

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

ALEJANDRO MURGUIDO  
Petitioner,

[ X ] DOMESTIC VIOLENCE DIVISION  
[ ] FAMILY DIVISION

Case No. **13-006142-FC-04**

v.  
JAMES ERIC MCDONOUGH  
Respondent.

**PETITION FOR INJUNCTION  
FOR PROTECTION AGAINST  
STALKING VIOLENCE**

FILED FOR RECORD  
2013 FEB 28 PM 12:33  
CLERK  
CIRCUIT COURT  
DADE COUNTY FLA.  
MIAMI, FL 33130

BEFORE ME, the undersigned authority, personally appeared the petitioner, ALEJANDRO MURGUIDO, who has been sworn and who states:

- Petitioner resides at: **20298 S.W. 324 ST., HOMESTEAD, FL 33030-**
- Respondent resides at: **32320 S.W. 199 AVE. HOMESTEAD, FL 33030-**
- Filing fees:** Pursuant to section 784.0485(2)(a) Florida Statutes, no filing fees may be assessed.
- The name and address of Respondent's last known place of employment or school is:  
**UNKNOWN, MIAMI, FL**
- Petitioner is employed or attends school at:  
**POLICE OFFICER, HOMESTEAD POLICE DEPT, 4 S. KROME AVE, HOMESTEAD, FL 33030-**

**(DO NOT ENTER IF PLACE OF EMPLOYMENT OR SCHOOL TO BE KEPT CONFIDENTIAL, FOR SAFETY.)**

6. Physical description of Respondent:

Date of birth	<b>UNKNOWN</b>	Sex	<b>MALE</b>
Race	<b>WHITE</b>	Weight	<b>170 lbs.</b>
Height	<b>5 ft. 10 in.</b>	Eye color	<b>BROWN</b>
Hair color	<b>BLACK</b>		

Distinguishing marks or scars: **UNKNOWN**

Aliases (other names) Respondent uses or has used:  
Nickname(s):

7. Respondent's vehicle make, model, year, color and tag:  
**UNKNOWN TAG UNKNOWN**

8. Is Respondent in jail? **No**  
Date of Arrest:

14. Below is a description of the specific incidents of stalking or cyberstalking:

The Respondent is unknown to the Petitioner. The Petitioner, a Police Officer, alleges the following event(s) occurred as described below.

On or about December 22, 2012, while the Petitioner was in his front yard speaking with his lawn man, the Respondent showed up and used a hand gesture to get the Petitioner's attention. The Petitioner who thought it was a neighbor asked for him to wait a minute while he finished speaking to the lawn man. Afterwards the Petitioner told the Respondent "Sir, may I help you?" and the Respondent immediately went off on the Petitioner and said "You better stop running stop signs and speeding in the City...I was following you the other day, and I saw you do that, I don't care if you have your lights and siren on..stop doing that." The Petitioner explained the Respondent that he was responding to call and the Respondent became irate and said "I don't care." The Petitioner asked the Respondent to leave several times and the Respondent refused and told the Petitioner "I am going to get you, this is not the end of this..you will see." The Petitioner asked the Respondent to leave five additional times, and the Respondent refused. The Petitioner advised the Respondent that he was going inside his house and calling the Police. The Respondent began to walk down the street. The Petitioner got into his Police cruiser and stopped the Respondent at the corner and told him to wait there for the Police to arrive. The Petitioner then called Miami Dade PD and Homestead PD and they responded. Miami Dade Police responded and issued the Respondent a trespass warning and wrote a report. MDPD Case No. 121029412874.

In June, 2012, the Petitioner drove home from work and when he pulled into his driveway, he noticed a vehicle pulling in directly behind his vehicle and blocking him. The driver remained in his vehicle motioned the Petitioner to walk over to his vehicle. The Petitioner walked over to the vehicle and states that the driver, now known to be the Respondent accused the Petitioner of throwing a paper out of his vehicle. The Petitioner unaware, apologized and the Respondent began to yell at the Petitioner "You wrote my wife a ticket, and here you are throwing paper on the streets, you are an asshole..and I am going to stop you." The Petitioner advised the Respondent to leave his property and if he wanted to file a complaint, he needed to go to Homestead Police Dept, and also gave him his name. The Petitioner proceeded to go inside his home, and the Respondent eventually left.

