

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,
ORGANIZATION OF AMERICAN STATES

PETITION ALLEGING VIOLATIONS OF THE HUMAN RIGHTS
OF RICHARD S. LEHMAN BY THE REPUBLIC OF PANAMA,
WITH A REQUEST FOR AN INVESTIGATION AND HEARING ON THE MERITS

AND

REQUEST FOR PRECAUTIONARY MEASURES UNDER
ARTICLE 25.1 OF THE COMMISSION'S REGULATIONS

EXHIBITS

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Don Wallace, Jr.
David M. Kerr
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Submitted: March 6, 2009

Counsel for Petitioner, Richard Lehman

IACHR Petition List of Exhibits

- Exhibit 1 Notice Appointing Richard S. Lehman as Executor of the Estate of Wilson Charles Lucom
- Exhibit 2 Order from Fourth Civil Circuit Court of Panama Approving the Will of Wilson Charles Lucom and appointing Richard S. Lehman as Executor of his estate
- Exhibit 3 Complaint Filed by Infante & Perez Almillano on behalf of Hilda Lucom to have Wilson Charles Lucom's Will Nullified
- Exhibit 4 May 7, 2007 Approval of Wilson Charles Lucom's Will and Appointment of two new executors by the First Superior Court for the First Judicial District of Panama
- Exhibit 5 Preliminary Investigations for Commission of the Crime Against the Life and Personal Integrity (Homicide) to the Detriment of Wilson Charles Lucom (R.I.P.)
Motion: Dismissal With Prejudice, December 27, 2006
- Exhibit 6 Order Ruling Dismissal of Criminal Charges Due to Lack of Evidence, dated March 9, 2007
- Exhibit 7 Complaint filed by Infante & Perez Almillan on behalf of Hilda Lucom Accusing Richard S. Lehman and Charles Ruddy of the Aggravated Offense of Swindle, Falseness, Illegal Exercise of Profession and Unlawful Association to Commit Offences.
- Exhibit 8 Habeas Corpus Petition of Richard S. Lehman
- Exhibit 9 Extension of Sworn Deposition of Richard S. Lehman
- Exhibit 10 Outdated Gang/Theft Warrant Sent in the name of the Panamanian government, from the offices of Infante & Perez Almillano directly to Interpol
- Exhibit 11 Complaint Against Richard S. Lehman for Extortion, Defamation and Slander, to the Detriment of Hector Ernesto Infante
- Exhibit 12 Decision of the Supreme Court of Panama en banc to unanimously reverse the Superior Court and declared that the preventive detention of Mr. Lehman on the extortion/defamation charge was illegal
- Exhibit 13 Letter to Ambassador Barbara J. Stephenson from Congressmen Robert Wexler and Ron Klein

- Exhibit 14 Letter from Panama's National Transparency Council Against Corruption ("Transparency Council") sent a letter to the Chief Justice of the Supreme Court of Panama pursuant to Executive Decree 179
- Exhibit 15 Legal Opinion Email from Carlos Villalobos to Richard S. Lehman Advising Him to Stay on As Executor of Wilson C. Lucom'
- Exhibit 16 Disciplinary Complaint of Richard S. Lehman for Contempt against Tania Sterling Bernal, the Fourth Prosecutor
- Exhibit 17 Criminal Complaint for Omission and Violation of Duties of the Public Employees and for Commission of the Crime of Wrongful Breach of Public Duties, Filed by Richard Sam Lehman Against the Fourteenth Prosecutor for the First Judicial Circuit of Panama for the Related Acts of Corruption
- Exhibit 18 Extortion Complaint filed by Richard S. Lehman Against Hector Infante
- Exhibit 19 News Articles about attempts to Kill Hector Avila, Panamanian Talk Show Host Who Informed Citizens of Panama About Millions Left By Lucom
- Exhibit 20 Complaint Filed by Richard S. Lehman Against Newspaper for Defamation of Character
- Exhibit 21 Richard Lehman's Report of the Attorney General Country of Panama: The Estate of Wilson C. Lucom – Legal Abuse in Panama Civil and Criminal
- Exhibit 22 Letter to President of Panama enclosing Richard Lehman's Report of the Legal Abuses of the Attorney General
- Exhibit 23 Power and Criminal Suit Against Mr. Oyden Ortega Druan, Justice of the Civil Courtroom of the Supreme Court of Justice
- Exhibit 24 Preliminary Investigation Against Freedom Richard S. Lehman
- Exhibit 25 November 7, 2008, letter from the Supreme Court of Panama to Mr. Parodi, the new prosecutor in the 14th Circuit, stating that the arrest warrant against Mr. Lehman was illegal
- Exhibit 26 February 7, 2009 Letter sent to Panamanian National Police by William Parodi to Release Richard S. Lehman
- Exhibit 27 February 9, 2009 Letter to National Migration Services to Release Richard S. Lehman from Immigration.

Exhibit 28 Complaint for Contempt of Court Filed by Attorney Victor Antonio Crosbie
Castillero Against the Fourth Prosecutor for the First Judicial Circuit of Panama,
Attorney Tania Sterling Bernal

Exhibit 29 Complaint filed by Richard S. Lehman Against the Newspaper for Defamation of
Character In The Circuit Court of the Fifteenth Circuit Judicial Circuit In and For
Palm Beach County, Florida

EXHIBIT 1

REPUBLICA DE PANAMA
PROVINCIA DE PANAMA

Notaría Segunda Del Circuito

DR. MARIO VELASQUEZ CHIZMAR

NOTARIO

TEL.: 213-2200
TELEFAX: 213-2201

Calle Manuel María Icaza, Area Bancaria
Edificio Angeliki, Local 1, Planta Baja

P.O.BOX 832-0149 WTC
PANAMA, REP. DE PANAMA

COPIA

ESCRITURA No. 6646 DE 20 DE JUNIO DE 2005

POR LA CUAL

CUAL WILSON CHARLES LUCOM OTORGA TESTAMENTO



A handwritten signature in dark ink, appearing to be "Wilson Charles Lucum", written over a horizontal line.

ESCRITURA PUBLICA NUMERO SEIS MIL SEISCIENTOS CUARENTA Y SEIS

(6,646)

POR LA CUAL WILSON CHARLES LUCOM OTORGA TESTAMENTO.

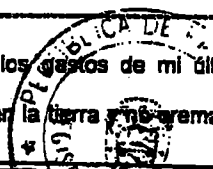
Panamá, 20 de JUNIO de 2005.

En la ciudad de Panamá, Capital de la República y Cabecera del Circuito del mismo nombre a los veinte (20) días del mes de junio de dos mil cinco (2005), ante mí, **DOCTOR MARIO VELASQUEZ CHIZMAR**, Notario Público Segundo del Circuito de Panamá, con cédula de identidad personal número ocho ciento sesenta y seis-cuatrocientos veintidós (8-176-422), a petición del señor **WILSON CHARLES LUCOM**, varón, de nacionalidad de Saint Kitts, mayor de edad, con pasaporte número A cero cero cero tres seis seis (A000366), quien manifestó necesitar interprete por no comprender completamente el idioma español, por lo que Notario designa al Licenciado **VICTOR CROSSIE**, varón, panameño, mayor de edad, con cédula de identidad personal número ocho- ciento cincuenta y cinco- mil novecientos treinta y tres (8-155-1933), con domicilio en Villa Costa del Este número dos C (2C) teléfonos doscientos sesenta y cuatro- ocho mil setecientos treinta y nueve (264-8739), nos trasladamos al Apartamento No. 11 del Edificio Royal Palace, Punta Paitilla, ciudad de Panamá, y me pidió que hiciera constar en instrumento público su testamento abierto, el cual procedo a redactar de conformidad con las siguientes cláusulas:

PRIMERA: Yo, Wilson C. Lucom, residente en la ciudad de Panamá, República de Panamá, en completo uso de mis facultades físicas y mentales, hago de esta mi última voluntad y testamento, el cual revoca todas las anteriores disposiciones y codicilos. Yo, designo como Albaceas a Richard Lehman, de Boca Ratón, Florida, USA; Rubén Carles, de Panamá, en la República de Panamá y mi amada esposa Hilda Piza Lucom, antiguamente Hilda Piza Arias, nuera del Ex-Presidente de la República de Panamá, Harmodio Arias y sobrina de la Ex-Presidente de la República de Panamá, Mireya Moscoso. En el evento de que el señor Ruben Carles no pueda continuar como Albacea por cualquier causa, designo al señor Christopher Rudy como Albacea en su reemplazo.

SEGUNDA: EGRESOS

Mis Albaceas, designados en este testamento, deberán pagar todos los gastos de mi última enfermedad y los gastos totales de mi funeral. Yo quiero ser enterrado en la tierra y no cremado.



Los costos de salvaguarda y entrega de mi legado y otros cargos contra mi herencia (se excluyen deudas seguras de propiedades reales o seguros de vida), deberán pagarse por mis Albaceas quienes deberán también pagar los impuestos de la herencia y patrimoniales que serán causados por razón de mi muerte. Yo renuncio a todo derecho de repartición o reembolso a mi herencia de cualquier pago hecho de conformidad con este artículo. _____

TERCERA: EL LEGADO_____

Todos mis legados deberán ser pagados de las cuentas principales de interés y la **FUNDACIÓN WILSON C. LUCOM TRUST FUND.**_____

A. 1. Mi legado a mi amada esposa, Hilda Piza Lucom._____

En el evento en que mi esposa **HILDA PIZA LUCOM** me sobreviva "Yo le dejo a mi esposa el 50% de mi cuenta de interés combinada, dondequiera que ella exista. Yo deseo que mi esposa reciba **US\$. 20,000.00** por mes o **el MINIMO INGRESO ANUAL DE US\$. 240,000.00** al año o más. Si las cuentas de interés combinadas no alcanzan la cantidad de **US\$240,000.00** por año, la cuenta principal deberá ser adicionada para llenar el déficit de los **US\$ 240,000.00** por año. El mínimo de **US\$240,000.00** por año o más que debe recibir mi esposa, deberá ser solamente para su uso mientras ella viva y después de su muerte todo legado termina y lo que se le dio debe ser retornado a la **FUNDACIÓN WILSON C. LUCOM TRUST FUND.**, a partir de su muerte. Ni ninguna cuenta principal, ni de interés deberá ir hacia el patrimonio de **HILDA PIZA LUCOM.** _____

El legado a mi esposa **HILDA PIZA LUCOM**, deberá ser para su confort, salud, apoyo y bienestar incluyendo todos los gastos adeudados de su presente standard de vida (la esposa de un hombre acaudalado). Estos gastos razonables deberán incluir únicamente todos los gastos relacionados con el Royal Palace, apartamento 11 y cinco (5) empleados el cual incluye una cocinera, un chofer, una empleada, un cuidador de casa y una lavandera a tiempo parcial. Yo no estoy incluyendo en este standard de vida lujos como la compra de otra casa o condominio, sin antes vender el apartamento No. 11 del Edificio Royal Palace para que reciba fondos para la compra de otra casa, compra de obras de arte, un yate u otras adquisiciones y prohíbo que esos lujos adicionales sean categorizados como razonables. A partir de la muerte de mi esposa el 50% y cualquier otro pago de cualquier clase deberá cesar y retornado a la **FUNDACIÓN WILSON C. LUCOM TRUST FUND** y no a su patrimonio. Ninguna obra de arte o antigüedades valiosas, como el gran piano, deberán ser vendidas o intercambiadas por mi esposa. _____

Los Albaceas al momento de mi muerte deberán poner todos lo intereses que genere todo lo que yo poseo (Excepto Hacienda Santa Monica, incluyendo el total de la extensión de tierra) en una cuenta de interés de donde todos los gastos de cualquier clase deberán ser deducidos excepto los gastos de Hacienda Santa Monica.-----

En el evento de caso de un accidente en el cual ambos, esposa y esposo, mueran virtualmente a mismo tiempo, deberá asumirse que Wison C. Lucom le sobrevive a Hilda Piza Lucom.-----

A. 2 Legado para Isabel Maria Clark.-----

Yo tengo un gran afecto por la memoria de mi desaparecida ex esposa Virginia Willys Lucom y su hija Isabel Maria Clark, a quien doy mi próximo legado. Dejo constancia que Isabel Maria Clark, no es pariente legal mía y que el único derecho que tiene en este testamento correspondiente a mi legado es el 25% del restante balance de la cuenta de interés después de la deducción de mi esposa que no debe exceder la cantidad de US\$. 200,000.00 al año. -----

Todo el balance restante deberá ser colocado en la Fundación Wilson C. Lucom Trust Fund. A partir del fallecimiento de Isabel Maria Clark, todo dinero e intereses que se ha pagado deben cesar y retornarse a la Fundación Lucom Trust Fund, con excepción de los siguientes: -----

Yo lego a: -----

ROBERT CLARK, I.D. NO. 224-13-7992 la cantidad de **US\$250,000.00.** -----

ALEXANDER CLARK, I.D. NO. 230-13-7714, la cantidad de **US\$250,000.00.** -----

LANNY CLARK, I.D. NO. 552-69-3776 la cantidad de **US\$250,000.00.** -----

CASSANDRA CLARK, I.D. NO. 557-75-8741, la cantidad de **US\$250,000.00.** -----

OTROS LEGADOS: -----

YO, lego UN MILLON DE DOLARES (US\$1,000,000.00), a la CLINICA MAYO DE ROCHESTER MINNESSOTA de la FUNDACIÓN WILSON C. LUCOM TRUST FUND, para trabajos de investigaciones Urológicas a partir de la muerte de mi esposa HILDA PIZA LUCOM o mi persona, cualquiera que muera de último y solo entonces el MILLON DE DOLARES a que se refiere este párrafo se pagará a la CLINICA MAYO arriba mencionada. -----

Yo, lego las siguientes cantidades a los hijos de mi esposa: A partir de la defunción de mi esposa o mi persona, cualquiera que muera de último: -----

MELINDA MORRICE: US\$50,000.00. -----

HILDA ABDELNOUR: US\$50,000.00 -----



MADELINE ARIAS: US\$100,000.00

GILBERTO ARIAS: US\$50,000.00

MARGARITA ARIAS ALLISON: US\$200,000.00

Los nietos de mi esposa y otros familiares deberán ver por su herencia de parte de sus padres que son acaudalados.

Yo lego a la defunción de mi esposa o la defunción de mi persona, cualquiera que muera de último a los hijos de mi fallecida hermana **CHARLOTTE GIBBONS** de la siguiente manera:

NORAH GARNER: US\$50,000.00

JAMES GIBBONS US\$50,000.00

ANN SMITH US\$50,000.00

WALTER GARNER US\$50,000.00

GABY ELKINS US\$50,000.00

CHRISTOPHER RUDDY US\$50,000.00

DR. PETER HIBBERD US\$50,000.00

MARIO BOYD US\$50,000.00

Mi legado sin tardanza a mis empleados al momento de mi muerte si aún están empleados por mi esposa o por mi de la siguiente manera:

ANDREA OSPINA US\$10,000.00

TANYA RAMOS-US\$10,000.00

ISRAEL TEJADA US\$75,000.00

(La cantidad del señor **ISRAEL TEJADA** deberá distribuirse de la siguiente manera. **US\$ 50,000.00** para una casa y **US\$25,000.00** para un auto, para ser pagado al vendedor del auto y al vendedor de la casa; si quedare algún remanente será para el señor **ISRAEL TEJADA**.)

