

FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

1110 Thomasville Road
Tallahassee, FL 32303-6224
(850) 488-1581

COMPLAINT FORM

This form is designed to provide the Commission with information required to make an initial evaluation of your complaint.

PLEASE NOTE: COMPLAINT FORM MUST BE TYPED OR LEGIBLY HAND PRINTED, DATED AND SIGNED BEFORE IT WILL BE CONSIDERED.

(Note: This form can be typed into here, then printed, or print it out and fill it in by hand.)

I. Person Making Complaint

Name Jimenez Mario Alberto
Mr. (Last) (First) (Middle)
Ms.
Mrs.
Address [REDACTED]
Miami, FI 33183
Telephone Number(s): (Day) [REDACTED] (Evening) [REDACTED]

II. Judge Against Whom Complaint is Made

Name Echarte Pedro P.
(Last) (First) (Middle)
Address Circuit Court Miami-Dade County 11th Circuit
Miami, FI

Supreme Court _____

District Court
of Appeal _____

Circuit Court 11th circuit

County Court _____

III. Statement of Facts

Please provide in as much detail as possible the information which you have knowledge which you believe constitutes judicial misconduct or disability. Include names, dates, places, addresses and telephone numbers which may assist the Commission.

As a brief introduction, while attending medical school in Nicaragua, my ex-wife absconded for two years with my two kids (Mario was 7 y/o and Nicole was 4 y/o at that time), with the intervention of the American Embassy in Nicaragua, the State Department, Miami-Dade police investigators, and even the FBI, I was able to recover them and restore shared custody of my kids. For about a year, my whole family and I worked very hard to reintegrate them to our lives. I also immediately recruited the help of a licensed children's psychologist for intensive weekly therapies, and my children adapted very well to their new environment. My Son, Mario, for instance, went from failing third grade and scoring in the lowest quartile in his FCAT to becoming an A/B student, scoring in the top quartile in the FCAT, and being given the honor of student of the month (one of the proudest moments of his and my life).

Then, after at least 4 different false accusations with DCF, the week that the kids were to finish school last year, money-hungry ill-intentioned attorneys, Yvette B. Reyes and Ana Morales, obtained illegal copies of a confidential CPT report whose findings were later found to be completely inaccurate, and without properly notifying me to have the opportunity to have legal representation, filed a purported emergency motion to have my time-sharing suspended. Since that time, by order of Judge Echarte, I have had only very limited supervised visitations with my kids, with the ultimate result that now my son is failing 4th grade, his teachers are very concerned with his inappropriate behavior and very poor grades. To make matters worse, I recently found out that my ex-wife's attorneys were hiding the fact that my son was recently diagnosed with Major Depression, and PTSD and is requiring SSRI medication for it. No other traumatic event has happened since my children were alienated from me and my side of the family last July of 2013, and I have only had very limited supervised visitations since then. Before this separation, my son was a great student, but after my ex-wife attorneys' collaborated to alienate my children from me, he developed these psychological conditions. There is simply no other explanation for it, and that is why my ex-wife attorneys did not notify us of my son's psychological deterioration in time for our last hearing before a different judge. We actually came to find out about it two months after the fact by the GAL assigned to this case.

I believe that Judge Echarte's handling of this case was inappropriate and inexcusable because he chose to ignore the best interest of the children as the guiding force in making his decisions leading to the near catastrophic psychological injuries my children are experiencing right now. Among some of his inexplicable handling of this case are:

1. The acceptance of an illegally obtained document, used as hearsay, to suspend my time-sharing with the kids. At the same time, refusing to hear or view evidence that showed events my kids had mentioned in the CPT report that would have shown the psychological manipulation of their mother against me. For instance, a video I obtained in Nicaragua where my ex physically attacked me at a mall in front of my kids (both kids mentioned part of this incident in the CPT report: "Yes. I saw purple/green bruises... He left my mom real red right here..."), and where my ex then proceeded to self inflict injuries to her body, and went to the police claiming that I had physically abused her, and that I had taken my son's cell phone and had sent messages making it look like she was having an affair with another man (the man she had actually left with, and whom she later got into a fight and left while still pregnant with his son about 1 ½ years later). To her surprise, right in front of where the incident occurred, there was a security camera that captured the total opposite of what she was alleging, and this saved me from having to serve 8 to 11 years in prison for physical abuse in Nicaragua.
2. Selective and inconsistent use of evidence. Ironically, the CPT report initially used against me had recommended that I undergo a psychological evaluation, and DCF requested special funds so I could undergo this evaluation with Dr. DiTomasso, a highly qualified psychologist, but when my then attorney tried to present

it in court, Judge Echarte conveniently refused to admit it as evidence with the excuse that it had been performed one day before he had given his order. Incidentally, the legally obtained DCF psychological report clearly showed that I was not suffering of any major psychiatric disease, so it would have cleared me from the false accusations my ex-wife attorneys were making. In other words, Judge Echarte admitted as evidence confidential, misleading and illegally obtained documents, but refused to admit as evidence legally obtained evidence from the same source; excusing his decision on a minor technicality while at the same time ignoring huge legal misbehavior from my ex-wife's attorneys, such as using purported emergency motions without proper notice and relying on hearsay evidence in the form of confidential, misleading and illegally obtained reports and evaluations.

