

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
FAMILY LAW DIVISION

IN RE: THE MARRIAGE OF

ANDREW CABEZUDO,

Petitioner/Husband,

and

GERALDINE CABEZUDO,

Respondent/Wife.

Case No.: 25-002342-FD

UCN: 52-2025-DR-002342-XX-FD-FD

VERIFIED MOTION TO DISQUALIFY JUDGE

COMES NOW the Respondent/Wife, GERALDINE CABEZUDO, pursuant to Florida Rule of General Practice and Judicial Administration 2.330, and respectfully moves for the disqualification of the Honorable Judge Helinger, and as grounds states:

I. BASIS FOR MOTION

1. This motion is made in good faith and is filed within 10 days of the Respondent's discovery of the facts giving rise to this motion.
2. On August 7, 2025, this Court entered an Order Awarding Temporary Sole Parental Custody to Petitioner ("the Order," Exhibit A).
3. The Order contains statements and findings that, when viewed objectively, would cause a reasonable person to have a well-founded fear that the Respondent will not receive a fair trial or hearing before this judge
4. Specifically, the Order includes:
 - (a) Comments about Z.J.C., the parties' child with Down syndrome:
- "Why some children are born special or with developmental delays is unfortunate, sad, and quite candidly, breaks our hearts. Most parents and adults just want a normal, regular upbringing for a child."

- These comments express the judge's personal feelings and generalizations about children with disabilities, which may reasonably be perceived as diminishing their value and worth. The written statements made in the August 7, 2025 order are also completely different from Judge Helinger's verbal statements he had made in his court that has no court reporter, where he actually stated that families with Down syndrome, children with Down syndrome, and Down syndrome as a condition are "sad." The actual verbal statements, which were different from the written statements, made by Judge Helinger were witnessed by the bailiff, the clerk, the Petitioner, the Petitioner's mother, the Petitioner's attorney, the Respondent's attorney, the Respondent, and the Respondent's boyfriend who were all present for the July 28, 2025 hearing.

(b) Personal attacks and pejorative language directed at Respondent:

- "Mother made herself absolutely clear that she is right about everything and anything contrary to her position was bad, wrong, etc."
- "Mother's argument was absurd."
- "Mother's behavior... was a setup..."
- "Mother's actions have been self-centered, self-serving and, at times, false."
- These are not neutral factual findings, but personal characterizations reflecting animus toward Respondent.

(c) Express statements of distrust:

- "This Court does not trust Mother at this time. It just cannot."
- Such language demonstrates that the Court has formed a fixed, negative opinion of Respondent's credibility and future conduct.

(d) Negative inferences about legal actions in another county:

- The Court stated Respondent went "forum shopping" and that another judge "saw through" her filings, implying improper motives without limiting its findings to evidence presented in this case.

(e) Expressions of personal disappointment and emotional investment:

- The Court repeatedly refers to being "saddened" and having "desperately tried to achieve" certain goals, demonstrating a personal stake in the case's outcome inconsistent with strict judicial neutrality.

(f) Disregard for relevant educational expertise and child's special needs in custody determination:

At the July 28, 2025 hearing, Respondent testified that Z.J.C., the child who has Down syndrome, communicates using sign language, and that she is the only family member nearly fluent in sign language. Respondent further testified to her nearly 14 years of experience as both a special education teacher and a speech-language pathologist, and to having been the children's homeschooling teacher. Respondent explained the educational, developmental, and scientifically researched benefits of sign language for children with Down syndrome, and that such individualized, 1:1 signing instruction is best served by her as the homeschooling mother and educator. She also shared genuine concern for language delays if Z.J.C., the child with Down syndrome, is being cared for by non-signing family members, as is the case with the Petitioner and the children's paternal grandmother. Those language delays she warned of have since been observed in Z.J.C. since the hearing, during calls and visits.