EDILBERTO SOTO US\$7,500.00

Yo soy el propietario completamente de Hacienda Santa Mónica sin hipotecas ni gravámenes. Yo instruyo a mis albaceas de que coloquen en el mercado mi Hacienda Santa Mónica, como **SUN CITY** en la Riviera de Panamá, para ser vendida como una sola parcela a desarrolladores de ciudad, no a intermediarios. Puede tomar dos o tres años para que esta propiedad sea vendida porque yo no deseo que Hacienda Santa Mónica sea vendida inmediatamente por cualquier precio



bajo que presenten inmediatamente. El producto de la venta de Hacienda Santa Mónica debe ir a la Fundación WILSON C. LUCOM TRUST FUND. _____

La Hacienda Santa Mónica deberá continuar sus operaciones y su proceso de venta conforme lo ha venido haciendo en aras de no causarle deterioro ni a su estructura ni a la tierra ni a su propio patrimonio. _____

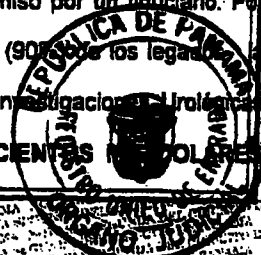
Lo mismo será aplicado a los 50 acres que Yo, poseo en Palm Desert, California. Que sean vendidos a un desarrollador de proyectos el cual construirá un entero desarrollo en vez de venderse a un especulador que compra tierras para un "intermediario" quien posteriormente se lo vendería a un desarrollador. _____

Yo, poseo 7 ó 8 acres cercano a OKEECHOBEE, Florida. Esta propiedad puede ser vendida en cualquier tiempo. Se ha propuesto como posible venta al Estado de Florida por la cantidad de US\$473,000.00 por 5 acres. -----El producto de la venta deberá ir a la FUNDACIÓN WILSON C. LUCOM TRUST FUND. El fondo de la fundación podrá ser invadido para alcanzar cubrir cualquier faltante en los legados. _____

El otro Apartamento que poseo en el Edificio Mediterráneo en Panamá, República de Panamá, bajo otro nombre, deberá ser vendido y el producto de la venta deberá colocarse en la Fundación WILSON C. LUCOM TRUST FUND. _____

REDUCCION DE LEGADOS A PRORRATA: _____

Al momento de la ejecución de este testamento el valor de mi patrimonio incluye no solo Hacienda Santa Mónica, sino también, aproximadamente siete millones de Dólares o más en otros activos. En el evento de que a partir de mi muerte o la de mi esposa, existan activos en exceso para pagar uno y cada uno de los legados destinados en este testamento, esos activos deberán ser considerados remanentes de mi patrimonio y ubicarse en el fondo de la Fundación WILSON C. LUCOM TRUST FUND. Sin embargo, en el evento de que existan insuficientes activos para pagar todos los legados por completo, uno y cada uno de los legados deberán ser reducidos proporcionalmente. Esta reducción proporcional deberá aplicarse independientemente de que un legado sea directo o de calidad o un legado que se tenga en fideicomiso por un fiduciario. Por ejemplo, si solamente hay fondos para cubrir un noventa por ciento (90%) de los legados, la cantidad que deberá ser pagada al fondo de la Clínica Mayo para investigación Urológica, deberá ser reducido en un diez por ciento (10%) es decir, NOVECIENTAS NO DÓLARES.



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(11191)

POR LA CUAL WILSON CHARLES LUCOM OTORGA TESTAMENTO.

Panamá, 20 de OCTUBRE de 2005.

En la ciudad de Panamá, Capital de la República y Cabecera del Circuito del mismo nombre a los veinte (20) días del mes de Octubre dos mil cinco (2005), ante mí, **DOCTOR MARIO VELASQUEZ CHIZMAR**, Notario Público Segundo del Circuito de Panamá, con cédula de identidad personal número ocho ciento sesenta y seis-cuatrocientos veintidós (8-176-422), a petición del señor **WILSON CHARLES LUCOM**, varón, de nacionalidad de Saint Kitts, mayor de edad, con pasaporte número A cero cero cero tres seis seis (A000366), quien manifestó necesitar interprete por no comprender completamente el idioma español, por lo que Notario designa al Licenciado **VICTOR CROSBIE**, varón, panameño, mayor de edad, con cédula de identidad personal número ocho- ciento cincuenta y cinco- mil novecientos treinta y tres (8-155-1933), con domicilio en Villa Costa del Este número dos C (2C) teléfonos doscientos sesenta y cuatro- ocho mil setecientos treinta y nueve (264-8739), nos trasladamos al Apartamento No. 11 del Edificio Royal Palace, Punta Paitilla, ciudad de Panamá, y me pidió que hiciera constar en instrumento público codicilio a su testamento abierto, la siguiente modificación la cual procedo a redactar de conformidad con las siguientes cláusulas:

PRIMERA: Es mi voluntad que el testamento abierto otorgado por mí mediante Escritura Pública No. seis mil seiscientos cuarenta y seis (6646) de veinte (20) de junio de dos mil cinco (2005) de la Notaría Segunda del Circuito de Panamá, mantenga su vigencia para todos los efectos jurídicos, en forma integral, es decir, que en esta oportunidad expresamente reitero todas las cláusulas del referido documento, con la única excepción que manifiesto a continuación.

SEGUNDA: Es mi voluntad que la **CLAUSULA PRIMERA** del testamento señalado, quede así: "**CLAUSULA PRIMERA:** Yo, Wilson C. Lucom, residente en la ciudad de Panamá, República de Panamá, en completo uso de mis facultades físicas y mentales, hago el siguiente codicilio al testamento otorgado con anterioridad. Yo, designo como Albaceas a Richard Lehman, de Boca Ratón, Florida, USA; Christopher Rudy." De Florida.

USA y mi amada esposa Hilda Piza Lucom, antiguamente Hilda Piza Arias, nuera del Ex-Presidente de la República de Panamá, Harmodio Arias y sobrina de la Ex-Presidente de la República de Panamá, Mireya Moscoso. -----

TERCERA: Lo que expreso en el presente instrumento constituye mi única y deliberada voluntad, por lo cual solicito al Notario agregue una **NOTA DE ACLARACION** a la Escritura Pública No.6646 de 20 de junio de 2005, de la Notaría Segunda del Circuito de Panamá, especificando que el Testador efectuó una modificación a dicho Testamento, repitiendo su actuación, mediante esta nueva Escritura Pública. -----

Acto seguido, yo, el Notario, accediendo a la solicitud del Testador, doy fe de lo siguiente:-

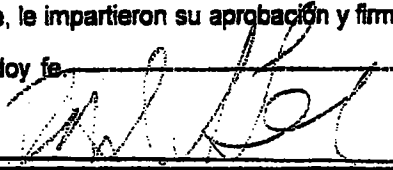
(1º) El presente testamento fue otorgado cumpliendo estrictamente con todas y cada una de las formalidades legales requeridas para la plena validez de estos actos;-----

(2º) Que este testamento fue leído por mi, en voz alta, ante la presencia de los testigos requeridos por ley, y dicha lectura se hizo en forma interrumpida; y con la debida traducción del interprete, para conocimiento del testador -----

(3º) Que el testador se encuentra en perfecto estado de sus facultades mentales, con perfecto conocimiento del acto que estamos celebrando y libre en lo absoluto de toda forma de coacción o violencia.-----

(4º) Que la redacción de este testamento ha sido producto directo de sus deseos y voluntad manifestados, y que en señal de conformidad estampa a continuación su firma, observado atentamente por los testigos instrumentales.-----

Advertí al compareciente que la copia de esta Escritura Pública debe ser inscrita y leída como le fue la misma en presencia de los testigos instrumentales **ZORAIDA DE VERGARA**, con cédula de identidad personal número ocho- ciento treinta y siete- trescientos uno (8-137-301), **ALEXI GUERRA**, con cédula de identidad personal número cuatro-ciento setenta y cinco-ciento setenta y dos (4-175-172); **JOEL ARTURO LASSO**, con cédula de identidad personal número ocho-setecientos cuarenta y siete- quinientos treinta y ocho (8-747-538) mayores de edad, panameños, vecinos de esta ciudad, personas a quienes conozco y son hábiles para ejercer el cargo, la encontraron conforme, le impartieron su aprobación y firmaron todos para constancia por ante mi, el Notario que doy fe.



REPUBLICA DE PANAMA
PROVINCIA DE PANAMA

Notaría Segunda Del Circuito

DR. MARIO VELASQUEZ CHIZMAR

NOTARIO

TEL.: 213-2200
TELEFAX: 213-2201

Calle Manuel María Icaza, Area Bancaria
Edificio Angeliki, Local 1, Planta Baja

P.O.BOX 832-0149 WTC
PANAMA, REP. DE PANAMA

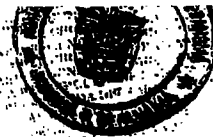
COPIA

ESCRITURA No. 1131 DE 3 DE FEBRERO DE 2006

POR LA CUAL WILSON CHARLES LUCOM, OTORGA TESTAMENTO



A handwritten signature in dark ink, appearing to be "W. Lucom", written over a light background.



NOTARIA SEGUNDA DEL CIRCUITO DE PANAMA

ESCRITURA PUBLICA NUMERO MIL CIENTO TREINTA Y UNO

(1131)

POR LA CUAL WILSON CHARLES LUCOM, TESTAMENTO OTORGA TESTAMENTO ---

-----Panamá, 3 de FEBRERO de 2006.-----

En la ciudad de Panamá, Capital de la República y Cabecera del Circuito del mismo nombre a los tres (3) días del mes de febrero dos mil seis (2006), ante mí, **DOCTOR MARIO VELASQUEZ CHIZMAR**, Notario Público Segundo del Circuito de Panamá, con cédula de identidad personal número ocho ciento sesenta y seis-cuatrocientos veintidós (8-176-422), a petición del señor **WILSON CHARLES LUCOM**, varón, de nacionalidad de Saint Kitts, mayor de edad, con pasaporte número A cero cero cero tres seis seis (A000366), quien manifestó necesitar interprete por no comprender completamente el idioma español, por lo que Notario designa al Licenciado **VICTOR CROSBIE**, varón, panameño, mayor de edad, con cédula de identidad personal número ocho- ciento cincuenta y cinco- mil novecientos treinta y tres (8-155-1933), con domicilio en Villa Costa del Este número dos C (2C) teléfonos doscientos sesenta y cuatro- ocho mil setecientos treinta y nueve (264-8739), nos trasladamos al Apartamento No. 11 del Edificio Royal Palace, Punta Paitilla, ciudad de Panamá, y me pidió que hiciera constar en instrumento público codicilio a su testamento abierto, la siguiente modificación la cual procedo a redactar de conformidad con las siguientes cláusulas:-----

PRIMERA: Es mi voluntad que el testamento abierto otorgado por mí mediante Escritura Pública No. seis mil seiscientos cuarenta y seis (6646) de veinte (20) de junio de dos mil cinco (2005) de la Notaría Segunda del Circuito de Panamá, mantenga su vigencia para todos los efectos jurídicos, en forma integral, es decir, que en esta oportunidad expresamente reitero todas las cláusulas del referido documento, con la única excepción que manifiesto a continuación. -----

SEGUNDA: Es mi voluntad que la **CLAUSULA PRIMERA** del testamento otorgado, quede así: "**CLAUSULA PRIMERA:** Yo, Wilson C. Lucom, residente en la ciudad de Panamá, República de Panamá, en completo uso de mis facultades físicas y mentales hago el segundo codicilio al testamento otorgado con anterioridad. **Legó a ISRAEL DEL CARMEN TEJADA CUERVO** con cédula de identidad personal No. ocho- doscientos treinta y



[Firma manuscrita]

tres- seiscientos sesenta y ocho (8-233-668), ciudadano panameño, la finca número ciento diez mil cuarenta y uno (110041), una casa y un lote con el precedente de que permanezca empleado por mí hasta el momento de mi muerte. La propiedad debidamente inscrita en el Registro Público se describe de la siguiente forma: _____

Finca número ciento diez mil cuarenta y uno (110041), Rollo siete mil ciento setenta y dos (7172), Documento cinco (5) de la Sección de la Propiedad, debidamente inscrita en el Registro Civil, provincia de Panamá que consiste de una casa ubicada en Altos de la Pulida lote número M-3, Distrito de San Miguelito y de la cual sus medidas y límites se encuentran inscritas en el sección de la propiedad del Registro Público en la provincia de Panamá. _____

Si Israel Tejada no se encuentra empleado por mí al momento de mi muerte la condición precedente controla y no se le legará ninguna parte de la finca número ciento diez mil cuarenta y uno (110041), además deberá desalojar dicha finca dentro de sesenta días. Adicionalmente el señor Tejada no tendrá ningún interés pasado o futuro en la finca ciento diez mil cuarenta y uno (110041) _____

En el evento en el que el señor Tejada no se encuentre trabajando para mí, el no recibirá esta propiedad como legado por ende no será dueño de ella y la propiedad antes descrita pasará a la fundación END WAR TRUS. En el evento que la condición precedente sea cumplida y que el señor Tejada este en el empleo del Sr. Lucom hasta el momento de su muerte, el señor Tejada será el dueño de dicha propiedad libremente. _____

Es irrelevante que el señor Tejada quede empleado por la señora HILDA LUCOM al momento de la muerte del señor LUCOM. _____

La condición precedente toma efecto inmediatamente. _____

TERCERA: Lo que expreso en el presente instrumento constituye mi única y deliberada voluntad, por lo cual solicito al Notario agregue una **NOTA DE ACLARACION** a la Escritura Pública No.6646 de 20 de junio de 2005, de la Notaría Segunda del Circuito de Panamá, especificando que el Testador efectuó una modificación a dicho Testamento, repitiendo su actuación, mediante esta nueva Escritura Pública. _____

Acto seguido, yo, el Notario, accediendo a la solicitud del Testador, doy fe de lo siguiente:-

(1º) El presente testamento fue otorgado cumpliendo estrictamente con todas y cada una de las formalidades legales requeridas para la plena validez de estos actos; _____



NOTARIA SEGUNDA DEL CIRCUITO DE PANAMA

(2º) Que este testamento fue leído por mí, en voz alta, ante la presencia de los testigos requeridos por ley, y dicha lectura se hizo en forma interrumpida; y con la debida traducción del interprete, para conocimiento del testador -----

(3º) Que el testador se encuentra en perfecto estado de sus facultades mentales, con perfecto conocimiento del acto que estamos celebrando y libre en lo absoluto de toda forma de coacción o violencia.-----

(4º) Que la redacción de este testamento ha sido producto directo de sus deseos y voluntad manifestados, y que en señal de conformidad estampa a continuación su firma, observado atentamente por los testigos instrumentales.-----

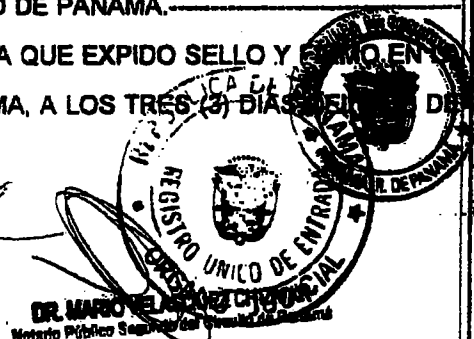
Adverti al compareciente que la copia de esta Escritura Pública debe ser inscrita y leída como le fue la misma en presencia de los testigos instrumentales **ZORAIDA DE VERGARA**, con cédula de identidad personal número ocho- ciento treinta y siete- trescientos uno (8-137-301), **ALEXI GUERRA**, con cédula de identidad personal número cuatro-ciento setenta y cinco-ciento setenta y dos (4-175-172); **JOEL ARTURO LASSO**, con cédula de identidad personal número ocho-setecientos cuarenta y siete- quinientos treinta y ocho (8-747-538) mayores de edad, panameños, vecinos de esta ciudad, personas a quienes conozco y son hábiles para ejercer el cargo, la encontraron conforme, le impartieron su aprobación y firman todos para constancia por ante mí, el Notario que doy fe.-----

ESTA ESCRITURA LLEVA EL NUMERO MIL CIENTO TREINTA Y UNO -----

(1131) -----

(Fdo) **WILSON CHARLES LUCOM--VICTOR CROSBIE INTERPRETE--ALEXI GUERRA**
ZORAIDA DE VERGARA--JOEL LASSO--DR. MARIO VELASQUEZ CHIZMAR,
 NOTARIO PUBLICO SEGUNDO DEL CIRCUITO DE PANAMA.-----

CONCUERDA CON SU ORIGINAL ESTA COPIA QUE EXPIDO SELLO Y FIRMAS EN LA CIUDAD DE PANAMA, REPUBLICA DE PANAMA, A LOS TRES (3) DÍAS DEL MES DE ENERO DEL AÑO DOS MIL SEIS (2006)



