

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

IN RE: MATTER OF:

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

MARIO JIMENEZ
Petitioner/Father,

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

and

KAREN WIZEL
Respondent/Mother.

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 TO COMPEL STATUS REPORT FROM GAL, AND SUBSEQUENT
REMOVAL OF GAL FROM CASE**

COMES NOW, Petitioner, MARIO JIMENEZ, and hereby files his MOTION TO
COMPEL STATUS REPORT FROM GAL, AND SUBSEQUENT REMOVAL OF GAL
FROM CASE, and in support thereof states as follows:

1. On July 20th, 2012 Emergency Order to suspend Petitioner's time sharing was granted.
2. The order was obtained on allegations that Petitioner scared minor children when praying with them.
3. The order was obtained in clear violation of Petitioner's constitutionally protected and inalienable rights of religion and speech.
4. DCF ordered psychological report by Dr. Michael J. DiTomasso.
5. Dr. DiTomasso found that Petitioner "does not appear to be suffering from major psychiatric disease" that might prevent him from enjoying shared custody with his minor children.
6. DCF found no reason to pursue a case against Petitioner, especially in light of four other accusations, all found to be unfounded.
7. There is absolutely no evidence that Petitioner who is a Christian man who volunteers his services for children, families, and is a well regarded physician in the community posses any

kind of psychological or physical danger to his children, or any other person for that matter, or he would not be able to practice in his profession.

8. While in Petitioner's shared equal custody, his minor children thrived not only physically but emotionally, were excelling in school, and were attending therapies on a weekly basis without showing any signs of physical or psychological abuse.
9. However, almost a year after suspension of Petitioner's time sharing and continuing to this day, Petitioner's minor children psychological and school performances have greatly deteriorated.
10. Petitioner's minor son was diagnosed with Major Depression and Post Traumatic Stress Disorder (PTSD), and his grades and conduct have significantly declined prompting serious concerns from at least four of his teachers. He has also developed involuntary twitching of his neck and shoulders as a negative side effect of the medications he has been forced to take.
11. The son's therapist, Dr. Gregory Brown believes that it is imperative that minor children and petitioner are reunited as soon as possible to avoid any further psychological deterioration of minor children.
12. Dr. Brown has even volunteered to visit Petitioner's home to facilitate this reunification process in an effort to avoid further psychological and developmental damages to minor children, especially minor son who suffers from the above mentioned conditions.
13. On numerous and repeated occasions Father requested Guardian Ad Litem, Mrs. Anastasia M. Garcia, to intercede on behalf of minor children, as is her duty of GAL, but she has failed to do so to this day.
14. On December 14th, 2014, in light of son's psychological and physical deteriorating condition, Father once again reached out to GAL stating: "Unless you have found verifiable evidence that I pose some kind of danger to the children, it is your duty as the GAL, to make a report and allow the children to have a relationship with their father." Furthermore, Father quoted in

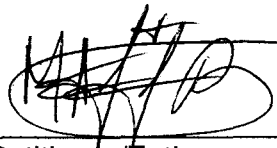
his e-mail a portion of Chapter 39 of Florida Statutes that required the GAL to proceed as Father was requesting, and which to this day, the GAL has violated. Exhibit A.

15. On December 18th, 2014, GAL upset and in retaliation to Father's e-mail filed a biased and unlawful motion for payment of fees from Father only, in violation of prior court order requiring both parents to pay her fees.
16. On top of the above mentioned failures, the GAL has failed to comply with numerous requirements established by Florida Law and by GAL organizations such as the FLORIDA GUARDIAN AD LITEM PROGRAM.
17. For instance, the GAL has not visited and/or monitored the children on a regular basis, negligently allowing the worsening of minor children's psychological and physical conditions; has participated in Father's religious discrimination by not allowing contact with children solely based on Father's religious views; and has engaged in ex parte communication with the judge showing clear bias against father as the motion filed by her shows. Exhibit B.

WHEREFORE, Petitioner respectfully requests this honorable Court to grant an order to COMPEL STATUS REPORT FROM GAL, AND SUBSEQUENT REMOVAL OF GAL FROM CASE, and granting any and all other relief the Court deems just and proper.