The Petitioner states that the Respondent who is unstable, has been to the Petitioner's place of employment (Homestead Police Dept) three times, and threatened to sue the city and the Petitioner, because he had a nervous breakdown from the incident. The Petitioner states that the Respondent also contacted IA, and the Petitioner was advised to obtain an injunction for protection.

The Petitioner is filing today because he fears the Respondent and is afraid for his life and safety and the safety for his family, and is therefore requesting the Court's intervention and protection to keep the Respondent away to prevent further stalking. COC/SDJC/ng A^

15. **Petitioner alleges the following additional information:**

- a. that the Respondent personally owns, possesses, and/or is known to possess a firearm: **Unknown**

If YES, what type(s):

- b. that it is currently required for the Respondent to carry/use a firearm in the capacity of his/her job: **Unknown**

- c. that the Respondent has a drug problem: **Unknown**
- d. that the Respondent has an alcohol problem: **Unknown**
- e. that the Respondent has a history of clinically diagnosed mental health problems:  
**Yes**
- f. Petitioner has known Respondent since (date):
- g. Respondent served in the U.S. military: **Unknown**

I UNDERSTAND THAT BY FILING THIS PETITION, I AM ASKING THE COURT TO HOLD A HEARING ON THIS PETITION, THAT BOTH THE RESPONDENT AND I WILL BE NOTIFIED OF, THE HEARING, AND THAT I MUST APPEAR AT HEARING.

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND I DECLARE THAT EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 837.011 FLORIDA STATUTES, AND IF I HAVE MADE A KNOWINGLY FALSE STATEMENT, I MAY BE PROSECUTED..

AM  
Petitioner's Initials

DATED this 28th day of February , 2013.

Alejandro Murguido  
Petitioner

Name ALEJANDRO MURGUIDO

Address 20298 S.W. 324 ST. , HOMESTEAD, FL 33030-

Telephone No. (305) 742-4900

**(DO NOT ENTER IF ADDRESS AND PHONE TO BE KEPT CONFIDENTIAL, FOR SAFETY.)**

STPETIT.RTF  
11/26/12

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Form -20A- / -ODIS-

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DOMESTIC VIOLENCE DIVISION  
 FAMILY DIVISION

Case No. 13-006142-FC-04

ORDER OF DISMISSAL  
PURSUANT TO SECTION 741.30  
OR 784.046 OR 784.0485 FLORIDA  
STATUTES

**FILED**  
APR 24 2013  
CLERK OF CIRCUIT &  
DADE COUNTY

THIS CAUSE came to be heard on this APR 24 2013 day of \_\_\_\_\_, on the  
 Court's  Petitioner's  Respondent's motion, and it appearing that:

- The order entered on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, has expired on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, it is therefore
- NO JUST CAUSE: upon review, the evidence presented is insufficient under Florida law (section 741.30 or 784.046, Florida Statutes, or 784.0485 Florida Statutes) to allow the Court to issue an injunction for protection against domestic, repeat, dating, sexual violence or stalking, it is therefore
- DENIED - NO HEARING
- FAILED TO APPEAR: the Petitioner having failed to appear for hearing for a Permanent Injunction on the **24th day of April, 2013, at 10:00 AM**, it is therefore
- FAILED TO APPEAR: both parties having failed to appear for hearing for a Permanent Injunction on the **24th day of April, 2013, at 10:00 AM**, it is therefore
- FAILED TO COMPLETE: Petitioner failed or declined to complete application process, it is therefore
- FAILURE TO EFFECT SERVICE: Respondent has not been served, and 120 days have passed since the filling of the petition.