#1

REPUBLIC OF PANAMA
NOTARIAL PAPER



[Seal:] Second Notary Public
Panama, Rep. of Panama

SECOND NOTARIAL OFFICE IN AND FOR THE CIRCUIT OF PANAMA

PUBLIC DEED NUMBER SIX THOUSAND SIX HUNDRED FORTY-SIX -----
----- (6646) -----

WHEREBY WILSON CHARLES LUCOM GRANTS [HIS] WILL. -----
----- Panama, JUNE 20, 2005. -----

In Panama City, Capital of the Republic and seat of the Circuit of the same name, on the twentieth (20) day of June two thousand five (2005), before me, **DOCTOR MARIO VELASQUEZ CHIZMAR**, Second Notary Public in and for the Circuit of Panama, personal identity card number eight one hundred seventy-six four hundred twenty-two (8-176-422), at the request of Mr. **WILSON CHARLES LUCOM**, a male, a citizen of Saint Kitts [sic], of legal age, passport number A zero zero zero three six six (A000366), who stated that he needed an interpreter because he did not fully understand the Spanish language, wherefor the Notary appoints Atty. **VICTOR CROSBIE**, a male, a Panamanian, of legal age, personal identity card number eight – one hundred fifty-five – one thousand nine hundred thirty-three (8-155-1933), domiciled at Villa Costa del Este number two C (2C), telephones two hundred sixty-four eight thousand seven hundred thirty-nine (264-8739), we traveled to Apartment No. 11 in Edificio Royal Palace, Punta Paitilla, Panama City, and he requested that I record his nuncupative will in a public deed, which I proceed to write in accordance with the following clauses: -----

FIRST: I, Wilson C. Lucom, a resident in Panama City, Republic of Panama, of sound will and mind, make this my last will and testament, which revokes all previous provisions and codicils. As Executors, I appoint Richard Lehman from Boca Raton, Florida, USA; Ruben Carles from Panama, in the Republic of Panama and my beloved wife Hilda Piza Lucom, formerly Hilda Piza Arias, daughter-in-law of Harmodio Arias, former president of the Republic of Panama, and the niece of Mireya Moscoso, former president of the Republic of Panama. In the event Mr. Ruben Carles cannot continue as an Executor for any reason, I appoint Mr. Christopher Rudy as the Executor in his stead. -----

SECOND: EXPENDITURES -----

My Executors, appointed in this will, must pay all the expenses of my last illness and all expenses for my funeral. I wanted to be buried and not cremated.

Costs for safekeeping and delivery of my bequest and other charges against my estate (secured debts on real property or life insurance are excluded) must be paid by my Executors, who must also pay inheritance and capital taxes which will be payable by reason of my death. I waive all rights for distribution or reimbursement to my estate for any payment made in accordance with this article.

THIRD: THE BEQUEST-----

All my bequests must be paid from the principal interest accounts and the **FUNDACIÓN WILSON C. LUCOM TRUST FUND**.-----

A. 1. My bequest to my beloved wife, Hilda Piza Lucom.-----

In the event my wife **HILDA PIZA LUCOM** survives me, "I leave my wife 50% of my combined interest account, wherever it exists. I want my wife to receive **US\$ 20,000.00** per month, or the MINIMUM ANNUAL INCOME OF US\$ 240,000.00 per year, or more. If the combined interest accounts do not amount to **US\$ 240,000.00** per year, the principal account must be added to cover the deficit for the **US\$ 240,000.00** per year. The minimum of **US\$ 240,000.00** per year or more that my wife is to receive shall be solely for her use while she lives, and after her death all bequests end, and what was given to her must be returned to the **WILSON C. LUCOM TRUST FUND** foundation, as of her death. No principal or interest account shall go to the estate of **HILDA PIZA LUCOM**. The bequest to my wife **HILDA PIZA LUCOM** is to be for her comfort, health, support and well-being, including all expenses owed for her current standard of living (the wife of a wealthy man). These reasonable expenses must include only all expenses related to the Royal Palace, Apartment 11 and five (5) employees, which include a cook, a driver, a maid, a watchman and a part-time laundrywoman. In this standard of living I am not including luxuries such as the purchase of another house or condominium, without first selling Apartment No. 11 in the Royal Palace Building, for her to receive funds for the purchase of another house, the purchase of works of art, a yacht or other purchases, and I forbid categorization of those luxuries as reasonable. Upon the death of my wife, the 50% and any other payment of any kind must cease and be returned to **WILSON C. LUCOM TRUST FUND** Foundation, not to her estate. No work of art or valuable antiques, such as the grand piano, are to be sold or exchanged by my wife.-----

REPUBLIC OF PANAMA
NOTARIAL PAPER

[Seal:] Second Notary Public
Panama, Rep. of Panama



[Tax stamp on coat of arms, all pages]

SECOND NOTARIAL OFFICE IN AND FOR THE CIRCUIT OF PANAMA

Upon my death, the Executors must place all interest earned by everything I possess (except **Hacienda Santa Monica**, including the entire extension of land) in an interest bearing account wherefrom all expenses of any kind must be deducted, except the **Hacienda Santa Monica** expenses.-----

In the event of an accident where both husband and wife die virtually at the same time, it must be assumed that Wilson C. Lucom survives Hilda Piza Lucom. -----

A. 2. Bequest to Isabel Maria Clark. -----

I have great fondness for the memory of my deceased ex-wife Virginia Willys Lucom and her daughter Isabel Maria Clark, to whom I give my next bequest. I hereby spread upon the record that Isabel Maria Clark is not legally a relative of mine, and that the only right she has in this will, with respect to my bequest, is the 25% of the remaining balance of the interest account after the deduction for my wife, which must not exceed the sum of US\$ 200,000.00 per year. -----

The remaining balance must be placed in the Wilson C. Lucom Trust Fund foundation. Upon the death of Isabel Maria Clark, all money and interest that have been paid must cease and be returned to the Wilson C. Lucom Trust Fund Foundation, except for the following:

I bequeath to: -----

ROBERT CLARK, ID No. 224-13-7992, the sum of US\$250,000.00-----

ALEXANDER CLARK, ID No. 230-13-7714, the sum of US\$250,000.00 -----

LANNY CLARK, ID No. 552-69-3776, the sum of US\$250,000.00 -----

CASSANDRA CLARK, ID No. 557-75-8741, the sum of US\$250,000.00 -----

OTHER REQUESTS: -----

I bequeath **ONE MILLION DOLLARS (US\$ 1,000,000.00)** to the **ROCHESTER, MINNESOTA, MAYO CLINIC** from the **WILSON C. LUCOM TRUST FUND** foundation, for urological research work as of the death of my wife **HILDA PIZA LUCOM** or myself, whoever dies last, and only then shall the **ONE MILLION DOLLARS** referenced in this paragraph be delivered to the aforementioned **MAYO CLINIC. -----**

I bequeath the following amounts to my wife's children: Upon the death of my wife, or myself, whoever dies last: -----

MELINDA MORRICE: US\$ 50,000.00 ----- [Registry seal] -----

HILDA ABDELNOUR: US\$ 50,000.00 -----

MADLINE ARIAS: US\$ 100,000.00 -----
GILBERTO ARIAS: US\$ 50,000.00 -----
MARGARITA ARIAS ALLISON: US\$ 200,000.00 -----

My wife's grandchildren and other relatives must look to their inheritance from their parents, who are wealthy. -----

Upon the death of my wife, or mine, whoever dies last, I bequeath to the children of my late sister **CHARLOTTE GIBBONS**, as follows:

NORAH GARNER: US\$ 50,000.00 -----
JAMES GIBBONS: US\$ 50,000.00 -----
ANN SMITH: US\$ 50,000.00 -----
WILLIAM GARNER: US\$ 50,000.00 -----
GABY ELKINS: US\$ 50,000.00 -----
CHRISTOPHER RUDDY: US\$ 50,000.00 -----
DR. PETER HIBBERD: US\$ 50,000.00 -----
MARIO BOYD: US\$ 50,000.00 -----

My bequest, without delay, to my employees at the time of my death, if they are still employed by my wife or myself, as follows:

ANDREA OSPINA: US\$ 10,000.00 -----
TANYA RAMOS: US\$ 10,000.00 -----
ISRAEL TEJADA: US\$ 75,000.00 -----

(The amount for Mr. ISRAEL TEJADA must be distributed as follows. US\$ 50,000.00 for a house and US\$ 25,000.00 for a car, to be paid to the seller of the car and to the seller of the house; if there is any amount remaining, it shall be for Mr. ISRAEL TEJADA.) -----

EDILBERTO SOTO: US\$ 7,500.00 -----

I am the sole owner of Hacienda Santa Monica, which has no liens or mortgages. I instruct my Executors to place my Hacienda Santa Monica on the market as SUN CITY in the Panamanian Riviera, to be sold as a single parcel to city developers, not to intermediaries. It may take two or three years for this property to sell because I do not want Hacienda Santa Monica to be sold immediately for any low price that is offered immediately. The product of the sale of Hacienda San-

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[Seal:] Second Notary Public
Panama, Rep. of Panama



SECOND NOTARIAL OFFICE IN AND FOR THE CIRCUIT OF PANAMA

ta Monica must go to the **WILSON C. LUCOM TRUST FUND** foundation. -----
Hacienda Santa Monica must continue operating, as well as the sales process, in accordance with
what it has been doing in order not to cause the deterioration of its structure or the land or its own
capital.-----

The same shall be applied to the 50 acres I own in Palm Desert, California. They are to be sold to
a project developer, which shall constitute an entire development, instead of being sold to a
speculator who buys land for a "middleman", who would subsequently sell it to a developer. -----

I own 7 or 8 acres near **OKEECHOBEE**, Florida. This property may be sold at any time. It has been
proposed as a possible sale to the State of Florida for the sum of US\$ 473,000.00 for 5 acres. ---
The product of the same must go to the **WILSON C. LUCOM TRUST FUND** foundation. The
foundation fund may be invaded to be able to cover any short amounts in the bequests. -----

The other Apartment I own in Edificio Mediterráneo in Panama, Republic of Panama, under another
name, must be sold and the product of the sale must be placed in the **WILSON C. LUCOM TRUST
FUND** foundation. -----

PRORATED REDUCTION OF BEQUESTS: -----

At the time this will is executed, the value of my estate includes not only Hacienda Santa Monica,
but approximately seven million dollars or more in other assets as well. In the event that upon my
death or the death of my wife, there are surplus assets to pay each and every one of the bequests
set forth in this will, those assets must be considered the remainder of my estate, and placed in the
WILSON C. LUCOM TRUST FUND foundation. However, in the event the assets are not sufficient
to pay the total of all bequests in full, each and every bequest must be reduced proportionally. This
proportional reduction must be applied irregardless of a direct bequest, or quality bequest, or a
bequest that is held in trust by a trustee. For example, if there are funds only to cover ninety
percent (90%) of the bequests, the amount to be paid to the Mayo Clinic fund for urological
research must be reduced by ten percent (10%), that is, **NINE HUNDRED THOUSAND DOLLARS**

[Registry seal]

(US\$ 900,000.00) of ONE MILLION (US\$1,000,000.00). -----

ROYAL PALACE BUILDING, APARTMENT No. 11: My wife and I possess a fifty percent (50%) interest each in APARTMENT No. 11 in the ROYAL PALACE Building in Punta Paitilla, San Francisco section. In the event my wife survives me, she must receive my fifty percent (50%) lien-free and gratuitously. If my wife does not survive me, the fifty percent (50%) interest I possess in Apartment number eleven (11) in the Royal Palace Building must go directly, lien-free, to the WILSON C. LUCOM TRUST FUND foundation, after my death. -----

My wife has total and complete use of any work of art, antique furniture, antique silver and any other antiques while she lives. Upon her death, all these valuable assets must pass lien-free and gratuitously to the WILSON C. LUCOM TRUST FUND foundation, for subsequent sale at auction. This, of course, assumes my wife survives me. -----

EXECUTORS AND TRUSTEES: -----

Each individual EXECUTOR or TRUSTEE must not be subject to any legal liability for any act, omission or loss in connection with the administration of this estate, except for fraud or theft, or any other crime committed against the assets of the WILSON C. LUCOM TRUST FUND foundation.

Executors or Trustees must manage the assets and funds entrusted with all the necessary powers granted by the Panamanian State in respect of provisions in the Civil Code and complementary laws of the Republic of Panama, so that they may efficiently manage the assets of the estate and funds entrusted thereto, always for the purpose of acting in the best interest, as required by the situation. -----

As payment for execution of this will, each Executor must receive the sum of FIFTY THOUSAND DOLLARS (US\$ 50,000.00). -----

If Mr. RICHARD LEHMAN reaches three hundred hours of work in executing this will, then Mr. RICHARD LEHMAN must receive payment pursuant to his regular fee schedule. -----

Mr. ISRAEL TEJADA must be a permanent employee of the WILSON C. LUCOM TRUST FUND foundation, unless he resigns voluntarily, commits fraud or theft against the foundation, in which case he must be terminated. His initial salary must be ONE THOUSAND DOLLARS PER MONTH (US\$ 1,000.00). -----

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[Seal:] Second Notary Public
Panama, Rep. of Panama



SECOND NOTARIAL OFFICE IN AND FOR THE CIRCUIT OF PANAMA

The executors must also be trustees of **FUNDACIÓN WILSON C. LUCOM TRUST FUND**, with an initial salary of **FIVE THOUSAND DOLLARS (US\$ 5,000.00)** per month, or **SIXTY THOUSAND DOLLARS (US\$ 60,000.00)** per year, and the necessary expenses. -----

The main objective of the **FUNDACIÓN WILSON C. LUCOM TRUST FUND** is to feed needy children in Panama. I instruct my trustees to find an area where there are children's schools that don't have meals for lunch, and lack the usual needs and those provided by schools where lunch is provided. -----

It is my wish that directors of schools form groups of volunteers with parents and others, and that they plant gardens with seed provided by the **WILSON C. LUCOM TRUST FUND** foundation. ---

One of the parents, or any other person, must provide some hectares for these gardens, at no cost. Many plantings must be sown to feed the children and to sell at market, in such a manner that there will be no need to provide seeds more than two (2) times, per school, and that these will continue the plantation process in these gardens and their own sale with the product of its own benefit. ----

FOURTH: The testator states it is his will to expressly revoke every previous testamentary provision, granted anywhere; it is his wish that only what is now granted and is set forth in this instrument be complied with accurately and in a timely manner, inasmuch as it is his sole and deliberate will. -- Immediately thereafter, I, the Notary, hereby certify: -----

(1) This will was granted in strict compliance with each and every legal formality required for the full validity of these acts; -----

(2) This will was read aloud by me before the legally required witnesses, and said reading was done uninterrupted; -----

(3) The testator is of sound mind and will, perfectly knowledgeable of this proceeding, and absolutely free of any form of coercion or violence. -----

(4) That the writing of this will has been the direct product of his stated wishes and will, and that in concurrence therewith, signs hereinbelow, carefully observed by the documentary witnesses. --

-- I admonished the appearing party that this Public Deed must be registered and as it was read to

him before documentary witnesses **ZORAIDA DE VERGARA**, personal identity card number eight – one hundred thirty seven – three hundred one (8-137-301), **ALEXI GUERRA**, personal identity card number four – one hundred seventy-five – one hundred seventy-two (4-175-172); **JOEL ARTURO LASSO**, personal identity card number eight – seven hundred forty-seven – five hundred thirty-eight (7-747-538), of legal age, Panamanian nationals, residents of this city, persons who are known to me and are competent therefor, concurred therewith, approved it and all sign in witness whereof before me, the attesting Notary. -----

----- (6646) -----

(Signed) **WILSON CHARLES LUCOM – VICTOR CROSBIE INTERPRETER – ALEXI GUERRA ZORAIDA DE VERGARA – JOEL LASSO – DR. MARIO VELASQUEZ CHIZMAR, SECOND NOTARY PUBLIC IN AND FOR THE CIRCUIT OF PANAMA, -----**
I ISSUE, SIGN AND SEAL THIS COPY IN PANAMA CITY, REPUBLIC OF PANAMA, ON JUNE TWENTIETH (20) TWO THOUSAND FIVE (2005); WHICH CONCURS WITH THE ORIGINAL.