Respectfully submitted,

By: _____



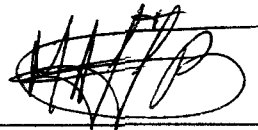
Signature of Petitioner/Father
Mario Jimenez, M.D.

CERTIFICATE OF SERVICE

I certify that a copy of this document was emailed to the person(s) listed below on January 19th, 2014.

Ana C. Morales, Esq.,
Attorney for Former Wife
Reyes & Arango Moore, P.L.
amorales@reyesmiller.com,
yreyes@reyesmiller.com,
efile@reyesmiller.com
isegebre@reyesmiller.com

Anastasia Garcia
Guardian Ad Litem
agarcia821@aol.com



Signature of Petitioner/Father
Mario Jimenez, M.D.
Pro Se Petitioner
12901 SW 66 Terrace Drive
Miami, FL 33183

From: Anastasia M. Garcia <agarcia821@aol.com>
To: marioaj01@yahoo.com; Cintia@anastasiaw.com; frankpumarejo@gmail.com; amorales@reyesmillier.com
Cc: aalfano998@aol.com; compliance@lawalfano.com; aalfano@lawalfano.com; amorales@reyesmillier.com
Sent: Thursday, December 18, 2014 11:02 AM
Subject: Re: Case No.: 11-21207-FC-04, FAMILY DIVISION.

Mr Jimenez, please allow me to take the opportunity to respond to this email and your other email. First of all, I think there is some confusion regarding my role as a Guardian. I am not the advocate for your children. Apparently you referred to Chapter 39 in your prior email, but this is not a dependency case and I am not a Guardian with the Guardian program as you understand it. This is a family case and I am appointed pursuant to Chapter 61. I do not have the duties that you outlined in your previous email.

As to the therapist, I spoke with the Mother about this issue and she is very disturbed by certain actions of the therapist. I told her that I would discuss these things with Mr. Brown to try to resolve the problem. In any event, I indicated that I did not believe that therapy should be terminated without a Court Order and that if she saw it fit, she needed to file a Motion as only the Court can determine the whether therapy continues with this therapist or another therapist.

I hope the matter gets resolved, that therapy continues until either of you bring this to the attention of the Court.

It is inappropriate for Mr. Brown to be offering any opinions as he is not an expert or evaluator and his communications with the child should be privileged, so I am somewhat concerned about that. But, I will address this with him separately.

I am under no duty to file a report until 20 days prior the final hearing. I suggest that you or the mother get final hearing date as soon as possible.

I had asked you to schedule a phone conference with my office so that you can update me on some things and you indicated your attorney would contact me with the update. With all due respect, I don't need to hear from your attorney, I need a phone conference with you. And, as I reviewed the Court docket, it appears that your attorney has not filed a notice of appearance. I know he is copied on this email, so I need confirmation from him as to whether he is representing you or not,

Finally, both you and the mother have failed to pay my Guardian fee, I will be filing a motion regarding the same. If either of you wish to schedule a payment plan with my office, please call Yenny as she will be more than happy to assist you.

Anastasia M. Garcia, Esq.
The Law Office of Anastasia M. Garcia, P.A.
770 Ponce De Leon Blvd.
Penthouse Suite
Coral Gables, Florida, 33134
Phone: (305) 461-5885
Fax: (305) 461-3670
E-mail: agarcia821@aol.com

-----Original Message-----

From: Mario Jimenez <marioaj01@yahoo.com>
To: Anastasia Garcia <agarcia821@aol.com>; Cintia Cini <Cintia@anastasiaw.com>
Cc: Attorney Alexander Alfano <aalfano998@aol.com>; LawAlfano Compliance Alexander Broatch <compliance@lawalfano.com>; aalfano <aalfano@lawalfano.com>; Gregorio Brown <gbrown@icfhinc.org>
Sent: Wed, Dec 17, 2014 5:02 pm
Subject: Re: Case No.: 11-21207-FC-04, FAMILY DIVISION.

