

Today's Date: JAN 1, 2017

ABOUT YOU AND YOUR CASE

Name: ERNESTO J. BEARENS Inmate ID# 732564

Date of Birth: 11/10/64 County of Conviction: BROWARD

Date Sentenced: 11/13/2000 Length of Sentence: LIFE

1. Date of Incident: MAY 12, 1995
2. Date of Arrest: MARCH 17, 1998
3. Place of Arrest: BROWARD COUNTY
4. Arresting Law Enforcement Agency: BSO
5. Investigating Law Enforcement Agency: PLANTATION POLICE DEPARTMENT
6. What crimes were you charged with from this arrest? (List them all).
SEXUAL BATTERY WHILE ARMED.
BURGLARY OF A DWELLING WITH A BATTERY.
7. What crimes were you convicted of from this arrest? (List them all).
SEXUAL BATTERY WHILE ARMED AS CHARGED.
BURGLARY OF A DWELLING WITH A BATTERY AS CHARGED.

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ON 01/13/17
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EJS

8. What is your first language? SPANISH.
9. Do you use any other languages? If so please list them: SPANISH AND ENGLISH
10. Highest grade you finished in school? TWELVE GRADE.
11. Do you claim to be innocent for all of the above crimes? YES.
 - a. If no, for which do you claim to be innocent? N/A.
12. Were you involved at all in any of the crimes for which you are now in prison? If yes, briefly explain how you were involved. NO.
13. Where did the crime occur? (Address if possible) 750 N.W. 91 TERR, PLANTATION, FL.
14. Were you present at the scene of the crime (before, during, or after)? NO
15. Did you know the victim(s)? NO
16. Victims name(s) and your relationship to each: DENISE L. WOODS (ARSENALIT)
NO RELATIONSHIP AT ALL. D.O.B 3/18/68
17. What crimes are you currently serving time for? How much time were you sentenced to serve for each one of those crimes?
SEXUAL BATTERY WHILE ARMED AND BURNING OF A DWELLING WITH A BATTERY
A TERM OF LIFE ON EACH COUNT.
18. If you are serving time for more than one sentence, are your sentences:

 Concurrent? OR Consecutive?

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19. In the space below, briefly describe the circumstances of the crime and the role the prosecution alleges you played. Please give as many details as you can, including dates, locations, and names.

ON MAY 12, 1995, THE VICTIM DENISE L. WOOD, A 27 YEAR OLD WOMAN WAS SLEEPING NUDE IN HER BEDROOM, IN PLANTATION, FLORIDA, AT APPROX. 5:00 AM, WHEN AN INTRUDOR GAINED ENTRY TO THE APARTMENT THROUGHOUT THE KITCHEN WINDOW. WHILE INSIDE, THE PERPETRATOR CONFRONTED THE VICTIM. HE EVENTUALLY PLACED HIS PENIS IN THE VICTIM'S MOUTH FOR APPROX. 2 MINUTES. THE PERPETRATOR DID EJACULATE ON THE VICTIM'S LEFT THIGH. THE PERPETRATOR PICK UP THE VICTIM'S DRESS AND USED IT TO WIPE SECTION OFF. THIS DRESS WAS LEFT BEHIND. THE PERPETRATOR LEFT THE VICTIM'S HOUSE WITH NO FURTHER INCIDENTS. THE POLICE WAS CALLED. EVIDENCE WAS COLLECTED AT APPROX. 6:20 AM. BUT WAS NEVER PLACED INTO THE EVIDENCE ROOM BUT UNTIL 3 1/2 DAYS LATER. (ON MAY 18, 1995 AT 11:20 AM). A RARE KIT WAS COLLECTED FROM THE VICTIM BY THE SEXUAL ASSAULT CENTER, NURSE SWANBY. FROM THE VICTIM'S HOME, CSI, MARJORIE HANON, COLLECTED FINGERPRINTS, PALM PRINTS, SHOE CASHING, VICTIM'S DRESS, SHEETS, PILLOWCASE AND SHEETS (WHICH CONTAINED GET SPOTS AND HAIRS). ALL THESE EVIDENCE WENT EVENTUALLY TO THE PISO CRIME LAB FOR DNA TESTING.