/s/ Illegible [Notarial seal]
DR. MARIO VELASQUEZ CHIZMAR
Second Notary Public in and for the Circuit of Panama

EXHIBIT 2

FOURTH CIVIL CIRCUIT COURT IN AND FOR THE FIRST JUDICIAL CIRCUIT OF PANAMA.
Panama, July fifth (5) two thousand six (2006).

Order No. 1025/173-06

HAVING CONSIDERED:

RICHARD SAM LEHMAN, by and through a legal representative, has moved this Court to open the Testate Succession of **WILSON CHARLES LUCOM** (R.I.P.)

In deciding on the admission, the Court notes the documents required by Article 1525 of the Judicial Code have been provided; notwithstanding, we must still review if the person who has filed this process is competent to act in accordance with provisions set forth in Article 1525 of the Judicial Code.

Along these lines, we have that the will granted by Mr. **WILSON CHARLES LUCOM** (R.I.P.), by way of Public Deed No. 6646 of June 20, 2005, in the First Clause provides that he appoints, as Executors:

"Richard Lehman, of Boca Raton, Florida, USA; Ruben Carles of Panama, in the Republic of Panama, and my beloved wife Hilda Piza Lucom, formerly Hilda Piza Arias, daughter-in-law of the former president of the Republic of Panama, Mireya Moscoso [sic]. In the event Mr. Ruben Carles cannot continue as an Executor for any reason, I appoint Mr. Christopher Rudy as the Executor in his stead."

Following this order, Mr. **WILSON CHARLES LUCOM** subsequently modified the will and by way of Public Deed 11191 dated October 20, 2005, states that it is his will that the First Clause of the aforementioned will read as follows:

"FIRST: I, Wilson C. Lucom, a resident in Panama City, Republic of Panama, being of sound will and mind, make the following codicil to the will granted previously. As Executors, I appoint Richard Lehman of Boca Raton, Florida, USA; Christopher Rudy of Florida, USA, and my beloved wife Hilda Piza Lucom, formerly Hilda Piza Arias, daughter-in-law of Harmodio Arias, former president of the Republic of Panama, and the niece of Mireya Moscoso, former president of the Republic of Panama."

The testator, in a last Public Deed, No. 1131 of February 3, 2006, again modifies the will, indicating in the First Clause that it is his will that the nuncupative will in Public Deed No. 6646 of June 20, 2005, granted by the Office of the Second Notary Public in and for the Circuit of Panama, remain in force and effect for all legal purposes, comprehensively, that is, he reiterates all clauses in the referenced document.

Notwithstanding, Mr. LUCOM states as the only exception to the above, that:

"SECOND: It is my will that the **FIRST CLAUSE** in the referenced will read as follows:

FIRST: I, Wilson C. Lucom, a resident in Panama City, Republic of Panama, being of sound will and mind, make the second codicil to the will granted previously. I bequeath to ISRAEL DEL CARMEN TEJADA CUERVO..."

From the foregoing it is understood that the First Clause in the will remains in force, as set forth by Mr. LUCOM in the aforementioned paragraph in Public Deed No. 1131 of February 3, 2006.

Therefore, although the testator suggests in Public Deed No. 1131 of February 3, 2006 (see first clause), that he reiterates each and every clause of the original will with the only exception we have indicated (second clause), whereby the first is modified; the fact is that upon review of the Second Clause in Public Deed No. 11191 of October 20, 2005, where Richard Lehman, Christopher Rudy and Hilda Piza Lucom had been appointed as Executors, our understanding is that it has no force and effect whatsoever, inasmuch as in that second clause what the testator does is change the original first clause, and as we have already mentioned, in the statement of his last will, set forth in Public Deed No. 1131 of February 3, 2006, the testator provides how he wants the first clause to read.

Further, the Court notes there is a document received by the Clerk of Court at pages 20-22, wherein the Second Notary in and for the Circuit of Panama, Dr. **MARIO VELASQUEZ CHIZMAR**, certifies circumstances relating to the will at issue.

Among other things, the Second Notary in and for the Circuit of Panama states to the Court in paragraph 4, "As a consequence of the comprehensiveness of these documents, determination of the will of the testator by virtue of only one of the said instruments is not permitted, but must be the result of a joint review of the same."

Along these lines, while we agree with these last statements of the Second Notary, we must decide on the admission of this complaint, considering the evidence in light of good judgment and legal logic.

Therefore, we find that the will of the testator addresses upholding the force and effect for all legal purposes, comprehensively, and reiterates all clauses in the original will, with the only exception we have already mentioned.

Along these lines, after analyzing the wills, we note that in the original will granted by way of Public Deed No. 6646 of June 20, 2005, (pgs. 9-back), the testator sets forth a paragraph which indicates:

"EXECUTORS AND TRUSTEES:

Each individual EXECUTOR or TRUSTEE must not be subject to any legal liability for any act, omission or loss in connection with the administration of this estate, except for fraud or theft, or any other crime committed against the assets of the **WILSON C. LUCOM TRUST FUND** foundation.

EXECUTORS or TRUSTEES must manage the assets and funds entrusted with all the necessary powers granted by the Panamanian State in respect of provisions in the Civil Code and complementary laws of the Republic of Panama, so that they may efficiently manage the assets of the estate and funds entrusted thereto, always for the purpose of acting in the best interest, as required by the situation.

As payment for execution of this will, each Executor must receive the sum of **FIFTY THOUSAND DOLLARS (US\$ 50,000.00)**.

If Mr. **RICHARD LEHMAN** reaches three hundred hours of work in executing this will, then Mr. **RICHARD LEHMAN** must receive payment pursuant to his regular fee schedule."

Having considered what was noted, we need only state that the will of the testator clearly aimed towards management by executors or trustees of the assets he left in succession, indicated what type of responsibility was not theirs and what liability they were exposed to in the event of fraud, theft or any other offense committed against the assets of the **WILSON C. LUCOM TRUST FUND** foundation.

Likewise, it provides how the estate is to be managed, the amount they are to receive as payment for their work; however, the Court finds after all of the foregoing that the Executor, who is in force and effect subsequent to the codicils and taking into account the comprehensive will of the testator, is Mr. **RICHARD LEHMAN**.

Consequently, the undersigned **FOURTH CIVIL CIRCUIT COURT JUDGE IN AND FOR THE FIRST JUDICIAL CIRCUIT OF PANAMA**, FINDS:

1. **STATES:** The Testate Succession proceeding of WILSON CHARLES LUCOM (R.I.P.), who died on June 2, 2006 is open.
2. His beneficiaries, without prejudice to third parties, are Mrs. HILDA PIZA LUCOM, ISABEL MARIA CLARK, ROBERT CLARK, ID No. 224-13-7992, ALEXANDER CLARK, ID No. 230-13-7714, LANNY CLARK, ID No. 552-69-3776, CASSANDRA CLARK, ID No. 557-75-8741, MAYO CLINIC ROCHESTER, MINNESOTA, MELINDA MORRICE, HILDA ABDELNOUR, MADELINE ARIAS, GILBERTO ARIAS, MARGARITA ARIAS ALLISON, NORA GARNER, JAMES GIBBONS, ANN SMITH, WALTER GARNER, GABY ELKINS, CHRISTOPHER RUDDY, DR. PETER HIBBERD, MARIO BOYD, ANDREA OSPINA, TANYA RAMOS, ISRAEL TEJADA, EDILBERTO SOTO.
***CONDITIONAL:** END WAR TRUS FOUNDATION.
FUNDACION WILSON C. LUCOM TRUST FUND is considered an heir.
3. **APPOINTS** Mr. **RICHARD SAM LEHMAN** as the Executor of the estate, a United States citizen, identification number L 550-757-44-081-0, who must appear before the Court to begin his duties.

EXHIBIT 3

Infante & Pérez Almillano
ATTORNEYS AT LAW

P.O. BOX 0830-00142 ZONE 9
PANAMA, REP. OF PANAMA
EDIFICIO St. GEORGE BANK, FLOOR 14
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REGULAR DECLARATORY
JUDGMENT PROCEEDING FOR
NULLITY OF WILL

HILDA PIZA LUCOM or
HILDA ANTONIA PIZA BLONDET

-VS-

RICHARD SAM LEHMAN, ISABEL
MARIA CLARK, ROBERT CLARK,
ALEXANDER CLARK, LANNY CLARK,
CASSANDRA CLARK, MELINDA ISABEL
ARIAS DE MORRICE, HILDA JULIE
ARIAS DE ABDELNOUR, MADELAINE
ANTONIA ARIAS PIZA, MARGARITA
DEL CARMEN ARIAS PIZA or
MARGARITA ARIAS ALLISON, NORAH
GARNER, JAMES GIBBONS, ANN SMITH,
WALTER GARNER, GABY ELKINS,
CHRISTOPHER RUDDY, DR. PETER
HIBBERD, MARIO BOYD, ANDREA
OSPINA, TANYA ITZEL RAMOS
HERRERA, ISRAEL DEL CARMEN
TEJADA CUERVO, EDILBERTO SOTO,
MAYO CLINIC OF ROCHESTER,
MINNESOTA and END WAR TRUS
FOUNDATION and WILSON C. LUCOM
FOUNDATION and MARIO VELASQUEZ
CHIZMAR.

COMPLAINT

**HONORABLE FOURTH CIVIL COURT JUDGE IN AND FOR THE FIRST JUDICIAL
CIRCUIT OF PANAMA:**

We, **INFANTE & PEREZ ALMILLANO**, a civil code attorneys' corporation, domiciled at Calle 50, Edificio St. Georges Bank and Company, Floor 14, Panama City, location where we receive personal and judicial service of process, telephone number 322-2121, fax No. 322-2212, acting in our capacity as general attorneys-in-fact for legal actions for **HILDA PIZA LUCOM or HILDA ANTONIA PIZA BLONDET**, who is the same person, a female, married, of legal age, personal

identity card No. N-19-1901, domiciled at Edificio Royal Palace, Floor 11, Punta Paitilla in this city, by virtue of the general power of attorney granted to us, hereby appear before your honorable chambers to file an Ordinary Declaratory Proceeding for Nullity of Will against the Testamentary Succession of **WILSON CHARLES LUCOM**, represented by **RICHARD SAM LEHMAN**, a male, a United States citizen, identification No. L550-757-44-081-0, domiciled at 2600 N. Military Trail, Suite 270, Boca Raton, Florida 33431, United States of America, in his capacity as executor of the Testamentary Succession of **WILSON CHARLES LUCOM (R.I.P.)**, **ISABEL MARIA CLARK**, who may be located at 7407 Alvarado Load [sic] No. 147, La Mesa, California 91941, **ROBERT CLARK**, a male, of legal age, personal identity number 230-13-7992, **ALEXANDER CLARK**, a male, of legal age, personal identity number 230-13-7714, **LANNY CLARK**, a male, of legal age, personal identity number 552-69-3776, **CASSANDRA CLARK**, a female, of legal age, personal identity number 557-75-8741, **CHRISTOPHER RUDDY**, a male, of legal age, a United States citizen, identification number R-300-119-65-028-0, domiciled at 1120 Bear Island Dr., West Palm Beach, Fl. Number 33409, **MELINDA ISABEL ARIAS DE MORRICE**, a female, a Panamanian, of legal age, personal identity number 8-998-2152, who may be located at Calle 64 San Francisco, House No. 16 in this city, **HILDA JULIE ARIAS DE ABDELNOUR**, a female, a Panamanian, of legal age, personal identity number 8-1003-2003, who may be located at 2 Chemin Sebastiere, Castrellion 1223, Switzerland, **MADELAINE ANTONIA ARIAS PIZA**, a female, a Panamanian, of legal age, personal identity number 8-189-863, who may be located at 530 Park Avenue, New Cork [sic], NY 10021, **GILBERTO ARIAS PIZA**, a male, a Panamanian, of legal age, personal identity number 8-238-861, who may be located at Altos del Golf, House No. 17, San Francisco, in this city, **MARGARITA DEL CARMEN ARIAS PIZA** or **MARGARITA ARIAS ALLISON**, a female, a Panamanian, of legal age, personal identity number 8-212-2194, who may be located at 310 Palmer Park, Palm Beach 33480, **NORAH GARNER**, a female, of legal age, who may be located at 183 Buena Vista Avenue, Hawthorne [sic], New Jersey 04506, **JAMES GIBBONS**, a male, of legal age, **ANN SMITH**, a female, a Panamanian, **WALTER GARNER**, a male, of legal age, who may be located at 183 Buena Vista Avenue, Hawthorne [sic], New Jersey 07506, United States, **GABY ELKINS**, who may be located at 3280 Cynthia Lone [sic], No. 20-110, Lake Worth, Florida 33461, United States of America, **DR. PETER HIBBERD**, a male, of

legal age, who may be located at 106 Hammond, No. 1, P.O. Box 2822, Palm Beach, Florida, United States of American, **MARIO BOYD**, a male, a Panamanian, of legal age, personal identity number 8-164-244, who may be located at Calle 30 and 31, Avenida Mexico, Building 1-109, First Floor, Suite No. 2 in this city, **ANDREA OSPINA**, a female, of legal age, personal identity number E-8-87812, **TANYA ITZEL RAMOS HERRERA**, a female, a Panamanian, of legal age, personal identity number 2-146-902, who may be located at Royal Palace No. 1, Punta Paitilla in this city, **ISRAEL DEL CARMEN TEJADA CUERVO**, a male, of legal age, personal identity number 8-223-668, who may be located in San Miguelito, **EDILBERTO SOTO**, a male, of legal age, personal identity number 4-729-2476, **MAYO CLINIC OF ROCHESTER, MINNESOTA, END WAR TRUS** foundation, all in their capacities as legatees of the Testamentary Succession of **WILSON C. LUCOM (R.I.P.)**, whose other personal information, domicile and/or legal representation we state, under oath, are unknown to us thus far, therefor impossible to confirm, and of the **WILSON C. LUCOM FOUNDATION**, in its capacity as heir in the Testamentary Succession of **WILSON CHARLES LUCOM (R.I.P.)**, all artificial persons whose domicile and legal representatives we state, under oath, are unknown to us and are impossible to confirm and **MARIO VELASQUEZ CHIZMAR**, a male, a Panamanian, of legal age, personal identity card number 8-176-422, whose office is in the Banking area and Avenida Manuel Maria Icaza, Angeliki Building, First Floor in this city, in his capacity as the Second Notary in and for the Circuit of Panama, for the purpose of making the following statements:

- “1. Declare null, as illegal, the Nuncupative Will granted by **WILSON CHARLES LUCOM (R.I.P.)** by way of Public Deed No. 6646 of June 20, 2005 and modifications set forth in Public Deeds No. 11,191 of October 20, 2005 and 1,131 of February 3, 2006, granted before the Second Notarial Office in and the for the Circuit of Panama.
2. Declare the nullity of Order No. 1025/173-06 of July 5, 2006, issued by the Fourth Civil Circuit Court in and for the First Judicial Circuit of Panama, thereby declaring open the testamentary succession of **WILSON CHARLES**

LUCOM (R.I.P.), based on the will set forth in Public Deed No. 6,646 of June 20, 2005 and modification set forth in Public Deeds No. 11,191 of October 20, 2005 and 1,131 of February 3, 2006, granted before the Second Notarial Office in and for the Circuit of Panama and thereby constituting the **WILSON C. LUCOM TRUST FUND** as an heir; **HILDA PIZA LUCOM, ISABEL MARIA CLARK, ROBERT CLARK, ALEXANDER CLARK, MAYO CLINIC OF ROCHESTER, MINNESOTA, MELINDA ISABEL ARIAS DE MORRICE, HILDA JULIE ARIAS DE ABDELNOUR, MADELAINE ANTONIA ARIAS PIZA, GILBERTO ARIAS PIZA, MARGARITA DEL CARMEN ARIAS PIZA or MARGARITA ARIAS ALLISON, NORAH GARNER, GABY ELKINS, CHRISTOPHER RUDDY, DR. PETER HIBBERD, MARIO BOYD, ANDREA OSPINA, TANYA ITZEL RAMOS HERRERA, ISRAEL DEL CARMEN TEJADA CUERVO, EDILBERTO SOTO, WILSON C. LUCOM FOUNDATION and END WAR TRUST foundation as legatees; and RICHARD SAM LEHMAN as Executor of the testamentary succession of WILSON CHARLES LUCOM (R.I.P.).**

3. Declare the nullity of all proceedings subsequent to the admissibility of the testamentary succession process filed by **RICHARD SAM LEHMAN** in the testamentary succession of **WILSON CHARLES LUCOM (R.I.P.)**, as well as all acts which may be issued by the Fourth Civil Circuit Court in and for the First Judicial Circuit of Panama in the referenced testamentary succession.
4. In the event of a challenge, that the defendants be **SENTENCED** to pay court costs.

