

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

IN RE: THE MATTER OF

FAMILY DIVISION

Case No.: 11-21207-FC-04

**KAREN WIZEL
MARIO JIMENEZ**

JUVENILE DIVISION

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

**and
M.J-W, a Minor,
K.J-W, a Minor.**

DOMESTIC VIOLENCE DIVISION

Case No.: 12-17840-FC-04 (closed)

12-17838-FC-04 (closed)

11-10881-FC-04 (closed)

FATHER'S RESPONSE TO MOTION FOR CIVIL CONTEMPT/ENFORCEMENT

Comes now the Father, Mario Jimenez, and files his response to Motion for Civil Contempt/Enforcement and states as follows:

1. On July 20th, 2012, Mrs. Reyes in conjunction with Mrs. Morales while working under the REYES & ARANGO MOORE, P.L. firm (which Mrs. Reyes represents under the legal entity of THE LEGAL DEFENSE FIRM OF SOUTH DADE, P.L., and whose firm Mrs. MOORE also represents), on behalf of Respondent/Mother (Karen Wizel), knowingly, willfully and negligently misrepresented information by providing inaccurate and misleading documentation to obtain an emergency hearing with Honorable Judge Mindy Glazer on Respondent/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).
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of a report of a then still opened and ongoing DCF investigation, went ahead and presented an illegally obtained and outdated copy of a University of Miami Child Protection Team (CPT) report dated June 12th, 2012 (Exhibit B). The CPT report was outdated and contained erroneous information that the final DCF report later identified as so, but which was purposely and negligently provided as being true to obtain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." 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. 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.

5. Mrs. Reyes and Mrs. Morales, knowing that the DCF report would not be in their client's favor, purposely, willfully and negligently 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. 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. 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.

6. 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.

7. 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 DiTomasso, (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. The judge who was then in the case, Honorable 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.

8. 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 was the same psychologist who had evaluated the Barahona kids, and who purposely ignored evidence that could have saved Nubia's life. 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 psychology 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. 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."

9. 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." Since Dr. Archer's report came back last year, 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.

10. 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. 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. 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." 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." 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. Father requested former attorney to confess her mistake to the courts, but she did not respond to his requests. Subsequently, Father has filed a formal complaint with the Florida Bar with supporting evidence as to Mrs. Salomon's actions in this case (Exhibit L).

11. Since section 61.13 of Florida Statutes requires a finding that there has been a "substantial change in circumstances" prior to modifying parental responsibility or timesharing, and this requires the filing of a petition or counter petition, which these attorneys did not do, this court has already determined that all their emergencies motions were inappropriately filed and therefore were illegal. Since then, this court ordered opposite counsel to file a counter petition, which they have done but has not been heard yet. As such, all orders and motions prior to their counter petition are invalid, which includes this Motion for Civil Contempt /Enforcement.

12. 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. To force Father to pay for their costs and fees would not only be an injustice, but it would represent another crime against the Father, and the children, and this action will only encourage and perpetuate such outrageously illegal behavior.

13. 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 11 year old son, who almost a year later of his unwanted alienation and with only very limited supervised visitations with Father, nearly failed 4th grade leading to his teachers being very concerned for son's deteriorating behavior and grades (Exhibit M). Around the same time, his son was diagnosed with Major Depression, Post Traumatic Stress Disorder (PTSD), and ADHD (Exhibit N), and is currently 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. Subsequently, 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 presenting with this terrible form of abuse, a result of the Parental Alienation Syndrome (PAS) sustained from Mother, who was aided and abetted by these attorneys. This court has already determined that there is enough cause against Mother to grant a verified petition for dependency (Exhibit O), with a hearing already set for October 18, 2013.

14. 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

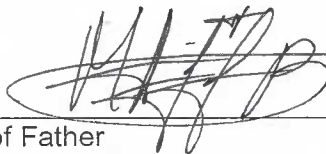
the truth, and repeated purported emergency motions represent a form of harassment against Father. Their inaccuracies and misrepresentations have caused tremendous injuries to Father's children, most specifically to his son, who may have to suffer of Major Depression and PTSD symptoms for the rest of his life due to do the illegal actions of these attorneys.

15. As per evidence presented above, Father poses no danger to minor children. However, Father's relationship with children continues be hindered and has been relegated to supervised visitations since December 2012, as attested by visitation notes (Exhibit P). Further alienation will only continue to hinder and deteriorate Father-Children relationship, and cause more harm to the minor children. Furthermore, Mother has failed to ensure children's psychological therapies on a consistent basis (Exhibit Q) since ordered by this court, something that could further harm the minor children, and their relationship with Father.

16. As all the evidence presented shows, although the order to pay for Mother's attorneys costs and fees may have been deemed "legal" or "enforceable," **to force Father to pay** for them **would be to go against the spirit of the law**, which aims at protecting the best interest of the minor children involved, something that neither the Mother or her attorneys have done.

WHEREFORE Mario Jimenez, Father, in the best interest of the minor children, respectfully moves this Honorable Court to deny Motion for Civil Contempt/Enforcement, and instead immediately reinstate the order granted by Honorable Judge Robert N. Scola on October 6, 2011 (Exhibit R) which restored Father's 50/50 timesharing with the minor children in accordance with the divorce decree of the Nicaraguan Court, and which was the order in effect prior to the inappropriately filed emergency motion of July 20, 2012.

Respectfully submitted.

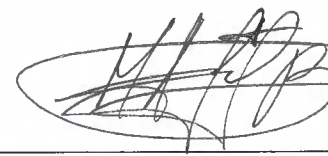
By: 
Signature of Father
Mario Jimenez, M.D.

CERTIFICATE OF SERVICE

I certify that a copy of this document was emailed to the person(s) listed below on September 16th, 2013.

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Signature of Father
Mario Jimenez, M.D.

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

IN THE MATTER OF:
MARIO JIMENEZ, Father

FAMILY DIVISION
CASE NO: 11-21207 – FC-48

KAREN WIZEL, Mother

JUVENILE DIVISION
CASE NO: D13-15193A-B (D048)

M. J-W, a Minor

DOMESTIC VIOLENCE DIVISION

K. J-W, a Minor

CASE NO: 12-17840 FC 48

12-17838 FC 48

11-10881 FC 48

UNIFIED FAMILY COURT (48)

NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING

Pursuant to Florida Rules of Judicial Administration 2.420(d)(2), the filer of a court record at the time of filing shall indicate whether any confidential information is included within the document being filed; identify the confidentiality provision that applies to the identified information; and identify the precise location of the confidential information within the document being filed.

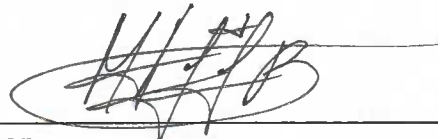
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Indicate the applicable confidentiality provision(s) below from Rule 2.420(d)(1)(B), by specifying the location within the document on the space provided:

X Presentence investigation reports and attached psychological or psychiatric evaluations. Fla. R. Crim. P. 3.712; §§ 921.231(1)(i), 948.015(9), Fla. Stat.

Respectfully submitted.

By: _____



Signature of Father
Mario Jimenez, M.D.

CERTIFICATE OF SERVICE

I certify that a copy of this document was emailed to the person(s) listed below on September 10th, 2013.

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Signature of Father
Mario Jimenez, M.D.

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