THE PROSECUTION MADE ME THE PERPETRATOR OF THIS CRIME. NEVERTHELESS, I HAD BEEN RECENTLY OPERATED ON MAY 8, 1995, BY DR. GUY DURANT. HE REMOVED 3 CYSTS FROM DIFFERENT AREAS OF MY BODY ON THAT DATE. WE PRESENTED THE PATHOLOGIST RESULTS, ETC ALSO, ON THAT DATE I WAS SLEEPING IN THE HOUSE OF MY THEN GIRLFRIEND, PAULA TURGEDON, WHO ALSO TESTIFIED THAT I WAS WITH HER ON THAT DATE AND TIME, MAKING IT IMPOSSIBLE FOR ME TO BE IN TWO PLACES AT THE SAME TIME.

THE FINGERPRINTS, PALM PRINTS AND SHOE CASHING DID NOT MATCH ME. THE VICTIM NEVER IDENTIFIED ME AS HER ASSAULT. HER DESCRIPTION OF THE PERPETRATOR WAS A YOUNG MALE, IN HIS 20'S APPROX 5'7" TALL, AROUND 160 PDS. HISPANIC ACCENT (SLIGHT) AND WITH A CIRCUMCISED PENIS. I DO NOT MATCH ANY OF THOSE DESCRIPTIONS. I AM NOT CIRCUMCISED.

20. Are you aware of any new evidence that exists in your case that would lead to proving your innocence? (New evidence can include, among other things, newly discovered physical evidence, a newly discovered witness, a key witness who has recanted his or her trial testimony, evidence in existence at the time of your trial that can now be subjected to new scientific testing, and evidence or a witness that should have been found and presented by your trial attorney but was not presented at trial)

Yes

No

If yes, please describe the evidence as clearly as you can and tell us how this evidence could help prove your innocence:

IT HAS BEEN RECENTLY DISCOVERED (JUNE 2016) THAT THE BSO CRIME LABS WAS MISHANDLING DNA EVIDENCE. I WAS NOTIFIED BY THE OFFICE OF THE STATE ATTORNEY (MICHAEL J. SATZ) THAT I NEED TO CONTACT MY ATTORNEYS BECAUSE OF THIS PROBLEM WITH BSO CRIME LABS. MY CASE IS BASED ON A SINGLE DNA SPOT. NO OTHER EVIDENCE EXIST IN MY CASE.

21. If there is newly discovered evidence in your case, has any of this new evidence already been presented to a judge?

Yes No

If "yes" tell us which judge saw this evidence, when it was presented, how it was presented (Examples: at a hearing, affidavit, letter), and what the judge said or wrote about the new evidence, if anything.

- ANDREW STEBER, CIRCUIT JUDGE FOR BROWARD COUNTY COURTHOUSE
- ON NOVEMBER 14, 2016
- BY WAY OF A MOTION TO COMPUL DNA EVIDENCE
- THE MOTION IS STILL PENDING WITHOUT ANY RULING.

22. Please answer "Yes" or "No" to the following questions:

- a. Did you or your attorney use an alibi defense at trial (*This means you said you were somewhere else when the crime occurred*)
- Yes No
- b. Did your attorney argue that you committed the crime in self-defense (or defending another person)?
- Yes No
- c. Did your attorney argue that you committed the crime because someone threatened to hurt you unless you committed the crime?
- Yes No
- d. Did your attorney use a mental illness or brain injury in your defense?
- Yes No
- e. If your case involves sexual assault, did your attorney use consent as a defense?
- Yes No
- f. Did your attorney use any other arguments at your trial?
- Yes No
- g. If you answered "Yes" to any of the questions, please describe the evidence your attorney used:

8.) HE USED THE TESTIMONY IN TRIAL OF PAULA TAGEON (HODNER), MY ALIBI WITNESS. SHE TESTIFIED THAT I WAS WITH HER ON THAT DATE + TIME.