WE BASE THE COMPLAINT ON THE FOLLOWING FACTS AND REASONS:

FIRST: WILSON CHARLES LUCOM (R.I.P.) granted a nuncupative will by way of Public Deed No. 6,646 of June 20, 2005, which was modified in Public Deeds No. 11,191 of October 20, 2005 and No. 1,131 of February 3, 2006 of the Second Notarial Office in and for the Circuit of Panama, thereby establishing the **WILSON C. LUCOM TRUST FUND FOUNDATION** as the sole heir, and as legatees, **HILDA PIZA LUCOM, ISABEL MARIA CLARK, ROBERT CLARK, ALEXANDER CLARK, LANNY CLARK, CASSANDRA CLARK, MAYO CLINIC OF ROCHESTER, MINNESOTA, MELINDA ISABEL ARIAS DE MORRICE, HILDA JULIE ARIAS DE ABDELNOUR, MADELAINE ANTONIA ARIAS PIZA, GILBERTO ARIAS PIZA, MARGARITA DEL CARMEN ARIAS PIZA or MARGARITA ARIAS ALLISON, NORAH GARNER, JAMES GIBBONS, ANN SMITH, WALTER GARNER, GABY ELKINS, CHRISTOPHER RUDDY, DR. PETER HIBBERD, MARIO BOYD, ANDREA OSPINA, TANYA ITZEL RAMOS HERRERA, ISRAEL DEL CARMEN TEJADA CUERVO, EDILBERTO SOTO and the END WAR TRUS [sic] FOUNDATION.**

SECOND: RICHARD SAM LEHMAN by and through the Administrative Law Office of **ALVAREZ CROSBIE & ASOCIADOS** requested the opening of the Testamentary Succession proceeding of **WILSON CHARLES LUCOM (R.I.P.)**, which was granted by the Fourth Civil Court in and for the First Judicial Circuit of Panama upon issuing Order No. 1025/173-06 of July 5, 2006.

THIRD: The aforementioned public deeds have formal omissions in their granting, which nullifies the will, as set forth in Article 719 of the Civil Code, inasmuch as the testator Wilson Charles Lucom (R.I.P.), a Saint Kitts national, noted that he did not understand the Spanish language and, in spite of this, the formalities stipulated by law were omitted, which are detailed in the following facts.

FOURTH: Article 713, paragraph 4 of the Civil Code indicates [persons] who do not understand the testator's language cannot be witnesses in the wills, if the same does not know Spanish and testates in his language; however, the public deeds containing the will and its codicils do not reflect that the witnesses mastered the English language.

FIFTH: Article 716, paragraph one of the Civil Code indicates that, "To testate in a foreign language, the presence of two interpreters is required, selected by the testator, who will translate his provision into Spanish..."; however, the public deeds containing the will and its codicils reflect that the **Notary appointed one interpreter**, therefore, there are two omissions: only one interpreter was appointed, instead of two, and that single interpreter was not selected by the testator, but appointed by the Notary. Furthermore, Victor Crosbie is not a certified public interpreter.

SIXTH: Article 716, paragraph two of the Civil Code indicates that "The will shall be written in both languages"; however, the deeds which contain the will and its codicils do not reflect the said circumstance.

SEVENTH: The omission of this requirement has a direct influence on the validity of the act, wherefore its requirement is for the purpose that both the testator as well as the heirs or legatees, will be certain that the provisions given by the grantor accurately reflect his will, and because the will is a very personal act, its formation cannot be partially or completely left to the discretion of a third party, or be made through an attorney-in-fact, as provided in Article 702 of the Civil Code, as in fact, happened, by allowing the interpreter and the Notary to prepare the will without any knowledge of the literal provisions given by the testator.

EIGHTH: Article 726 of the Civil Code provides that "the nuncupative will shall be granted before a Notary and three legally competent witnesses who see and understand the testator, and of whom, at least one knows and can write"; however, in the deeds containing the will and its codicils, there is no evidence of such circumstance.

NINTH: Article 727 of the Civil Code provides: "The testator shall express his last will to the notary and the witnesses. The will, written in accordance therewith and stating the place, year, month, date and time it is granted, shall be read out loud for the testator to state if it concurs with his will..." The will reflects that the same was read out loud before the legally required witnesses.

However, this reading does not indicate the hour or that it was done in the language of the testator, which was essential for the purpose of complying with the requirement set forth in the abovementioned provision.

TENTH: Article 731 of the Civil Code provides that "All formalities set forth in this chapter shall be carried out in one single act, with no interruption being legal..."; however, contrary thereto, the will and its codicils reflect the exact opposite, that is, it was read "interruptedly".

ELEVENTH: The omissions which affect both the will and its codicils, as set forth in the first fact in this complaint, give rise to its nullity by virtue of provisions in Article 719 of the Civil Code inasmuch as the solemnities stipulated therefor were not fulfilled, wherefor the declaration of nullity is filed and, consequently, the Notary who authorized them is liable for damages resulting from his inexcusable negligence or ignorance.

AMOUNT: The amount in this complaint is temporarily set as THIRTY-FIVE MILLION UNITED STATES DOLLARS (US \$ 35,000,000.00) legal tender of the United States of America, unless there is a better valuation by an expert, on account of capital, plus court costs, expenses and legal interest stemming from this action.

SPECIAL MOTIONS:

- For the purpose of establishing competence and precluding the adjudication of the assets while this complaint is decided, based on Article 1520, in concordance with paragraph 2 in Article 261 of the Judicial Code, we move the Court make the pertinent annotation in the testamentary succession proceeding of **WILSON CHARLES LUCOM (R.I.P.)**.
- Pursuant to provisions in Article 1012 of the Judicial Code, in concordance with Law # 12 of October 23, 1975, approving the Inter-American Convention on Letters of Request or Letters Rogatory and Law # 10 of June 18, 1991, whereby the Additional Protocol to the Inter-American Convention on Letters of Request or Letters Rogatory was approved, we

move for issuance of a letter rogatory through the Executive and Panamanian diplomatic or consular agents in the United States of America, specifically in the State of Florida, for service of process to defendant RICHARD SAM LEHMAN, domiciled at 2600 N. Military Trail, Suite 270, Boca Raton, Florida, 33431, United States of America. For the pertinent purposes, we will provide the English translation of this complaint in a timely manner.

- We hereby state under oath that it is not possible to attach hereto the evidence of the existence of representation for the **MAYO CLINIC OF ROCHESTER, MINNESOTA, WILSON C. LUCOM TRUST FUND FOUNDATION** or the **END WAR TRUS** foundation inasmuch as legal representation and the domicile of the same is unknown. In said respect, we move the Court order the aforementioned artificial persons be summoned as provided in Article 671 in concordance with Article 1017 of the Judicial Code.
- By virtue of the fact that the whereabouts are unknown as to **ISABEL MARIA CLARK, ROBERT CLARK, ALEXANDER CLARK, LANNY CLARK, CASSANDRA CLARK, NORAH GARNER, JAMES GIBBONS, ANN SMITH, WALTER GARNER, GABY ELKINS, DR. PETER HIBBERD, MARIO BOYD, TANYA RAMOS, EDILBERTO SOTO**, we move the Court order summons by publication pursuant to provisions in Article 1016 of the Judicial Code.

EVIDENCE: Attached hereto, as such, are:

1. Authenticated copy of Public Deed No. 14,113 of August 16, 2006, whereby **HILDA ANTONIA PIZA BLONDET** grants an ample and sufficient general power of attorney to **INFANTE & PEREZ ALMILLANO**.
2. Marriage Certificate of **HILDA PIZA BLONDET** and **WILSON CHARLES LUCOM**, issued by the Panama Civil Registry;
3. Death Certificate of Mr. **WILSON CHARLES LUCOM**, issued by the Panama Civil Registry;

4. Authenticated copy of Public Deed No. 6,646 of June 20, 2005, whereby WILSON CHARLES LUCOM grants the Nuncupative Will, issued by the Second Notarial Office in and for the Circuit of Panama.
5. Authenticated copy of Public Deed No. 11,191 of October 20, 2005, whereby WILSON CHARLES LUCOM grants the Will, issued by the Second Notarial Office in and for the Circuit of Panama.
6. Authenticated copy of Public Deed No. 1,131 of February 3, 2006, whereby WILSON CHARLES LUCOM grants the Will, issued by the Second Notarial Office in and for the Circuit of Panama.
7. Certificate issued by the Public Registry, evidencing the WILSON C. LUCOM TRUST FUND FOUNDATION does not exist;
8. Certificate issued by the Public Registry, evidencing the MAYO CLINIC OF ROCHESTER, MINNESOTA, does not exist;
9. Certificate issued by the Public Registry, evidencing the END WAR TRUS [sic] Foundation does not exist.

LAWS: Articles 702, 713, paragraph 4; 716, 717, 719, 726, 727, 731 and 737 of the Civil Code; Articles 261, paragraph 2; 671, paragraph 3; 678, 662, 664 and 1017 of the Judicial Code.

Panama, August 18, 2006

INFANTE & PEREZ ALMILLANO

/s/ Illegible

HECTOR E. INFANTE

WILSON LUCOM -DECLARATORY PROCEEDING FOR NULLITY
M/D Civil

FOURTH CIVIL CIRCUIT COURT IN AND FOR
THE FIRST JUDICIAL CIRCUIT OF PANAMA
[Illegible]
THIS BRIEF WAS FILED BY ILLEGIBLE
[ILLEGIBLE] THIS BRIEF [ILLEGIBLE]
[Illegible handwritten entry]

EXHIBIT 4

FIRST SUPERIOR COURT FOR THE FIRST JUDICIAL CIRCUIT

Panamá, this fourth (4th) day of May, two thousand and seven (2007)

José Salvador Muñoz, Esq., who at the time was counsel of record for HILDA P. LOCUM, filed an appeal from Order No. 1025/173/06 issued by the Fourth Civil Circuit Court of the First Judicial Circuit of Panama within the Probate Proceedings of the late WILSON CHARLES LUCOM, timely supporting it with the pleading at pages 61-71.

By virtue of the foregoing, the judge now under appeal granted the appeal with deferred effect in her Order No. 1187/173-06 of August 18, 2006.

It should be clarified that the IGRA LAW FIRM, the new judicial attorney-in-fact for Mr. RICHARD SAM LEHMAN, the executor designated in the order appealed from, filed a pleading opposing the appeal at pages 80-81.

After the case file came before this Superior Court, the appropriate distribution rules were complied with, and the appeal is now ready to be decided, and to that effect we will take the liberty of giving a brief narration of what has taken place, of the order appealed from, and of the allegations by the parties, and will then issue our opinion.

BACKGROUND OF THE ORDER APPEALED FROM

Mr. RICHARD SAM LEHMAN, acting, we suppose, in his capacity as executor of the will since he does not so state, bestowed a power of attorney on the law firm BUFETE JURIDICO ADMINISTRATIVO ALVAREZ, CROSBIE & ASOCIADOS, in order for them to open the probate proceedings of the late WILSON CHARLES LUCOM as of June 2, 2006, the date of his decease.

The request that was made asks that, by virtue of the will granted by WILSON CHARLES LUCOM and by virtue of his decease, the decedent's probate proceedings be declared open and that Messrs. RICHARD LEHMAN, HILDA PIZA LUCOM, and CHRISTOPHER RUDY are the designated executors.

The request for the opening of probate proceedings was accompanied by Mr. WILSON CHARLES LUCOM's death certificate and by an authenticated copy of Public Deed No. 6646 of June 20, 2005, granted before the Second Notarial Offices of the Panama Circuit, whereby Mr. WILSON CHARLES LUCOM granted his will, and by authenticated copies of Public Deeds No. 11191 of October 20, 2005, and No. 1131 of February 3, 2006, both also granted before the Second Notarial Offices of the Panama Circuit, whereby said gentleman made codicils modifying his open will, granted under the aforesaid Public Deed No. 6646.

THE ORDER APPEALED FROM

In Order No. 1025/173-06 of July 5, 2006, which is the resolution being challenged, the Fourth Civil Circuit Judge of the First Judicial Circuit of Panama ruled as follows:

"...

1. **DECLARES:** That the probate proceedings of the late WILSON CHARLES LUCOM who died on June 2, 2006, are open.

2. THAT HIS LEGATEES, without prejudice of third parties, are Mrs. HILDA PIZA LUCOM, ISABEL MARIA CLARK, ROBERT CLARK, id. ..., ALEXANDER CLARK, LANNY CLARK, id. ..., CASSANDRA CLARK, id. ..., MAYO CLINIC OF ROCHESTER MINNESOTA, MELINDA MORRICE, HILDA ABDELNOUR, MADELINE ARIAS, GILBERTO ARIAS, MARGARITA ARIAS ALLISON, NORA GARNER, JAMES GIBBONS, ANN SMITH, WALTER GARNER, GABY ELKINS, CHRISTOPHER RUDDY, DR. PETER HIBBERD, MARIO BOYD, ANDREA OSPINA, TANYA RAMOS, ISRAEL TEJADA, EDILBERTO SOTO.

* **CONDITIONAL: END WAR TRUST FOUNDATION.**

The heir is deemed to be the **WILSON C. LUCOM TRUST FUND FOUNDATION.**

3. **MR. RICHARD SAM LEHMAN**, a U.S. citizen, identification number L 550-757-44-081-0, IS APPOINTED executor of the estate, and must appear before the Court in order to be installed in office.

4. **IT IS ORDERED** that all persons having any interest in the same appear under the law, and that the edict dealt with by Article 1526 of the Judicial Code be **POSTED** and **PUBLISHED**.

Let the law firm **BUFETE JURIDICO ADMINISTRATIVO ALVAREZ, CROSBIE & ASOCIADOS** be deemed the legal attorneys-in-fact of **Mr. RICHARD SAM LEHMAN** under the special power of attorney bestowed upon it.

Let **JOSE SALVADOR MUÑOZ, Esq.**, be deemed as chief attorney-in-fact and **MARIA ELVIRA MUÑOZ, Esq.**, and **JORGE ORCASITA NG, Esq.**, as alternate attorneys-in-fact for Mrs. **HILDA ANTONIA PIZA BLONDET**.

Legal basis: Articles 11525 and 1526 of the Judicial Code.

...”

(Pages 27 and 28)

In the considerations leading to the order quoted above, the judge now under appeal states that **RICHARD SAM LEHMAN** requested the opening of the probate proceedings of the late **WILSON CHARLES LUCOM** and filed the documents called for in Article 1525 of the Judicial Code, but that it was fitting to verify whether **LEHMAN** had standing to act.

In this regard, the judge now under appeal notes that the first clause of the will granted in Public Deed No. 6646 of June 20, 2005, by **WILSON CHARLES LUCOM** designated as executors:

“Richard Lehman, of Boca Raton, Florida, U.S.A.; Rubén Carles, of Panama, Republic of Panama; and my beloved wife Hilda Piza Lucom, formerly Hilda Piza Arias, daughter-in-law of Harmodio Arias, former president of the Republic of Panama, and a niece of Mireya Moscoso, former president of the Republic of Panama. In the event that Mr. Rubén Carles should be unable to continue as an executor for any reason, I appoint Mr. Christopher Rudy as executor to replace him.”

