

Franziska Kaltenbach  
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Margate, Florida 33063



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Friday, March 6, 2020

To: Krista Dolan, Staff Attorney  
Innocence Project of Florida, Inc.  
1100 East Park Avenue  
Tallahassee, Florida 32301  
Phone: (850) 561-6767  
Email: [www.floridainnocence.org](http://www.floridainnocence.org)

Re: Ernesto Behrens / Response to AUTHORIZATION TO RELEASE INFORMATION TO  
CONVICTION INTEGRITY UNIT / WAIVER OF ATTORNEY- CLIENT AND WORK  
PRODUCT PRIVILEGES

Dear Ms. Dolan,

First of all, letting you know that I am in possession of your last correspondence dated February 19, 2020. Thank you!

In response to your short correspondence, which states, in pertinent part:

"We've learned that you also applied to the Broward Conviction Integrity Unit to have your case accepted. We often collaborate with conviction integrity units, so we'd ask that you sign the enclosed waiver *which will let us tell them that you've asked us to represent you, too, and to share information.*

Please understand that this waiver *is not an agreement for the Innocence Project of Florida to represent you*; it simply lets us talk to the conviction integrity units about your case." (Emphasis added)

I noticed that your name is not on any of my previous correspondence with the Innocence Project of Florida. Thus, I must refer to the chronological dates of my previous letters with your office:

-On December 15, 2016, I received a "Confidential Legal Mail" letter from Dr. Adina M. Thompson, Intake Coordinator, explaining to me what the Innocence Project of Florida was all about. Attached to that correspondence was a Questionnaire with 92 questions to be answered under "Privileged and Confidential: Subject to the Attorney/Client Privilege and Work Product

Doctrine." After carefully reading this correspondence and fully understanding that "the Innocence Project of Florida represents only people who are innocent." I completed the form and submitted it to your office On January 1, 2017. Specifically, because I have been claiming innocence for the past 23-years.

-On January 25, 2017, I received another "Confidential Legal Mail" letter from Dr. Adina M. Thompson where she requested the following specific documents, which were immediately provided:

- Motion for DNA Testing, filed 10/27/2003
- State's Response to Motion for DNA Testing, filed 7/2/2004
- Court's Order on Motion for DNA Testing, filed 8/2/2004

-On February 10, 2017, I received a "Confidential Legal Mail" letter from Seth E. Miller, Executive Director, stating in pertinent part: "***We are sorry to inform you that **we have reviewed your case and have determined that our office cannot accept it.** Based on the information we reviewed, **it is our determination that your situation does not meet our strict criteria for case acceptance... We are sorry we cannot assist you further.** We wish you the best of luck in any future efforts.***" (Emphasis added).

-On February 25, 2020, I received your latest correspondence which is the reason for the instant response.

Ms. Dolan, as you can easily perceive from this letter. I am skeptical to just sign the waiver without first supplying you with the above-mentioned information and ***expecting*** a little bit more information from you. Nevertheless, I am trusting the well known integrity of the Innocence Project of Florida and I am attaching the waiver already signed.

As clearly stated above, your office already concluded in 2017 that my situation does not meet your strict criteria for case acceptance and also concluded that your office could not assist me further. As far as I know, nothing has changed in my case since 2017. And although there is absolutely nothing about my case that is hidden or that I want hid or that is not part of public records and/or that has not been already published on the website [www.helpdna.org](http://www.helpdna.org) I still, would like to know why the Broward Conviction Integrity Unit would have to communicate with your office? And what are you planning to share with them?

Remember that you are being very clear in your correspondence "***Please understand that this waiver is not an agreement for the Innocence Project of Florida to represent you; it simply lets us talk to the conviction integrity unit about your case.***"

So your office, which specializes in representing innocent people, wants me to sign a "waiver of attorney-client and work product privileges" so you can simply talk to the conviction integrity

unit about my case, even though I would be on my own at this point, and without any legal representation? Remember, this is the very same prosecuting office that keeps preventing me from having my evidence released for testing and keeps asking the Court for unnecessary extensions of time to respond to the allegation made in my motions.

Nevertheless, the most important question I have for you is: Are you planning to share with them the same criteria you utilized in 2017 to decline my representation? If you are planning to do that, I honestly would not be interested in you sharing information with them, which could discourage these people from making their own adequate investigation about this case.