9.) HE ALSO PRESENTED THE TESTIMONY OF MY DOCTOR WHO OPERATED ME OF 3 CYSTS, THREE DAYS PRIOR TO THE DATE OF THIS CRIME. I HAD STICHES AND BANDAGES WHICH THE VICTIM NEVER SAW.

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- 23. Were you in a line up? Yes No
- 24. Were you identified in a line-up? Yes No
- 25. Were you identified from photos? Yes No
- 26. Were you identified in a show-up? Yes No

If "yes," tell us when and where the identification occurred, who the witnesses were, and whether each witness picked you or anyone else out. Please tell us anything else you believe we should know about the identification. *N/A.*

- 27. Did you give any statements or a confessions to anyone? Yes No
 - a. Who did you give a statement to? *DET. STEVE GELLER, PLANTATION POLICE DEPARTMENT*
 - b. When did you make each statement? (Example: the day before the arrest, during the arrest, while incarcerated) *WHILE INTERVIEWED BY HIM IN LAS VEGAS, NEVADA.*
 - c. Were any of the statements audio or video recorded? Yes No
If "yes," which ones? *STATEMENTS (NEVER IT WAS A CONFESSION).*
 - d. Were any of the statements written down? Yes No
If "yes," which ones and who wrote them down?
 - e. Did you sign any written statements? Yes No
If "yes," which ones?

For each statement, briefly tell us what you said: *I TOLD HIM THAT I WAS INNOCENT. THAT HE WAS INTERVIEWING THE WRONG MAN.*

- f. Were any of your statements not true? Yes No
If "yes," which ones were not true, what was not true in those statement, and why did you tell someone something that was not true? *N/A.*

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PHYSICAL AND BIOLOGICAL EVIDENCE:

28. Was any physical and/or biological evidence recovered in your case?

Yes No

If "yes," list the evidence (Examples: hair, semen, blood, finger nail scrapings, victim's clothing, perpetrator's clothing, sheets, rape kit): ALL THE ABOVE CITED EVIDENCE

29. Were any bodily fluids or hair samples taken from the victim? (Examples are vaginal or anal swabs, blood, or saliva) Yes No

If "yes," list the samples: THE COLLECTED RAPE KIT CONSISTED OF ORAL SWABS, ORAL SWABS AND MOON SAMPLES. ALSO HAIRS FROM HEAD HEAD.

30. Were any bodily fluids or hair samples taken from you? Yes No

If "yes," list the samples: THE METROPOLITAN POLICE DEPARTMENT OF DADE COUNTY COLLECTED ORAL SWABS FROM ME. BUT FOR AN UNRELATED CASE FEW YEARS EARLIER. THESE ORAL SWABS WERE USED IN THIS CASE OVER OUR OBJECTION. (CHAIN OF CUSTODY + TAMPERING WITH EVIDENCE).

31. Were bodily fluids or hair found at the crime scene? Yes No

If "yes," list what was found: SEMINAL FLUID WAS FOUND ON THE VICTIM'S GREEN FITTED SHEET. 10-15 HAIR WERE FOUND ON THE VICTIM'S TOP SHEET. THE VICTIM'S CLOTHING ALSO CONTAINED STAINS.

32. Were bodily fluids found on your clothes (Example: blood, saliva, semen)?

Yes No

If yes, what was found? N/A.

33. Were bodily fluids found on the victim's clothes (Example: blood, saliva, semen)?

Yes No

If yes, what was found? SEMEN

34. Was any testing done on the bodily fluids or hair samples?

Yes + No

35. What was tested? THE VICTIM'S SHEETS (POSITIVE FOR DNA)

WHAT WAS NOT TESTED? THE HAIRS, THE PILLOWCASE, THE CONFORTOL AND THE VICTIM'S DRESS.

36. What kind of testing was done?

(Example: Blood type; compared hair and fiber; DNA testing) HELP TESTING

37. What were the results of the testing? POSITIVE MATCH BETWEEN ONE SINGLE SPOT CONTAINING ALLEGEDLY ONE (1) SINGLE SPERM CELL. THE OTHER TWO SPOTS ALTHOUGH SPERM DID NOT MATCH N/A.