The trial judge goes on to point out that subsequently Mr. Lucom, in Public Deed No. 1191 of October 20, 20005, modified the first clause of the will to designate Richard Lehman, Christopher Rudy, and his wife Hilda Piza de Lucom

as executors; and that in one last deed, No. 1131 of February 3, 2006, he again modified his will stating in the first clause that the open will he granted through Public Deed No. 6646 of June 20, 2005, is to remain in effect for all legal purposes, in its entirety, and reiterating all clauses thereof, except for one, to wit:

"SECOND: It is my will that the **FIRST CLAUSE** of the aforesaid will should now read thus: **'FIRST CLAUSE:** I, Wilson C. Lucom, a resident of the city of Panama, Republic of Panama, being of sound body and mind, make the second codicil to the will previously granted. I bequeath to **ISRAEL DEL CARMEN TEJADA CUERVO ..."**

The trial judge concludes that what the testator did was to change the original first clause, leaving the appointment of executors without effect, and providing in that last expression of his will the manner he wishes the first clause of his will to read.

But the trier of fact now under appeal notes that there is to be found at pages 20 to 22 a document received at the Clerk's office whereby Mario Velázquez Chismar, the Second Notary of the Panama Circuit, certifies circumstances related to this will according to which the document must be construed as a whole, *i.e.*, the original with its two modifications, and that, consequently, it could not be concluded that there were no executors, as the will of the testator in the modifications was to maintain the will in effect.

The judge being appealed from indicates that she agrees with the Notary's statements but that she must rule on the admission of the complaint after considering the evidence produced in the light of sound examination and legal logic.

The trial judge then concludes that the original will granted in Deed No. 6646 of June 20, 2005, is the one in effect, and transcribes a portion of it at page nine (back), entitled "**EXECUTORS AND TRUSTEES**" (see page 26), from which she draws the conclusion that the testator's will was aimed at having the property he was bequeathing administered by executors and trustees, pointing out what type of responsibility was incumbent upon them, and when they were exempted from crimes against the property of the **WILSON C. LUCOM TRUST FUND** Foundation.

However, the judge under appeal concludes by stating that "after all that has been set forth, the Court considers that the executor that remains in effect after the codicils, and heeding the testator's will as a whole, is Mr. **RICHARD LEHMAN**" (page 27).

THE PARTIES' ALLEGATIONS

In the pleading in support of the complaint at pages 61 to 71, José Salvador Muñoz, Esq., who at the time was Mr. **HILDA ANTONIA PIZA LUCOM**'s attorney-in-fact, objects to the Order on different grounds.

Firstly, he objects to Mr. **RICHARD SAM LEHMAN**'s appointment as executor, explaining that while in the first clause of Public Deed No. 6646 of June 20, 2005, Mr. **LUCOM** had designated **RICHARD LEHMAN**, **HILDA PIZA LUCOM**, and **RUBEN DARIO CARLES** as executors, in Public Deed No. 11,191 of October 25, 2006, he had modified the first clause of his will, designating

RICHARD LEHMAN, HILDA PIZA LUCOM, and CHRISTOPHER RUDY as executors, *i.e.*, eliminating RUBEN DARIO CARLES, and that subsequently, in Public Deed No. 1131 of February 3, 2006, he had again modified the first clause of his will by eliminating all executors and making a legacy in favor of ISRAEL DEL CARMEN TEJADA.

Appealing counsel states that notwithstanding the clarity of what had been set forth, the trier of fact now under appeal ruled and concluded, using a very *sui generis* construction, that there was only one executor, namely, Mr. RICHARD SAM LEHMAN, when in reality there is no executor and when, in the worst scenario, it should have been construed that there were three and not just one executor.

The appellant goes on to say that the judge being appealed from opines on a certificate issued by the Second Notary of the Circuit (Mario Velázquez) in which the latter, straying from his powers and almost entering the realm of the Criminal Code, "seems as if it was issued because the parties concerned noticed that they had been left without executors, [and] he attempts to salvage the situation with an illegal certificate."

Secondly, appealing counsel censures the fact that the judge now under appeal took into consideration the illegal certificate by the Second Notary, Mario Velázquez Chismar, as notaries may only certify that which is on the record in

their offices but may not issue opinions, as this violates legal provisions of both the Civil Code and the Judicial Code.

Thirdly, appealing counsel also criticizes the fact that the trial judge instituted the WILSON C. LUCOM TRUST FUND FOUNDATION and the END WAR TRUST FOUNDATION as heirs of the estate when nowhere in the will or its codicils are they so instituted.

Fourthly, in his appeal counsel also censures the fact that Mrs. HILDA P. LUCOM was not designated as heiress, for in her capacity as the surviving spouse she is the residuary legatee of WILSON CHARLES LUCOM, and that this follows from the third clause of the will.

Fifthly, the appellant again censures RICHARD SAM LEHMAN's designation as executor, this time on the grounds that inasmuch as said gentleman is domiciled abroad, he may not be so designated, analogously applying paragraph 9 of Article 415 of the Family Code which provides that foreigners not residing in the country may not be guardians.

In an aside from the foregoing, appealing counsel points out that he assumed that WILSON CHARLES LUCOM had eliminated Messrs. RICHARD SAM LEHMAN and CHRISTOPHER RUDY because both owed him money, half a million dollars the former, and one and a half million dollars the latter, evidence of which he would introduce and precludes them from being executors.

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Lastly, counsel concludes his appeal by criticizing that unsuitable individuals and entities, not legally registered, should have been admitted to practice law, and that this is at loggerheads with the legal profession, pointing out that Victor Crosbie is not a lawyer and that the firm upon which the power of attorney was bestowed, BUFETE JURIDICO ADMINISTRATIVO ALVAREZ, CROSBIE & ASOCIADOS is not registered among the Public Records, as has been established and, consequently, is not registered either in the Court's books.

For all of the above, appealing counsel concludes by pointing out that the resolution must not only be revoked but also rejected as inadmissible.

On the other hand, the IGRA Law Firm, Mr. Richard S. Lehman's new attorney-in-fact, has filed a pleading opposing the appeal and holding that in order to open probate proceedings all that is necessary is to prove the death of the decedent and to file a copy of the will, if it were an open one, as provided for in Article 1525 of the Judicial Code; that pursuant to Article 1422 of the Judicial Code, probate proceedings are NOT ADVERSARIAL proceedings and that, therefore, any opposition or controversy that may arise cannot be dealt with by way of an appeal.

The appeal being pending, Carlos E. Villalobos Jaén, Esq., judicial attorney-in-fact for Mr. RICHARD S. LEHMAN filed a pleading with the Court noting the existence of grounds for nullity impossible to correct, namely this First Superior Court's lack of functional competence, as he believes that the appeal

from the order declaring heirs actually seeks to remove the designated executor and that this is only possible through a motion, as contemplated in Article 1587 of the Judicial Code. Mr. Villalobos also posits that non-adversarial proceedings such as the present probate proceedings are governed by the rules applicable to summary proceedings, and that paragraph 9 of Article 1346 *ibid.* setting forth resolutions subject to appeal in summary proceedings and, consequently, in probate proceedings, does not include orders declaring heirs. Mr. Villalobos adds that there is no regulation stating that orders declaring heirs are subject to appeal.

THE COURT'S DECISION

Inasmuch as under paragraph 2 of Article 753 of the Judicial Code absolute nullities may be made known to the Court by means of a simple pleading, and inasmuch as the lack of functional competence is grounds for nullity, this Superior Court deems it pertinent to first address the alleged nullity.

The alleged lack of functional competence is based on the fact that the order declaring heirs is not appealable, and that the only way to remove the designated executor, which is what is being sought with the present appeal, is through the filing of a motion, as contemplated in Article 1587 of the Judicial Code.

In this regard, this Collegiate Court must point out that although it is true that there is no regulation specifically providing that an order declaring heirs is appealable, paragraph 6 of Article 1164 of the Judicial Code establishes that an

order declaring heirs may be annulled or repealed, and, in turn, paragraph 8 of Article 1131 *ibid.* establishes as appealable any order issued by the rest of the Superior Court Division which by its nature may be repealed or annulled. Moreover, we must not forget that, as a general rule, repeal or annulment *per saltum* does not exist in our legal system. It is also worth noting that even if the sole objection to the order declaring heirs were the designation of the executor, which is not the case, the fact that there is such a thing as a motion to remove executors does not stand in the way of reviewing the designation of the executor in an appeal, as this is part of the order declaring heirs in probate proceedings under paragraph 2 of Article 1526 of the Judicial Code.

Therefore, this Court's alleged lack of functional competence is completely ruled out, as also is the alleged nullity noted by Mr. Villalobos, it being appropriate, then, to move on to address the substance of the appeal.

The first aspect impugned in the appeal has to do with the appointment of the executor, an office which the judge now under appeal deemed exclusively appertaining to Mr. RICHARD SAM LEHMAN, as it was her estimation that the testator's will was aimed at maintaining the legal effects of the original will set forth in Public Deed No. 6646 of June 20, 2005, as a whole, since the testator reiterated all of the clauses of the initial document with the sole exception of instituting a legacy in favor of ISRAEL DEL CARMEN TEJADA CUERVO and establishing the END WAR TRUST FOUNDATION as a conditional beneficiary.

In order to establish whether or not the designation of Mr. RICHARD SAM LEHMAN as the sole executor is correct, it is necessary to examine in its entirety both the original will contained in Public Deed No. 6646 of June 20, 2005, of the Second Notarial Offices of the Panama Circuit, and the two amendments made thereto through Public Deeds No. 1191 of October 20, 2005, and No. 1131 of February 3, 2006, both of the Second Notarial Office of the Panama Circuit, since in these latter two deeds the testator expressly represents its will, in the first clause, that the open testament granted in Public Deed 6646 of June 20, 2005, of the Second Notarial offices of the Panama Circuit, maintain its full effect with the sole exception he then stated.

In Public Deed No. 6646 of June 20, 2005, Mr. WILSON CHARLES LUCOM granted an open will before the Second Notarial Offices of the Panama Circuit. In the first clause of Public Deed No. 6646, Mr. WILSON CHARLES LUCOM designates Messrs. RICHARD LEHMAN and RUBEN CARLES and his wife HILDA PIZA LUCOM as executors, and in the event that Mr. Carles should be unable to continue as an executor, he designates Mr. CHRISTOPHER RUDY as executor.

In the second clause of Public Deed No. 11191 of October 20, 2005, Mr. WILSON CHARLES LUCOM represents that he wishes to modify the first clause of his will granted in Public Deed No. 6646 to designate RICHARD LEHMAN,

CHRISTOPHER RUDY, and his wife HILDA PIZA LUCOM as executors. In other words, he eliminated Mr. RUBEN DARIO CARLES as an executor.

And in the second clause of Public Deed No. 1131 of February 3, 2006, Mr. WILSON CHARLES LUCOM represents that he wishes to modify the first clause of his will granted in Public Deed No. 6646, which, as we have seen, dealt with the institution of executors; however, he does not refer to the executors at any time but rather modifies the manner of the legacy made in favor of Mr. ISRAEL DEL CARMEN TEJADA CUERVO, a legacy that had been originally instituted in Public Deed No. 1131. It should be clarified that the testator makes no allusion at any time in Public Deed No. 1131 to any wish to modify the executors or to eliminate them; rather, he only alludes to the clause containing the designation of the executor.

Said clause reads as follows:

"SECOND: It is my will that the **FIRST CLAUSE** of the aforesaid will should now read thus: **'FIRST CLAUSE:** I, Wilson C. Lucom, a resident of the city of Panama, Republic of Panama, being of sound body and mind, make the second codicil to the will previously granted. I bequeath to ISRAEL DEL CARMEN TEJADA CUERVO the bearer of personal identity card number eight two hundred and thirty-three six hundred and sixty-eight (8-233-668), a Panamanian citizen, real property number one hundred ten thousand forty-one (110041), a house and a lot of land, provided that he remains employed by me until the time of my death. The property, which is duly recorded among the Public Records, had the following description:

Real property number one hundred ten thousand and forty-one (110041), roll seven thousand one hundred and seventy-two (7172), document five (5) of the Property Section, duly recorded in the Civil

Registry of the Province of Panama, containing the measurements and boundaries of which are recorded in the Property Section of the Public Registry of the Province of Panama. If Israel Tejada should not be employed by me at the time of my death, the condition precedent shall be controlling and he shall not be bequeathed any portion of real property ten thousand ..., in addition, he must vacate said real property within sixty days. In addition, Mr. Tejada shall have no interest, whether past or future, in real property ten thousand In the event that Mr. Tejada should not be working for me, he shall not receive this property as a legacy and therefore he shall not be the owner of it, and the property previously described shall pass to the **END WAR TRUST** Foundation. In the event that the condition precedent is met and that Mr. Tejada is in Mr. Lucom's employment at the time of the latter's death, Mr. Tejada shall freely be the owner of said property. ...

It is irrelevant whether Mr. Tejada remains employed by Mrs. HILDA LUCOM at the time of Mr. LUCOM's death. The condition precedent enters into effect immediately. ..."
(See pages 15 and 15, back).

As may be seen from what has been transcribed, the testator made use of the power to revoke his will in whole or in part that is granted to him by Articles 771 and 772 of the Civil Code.

But, considering that the first clause instituted the executors, and considering that in the last Public Deed no new designation of executors is made but rather a legacy that had already been established in the original will is amended, one may ask whether or not there are executors designated by the testator.

Under the will construction rule contained in Article 707 of the Civil Code, "Any testamentary provision shall be construed according to the literal meaning of its words, unless it is clear that the testator's will was different. In case of doubt,

that which seems to be more in accordance with the testator's intent, as per the tenor of the will itself, shall be observed ..."

In no way may the second clause of Public Deed No. 1131, in the literal tenor of its words, be construed to mean that the designation of executors was eliminated or changed because, as we have said, the word executor was never mentioned. This clause in its literal sense must be understood to modify the legacy to Mr. CARMEN TEJADA CUERVO.

But the problem lies in the fact that [the language] states how the first clause of the will shall read, as it relates to the designation of executors, but the issue of the executors is not touched upon, only that of a legacy.

In this Court's opinion, the testator made a numeration error when referring to the first clause in order to modify the legacy established below, and this doubt must be resolved in the manner most in keeping with the testator's will and intent. From a reading of the original will and its amendments it is obvious that the intent of the testator was to have executors, as it follows from several clauses of the will that the property of the estate was to be administered, distributed, and, in some instances, sold by executors who were told the manner in which they were to proceed with the administration of the property entrusted to them and the disposition thereof, and it was even stated what fees the executors would earn.

Let us not forget that in the two modifications to the original will, Mr. WILSON CHARLES LUCOM ratifies his original will by stating that it is his will that the will in Public Deed No. 6646 remain in effect for all legal purposes, as a whole, and that he reiterates all of the clauses of the aforesaid document.

From the above, this Superior Court must conclude that Mr. CHARLES WILSON LUCOM did not at any time have the intent to eliminate the designation of executors and that therefore it must be understood that the last executors designated in Public Deed No. 1191 of October 20, 2005, of the Second Notarial Offices of the Panama Circuit, are those whom the judge now under appeal should have deemed to be the executors, namely, as we have said, Messrs. RICHARD LEHMAN and CHRISTOPHER RUDY, and his wife HILDA PIZA LUCOM.

Notwithstanding all that has been previously set forth, it must be pointed out that the judge under appeal should not in any way have taken into account the opinion of the Second Notary, as this was a certificate *contra lege*, for the duties of notaries do not include interpreting the will of testators or administering justice, which is the exclusive prerogative of triers of fact.

It is also interesting that the judge under appeal should have instituted Mr. RICHARD SAM LEHMAN as the sole executor when the will designates Messrs. RICHARD LEHMAN and CHRISTOPHER RUDY and his [the testator's] wife HILDA PIZA LUCOM and when the petitioner, Mr. RICHARD SAM LEHMAN asked her to have the three individuals designated in the will as executors.

The testator did not clarify, though, whether the testators [*sic.*] would act jointly or severally, *i.e.*, he did not say whether the three ought to act jointly or whether each of them could act separately.

