

IN THE COUNTY/CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

vs.

ERNESTO JOSE BEHRENS
H/M DOB 11/10/64

Defendant.

AFFIDAVIT TO ARREST

97-0083-AF104

BEFORE ME, Judge of the Circuit Court in and for Broward County, personally
came Detective Steven Geller, who, after being
duly sworn, deposes and says that on the 12th day of May, A.D. 1995,
in the County and State aforesaid, one Ernesto Jose Behrens
did then and there unlawfully:

Victim #1: On September 12th, 1994, the Coral Springs Police
Department investigated an armed residential burglary, documented under
case number 94-6152, which occurred at 11885 Royal Palm Blvd., Coral
Springs, Broward County, Florida. In response to an AFIS hit, on
October 25th, 1996, Coral Springs Latent Examiner Joel Geller positively
matched latent fingerprints found at the crime scene to Defendant
Ernesto Behrens.

Victim #2: On October 21st, 1993 the Coral Springs Police
Department investigated an Armed Residential Burglary and Sexual Battery
which occurred at 8105 N.W. 27 Street, Apartment 2, Coral Springs,
Broward County, Florida. This case had remained unsolved until the
latent fingerprint identification of Ernesto Behrens in the previous
offense. The suspect description matched that of Ernesto Behrens, so
Coral Springs Detective Barbara Haydu prepared a photo lineup,
incorporating a picture of Ernesto Behrens. The lineup was shown to the
victim, [REDACTED], and without any hesitation and with great
emotion, she positively identified Ernesto Behrens as the person who
illegally entered her apartment and who committed the offense of Sexual
Battery.

On April 21st, 1997 Detective Haydu secured a warrant to arrest
Ernesto Behrens for violating Florida State Statute 810.02(2), Burglary,
and Florida State Statute 794.011(3), Sexual Battery.

Victim #3: On May 12, 1995, at approximately 0430 hours, the
defendant illegally entered the victim's apartment located at 750 N.W.
91 Terrace, Plantation, Broward County, Florida. Entrance into the
apartment was gained by the defendant via the kitchen window. Once

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inside, the defendant went into victim [REDACTED]'s bedroom where she was sleeping. He shined a flashlight in her face and when she began to awake, used the light to conceal his identity. The defendant told the victim to place a pillow over her face so she could not see him. The victim reported that she had submitted to his demand out of fear that the defendant would cause her physical harm. The defendant disrobed, climbed on top of the victim and told her to "feel this". At that point, the victim felt what she believed to be a knife on her stomach.

The defendant advised the victim that she was to "jerk" him off and at that point grabbed the victim's hand and placed it on his penis. After being forced to commit that act, the defendant climbed on top of the victim's upper torso and told her to "blow" him until he ejaculated. The defendant then forced his penis into the victim's mouth against her will committing the act of sexual battery. Next, the defendant told the victim to turn over on to her stomach at which time he began to rub her buttocks. A short time later the defendant had the victim turn over on her back. The defendant ordered the victim to expose her vagina and to engage in manual masturbation while the defendant watched.

The victim reported that while she was being forced to touch herself, the defendant ejaculated upon her thigh. The defendant picked up an article of clothing owned by the victim and wiped the semen from the victim's thigh using the clothing article. The clothing article was thrown by the suspect on the floor and was later collected as evidence by this agency. The defendant told the victim to count to 500 before she removed the pillow from her face. The victim reported hearing the defendant dress and leave the room. The victim immediately contacted this agency via 911 to report the incident. Subsequently, the victim was transported to the Sexual Assault Treatment Center where a rape evidence kit was utilized and turned over to this agency. The kit was entered into property as evidence.

Victim [REDACTED] advised that she did not appear to know the suspect. She did not give him permission at any time to enter her apartment, or perform any of the acts that he committed upon her.

A crime laboratory analysis report from the Broward County Sheriff's Office indicated an identical DNA match from semen collected in the Coral Springs case involving victim #2 [REDACTED] and the positive identification of Ernesto Behrens, to the unsolved Plantation

The offense(s) set forth in the foregoing Affidavit is/are contrary to the statute(s) in such case made and provided, and against the peace and dignity of the State of Florida.

Sworn to and subscribed before me)
this _____ day of _____)
A.D. 19____)

Affiant

(Seal)
JUDGE, CIRCUIT COURT

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case, number 1619-95-05, involving an Armed Burglary and Sexual Battery of victim #3 [REDACTED]. In both cases the suspect's semen was collected from the crime scenes and submitted to the Broward County Sheriff's Office Crime Laboratory for analysis.

From this concluding Crime Lab report, probable cause has been developed to believe that the suspect who committed the criminal violation of sexual battery in the Plantation case is the same suspect who committed the sexual battery in the Coral Springs case. Crime lab results indicated that the semen tested provided an identical DNA match to each other.

In addition to an identical DNA match in both cases the suspect operated in a manner so unique and so similar that the offenses were more than likely committed by the same person. For example, both victims described the suspect as a Hispanic male with a slight Spanish accent. Also, in both cases the suspect was armed with a screwdriver or knife, and he placed a pillow over the face of his victims in an effort to conceal his identity. All of the victims were women residing in an apartment complex, and although no accomplice was ever heard or observed, the suspect led the victims to believe that he was not alone. Upon completion of the Sexual Battery, in the Plantation case the suspect demanded that the victim count to 500 before removing the pillow which had been placed over her face. In the Coral Springs case, the suspect ordered the victim to remain in a closet for five (5) minutes. These delays were to afford the suspect ample time to escape.

Therefore, your affiant believes that Probable Cause exists for the arrest of Ernesto Behrens: (1) DNA matches are identical in the case of victim #2 [REDACTED] and the Plantation Sexual Battery case of victim #3 [REDACTED], and that (2) victim #2 [REDACTED] was able to positively identify the suspect as Ernesto Behrens, and that (3) Ernesto Behrens fingerprints were positively matched to victim #1 another case involving a sexual deviant act.

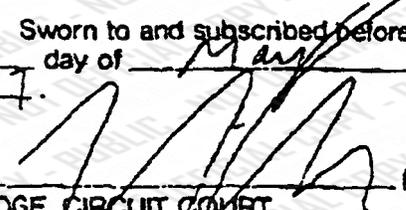
It should be noted that when Ernesto Behrens is taken into custody a DNA sample from his person will be requested through a court order.

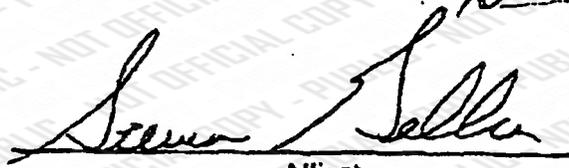
BROWARD COUNTY, FLORIDA
I certify this document to be a true and correct copy of the original.
WITNESS MY HAND AND SEAL

5/13/97

ROBERT J. CHAMBERLAIN, Clerk
D.C.

The offense(s) set forth in the foregoing Affidavit is/are contrary to the statute(s) in such case made and provided, and against the peace and dignity of the State of Florida.

Sworn to and subscribed before me)
this 13 day of May)
A.D. 19 97.)
 (Seal)
JUDGE, CIRCUIT COURT
RICHARD D. EADE page 3


Affiant

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