Hi Mrs. Garcia,

I am very concerned with information I just received from Dr. Brown in regards to my ex wife unilaterally deciding to discontinue his services. I believe that this will not be in the best interest of my son who has shown great improvement since he has been receiving therapy with Dr. Brown. I believe that this decision was done in retaliation to Dr. Brown's opinion that it is in the best interest of the children to reunite with the father. Dr. Brown has established a great report with my son and I believe that it will be extremely detrimental to my son's mental health to allow the mother to unilaterally

alienate my son from the bond he has formed with Dr. Brown, whom I believe greatly cares for my son. I would like you to please step in and protect my son from further alienation. I would greatly appreciate your attention to this matter. Thank you.

Regards,

Mario A. Jimenez Jerez, M.D.

From: Mario Jimenez <marioaj01@yahoo.com>
To: Anastasia Garcia <agarcia821@aol.com>; Cintia Cini <Cintia@anastasiaw.com>
Cc: "persistentdisability@gmail.com" <persistentdisability@gmail.com>; Attorney Alexander Alfano <aalfano998@aol.com>; LawAlfano Compliance Alexander Broatch <compliance@lawalfano.com>; "aalfano@lawalfano.com" <aalfano@lawalfano.com>
Sent: Wednesday, December 17, 2014 12:42 PM
Subject: Re: Case No.: 11-21207-FC-04, FAMILY DIVISION.

Hi Mrs. Garcia,

Please see attached new motion to strike. I am looking forward to your prompt response to my previous e-mail. Thanks.

Regards,

Mario A. Jimenez Jerez, M.D.

From: Mario Jimenez <marioaj01@yahoo.com>
To: Anastasia Garcia <agarcia821@aol.com>; Cintia Cini <Cintia@anastasiaw.com>
Cc: "persistentdisability@gmail.com" <persistentdisability@gmail.com>; Attorney Alexander Alfano <aalfano998@aol.com>; LawAlfano Compliance Alexander Broatch <compliance@lawalfano.com>; "aalfano@lawalfano.com" <aalfano@lawalfano.com>; "[Casework Rubio@rubio.senate.gov](mailto:Casework_Rubio@rubio.senate.gov)" <[Casework Rubio@rubio.senate.gov](mailto:Casework_Rubio@rubio.senate.gov)>; "flores.anitere.web@flsenate.gov" <flores.anitere.web@flsenate.gov>; "garcia.rene.web@flsenate.gov" <garcia.rene.web@flsenate.gov>; "support@carloscurbelo.com" <support@carloscurbelo.com>; "Rick.Scott@eog.myflorida.com" <Rick.Scott@eog.myflorida.com>; "attorney.general@myfloridalegal.com" <attorney.general@myfloridalegal.com>; Divorce Corp Outreach <Outreach@divorcecorp.com>; Divorce Corp conference2014 <conference2014@divorcecorp.com>; "foxreport@foxnews.com" <foxreport@foxnews.com>; "friends@foxnews.com" <friends@foxnews.com>
Sent: Sunday, December 14, 2014 10:12 PM
Subject: Re: Case No.: 11-21207-FC-04, FAMILY DIVISION.

Dear Mrs. Anastasia Garcia,

I understand that you've already spoken with Dr. Gregorio Brown (Cell: 305-968-5338). As per my conversation with him, it is his medical opinion that the children need to be reunited with me as soon as possible. As you may have been advised, the children need the involvement of their father, not just limited supervised visitations. To facilitate this, Dr. Brown has even offered to come to our home as he does to the mother's to ensure that the children are re-adapting to their father's home appropriately.

Unless you have found verifiable evidence that I pose some kind of danger to the children, it is your duty as the GAL, to make a report and allow the children to have a relationship with their father. This will be the third consecutive Christmas the children spend without their father. The children have been separated from me because I prayed with them, but let me remind you that DCF has conducted an independent investigation (5 in total since 2011) which cleared me of any wrong doing, and that the kids were receiving weekly therapies and were excelling in school while in my shared custody. Also, after their forced separation, my son has developed Major Depression and PTSD, which were certainly not present while enjoying the presence of their father. It is also important to note that the recommendation to use you as the GAL, as well as to use the psychologist, Vanessa Archer, upon which opinion this whole case in based upon, has come from opposing counsel, Ana C. Morales, and Yvette B. Reyes. Furthermore, I was strongly opposed to Mrs. Archer's appointment to this case, not only for how it has affected my children, but because, in my opinion, her lack of professionalism has contributed to one of the most horrible crimes in Florida history, the death and torture of Nubia Barahona: <http://centerforchildwelfare2.fmhi.usf.edu/kb/bppub/NubiasStory.pdf>

