

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

IN RE: MATTER OF:

MARIO JIMENEZ
Petitioner/Father,

and

KAREN WIZEL
Respondent/Mother.

FAMILY DIVISION
Case No.: 11-21207-FC-04

JUVENILE DIVISION
Case No.: D13-15193A-B (D003)
(closed)

DOMESTIC VIOLENCE DIVISION
Case No.: 12-17840-FC-04 (closed)
Case No.: 12-17838-FC-04 (closed)
Case No.: 11-10881-FC-04 (closed)

MOTION FOR FINAL TRIAL

COMES NOW, Petitioner, MARIO JIMENEZ, and hereby files his MOTION FOR
FINAL TRIAL, and in support thereof states as follows:

1. On July 20th, 2012, Mrs. Reyes in conjunction with Mrs. Morales, on behalf of Mother, knowingly, willfully, negligently, and in bad faith misrepresented information by providing inaccurate and misleading documentation to obtain an emergency hearing with Judge Mindy Glazer on Mother's motion to suspend time sharing with minor children.
2. Father did not receive proper notice of the hearing since the motion, notice of emergency hearing and notice of telephonic hearing were all sent to an address different than his at that time (Exhibit A), and which were filed the same day the minor children were improperly removed from Father's shared equal custody, not giving an opportunity to Father to properly defend against this unwarranted attack.
3. Mrs. Reyes and Mrs. Morales, after going to the Department of Children and Family's (DCF) offices and not being able to obtain copies of a report of a then still opened and ongoing DCF investigation, went ahead and presented an illegally obtained and outdated copy of a University of Miami Child Protection Team (CPT) report dated June 12th, 2012 (Exhibit B). The CPT report was outdated and contained erroneous information that the final DCF report

later identified as so, but which was purposely and negligently provided as being true to obtain the emergency hearing and subsequent order (Exhibit C).

4. Based on the allegations outlined in the CPT report, DCF started an investigation and subsequently closed their file (Exhibit D). The DCF report outlined their investigation and on July 18th, 2013, two days prior to the emergency hearing, the investigation officer stated: “As for the children, they continue to go one week with the Father and one week with the Mother.”
5. DCF, after meeting with the different parties involved, visiting with the children and visiting the homes of each parent, did not find the children’s safety at risk. In the same report, the investigator notes the risk level at (3) due to the prior reports filed. The prior two reports were filed by the Mother, and both were closed by DCF as “no indicator” after investigation.
6. Nonetheless, these attorneys purposely misled the court in paragraph 14 of their initial emergency motion stating that “the minor children are in danger while under the supervision of the Father and Stepmother,” something totally contrary to DCF’s findings.
7. Mrs. Reyes and Mrs. Morales, knowing that the DCF report would not be in their client’s favor, knowingly, willfully, negligently, and in bad faith provided the CPT report to alienate Father from his minor children. They knew that the CPT report had erroneously assumed that the kids were not attending intensive therapeutic intervention, when in fact they were both attending psychological therapies on a weekly basis under the supervision of a licensed Clinical Psychologist, Dr. Alicia Vidal-Zas, secondary to the two years of parental alienation the kids had suffered when their Mother decided to abscond with them in Nicaragua in disobedience of a court order given in that country.
8. Dr. Vidal-Zas, on June 20, 2012, prepared a summary of treatment sessions of the children (Exhibit E) and on July 23rd, 2012 wrote a letter (Exhibit F) that noted the progress that the

children had during the time they were under her care, and that there was no evidence of imminent danger to the children under the Father's care.

9. Furthermore, to validate Dr. Vidal-Zas's report, the children were excelling in school, especially the oldest son, whose grades were mostly A and B's (Exhibit G), and who had recently been named STUDENT OF THE MONTH (Exhibit H), one of the proudest moment's in the Father and son's lives.
10. It was not until Mother falsely accused Father of Domestic Violence against her and children by accusing Father of trying to scare the children when praying with them (Exhibit S) and called Police in the middle of the night (Exhibit T) that children began to speak evil against Father and Father's family as attested in the CPT report performed on 6/12/12.
11. On 8/16/12, attorneys continued to harass and bully Father by filing and obtaining another purported emergency motion with the sole purposes of self-profit and to transfer children to a different school by lying to the courts and stating that the Mother had no free access to the children's records. This further alienated children from Father, and selfishly removed them from all their school friends and teachers, something that probably also contributed to the son's poor performance in new school.
12. Mrs. Reyes and Mrs. Morales' deceptive ways continued when they prevented Father through clever manipulation of the legal system to present evidence in the form of an independent psychological report paid for and performed by DCF under the supervision of a neutral psychologist, Dr. Michael DiTomaso, (Exhibit I), which found that Father had no psychological reasons to be separated from his children, much less that the kids were in any kind of danger under his care.
13. The judge who was then in the case, Judge Pedro Echarte, inconceivably refused to hear this evidence under the legal pretense that DCF had performed the psychological evaluation one day before he had given his order in court, notwithstanding Father's legal argument that he

had no control of when DCF would conduct the evaluation, and that as a matter of fact, DCF had been trying for weeks before the judge's order to obtain the funds to conduct this psychological evaluation.