Article 859 of the Civil Code provides in connection with this point that if the testator does not clearly establish the joint nature of the executors or sets the order in which they are to discharge their trust, the executors shall be understood to have been appointed jointly and shall perform the duties of their office jointly, as provided by Articles 857 and 858 of the Civil Code.

With regard to the argument by counsel for the appellant that neither RICHARD LEHMAN nor CHRISTOPHER RUDY may be designated executors by virtue of the fact that said gentlemen reside abroad and are foreigners, and that paragraph 9 of Article 415 of the Family Code requires that guardians reside in the country, a provision that would be analogously applied, this Superior Office must point out that, in our opinion, said provision must not be analogously applied, for the guardian does not only have under this care the protection of the property of minors, mentally ill individuals and those subject to interdiction, but also the protection of said individuals, which makes it reasonable that the guardian should not reside abroad.

It is clear from the foregoing, therefore, that the proper thing to do is to modify the order appealed from as regards the executors and to designate Mr.

RICHARD LEHMAN, Mr. CHRISTOPHER RUDY, and Mrs. HILDA PIZA LUCOM to discharge jointly the office of executors.

Appealing counsel also seeks to have Mrs. HILDA P. LUCOM declared heiress in her capacity as the surviving spouse, and by virtue of the fact that this follows from the third clause of the will.

It must be pointed out in this regard that from the contents of Public Deed No. 6646 it is not inferred that the decedent's intention was to institute his wife as his residuary legatee. On the contrary, in the third clause, entitled "THE LEGACY," the decedent establishes the legacy of a specific and determined amount under the title "My legacy to my beloved spouse Hilda Piza Lucom." And subsequently he bequeaths his wife a specific and determined piece of property. In other words, then, the testator's will was aimed at his wife being a legatee and not the residuary legatee, for the decedent so expressly provided it. In addition to this, if the estate has been deferred by the decedent's will through a will, a call under the law can hardly be made.

With respect to the legatee status of the other persons instituted as such in the order being appealed from, this Court has no objection at all, as said legacies and beneficiaries are clearly established.

But the order under appeal institutes the WILSON C. LUCOM TRUST FUND FOUNDATION as an heir, a designation also censured by the appellant, who points out that nowhere in the will or its codicils was it so instituted.

It is indeed true that a residuary legatee is nowhere established in the will or its codicils. And though it is true that the will states that the remnant of the testator's bills after having satisfied the legacies, as well as the proceeds from the sale of three real properties, which the testator claims are owned by him, must go to the WILSON C. LUCOM TRUST FUND FOUNDATION, the truth of the matter is that it follows from the will itself that the intent is not for the WILSON C. LUCOM TRUST FUND FOUNDATION to be the residuary legatee, as the will expressly states that the main objective of the WILSON C. LUCOM TRUST FUND "... is to feed needy children in Panama."

In the opinion of this Superior Court, the decedent's intent was to establish a trust with the remnant of his property, after having satisfied the legacies, the trustees of which trust would be the executors, as per the decedent's express mandate, and the purpose of which trust would be feeding needy children in Panama.

According to the evidence in the original case file, which is before this Superior Court by reason of another appeal, there is no legal person known as the WILSON C. LOCUM TRUST FOUNDATION; what does exist is a trust called the WILSON C. LUCOM TRUST FUND FOUNDATION. We say this because a review of the document at page 216 shows that what has been constituted is nothing more than a trust executed on May 26, 2006, in the island of Nevis, in which the decedent, WILSON C. LOCUM, appears as the settlor.

Under the law of Panama and the law of St. Christopher and Nevis, a trust is a legal act whereby the settlor transfers property to a trustee for the trustee to administer or dispose of it for the benefit of a fiduciary or beneficiary. And it can be done through a will, to be effective after the settlor's death. Neither Panamanian law nor the law of St. Christopher and Nevis grant legal standing to a trust, so that a trust is not a legal person capable of binding itself and, therefore, it could hardly be deemed to be an heir. (See Law 1 of 1984 and the Nevis International Exempt Trust Ordinance, 1994, as amended in 2000).

It follows, therefore, that it would be irresponsible of this Superior Court to confirm the decision to designate the WILSON C. LUCOM TRUST FUND trust as an heir, as it has no legal standing or the ability to acquire rights or bind itself and, therefore, could not receive the property or dispose of it.

Following Roman Law tradition, we must consider the will as the law of the estate, i.e., that in estate matters, the supreme law is the need to respect the decedent's will or intent. Said principle is contemplated in Article 707 of the Civil Code.

For this reason, therefore, we must examine the will in order to find the testator's will or intent.

We have already stated that the testator's will, after establishing all the legacies, states, at three different points in time, that the proceeds from the sale of three real properties owned by him shall go to the WILSON C. LUCOM TRUST

FUND FOUNDATION, which, as we have previously clarified, is a trust. And it further states that the remnants of his estate, after having satisfied the legacies, shall go to the fund of the WILSON C. LUCOM TRUST FUND FOUNDATION, the objective of which, as the will points out, is feeding needy children in Panama.

Under the title 'EXECUTORS AND TRUSTEES' the testator expressly states in the will that "The executors shall also be fideicommissaries (*sic.*) (this is obviously a mistake, as the fideicommissaries or beneficiaries would be the needy children of Panama, and therefore it must be construed to mean trustees) of the WILSON C. LUCOM TRUST FUND FOUNDATION," while in executing the trust, in the introduction, it is established that the trustee is the corporation LUCOM WORLD PEACE LIMITED, a legal person organized in the island of Nevis on April 19, 2006, but it later states that in case of the death of Wilson C. Lucom (see clause 15 of the trust), the trustees would be RICHARD S. LEHMAN, CHRISTOPHER RUDDY and HILDA P. LUCOM (see pages 187 to 246 of the main case file).

Inasmuch as the testator's will as set forth in the will agrees with clause 15 of the trust, which comes later in time than the introduction, on the issue of the trustees, this Court believes that said individuals should be deemed to be the trustees of the trust so that, acting jointly, they may carry out the trust's objective. For if there is no declared heir but only legatees, the only way to enforce the

testator's will with respect to the remnant of his property, after having satisfied the legacies, would be to institute trustees that would realize the assets in order to be able to carry out the testator's will to feed the needy children of Panama in the manner established in the will.

As a consequence of the foregoing, the proper thing to do is to revoke the designation of the WILSON C. LUCOM TRUST FUND FOUNDATION as heir, and therefore it is also proper to amend the order appealed from to eliminate said trust as an heir and to deem the designated trustees as such.

Finally, as regards the appellant's censure of the designation of Bufete Jurídico Alvarez Crosbie & Asociados as RICHARD S. LEHMAN's judicial attorney-in-fact under the special power of attorney bestowed on it, arguing that said firm could not be deemed to be an attorney-in-fact as it had not been incorporated (see page 73) and stating that it included an individual who is not suitable to engage in the practice of law (page 72), this Superior Court notes that said power of attorney has been revoked by Mr. RICHARD SAM LEHMAN as of the moment he bestowed a new power of attorney on the IGRA law firm, already recognized as valid at the trial court level, and therefore such discussion has become moot in this process.

Wherefore **THE FIRST SUPERIOR COURT OF JUSTICE OF THE FIRST JUDICIAL DISTRICT OF PANAMA**, administering justice in the name of the republic and under the law, **MODIFIES** Order No. 1025/173-06 of July 5,

2006, issued by the Fourth Civil Circuit Court of the First Judicial Circuit of Panama, so that its resolution will now read as follows:

DECLARES:

1. That the probate proceedings of the late WILSON CHARLES LUCOM who died on June 2, 2006, are open.

2. THAT HIS LEGATEES, without prejudice of third parties, are Mrs. HILDA PIZA LUCOM, ISABEL MARIA CLARK, ROBERT CLARK, ALEXANDER CLARK, LANNY CLARK, CASSANDRA CLARK, MAYO CLINIC OF ROCHESTER MINNESOTA, MELINDA MORRICE, HILDA ABDELNOUR, MADELINE ARIAS, GILBERTO ARIAS, MARGARITA ARIAS ALLISON, NORA GARNER, JAMES GIBBONS, ANN SMITH, WALTER GARNER, GABY ELKINS, CHRISTOPHER RUDDY, DR. PETER HIBBERD, MARIO BOYD, ANDREA OSPINA, TANYA RAMOS, and ISRAEL TEJADA.

3. Mr. RICHARD SAM LEHMAN, Mr. CHRISTOPHER RUDY, and Mrs. HILDA PIZA LOCUM are appointed EXECUTORS AND TRUSTEES of the estate so that they may jointly, pursuant to the provisions of Articles 857 and 858, hold the office of executors and trustees, and who must appear before the Court in order to be installed in office; and

4. **IT IS ORDERED** that all persons having any interest in the same appear under the law, and that the edict dealt with by Article 1526 of the Judicial Code be **POSTED** and **PUBLISHED**.

Let it be notified.

[signed:] *Eva Cal*

JUDGE EVA CAL

[signed:] *M A Espino*

JUDGE MIGUEL A. ESPINO

[Illegible signature]

OLGA RUJANO,
Clerk

EXHIBIT 5

FIRST SUPERIOR PROSECUTOR'S OFFICE
FOR THE FIRST JUDICIAL DISTRICT IN AND FOR PANAMA
CALLE 34 AND AVENIDA PERU, Edificio SALOON, 4th FLOOR
BOX 1080 PMA, 1 PMA
TEL. 8073167

CRIMINAL PROCEEDING No. 146

PRELIMINARY INVESTIGATIONS FOR COMMISSION
OF THE CRIME AGAINST THE LIFE AND PERSONAL
INTEGRITY (HOMICIDE) TO THE DETRIMENT OF
WILSON CHARLES LUCOM (R.I.P.)

MOTION: DISMISSAL WITH PREJUDICE

Panama, December 27, 2006

HONORABLE JUDGES OF THE SECOND SUPERIOR COURT OF JUSTICE, HAND DELIVERED.

In compliance with provisions in Article 2194 of the Judicial Code, this Office of the Prosecutor remits to the Honorable Judges of the Second Superior Court of Justice in and for the First Judicial District of Panama, the preliminary investigation for the crime against the life and personal integrity (Homicide) to the detriment of **WILSON CHARLES LUCOM (R.I.P.)**

This criminal inquest begins with the Complaint filed at the Judicial Technical Police Complaint Reception Center against **RICHARD SAM LEHMAN** and **CHRISTOPHER RUDDY**, for attempting against the Life and Personal Integrity of **WILSON CHARLES LUCOM (R.I.P.)**. (Pages 1-62).

In her sworn statement, **HILDA ANTONIA PIZA BLONDET**, the wife of the now deceased **WILSON CHARLES LUCOM**, who indicated that her husband died on June 2, 2006 at Centro Medico Paitilla, since he had been admitted for kidney ailments, at all times in intensive care. She indicates that Messrs. **RICHARD SAM LEHMAN** and **CHRISTOPHER RUDDY**, and together with Mr. **ISRAEL TEJADA**, who was her husband's driver, harassed him continually, inasmuch as they would burst in to the room after visiting hours and against the orders of nursing staff. Furthermore, they wanted to move Mr. Lucom to the Punta Pacifica hospital.

The witness states that on June 1, 2006, her husband refused transfer by ambulance, moving his head to indicate that he did not want to be taken out of the hospital, and at that time he suffered an infarct, because they were there, beyond visiting hours and against doctors' orders. She explained that **Lehman, Ruddy and Hibberd** were not concerned about her husband's health, since they wanted to accelerate his death anyway and rob her of all her husband's assets. (Pages 63-66).

CARLOS QUINTERO SUCRE, security officer at Edificio Royal Palace, indicated that on September 11, 2006, at approximately seven in the evening (7:00 p.m.), two subjects appeared at the aforementioned building, identifying themselves as members of the Judicial Technical Police, and asked for **ANDREA**, but because it was so late, told them he could not call and these subjects got upset and told him he was not cooperating with the authorities, wherefor he proceeded to call the receptionist on duty by the name of **VICENTE ALVARADO**, who told them that this woman **ANDREA** no longer worked at that apartment, wherefor the subjects left and did not return. He also indicated that the building has a video system that records everything that happens in twenty-four (24) hours.

Other documentary evidence was added, the Medical History of Mr. **WILSON CHARLES LUCOM** is incorporated thereto (Pages 75-365).

In his statement, Dr. **MARCO ANTONIO LOPEZ ZAMORA** indicated that Mr. **WILSON CHARLES LUCOM** was his patient during a six-year period, and that he treated him for respiratory illnesses and other medical problems. He indicated that he was admitted to Centro Medico Paitilla on May 5, 2006, suffering from chronic respiratory insufficiency, hypoxemia, cyanosis, large right pleural stroke, severe dehydration and shock (hypotension) and gastroenteritis. He indicated that Messrs. Lehman, Ruddy and Hibberd strongly insisted that Mr. Lucom be transferred to another hospital. Subsequent thereto, these gentlemen signed a request for transfer with voluntary discharge; however, it was not done because they were unable to get an ambulance that was sufficiently equipped; in the meantime, the patient was receiving the required medical attention, he was never disconnected, never neglected and no other medical support was withdrawn; he was

kept in the same bed with all the vital support equipment and medication he received. Nonetheless, that same day, Mr. Lucom suddenly went into cardiac arrest, and recovered thanks to resuscitation maneuvers, but suffered another heart attack and died (Pages 371-377)

VICTOR ANGEL OTERO MADRID indicated that he worked at Centro Medico Paitilla and then began to take care of Mr. Lucom privately, in mid-September, 2005. Subsequently, on May 5, 2006, he was hospitalized and indicates a series of events took place that affected Mr. **Lucom's** health, explaining that on that day Mr. **ISRAEL TEJADA** advised Mr. **LUCOM** of the hospital transfer and that Messrs. **RICHARD** and **CHRISTOPHER** were paying the hospital bill; at that time, staff dressed in green that was going to transfer him came in, and Mr. **LUCOM** was really shocked, grabbed his hand and tried to tell him something, therefore, from getting so upset, as a result of the events relating to the transfer, he went into crisis. (Pages 378-384).

A visual inspection was conducted at Edificio Royal Palace for the purpose of seeing the video dated September 12, 2006, however unable to identify the vehicle and the license plate. (Pages 397-400)

The Death Certificate issued by the Civil Registry General Directorate of the now deceased **WILSON CHARLES LUCOM (R.I.P.)** was added. (Page 422)

One can observe the Forensic Evaluation of Mr. **LUCOM'S** clinical history conducted by the Forensic Board. (Page 423-425)

PROSECUTOR'S OPINION

By analyzing the records of the proceedings which constitute this criminal file, we verified that the Death Certificate issued by the Civil Registry General Directorate has been added, therein indicating that Mr. **WILSON CHARLES LUCOM (R.I.P.)** died on June 2, 2006, as a result of Acute Myocardial Infarction (Page

That from the evaluation of the Clinical History of Mr. **WILSON CHARLES LUCOM (R.I.P.)** conducted by the Forensic Board of the Forensic Institute (Page 423-425), one gleans that this is an eighty-eight year-old patient, who had a history of several chronic ailments (diabetes, atherosclerotic cardiopathy, Arterial hypertension, Dislipidemia, Aortic Valvulopathy, EPOC, surgery for cancer of the urinary bladder, Chronic Kidney Failure and cardiac failure) He was admitted to intensive care for severe deterioration of his health, presenting acute complications (respiratory and digestive). As part of the treatment, thoracic function was done for the purpose of draining liquid collected in the pleural cavity (Thoracocentesis). Hours later, he presented clinical symptoms [consisting of] acute respiratory insufficiency and shock, and went into critical condition which was aggravated by complications that developed and were handled by treating physicians until he stabilized; however, acute infection arose due to pulmonary infection and he died.

Based on all of the foregoing, and taking into account all probative elements which constitute the file at issue, we hereby deduce that the acts reported by the Law Office of **INFANTE & PEREZ ALMILLANO**, acting for and on behalf of the widow **HILDA ANTONIA PIZA LUCOM**, did not constitute a crime.

Therefore, we suggest the Honorable Second Superior Court of Justice rule in this case, ordering **DISMISSAL WITH PREJUDICE** in accordance with provisions in Article 2207, paragraph 2 of the Judicial Code.