38. Who wanted to have the testing done? Prosecution Defense

39. What laboratory did the testing? BROWARD COUNTY SHERIFF'S OFFICE (BSCO)

40. Was a second test done? Yes No

If "yes," do you know what kind of test and what laboratory did the testing? N/A.

41. What were the results of the second testing? N/A.

42. Who wanted to have the second testing done? Prosecution Defense N/A.

43. What laboratory did the second testing? N/A.

44. Was any evidence **not** tested? Yes No

If "yes," what evidence was **not** tested?

MULTIPLE SHIRTS ON VICTIM'S FITTED SHEET, COMFORTER, PILLOWCASE, VICTIM'S DRESS AND HAIRS COLLECTED ON VICTIM'S TOP SHEET.

45. Were the test results used at your trial? Yes No

If "no," why not?

46. Does any physical or biological evidence still exist? Yes No ?

If "yes," please tell us:

a. What is it?

ALTHOUGH I FILED A MOTION TO PRESERVE THE EVIDENCE IN 2001. I DO NOT KNOW. I DO HAVE A PENDING MOTION TO COMPEL

b. What agency currently holds the evidence?

WOULD BE PLANTATION POLICE DEPARTMENT.

47. Would you have a DNA test knowing that it could prove your innocence OR your guilt?

Yes No

48. List the evidence from your case that you think could be tested for DNA and then tell how that test will show you are innocent: Here are two examples of what we mean:

Example 1: If your case deals with a sexual assault: Are there vaginal swabs from the victim? Are there anal swabs? Are there semen stains on the victim's clothes? Are there semen stains on other things at the crime scene like sheets or a blanket? Are there hairs found on the victim or at the scene?

Example 2: If your case deals with an assault or homicide: Was there human biological material such as blood, semen, or hair found at the crime scene? Could any of these be tested to show they did not come from you?

Now please list the evidence: THE VICTIM'S DRESS USED TO WIPE OF SEEDMAN, THE PILLOWCASE, THE COMFORTER, THE 10-15 HAIRS COLLECTED FROM VICTIM'S TOP SHEET, THE MULTIPLE SEMINAL FLUID STAINS FOUND ON VICTIM'S FITTED SHEET.

How will a DNA test of this evidence prove you are innocent? THE VICTIM'S TRIAL TESTIMONY WAS THAT HER SHEETS WERE ON HUSBAND FOR ONLY TWO (2) WEEKS AND FOR FOUR (4) MONTHS NO BODY ELSE ENTERED HER BEDROOM. THUS, THE EVIDENCE FOUND ON THAT ROOM COULD ONLY MATCH HER AND/OR THE PERPETRATOR.

TRIAL

If you did **NOT** go to trial write "Does Not Apply" here: N/A.

and move onto the next section (Plea Agreement). If you **DID** go to trial, please answer the following questions:

49. Type of trial: Jury Trial Bench Trial

If you had a bench trial, why did you decide to let the judge decide your case? N/A.

50. What was the date you were convicted? SEPTEMBER 14, 2000

51. Trial Case Number: 98-5139 CE 10A.

52. Trial Attorney(s): (Name, address, phone number)

TYRONE TERREL, ESCO. } BROWARD COUNTY, FLORIDA.
ANDREA SHLOVITZ, ESCO. }

53. Prosecuting Attorney(s): (Name, address, phone number)

DENNIS SIEBEL, ASSISTANT STATE ATTORNEY.
(NO LONGER WORKS AS SUCH).

54. Trial Judge:

ALFRED HOROWITZ, CIRCUIT JUDGE BROWARD COUNTY.

55. Did you testify?

Yes

No

If no, why didn't you testify?

ATTORNEY'S TRIAL STRATEGY!

56. Did the victim(s) testify?

Yes No

If yes, list their names and tell us any information you have that could help us locate them now

DENISE L. WOOD (ARSENAULT) SHE GOT MARRIED AFTER TRIAL
D.O.B. 3/18/68. I DO NOT KNOW ANYTHING MORE.

