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The Honorable Ron DeSantis
State of Florida
The Capitol
400 Monroe Street
Tallahassee, Florida.32399

Dear Governor DeSantis,

keeping my focus on Broward and, of course, as a resident that I am of this County for the last 35-years. I would like to expose to you a grave dysfunctionality within our Judicial system and touch on its dysfunctional behavior as well. Unfortunately, if a person is not directly affected by a true miscarriage of justice, it becomes almost impossible to perceive the reckless disregard for justice that some of our public elected officials have for their fellow residents. More to the point, I have witnessed this dysfunctional behavior myself from some of our publicly elected officials. Specifically:

1. State Prosecutor, Honorable Michael J. Satz and some of his employees: i.e., (Assistant State Attorney, Susan Odzer Hugentugler, Fla. Bar No. 378615);
2. Circuit Court Judge, Honorable Andrew L. Siegel;
3. And Clerk of Court, Honorable Brenda Foreman.

It is for the incompetence of these people stated above that I am writing today. I want to expose to you and others my deepest concern about this anomaly which is affecting our Judicial system and all of us who reside here in Broward County, Florida.

I have witnessed myself for the last 15-years, how the system has failed time after time to do justice. Especially in a criminal case here in Broward County, Florida. Case Number: 98-5739-CF-10A. State of Florida v. Ernesto Behrens.

In this case, Mr. Behrens has diligently--as shown on his online case docket, requested from the State to answer his multiple claims of innocence. Mr. Behrens has filed multiple notices to the Circuit Court Judge. Mr. Behrens has filed Petitions for Writ of Mandamus in the Fourth District Court of Appeals and in the Florida Supreme Court. Mr. Behrens and myself wrote letters to the two Chief Judges in Broward County in the past two years. I myself wrote a personal letter to the State Prosecutor, Michael J. Satz which was never even acknowledged. On the other hand, local

newspapers have criticized Judge Siegel's inactions in Mr. Behrens' case. And family and friends have been contacting the Judge's chamber in support of Mr. Behrens' claims of innocence and his additional request for DNA testing.

However, as to the day of the writing of this letter to you, and after approximately 40 months after initially contacting the Court in regards to this claim of innocence. We have been left without any action to our pleadings. It is really painful to witness such reckless disregard for justice.

It is because of this miscarriage of justice I have been witnessing in Mr. Behrens' case that I do respectfully encourage you to look into the way this case has been handled by the Office of the State Attorney, as well as, by the currently appointed Circuit Court Judge.

Mr. Behrens has claimed innocence since the moment he was charged with this case 23-years ago and, he still currently maintains his innocence, as shown in his pending Motion for Postconviction Relief--under newly discovered evidence. He has additionally moved the Circuit Court Judge to allow him, through an independent DNA consultant, Tiffany Roy, to conduct an adequate review and retesting of the sole inculpatory evidence in this case, and to additionally conduct DNA testing for the first time, on evidence that although available at the time of trial, it was never previously tested.

The evidence in this case was originally tested by the Broward Sheriff's Office (BSO) Crime Laboratory back in 1995. The DNA methodology performed at that time is called RFLP DNA testing. However, this method of DNA testing has been replaced by the new PCR/STR DNA testing, which has been recognized by the scientific community as being the most reliable and effective DNA testing.

It is worthy mentioning that the BSO Crime Lab DNA technician Donna Marchese, who performed the DNA testing on the sole inculpatory evidence of this case--no longer works for the BSO Crime Lab. Nor is the BSO Crime Lab DNA consultant Dr. Martin Tracey, who reviewed all DNA testing performed by the BSO Crime Lab and testified on behalf of the State during Mr. Behrens' trial. Furthermore, Dr. Martin Tracey was terminated from his job of 33-years at the Florida International University (FIU) after controversial accusations made by multiple students which involved, in pertinent part, allegations of tampering with DNA evidence among other serious misconducts. At the end of 2016, BSO Crime Lab was forced to stop conducting DNA testing that involved complicated DNA mixtures and instead, started contracting independent labs for this task.

Therefore, because of the potential errors found at the BSO Crime Lab; the published misconduct of its former employees; and the accusations of mishandling and tampering with DNA evidence from the BSO Crime Lab in the local newspaper. Ms. Roy has agreed to assist Mr. Behrens *pro-bono* with any necessary independent DNA testing and remove any economic burden from the State.

Nevertheless, Mr. Behrens' Motion for Postconviction Relief has been pending almost 36 months and, his Motion requesting the DNA to be retested has been pending since February 2019 without an answer from the Office of the State Attorney. Although the Circuit Court Judge has issued multiple orders to the State to respond, the State has repeatedly failed to do so, and the Circuit Court Judge continues to grant extensions of time to the Office of the State Attorney without taking into consideration the prejudice that is causing Mr. Behrens. As a matter of record, Mr. Behrens has aptly demonstrated his entitlement to have his currently pending Motions with regard to his resultant illegal state incarceration answered by the State, without any further delays.

In sum, based on undisputed facts, the application of controlling law and Mr. Behrens' actual innocence claim within his pending Motions, the Circuit Court Judge should compel the State to respond to Mr. Behrens' allegations immediately and without any further extensions of time, or the Circuit Court Judge should grant the relief the record demonstrates he is entitled to. Mr. Behrens is simply asking for DNA testing so he can support his claim of actual innocence. It has been 23 years of ongoing litigation and exercising due diligence. Now is the time to allow justice to prevail by simply allowing Mr. Behrens to conduct the requested DNA testing. This testing will not result in any further economic burden to the State.

Governor DeSantis, please consider looking into the way this case has been handled by both the Office of the State Attorney as well as the currently appointed Circuit Court Judge. I also pray that you will help me, by persuading the appointed Circuit Court Judge to release the evidence to the independent DNA expert in order to conduct the necessary DNA testing, that way correcting this obvious miscarriage of justice. I stand ready to supply you with any additional information you may request.

Thank you in advance for your assistance in this case.

Sincerely,

Franziska Kaltenbach

C/c: Honorable Michael J. Satz,
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