On the other hand, I believe what is required at this time and have been requested from your office since 2016 is your legal representation in which your office could have provided me with but have *declined* to do so? The only thing I need right now is for the evidence in my case to be examined and retested. However, the Judge must release this evidence to the DNA consultant, Ms. Tiffany Roy, who has been ready to help me in performing the necessary testing in this case, which is essential in proving my innocence. Your office's legal representation would be extremely beneficial and would help me in proving my actual innocence claim. Your legal representation could also persuade the Court to allow the DNA consultant to examine and retest the DNA evidence in a very expeditious way.

As the record of my case clearly shows, I have been claiming innocence before my trial, during my trial, and 20-years after my trial. But I keep getting ignored because the inside information is not pretty. There is a lot of misconduct involved in my case and nobody wants to face the responsibility of having to recognize that it has been a miscarriage of justice in the accusation, prosecution, conviction and the sentence imposed upon me. However, I have been constantly referring to and pointing out the sole Inculpatory evidence in my case, the DNA. All my motions currently pending are based on DNA and requesting the DNA to be Investigated/retested.

In closing, I am looking forward to our next communication.

Best regards,

Ernesto Behrens.

PS: In the event of any further contact from my brother **Edgar Behrens** [phone: (772) 631-4177] and/or best friend **Franziska Kaltenbach** [phone: (954) 258-1721] in reference to this correspondence. Please feel free to elaborate with them concerning this matter at hand. I give you my consent to do so. Thank you!

E.B.



**INNOCENCE PROJECT OF FLORIDA, INC.**  
*Unlock the Truth*

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Tallahassee, FL 32301  
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[www.floridainnocence.org](http://www.floridainnocence.org)

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

19<sup>th</sup> February 2020

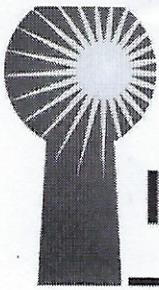
Dear Mr. Behrens:

We've learned that you have also applied to the Broward Conviction Integrity Unit to have your case accepted. We often collaborate with conviction integrity units, so we'd ask that you sign the enclosed waiver which will let us tell them that you've asked us to represent you, too, and to share information.

Please understand that this waiver is not an agreement for the Innocence Project of Florida to represent you; it simply lets us talk to the conviction integrity unit about your case.

Sincerely,

Krista Dolan  
Staff Attorney  
/Enclosure



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**AUTHORIZATION TO RELEASE INFORMATION TO A CONVICTION INTEGRITY UNIT/WAIVER OF ATTORNEY-CLIENT AND WORK PRODUCT PRIVILEGES**

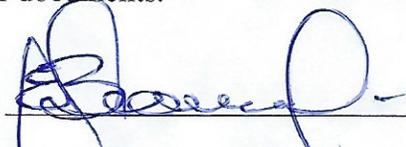
1. I, **Ernesto Behrens**, hereby acknowledge that I have sought representation by the **Innocence Project of Florida** (IPF) in Broward County Case #1998-CF-05739. This waiver authorizes IPF to investigate and gather documents in my case for possible representation before a conviction integrity unit and/or to exchange information with a conviction integrity unit to whom I have applied.
2. I authorize IPF to release, for the specific purpose of collaborating with a Conviction Integrity Unit (CIU), the fact that I have applied for representation with the Innocence Project of Florida, and any and all records and other information, including, but not limited to, IPF work product and interview memos, and confidential client communications, in connection with the CIU's review of my above-referenced case.
3. I further request and authorize the full cooperation of IPF with any representative of CIU. This authorization encompasses any non-written communications or information pertinent to the CIU review of my case that IPF has acquired, whether it is privileged under the attorney-client or work product privileges.
4. I acknowledge that IPF does not represent me in any matter for the purposes of litigation, and that this waiver is to investigate my case and gather documents.

DATE: 03/02/20

DOB: 11/10/64

SSN: XXXXXXXXXX

DC#: 732564

SIGNED: 

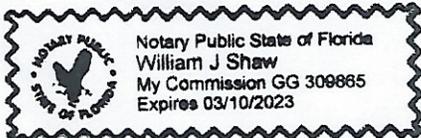
NAME: ERNESTO BEHRENS

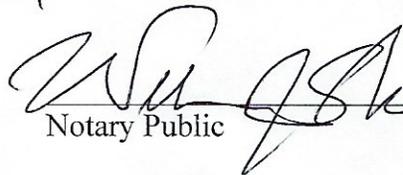
ADDRESS: MARTIN C. I.

1150 S.W. ALAPATTAH RD.

INDIAN TOWN, FL. 34952

Subscribed and sworn to before me this 2nd day of March, 2020.



  
Notary Public