Despite these uncontested facts, the Court denied custody to Respondent without citing any educational justification. Respondent believes the Court's disregard for this evidence, combined with its written statements characterizing children with disabilities as "unfortunate" and "sad," evidences bias against children with Down syndrome and against Respondent's role as their primary educator. Furthermore, Judge Helinger has shown bias and disregard for Z.J.C.'s federally protected right to communication access under the Americans with Disabilities Act and related laws.

II. LEGAL STANDARD

5. Under Fla. R. Gen. Prac. & Jud. Admin. 2.330(d), a judge shall be disqualified when a party fears they will not receive a fair trial because of specifically described prejudice or bias.
6. The test is whether the facts alleged would place a reasonably prudent person in fear of not receiving a fair and impartial trial (MacKenzie v. Super Kids Bargain Store, 565 So.2d 1332 (Fla. 1990)).
7. Disparaging remarks, sarcastic comments, and personal attacks against a party have been held to create an appearance of bias warranting recusal (Nassetta v. Kaplan, 557 So.2d 919 (Fla. 4th DCA 1990); Wasserstrom v. State, 112 So.3d 705 (Fla. 3d DCA 2013)).
8. A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. (28 C.F.R. § 35.160, Americans with Disabilities Act (ADA)).

III. FEAR OF BIAS

Respondent has a well-founded fear that this Court cannot be fair and impartial based on the cumulative effect of:

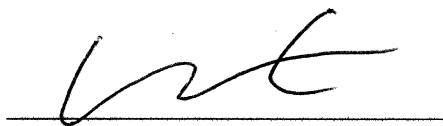
- The judge's comments about children with disabilities and subsequent disregard for Z.J.C.'s language development and federally protected rights to communication access, as the Respondent is the only family member that speaks sign language, Z.J.C.'s primary language;
- Repeated personal attacks on Respondent's character;
- Explicit statements of distrust;
- Prejudgment of Respondent's motives; and
- The judge's personal emotional investment in the case's outcome.

Judge Helinger cannot make a determination on this motion, as he cannot rationally and legally assess his own biases, as bias, by its nature, is invisible to the biased individual.

Any future retaliatory orders he may make against me for filing this motion, as recently shown by the retaliatory and prejudicial language used in his most recent order filed on August 7, 2025, will further highlight ongoing Judge Helinger's bias against me as the Respondent in this case and ongoing failure to uphold the best interests of both children in this case.

WHEREFORE, Respondent respectfully requests that the Honorable Jack Helinger be disqualified from further proceedings in this case, and that another judge be assigned.

Respectfully submitted,



Geraldine Cabezudo, Pro Se Respondent



VERIFICATION

I, Geraldine Cabezudo, hereby swear or affirm under penalty of perjury that I am the Respondent in the above-styled cause; that I have read the foregoing Verified Motion to Disqualify Judge; and that the facts stated therein are true to the best of my knowledge and belief. This motion is filed within 10 days of my discovery of the facts giving rise to it, which first became known upon my receipt of the Court's August 7, 2025 order.

Dated: August 14, 2025.

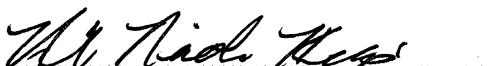


Geraldine Cabezudo, Pro Se Respondent



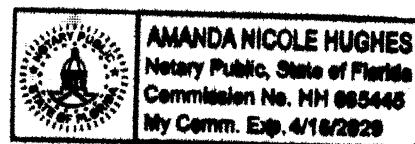
STATE OF FLORIDA
COUNTY OF MARION

Sworn to (or affirmed) and subscribed before me by means of physical presence notarization, this 14 day of August, 2025, by Geraldine Cabezudo, who is personally known to me or produced FL ID as identification.



Notary Public, State of Florida

My commission expires: 4-16-2029

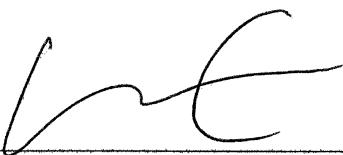


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by e-service to:

Garth R. Goodman, Esq., Attorney for Petitioner/Husband, garth@goodmanatlaw.com,

on this 14th day of August, 2025.



Geraldine Cabezudo, Pro Se Respondent