57. Please list experts who testified for the prosecution and what kind of expert testimony they gave
(Examples: fingerprint, ballistics, DNA, etc):

MARJORIE HANON, CSI - TESTIFIED ABOUT FINGERPRINT (WHICH DID NOT
MATCH BUNE).

DONNA MARCHESSE, DNA LABORATORY TECHNICIAN (IBSD CRIME LAB).
TESTIFIED ABOUT DNA TESTING PROCEDURES.

DR. MARTIN TRACY, STATISTICS AND DNA PROCEDURES.

58. Please list experts who testified for the defense and what kind of expert testimony they gave
(Examples: fingerprint, ballistics, DNA, etc):

NONE —

59. Who else testified at your trial for the prosecution:

DETECTIVES INVOLVED IN BM CASE.

60. Who else testified at your trial for the defense:

THE TWO ALIBI WITNESSES (DR. GUY DEBRAND + PAUL TURGEON PADD).
ANDREW STOKES + ANDREW STOKES.

61. Did the victim(s) identify you? Yes

No

If "yes" when and where? (Example: at the scene of the crime, during a line-up, in court)

N/A.

62. Did anyone else identify you? Yes

No

If "yes" who, when and where?

N/A.

63. If someone besides the victim identified you, did that person testify at your trial?

Yes

No

If "yes" please write their name and any information that could help us locate them now: N/A.

64. Were other people charged in connection with this crime? Yes

No

If "yes," list their names and briefly tell us what happened to them (Examples: convicted in same trial with you, convicted of lesser charges, acquitted, pled guilty and testified against you) N/A.

65. Did anyone who was facing other criminal charges testify against you? Yes

No

If "yes," list their names and any information about their pending charges and any information that could help us locate them now. N/A.

66. What do you believe was the most important evidence and testimony the prosecution introduced that caused the jury or judge to find you guilty?

DNA EVIDENCE WAS THE SOLE INCULPATORY EVIDENCE IN MY CASE!

67. Do you have an alibi that proves you could not have committed the crime?

Yes

No

If "yes," what is it and how can you prove it?

WITNESS'S TESTIMONY. I WAS WITH THAT PERSON ON THE DATE AND TIME THE ALLEGED CRIME TOOK PLACE APPROXIMATELY 20 MILES AWAY.

68. Did someone misidentify you?

Yes

No

If "yes," please explain: N/A.

69. Do you know if you or your lawyer presented any of these motions?

- a. Motion to suppress confession Yes No
- b. Motion to suppress eyewitness identification Yes No
- c. Motion to suppress results of an illegal search Yes No
- d. Motion to exclude scientific evidence Yes No

If you answered "yes" to any of the above please explain in the space below:

MOTION TO EXCLUDE THE MISSED DNA EVIDENCE. (TAMPERING WITH THE EVIDENCE + CHAIN OF CUSTODY BROKEN).

70. Did anyone testify that you admitted to them that you were guilty?

Yes

No

If "yes" please give their names and what they said: **N/A.**

GUILTY PLEA OR NOLO CONTENDERE ("NO CONTEST") PLEA CASES

If you **did not** plead guilty or no contest, write "Does Not Apply Here:" **DOES NOT APPLY!**
Then move onto the next section (APPEALS). If you **DID** enter a plea instead of going to trial, please answer the following questions:

71. What type of plea did you enter? Guilty _____ Nolo Contendere ("No Contest") _____

72. Did you give a statement or make a confession before entering your plea?

Yes

No

If "yes:"

a. What did you say and who did you give the statement to?

b. Was it a written statement?

Yes

No

i. If yes, did you sign it?

Yes

No

ii. Was your lawyer present when you signed it?

Yes

No

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73. Did your lawyer talk to you about the plea? Yes No
If "yes," what did your lawyer say to you?