As per Florida Law, "It is the GAL who performs the roles of information gatherer, advocate and monitor on assigned dependency cases. The GAL visits the child a minimum of once every month and keeps the child informed of court proceedings. Using information gathered through child visitations, review of relevant records and interviewing persons involved in the child's life, the GAL submits best interest recommendations to the Court, both in person and through a written report in accordance with Chapter 39, Florida Statutes." Please, see: <http://www.guardianadlitem6.org/PDF/Standards%20of%20Operation-%20July%202012%20FINAL.pdf>

Let me advise you that I have contacted the offices of the Governor, Attorney General, and several of my local officials, as well as several media outlets so they may investigate the constitutional rights violations perpetrated against myself and my children and of all of the anomalies that have transpired in this case. Let me assure you that justice for my children is coming, and it is coming soon. It's only a matter of time. However, "When I despair, I remember that all through history the way of truth and love have always won. There have been tyrants and murderers, and for a time, they can seem invincible, but in the end, they always fall. Think of it—always." — Mahatma Gandhi.

I look forward to seeing a complete written report from your office. A report that I can present to the court in an upcoming emergency hearing. Time is of the essence. Thanks in advance for your cooperation on this matter.

Regards,

Mario A. Jimenez Jerez, M.D.

From: Mario Jimenez <marioaj01@yahoo.com>
To: Anastasia Garcia <agarcia821@aol.com>; Cintia Cini <Cintia@anastasiaw.com>
Cc: "persistentdisability@gmail.com" <persistentdisability@gmail.com>; Attorney Alexander Alfano <aalfano998@aol.com>; LawAlfano Compliance Alexander Broatch <compliance@lawalfano.com>; "aalfano@lawalfano.com" <aalfano@lawalfano.com>
Sent: Friday, November 21, 2014 12:01 PM
Subject: Re: Emergency Petition. Please, answer ASAP.

Thanks for your reply Mrs. Garcia. I have temporary counsel, Mr. Alexander Alfano. He will be contacting you to give you an update. Blessings.

Regards,

Mario A. Jimenez Jerez, M.D.

The Grace of the Lord Jesus be with all.

"but he said to me, "My grace is sufficient for you, for my power is made perfect in weakness." I will all the more gladly boast of my weaknesses, that the power of Christ may rest upon me. For the sake of Christ, then, I am content with weaknesses, insults, hardships, persecutions, and calamities; for when I am weak, then I am strong." (2 Corinthians 12:9-11).

"Y El me ha dicho: Te basta mi gracia, pues mi poder se perfecciona en la debilidad. Por tanto, muy gustosamente me gloriaré más bien en mis debilidades, para que el poder de Cristo more en mí. Por eso me complace en las debilidades, en insultos, en privaciones, en persecuciones y en angustias por amor a Cristo; porque cuando soy débil, entonces soy fuerte" (2 Corintios 12:9-10).

From: Anastasia Garcia <agarcia821@aol.com>
To: Mario Jimenez <marioaj01@yahoo.com>; Cintia Cini <Cintia@anastasiaw.com>
Cc: "persistentdisability@gmail.com" <persistentdisability@gmail.com>
Sent: Friday, November 21, 2014 11:31 AM
Subject: Re: Emergency Petition. Please, answer ASAP.

I will reach out to the therapist. Please contact Cintia from my office to schedule an appointment as I need an update on many issues

Thanks

Sent from my iPad

On Nov 19, 2014, at 4:57 PM, Mario Jimenez <marioaj01@yahoo.com> wrote:

Dear Mrs. Garcia,

I would greatly appreciate you contact my Son's therapist, Dr. Gregorio Brown at 305-968-5338. He and I believe that the separation from my kids, now for almost three years, has been detrimental to their psychological well-being. At least four of theirs teachers have contacted me very concerned with my son's academic performance and poor behavior since he was separated from my shared custody. Please, see attached exhibits I have filed about this.