3. Judge Echarte cleverly forced me to undergo another psychological evaluation with a psychologist my ex-wife's attorneys had recommended, Dr. Vanessa Archer. We unsuccessfully tried to change Dr. Archer because of her clear conflict of interest and her terrible handling of previous psychological evaluations; one of them, I believe indirectly leading to the death of an innocent child, Nubia Barahona, and in other cases as "The Nubia Report" stated, her improperness in handling cases as "drive-by diagnosis," reasons why DCF had suspended from using her professional services. I say that Judge Echarte cleverly forced me to undergo evaluation with Dr. Archer because his order said that unless both parties agreed on a different psychologist, I would need to conduct the evaluation with Dr. Archer. Of course, the other party never agreed on a different psychologist because they already had a positive report with Dr. Archer, since they had referred other cases to her, and could expect an evaluation favoring their client. Surely enough, the report from Dr. Archer came back clearly leaning in favor of my ex-wife attorneys' arguments, and completely contradicting the evaluation performed by DCF's appointed psychologist, Dr. DiTomasso.

4. 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 my children and my ability to defend them. After inappropriately reading hearsay evidence from Dr. Archer's evaluation, Judge Echarte furiously told me that I needed to reach an agreement to pay for my ex-wife attorneys' fees, over \$15,000 dollars, or he would force me to do so. At that time, I was finishing my Medical Residence and was only making about \$50,000/year; I had already agreed to pay close to \$1100/month in temporary child support, and was already running well over \$25,000 in debt to cover for my own legal fees, but I had no choice but to agree to pay for half of the amount they were asking or based on Judge Echarte's furious statements, I could have been ordered to pay the whole amount. At that time, based on a discussion with my then attorney, Sabrina Salomon, it was my understanding that I could later appeal or modify the order due to the inappropriate way Judge Echarte had handled the case; but to add to the irony of life, a few days later, my then attorney, told me that she no longer could represent me because she had taken a job in a batter women's shelter associated with my ex-wife, and this represented a conflict of interest. I then later found out that an agreed order is virtually impossible to modify and this coming September 12, 2013, I am facing the possibility of jail time because I was only able to pay the first \$1,000 dollars of the \$7,500 ordered. My new attorney has tried to come up with a different payment plan, something that I could actually afford under my present financial circumstances, \$500 initially and \$200/month, until I am able to earn a better salary. However, the other party arrogantly refused to accept this agreement.

I believe that Judge Echarte's handling of my case leaves grave questions as to his neutrality and fairness in promoting the advancement of justice, but above all, in advancing the principle of representing the best interest of the minor children. I hereby officially request a full investigation of this case, and that amends be made expeditiously to avoid any the further psychological harming of my kids. Please, rest assured that I hold no personal vendetta against Honorable judge Echarte; God appointed him as a judge, and I respect and honor his office, but he is also a human and as such also makes mistakes. The main reason that I am contacting your office is that I want to make sure that these mistakes are not repeated, and that the parental alienation and consequent psychological abuse my kids have suffered is not suffered by any other kids in your jurisdiction. Thank you very much for your time and attention to this matter.

IV. Additional Information (if available)

a. If your complaint arises out of a court case, please answer the following questions:

1. What is the name and number of the case?

Case name: _____ Case No. 11-21207-FC-48

2. What kind of case is it?

civil criminal domestic relations probate

small claims traffic other (specify)

3. What is your relationship to the case?

plaintiff/petitioner defendant/respondent

attorney for _____ : _____

witness for _____ : _____

other (specify)

b. If you were represented by an attorney in this matter at the time of the judge's conduct, please identify the attorney:

Name Sabrina Salomon

Address 175 SW 7th Street, Suite 1503. Miami, FI 33130

Phone 954-415-8875

c. List and attach copies of any relevant documents which you believe support your claim that the judge has engaged in judicial misconduct or has a disability. (Note: Retain a copy for your records as these documents shall become the property of the Commission and may not be returned.)

Pshychological Evaluation by Dr. Michael DiTomasso.

d. Identify, if you can, any other witnesses to the conduct about which you complain:

Name(s): [REDACTED]

[Redacted]

Addresses: [Redacted]

Miami, FL 33183

Phone Numbers: [Redacted]

IN FILING THIS COMPLAINT, I UNDERSTAND THE COMMISSION'S RULES PROVIDE THAT ALL PROCEEDINGS OF THE COMMISSION, INCLUDING COMPLAINTS FILED WITH THE COMMISSION, SHALL BE KEPT CONFIDENTIAL PRIOR TO THE FILING OF FORMAL CHARGES. I FURTHER UNDERSTAND THAT THIS RULE OF CONFIDENTIALITY ATTACHES AND BECOMES EFFECTIVE UPON THE FILING OF THIS COMPLAINT AND THAT ANY VIOLATION COULD RESULT IN A CITATION FOR CONTEMPT BY THE COMMISSION.

V. Under penalty of perjury, I declare that I have examined and understand this complaint form and to the best of my knowledge and belief, the above information is true, correct and complete and submitted of my own free will.

8/16/2013

(Date)

[Redacted Signature]

(Note: Only signed complaints will be considered.)

Please note that the Commission only has authority to investigate allegations of judicial misconduct or permanent disability by persons holding state judicial positions. The Commission has no jurisdiction over and does not consider complaints against Federal Judges, magistrates, lawyers, police, court personnel, or State Attorneys. The Commission does not act as an appellate court and cannot review, reverse or modify a legal decision made by a judge in the course of a court proceeding. For example, the Commission does not investigate claims that a judge wrongfully excluded evidence; imposed an improper sentence, awarded custody to the wrong party; incorrectly awarded alimony or child support; incorrectly resolved a legal issue or believed perjured testimony.

Please return this form and direct all future communications to:

Florida Judicial Qualifications Commission
1110 Thomasville Road
Tallahassee, FL 32303-6224