14. Instead of accepting to hear the legal and neutral report of Dr. DiTomasso, Father was forced to pay for another psychological evaluation with a psychologist attorneys had recommended, and who his attorney, at that time, Mr. Gerald Adams, had requested to change (Exhibit J), psychologist Vanessa L. Archer. Mrs. Archer, who was the same psychologist who had evaluated the Nubia Barahona case, and who negligently ignored evidence that could have saved Nubian Barahona's life.
15. As in the Barahona case, Mrs. Archer selectively picked evidence in favor of the attorneys who had recommended her, and completely ignored the children's therapy reports, his son's excellent academic performance while with Father, the deteriorating academic performance in new school, and much other evidence that would have prevented the disaster that later unfolded.
16. In both cases, as the "The Nubia Report" indicated "omission[s] made [by] Dr. Archer's report, [were] at best, incomplete, and should have brought into serious questions the reliability of her recommendation[s]." Dr. Archer's "at best, incomplete" psychological opinions in other cases, let at least another judge, in the same report, to describe Dr. Archer's testimony value as junk by making the analogy of her testimony to be comparable to food obtained in a drive-by restaurant, and describing her diagnostic skills as: "drive-by diagnosis."
17. Dr. Archer's biased evaluation (Exhibit K) totally negated DCF's findings, and recommended that Father should only have supervised visitations with his kids because in her religious bigotry, and based solely on Mother's complaints and Mother's brainwashing of the children, the Father's Christian beliefs represented some form of magical thinking, and

that therefore, Father's "religious beliefs [were] excessive and intrusive, and likely approach[ed] a fanatic level."

18. Since Dr. Archer's report came back, however, the son's behavior, grades and mental health deteriorated to the point of being diagnosed with Major Depression, and Post Traumatic Stress Disorder (PTSD) about six months later, all of which happened while Father had close to zero contact with his minor children except for a few supervised visitations since December of 2012.
19. Without the benefit of an evidentiary hearing and the opportunity to cross-examine Dr. Archer's one-sided evaluation, Judge Echarte gave further orders that negatively affected Father's ability to defend them.
20. After inappropriately reading hearsay evidence from Dr. Archer's evaluation, Judge Echarte furiously told Father that he needed to reach an agreement to pay for his ex-wife attorneys' fees, or that he would force him to do so.
21. To make matters worst, Father's attorney at that time, Sabrina Salomon, told Father that he "should agree to pay half of his ex's attorneys fees, or that he would be forced to pay the whole amount since the judge was very angry with him."
22. Upon his refusal to agree to pay since this would have prevented him from properly defending his children, his then attorney, replied that the Father should not worry, since "once they had the opportunity to present their case, they could change the agreement."
23. Later on, Father found out from different legal counsel that agreed orders can not be modified or appealed, and when Father asked his attorney if this was true, she realized her mistake. However, a few days later, Mrs. Salomon called Father to her office to let him know that she had a conflict of interest, that she had been offered and had accepted a job in a batter women's shelter, and that this prevented her from continuing in his case.

24. Father requested former attorney to confess her mistake to the courts, but she did not respond to his requests. Subsequently, Father filed a formal complaint with the Florida Bar with supporting evidence as to Mrs. Salomon's actions in this case (Exhibit L), which is still pending.
25. Father believes that Mrs. Reyes and Mrs. Morales' inaccuracies, misrepresentations, and repeated purported emergency motions have been motivated by greed and not the best interest of the minor children, and that these actions represent a form of illegal enterprise for profit, which is mainly based on "legal" bullying, intimidation and harassment of their victims, and that as such, it is by definition a form of racketeering.
26. The inaccuracies and misrepresentations made by Mrs. Reyes and Mrs. Morales have led to very serious psychological injuries to Father's minor children, most severely to his 12 year old son, who almost a year later of his unwanted alienation and with only very limited supervised visitations with Father, nearly failed subsequent grades leading to his teachers being very concerned for son's deteriorating behavior and grades (Exhibit M).
27. Around the same time, his son was diagnosed with Major Depression, Post Traumatic Stress Disorder (PTSD), and ADHD (Exhibit N), and was requiring SSRI medication, and intensive psychological therapeutic treatments, which Mother had unilaterally discontinued right after obtaining temporary custody of the kids, totally against the CPT report and Dr. Vidal-Zas' recommendations.
28. After forced separation from Father, the son went from being an A/B student, dramatically improving his FCAT scores, and being named student of the month while reunited with Father to nearly failing subsequent school years, and developing the above mentioned conditions.
29. Mother's actions led to Father filing a verified petition for dependency (Exhibit O), which he voluntarily dismissed without prejudice in the hope of getting a re-evaluation with a neutral

psychologist to prove that he posed no danger to his children by praying with them, as was previously found by DCF's appointed psychologist, Dr. DiTomaso.

30. Unfortunately, Father's request for new psychologist was denied, and the same psychologist that Father had reported to Health Department for unprofessional behavior was re-assigned despite Petitioner's counsel and Petitioner's objection to using same.

31. On October 2013, Mrs. Archer once again conveniently ignored the evidence presented, and recommended periodic re-evaluations with her (\$1,800 each) and to continue with supervised visitations, where Father needed to pay a social worker to continue to see his children. Such recommendations confirmed Father's suspicions that he was probably dealing with a sophisticated form of racketeering where "the potential problem may be caused by the same party that offers to solve it, although that fact may be concealed, with the specific intent to engender continual patronage for this party."

32. Mrs. Reyes and Mrs. Morales have intentionally and negligently inflicted mental distress to Father and his children, and have caused severe mental injuries to his son. Furthermore, their intentional misrepresentation of the truth, and repeated purported emergency motions represent a form of harassment against Father. Their inaccuracies and misrepresentations have caused tremendous injuries to Father's children, most specifically to his son, who may have to suffer of Major Depression and PTSD symptoms for the rest of his life due to do the illegal actions of these attorneys.

33. As per evidence presented above, Father poses no danger to minor children. However, Father's relationship with children continued to be hindered and was relegated to supervised visitations from December 2012 to October 2013, as attested by visitation notes (Exhibit P).

34. Father believes that forcing him to pay to see his children under supervision for the sole reason of praying of with them is not only a violation of his constitutional rights, but that this amounts to asking for a ransom for his children, and he does not negotiate with kidnappers.