I would like to advice you that I have contacted several reporters, and they are very interested in this case. They will be possibly contacting you soon for an interview.

They are very interested in finding out why my religious beliefs have been used to prevent me to freely see my kids now for almost 3 years?

Why the kids who were doing well in school, and were in weekly therapeutic sessions and showed no signs of any type of physical or psychological abuse while under my shared custody, almost a year later, my son was diagnosed with Major Depression and PTSD, with subsequent deterioration of his grades and behavior?

Why in almost in 3 years since the case, the GAL has not provided a single report to the judge?

Why will a GAL oppose immediate reunification with the children when a father is a well-respected member of the community, with no criminal record, but instead has a long history of service to his community as letters of references and character I have attached with the exhibits show?

How can a doctor who specializes in kids as part of his medical training in Family Medicine, who is a Sunday school teacher, be deprived from having unrestricted contact with his children?

Finally, this past Monday, after a year of me insisting to go for mediation, the other party refused to allow me to see my kids every other weekend until the end of the school year, and have Dr. Brown to come to my house on the weekends I have them to have therapy with my son as he usually does at the mother's home, with subsequent full reunification with my kids during the new school year. I am filing an emergency motion making this request, so having your input is essential. Please, make your opinion in writing as soon as possible. Thanks in advance for your help

Regards,

Mario A. Jimenez Jerez, M.D.

The Grace of the Lord Jesus be with all.

"but he said to me, "My grace is sufficient for you, for my power is made perfect in weakness." I will all the more gladly boast of my weaknesses, that the power of Christ may rest upon me. For the sake of Christ, then, I am content with weaknesses, insults, hardships, persecutions, and calamities; for when I am weak, then I am strong." (2 Corinthians 12:9-11).

<Emergency Petition with Summary of Independent Psychological Evaluation by DCF.pdf>

<Emergency Petition with Summary of Independent Psychological Evaluation by DCF.pdf>

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

IN RE: THE MATTER OF:
MARIO ALBERTO JIMENEZ

Petitioner,

v.

KAREN WIZEL,
Respondent,

FAMILY DIVISION

CASE NO. 2011-21207-FC-04

GUARDIAN AD LITEM'S MOTION FOR PAYMENT OF FEES FROM FATHER

The undersigned Guardian Ad Litem ANASTASIA M. GARCIA, ESQ., hereby files this instant motion, and in support thereof states as follows:

1. On August 1st, 2012 the Court appointed ANASTASIA M. GARCIA, ESQ. to serve as Guardian Ad Litem of the parties' minor children, M.J.W., born on 2002 and K.N.J., born on 2005.
2. Both parties were ordered to pay for the Guardian Ad Litem fees.
3. The Guardian letter and instructions stated that both parties were responsible for making a \$2,000.00 retainer payment initially and that once exhausted, a second payment
4. The Father has paid of \$850.00 and the Mother has paid \$100.00 towards the initial retainer.
5. The Father and Mother have failed to pay the Guardian's fees.
6. At this time there is an unpaid balance of \$5,700.00 in Guardian fees. Which the Father is responsible for \$2,000.00 and Mother is responsible for \$3,700.00
7. Although the office of the undersigned has attempted to collect a payment towards the outstanding balance due, the Father and Mother has not made a good faith effort towards payment of the fees incurred for services rendered.

8. Based on the foregoing, the undersigned seeks the Court to enter an order requiring the Father to pay his portion of the balance owed.

WHEREFORE, the Guardian Ad Litem prays that the Court enter an Order for an award of Guardian's outstanding fees and a retainer from each party and any other relief this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was emailed to Ana C. Morales, Esq. Attorney for the Mother, amorales@reyesmiller.com and Maria Jimenez, marioaj01@yahoo.com on this ____ day of December, 2014.

Respectfully Submitted,

The Law Office of Anastasia M. Garcia, P.A.
770 Ponce De Leon Boulevard
PH Suite
Coral Gables, Florida 33134
Tel: (305) 461-5885
Fax: (305) 461-3670
E-mail: Yenny@anastasiaLaw.com

By: _____

fm **Frank Pumarejo-Martin, Esq.**
F.B.N. 54527