74. When did you go to court and plead?

75. Did you want to plead or did you want to go to trial?

76. Why did you plead instead of going to trial (For example, was there an agreement that some charges would be dropped or reduced, or that you would receive a specific sentence? List any promises made that were part of the agreement)?

77. Have you ever tried to withdraw your plea? Yes No
If yes, when did you try to withdraw it (Examples: before sentencing, during the appeal, after the appeal)?

If yes, what reason did you (or your lawyer) give for trying to withdraw your plea?

If yes, what reason did the court give for not letting you withdraw your plea?

78. Did anyone fail to fulfill any part of the plea agreement? Yes No
If yes, please explain.

DIRECT APPEAL

(Please do not include any appeals from postconviction motions in this section)

- 79. Name of attorney who handled your appeal: JAMES W. MCINTINE (P.D)
- 80. Name of prosecutor for your direct appeal: JAMES J. CARNEY
- 81. Names of judges who decided your direct appeal: KLEIN, FALKER, STEVENSON.
- 82. Court that decided your direct appeal: FOURTH DISTRICT COURT OF APPEAL
- 83. Date(s) decided: OCTOBER 30, 2002 AFFIRMED WITH AN OPINION
- 84. What issues did your attorney raise on appeal (list them all)?

- THE DNA EVIDENCE WAS LEGALLY INSUFFICIENT TO CONVICT, WHERE THE DNA EVIDENCE WAS CIRCUMSTANTIAL IN NATURE AND NO OTHER EVIDENCE POINTED TO DEFENDANT.
- THE DNA EVIDENCE WAS NOT RELIABLE BECAUSE THERE WAS PROBABILITY OF TAMPERING WITH THE EVIDENCE AND/OR BREAK IN THE CHAIN OF CUSTODY.

- 85. Is your direct appeal still pending? Yes No
- 86. Was any other appeal or review brought in either the Florida Supreme Court or the United States Supreme Court? If yes, what and when was the final decision?

I DID FILE FOR DISCRETIONARY REVIEW WITH THE FLORIDA SUPREME COURT. THE COURT DENIED REVIEW ON APRIL 2003.

POSTCONVICTION MOTIONS

What postconviction motion(s) have you filed? Please include dates and courts. (Example: 3.850, 3.853) Do NOT include federal habeas corpus petitions.

IN 2003, I DID FILE A MOTION FOR POST-CONVICTION RELIEF UNDER RULE 3.853 (DNA MOTION). IN BROWARD COUNTY.

IN 2007, I DID FILE A MOTION FOR POST-CONVICTION RELIEF UNDER RULE 3.850 (INEFFECTIVE ASSISTANCE OF COUNSEL). IN BROWARD COUNTY.

87. List all of the issues raised in your postconviction motions and how the judge ruled on each issue:

IN THIS 3.853 MOTION I RAISED THE FACT THAT THE TEST RESULTS OBTAINED UNDER THE DNA RELIP TESTING WAS IMPOSSIBLE. SINCE A SINGLE SPERM CELL COULD NOT RENDER RELIABLE RESULTS. THAT A SECOND TEST WAS ABSOLUTELY NECESSARY TO DETERMINE THE RELIABILITY OF THE FIRST TEST. THE LOWER COURT DENIED THE MOTION AND THE APPEAL COURT AFFIRMED THE LOWER COURT'S DENIAL. THE 3.853 MOTION RAISED 20 GROUNDS ALL DENIED AND AFFIRMED.

88. Did you have any attorneys for your postconviction motion? If yes, who were they?

NO -

89. Did you appeal the denial of any of your motions to a District Court of Appeal?

If yes, what issues were raised on appeal and how did the District Court of Appeal rule on the appeal?

YES.

THE SAME ABOVE ISSUES. THE COURT AFFIRMED THE LOWER COURT'S DENIALS.

90. Do you have any pending postconviction motions (circuit or appellate courts)? If yes, please list.

YES. IN THE CIRCUIT COURT "MOTION TO COMPEL DNA EVIDENCE". IN THE DISTRICT COURT OF APPEAL "MOTION TO CORRECT SENTENCE".

91. Have you filed a habeas corpus petition in federal court? Yes No

If yes, when did you file the habeas corpus petition? IN 2008

If yes, list all of the issues raised in your federal habeas corpus petition and how the federal judge ruled on each issue:

ONE SINGLE ISSUE. THE ILLEGALITY OF THE SENTENCE IMPOSED. THE PETITION GOT DENIED.

Date federal court ruled on your petition: DO NOT REMEMBER.

If you did file a habeas corpus petition, was there an appeal to the 11th Circuit? Yes No

If yes, list the issues raised on appeal to the 11th Circuit: N/A.

Date 11th Circuit ruled on your appeal: N/A.

92. Do you have a federal habeas corpus petition motion pending either with the federal court, or on appeal? Yes No

If yes, in which court is the habeas corpus petition currently pending? N/A.

CASE MATERIALS

(Check all the documents that you can provide us with Please DO NOT SEND any documents at this time)

- i. Pretrial Hearing Transcripts
- ii. Trial or Plea Transcripts
- iii. Sentencing Transcript
- iv. Police Reports
- v. Laboratory reports
- vi. Medical Examiner reports
- vii. Appellate Briefs
 - a. Appellant (Defense)
 - b. Appellee (Prosecution)
- viii. Post Conviction Motions:
 - a. Movant (Defense)
 - b. Respondent (Prosecution)
 - c. Court orders

List any friends or family members who have information regarding your case or that you consent for us to talk to about your case (Include name, relationship, address, and phone number):

FRANZIKA KALTENBACH, GIRLFRIEND
3340 BANKS ROAD, APT 207
MALLATE, FLORIDA. 33063
(954) 258-1721

Please tell us anything else about your case that may help:

RECENTLY THE BROWARD COUNTY SHERIFF'S DEPARTMENT (BCSO) CRIME LABS WAS PARTIALLY CLOSED FOR THEIR UNRELIABLE TESTING PROCEDURES. THE STATE ATTORNEY'S OFFICE SENT ME A "NOTICE UNDER DISCOVERY" LETTING ME KNOW THAT BCSO CRIME LABS HAD CONDUCTED THE DNA TESTING ON MY CASE AND THAT I SHOULD CONTACT AN ATTORNEY. BASED ON THIS INFORMATION, I AM FILE A MOTION TO COMPEL THE STATE TO LOCATE, PRODUCE AND MAKE AVAILABLE ALL COLLECTED EVIDENCE THAT WOULD BE NECESSARY FOR RE-TESTING. I AM WAITING ON THE JUDGE'S RULING.

Thank you for providing this information. We will contact you after we have reviewed your case.

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CONSENT FOR RELEASE OF INFORMATION

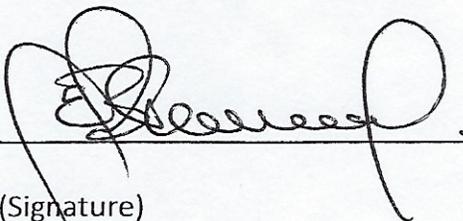
I, ERNESTO J. BETHLEMS, give my consent for any attorney, law student, staff member, investigator, or volunteer working with the Innocence Project of Florida to talk or write my former lawyers, the Department of Corrections, probation and parole officers, and everybody else with information they think will help them understand my case. They can also look at and make copies of all papers about me that those people or offices have.

I also ask my former lawyers, the Department of Corrections, probation and parole officers, and everybody else with information to talk about my privileged communications (spoken and written) if asked. They should also release any and all records, files, reports, test results, interview summaries, investigation reports, and other information of any kind related to me or any case involving me to the Innocence Project of Florida.

I fully understand that there might be statutes, rules, and regulations that protect the secrecy of the information covered by this release; I intend to give up the protection of all such statutes, rules, and regulations. By signing below, I state that I am giving up this protection of my own free will.

The Innocence Project of Florida's attorneys, law students, staff members, investigators, and volunteers will keep all privileged files and communications confidential.

Signed this 1ST day of JANUARY 2017



(Signature)