Respectfully submitted,

/s/ illegible
ATTY. JAMES E. BERNARD V.
First Superior Prosecutor in and for
the First Judicial District of Panama

MLH

EXHIBIT 6

SECOND SUPERIOR COURT OF JUSTICE, Panama, March nine (9) of two thousand and seven (2007).

To qualify its legal merit, the First Superior Prosecutor issues the summary investigated in relation with the death of WILSON CHARLES LUCOM on June 2, 2006 in the San Francisco District.

In the elements obtained from the investigation (fs.426-429), Licensee James Bernard specified in his writ that from the evaluation carried out by the Forensic Medical Council of the Legal Medicine Institute to the medical history of WILSON CHARLES LUCOM he could deduct that this was an 88-year-old patient with a history of several chronic illnesses, admitted in the intensive care unit due to a severe deterioration of his health condition, he underwent several treatments however complications arose which were handled by the physicians treating him until he was stabilized, nevertheless he presented an acute infectious condition due to a lung infection and dies.

Forwarding the aforesaid, the Prosecutor considers that the facts reported do not constitute in any offense for which the Court pronounces a sentences resulting in a definite stay of proceedings in the present cause, according to the established in article 2207, numeral 2 of the Judicial Code.

SUMMARY OF THE FACTS

The investigation initiates with the claim submitted by the forensic firm Infante & Perez Almillano on September 11 of 2006, before the Judicial Technical Police's Claim Reception Center acting in representation of HILDA PIZA LUCOM against RICHARD SAM LEHMAN and CHRISTOPHER RUDDY, due to the alleged commission of

passed away on June 2, 2006.

In the report, the claimant alleges that the deceased was admitted to the Paitilla Medical Center on May 5, 2006 with a critical health condition due to many complications reason for which he was admitted in the Intensive Care Unit, forwarding his admission Mister RICHARD SAM LEHMAN and CHRISTOPHER RUDDY constantly insisted on transferring the patient to the Punta Pacifica Hospital, under the excuse that the personnel at the Paitilla Medical Center was not sufficiently qualified to care for the patient; a transfer which the patient's wife never agreed upon.

She adds that on June 1 of 2006, the Paitilla Medical Center authorized strictly under Mister LEHMAN and Mister RUDDY's responsibility the transfer of WILSON CHARLES LUCOM to the Punta Pacifica Hospital in the delicate health condition in which he was, due to the delay of the administrative paperwork for his release and against the will of the own WILSON CHARLES LUCOM they tried to take him out of the Intensive Care Unit of the Paitilla Medical Center causing him his first heart attack which had a very negative impact on the patient's health, although he was resuscitated thanks to the timely intervention of the physicians present, however hours later he suffered another heart attack which resulted in his death.

The circumstances surrounding the death and a number of considerations regarding the inheritance of Mister Wilson Charles Lucom are the motives that led the claimant to request an investigation in his death (fs-1-11 y ss.).

HILDA PIZA LUCOM's sworn deposition is set on record in folio 63-66, ratifying the facts exposed in the claimant's summary.

To clarify the event the following evidence elements were gathered:

record in folio 371-377, in which he states that Mister WILSON CHARLES LUCOM was his patient for approximately 6 years, he saw him frequently due to respiratory conditions and other medical problems. He added that Mister WILSON CHARLES LUCOM was admitted at the Paitilla Medical Center on May 5 of 2006 with severe respiratory failure, respiratory frequency of 32 to 36 times per minute hypoxemia and cyanosis (a bluish or purplish tinge to the skin and mucous), a large pleural effusion in the right side and other conditions that determined his immediate admission to the Intensive Care Unit. That two weeks forwarding his admission, mister LEHMAN, RUDDY and HIBBERD visited the patient on a daily basis requesting thorough reports on the evolution of the patient, and during the last week of hospitalization insisted on having the patient transferred to another hospital to which he denied to, nevertheless they notified the hospital authorities to get them involved in the case, the Hospital's official transfer papers were signed as a voluntary release however the transfer was never carried out due to logistic reasons. The physician states that the patient was never unattended or disconnected and was never taken off any medical support, always remained in the same bed with all the life support machines and medicines that he was taking; pointing out that the same day at 6 p.m. Mister Lucom suddenly developed a heart attack, he improved due to the resuscitation maneuvers fifteen minutes later, in the morning he suddenly had another heart attack from which he didn't recover.

VICTOR ANGEL OTERO MADRID (fs.378-384) declared that he privately cared for Mister Wilson Lucom since mid September of 2005; he added that he was present in Mr. Lucom's room when Mister Peter Hibberd who was with Mister RICHARD LEHMAN and CHRISTOPHER RUDDY told him that they were going to transfer him to another hospital, to which Mr. Lucom automatically made a gesture to him, by grabbing him by the hand and tried to tell him something, the vital signs monitor immediately began to go off due to the cardiac frequency therefore he went to seek for medical help, and this is when they began given him first aid carrying out resuscitation maneuvers, being able to stabilize him, nevertheless he died the next morning.

According to the death certificate issued by the Civil Registry, Mister WILSON CHARLES LUCOM died of "ACUTE MYOCARDIUM HEART ATTACK".

Copies of Mister WILSON CHARLES LUCOM clinical history are attached to folios 79-343. The same was evaluated by the Technical Council of the Legal Medicine Institute in the November 6, 2006 session, forwarding the analysis specified the following: This is an 88-year-old male patient who was admitted at the Paitilla Medical Center on May 5 of 2006. He died on June 2 of the same year. Elderly patient with a history of several chronic illnesses (Diabetes, arteriosclerotic heart disease, arterial hypertension, dyslipidemia, aortic valvopathy, EPOC, operated urinary bladder cancer, chronic kidney failure and cardiac failure) for which he received different medical treatments. He was admitted in the Intensive Care Unit for severe deterioration of his health condition due to fact that he presented acute complications (respiratory and digestive). As part of the treatment it was necessary to practice a thorax puncture with the purpose of collecting fluid from the pleural cavity (Thoracocentensys). Hours later he presented a clinical condition of acute respiratory failure and shock which caused a critical condition which worsen due to development of a serie of complications that were handled by the physicians until reaching a stable condition, however he then presented another acute infectious condition due to lung infection and died.

LEGAL FUNDAMENTS

According to the court the elements summarized allows it to deduct that the death of Mister WILSON CHARLES LUCOM resulted from adverse pathological circumstances and is not a product of the intervention of a criminal fraudulent or punitive act. In relation with the acts carried out by Mister RICHARD LEHMAN and Mister CHRISTOPHER RUDDY, they cannot be considered as the factor that unchained the death of Mr. Lucom, the only factor that was allocated was the insistence in transferring

they were processing his release he had a heart attack, his condition improved due to resuscitation maneuvers nevertheless, he had another heart attack the next morning and died.

Corollary to the aforesaid it is important to underline the sworn declaration of physician MARCO ANTONIO LOPEZ ZAMORA in which he states that the patient was never unattended, disconnected was never taken off any medical support, always remained in the same bed with all the life support machines and medicines that he was taking.

Under these circumstances we estimate that the investigation should be closed with a definitive objective and impersonal stay of proceedings.

Resolution part

Therefore, THE SECOND SUPERIOR COURT, administering justice in the name of the Republic and for its authority of the law, declares a definite objective and impersonal stay of proceedings in the summaries of investigation with the occasion of the death of WILSON CHARLES LUCOM.

RIGHT FUNDAMENT: Article 2207 of the Judicial Code.

NOTIFY AND FILE

JUSTICE LUIS MARIO CARRASCO

JUSTICE SECUNDINO MENDIETA G

JUSTICE WILFREDO

EXHIBIT 7

VICTOR CROSBIE, JOSE ALVAREZ CUETO, AGUSTIN SELLHORN, ANDREA OSPINA, DR. PETER HIBBERD AND ISRAEL TEJADA for the commission of the aggravated offence of swindle, falseness, illegal exercise of profession and unlawful association to commit offences.

MISTER DISTRICT ATTORNEY OF THE REPUBLIC:

We, INFANTE & PEREZ ALMILLANO, represented by EDNA RAMOS CHUE, acting on behalf and in representation of HILDA PIZA LUCOM. The hereinafter is to appear before your office in order to submit a formal criminal complaint RICHARD SAM LEHMAN, CHRISTOPHER RUDDY, VICTOR CROSBIE, JOSE ALVAREZ CUETO, AGUSTIN SELLHORN, ANDREA OSPINA, DR. PETER HIBBERD AND ISRAEL TEJADA for the commission of the aggravated offence of swindle, falseness, illegal exercise of profession and unlawful association to commit offences in detriment of WILSON CHARLES LUCOM and our client.

I. THE PARTIES INVOLVED IN THIS CRIMINAL CHARGE ARE THE FOLLOWING:

1. THE PLAINTIFF:
HILDA PIZA LUCOM,

2. THE DEFENDANT:
RICHARD SAM LEHMAN, CHRISTOPHER RUDDY, VICTOR CROSBIE, JOSE ALVAREZ CUETO, AGUSTIN SELLHORN, ANDREA OSPINA, DR. PETER HIBBERD AND ISRAEL TEJADA for the commission of the aggravated offence of swindle, falseness, illegal exercise of profession and unlawful association to commit offences, as well as any other offence that may result from the investigation in process.

II. THE PUNISHABLE ACTS:

The punishable acts in complaint constitute the offences of AGGRAVATED ASSAULT, contemplated in our Penal Code, II Book, Title IV, Article 190:

"One that by means of misleading procures an unlawful benefit for himself or for a third party in detriment of another, will be sanctioned with prison from 1 to 4 years or 50 to 200 days of fine. The sanction will be from 5 to 10 years of prison if the heritage damage exceeds the one hundred thousand dollars or if it is committed by legal representatives, managers or administrators in exercise of their functions, or if they are committed in detriment of the public administration or a charity center".

FALSENESS, contemplated in our Penal Code, II Book, Title VIII, Chapter 1, Article 265:

"One who partially or completely forges a deed, an authentic or public document in the manner that it can cause a detriment, he will be sanctioned with two to five years of

the sanction will be from 3 to 6 years in prison".

Article 266:

"The sanctions provided in the previous article are applicable to whom includes or has someone else include false declarations concerning a fact that a document must prove in the manner that in can result as detriment, in an authentic public deed or document".

ILLEGAL EXERCISE OF PROFESSION, contemplated in our Penal Code, Book II, Title VIII, Chapter V, Article 286.

"One who exerts a profession, for which it is required to have a special authorization, without having obtained the corresponding authorization, will be sanctioned with six months to two years of prison".

UNLAWFUL ASSOCIATION TO COMMIT OFFENCES, contemplated in our Penal Code, Book II, Title VIII, Chapter III, Article 242:

"When two or three persons associate or constitute a gang with the purpose of committing offences, each one of them will be sanctioned, for this only act, with 1 to 3 years.

For the promoters, heads or leaders of these unlawful associations, the sanction will be of 3 to 5 years of prison. The same sanction will correspond to those who provide financial, logistic support or who hire them to commit these offences..."

III. DATE AND LOCATION OF THE FACTS:

The offences were committed, mainly in the Panama Province and District, from the year 2003 to 2006, in a continuous manner.

FACTS THAT BASE THIS COMPLAINT:

FALSENESS:

FIRST: WILSON CHARLES LUCOM granted a will through Public Deed No. 6,646 dated June 20, 2005 which was modified through Deed No. 11,191 dated October 20, 2005 and No. 1,131 dated February 3, 2006 granted by the Second Circuit Notary of Panama, through which he appointed RICHARD SAM LEHMAN and CHRISTOPHER RUDDY as albaceas, and THE FUNDACION WILSON C. LUCOM TRUST FUND, as heir and HILDA PIZA LUCOM, ISABEL MARIA CLARK, LANNY CLARK, CASSANDRA CLARK, MAYO CLINIC OF ROCHESTER, MINNESSOTA, MELINDA ARIAS, HILDA ARIAS, MADELAINE ARIAS, GILBERTO ARIAS, MARGARITA ARIAS, NORAH GARNER, JAMES GIBBONS, ANN SMITH, WALTER GARNER, GARY ELKINS, CHRISTOPHER RUDDY, DR. PETER HIBBERD, MARIO BOYD, ANDREA OSPINA, TANIA TAMOS, ISRAEL TEJADA, EDILBERTO SOTO and THE FUNDACION END WAR TRUST.

JUDICIAL LAW OFFICE OF ALVAREZ, CROSBIE & ASSOCIATES, requested the opening of the Will in the Estate process of WILSON CHARLES LUCOM, which was granted by the Fourth Civil Court of the First Circuit of Panama, by dictating Resolution No. 1025/173-06 dated July 5, 2006.

THIRD: The deeds afore mentioned not only lack of formal omissions in it granting, but false declarations were inserted as follow:

1. In said acts VICTOR CROSBIE was appointed as an interpreter and he does not have these faculties as such.
 - a. That each one of the documents was read and approved by WILSON CHARLES LUCOM, which results impossible given that he did not speak Spanish and this was stated by him at the time of the granting of this, and the other documents undersigned by him.
 - b. It was stated that the witnesses gave faith of his however there is no clear evidence that any of these witnesses, ALEXI GUERRA, ZORAIDA DE VERGARA AND JOEL LASSO, understood the English language.
 - c. By means of Public Deed #3881 dated April 21 of 2006 it is stated that the Notary gave faith that WILSON CHARLES LUCOM was in full use of his mental faculties and the document was then altered (it is important to mention that the defendants used these documents to try to move and in fact "disconnect" WILSON CHARLES LUCOM from the devices that were keeping him alive at the Centro Medico Paitilla, a few hours previous to his death fact that was filed in a separate libel).

AGGRAVATED SWINDLE

FIRST: RICHARD SAM LEHMAN, head attorney of WILSON CHARLES LUCOM had allegedly constituted the FUNDACION WILSON C. LUCOM TRUST FUND and the FUNDACION END WAR TRUST, to be the heirs of his fortune and this is the way it was established in the will, however these foundations did not exist at the time of the granting of this hasty public instrument.

SECOND: On June 2, 2006 WILSON CHARLES LUCOM passed away at the Centro Medico Paitilla, in somewhat confusing circumstances and a few days later RICHARD SAM LEHMAN, through the firm which is being sued BUFETE JURIDICO ADMINISTRATIVO ALVAREZ CUETO, CROSBIE & ASSOCIATES, represented by JOSE ALVAREZ CUETO, requested the opening of the testated will of WILSON CHARLES LUCOM based on the will included in Public Deed No. 6,646 dated June 20, 2005, which was modified through Deed No. 11,191 dated October 20, and No. 1,131 dated February 3, 2006 from the Second Notary of the Panama Circuit.

Fourth Court of the Civil Circuit appointed RICHARD SAM LEHMAN as albacea of the testated will of WILSON CHARLES LUCOM however said decision has been appealed by HILDA PIZA LUCOM'S attorneys and is presently pending, it was granted to avoid mayor detriment.

FOURTH: Apparently, making use of the resolution which appointed him as albacea based on the illegitimate will, RICHARD SAM LEHMAN carried out acts disposing of the properties, specifically of account #1010077045838 from the First National Bank in Palm Beach (Wachovia).

FIFTH: Lastly, in a paid publication published on page 51A of the La Prensa newspaper on Thursday, August 31, 2006 it mentions the existence and objectives of a FUNDACION WILSON C. LUCOM, with apparent beneficial purposes, the same does not even exist in Panama and only intends to pressure the real and only universal heiress, HILDA PIZA LUCOM, as well as the jurisdictional authorities that are involved in the processes, using misleading publicity.

SIXTH: RICHARD SAM LEHMAN, made use of the trust granted to him by WILSON CHARLES LUCOM and made him believe that he had constituted the FUNDACION WILSON C. LUCOM TRUST FUND and THE FUNDACION END WAR TRUST, which were allegedly mentioned by the testator as beneficiaries at the time of setting his last will.

SEVENTH: With the purpose of obtaining a benefit for himself or for a third party, RICHARD SAM LEHMAN, was appointed as albacea accruing substantial fees which indicates that he intended to manage the foundation, therefore he did not have the intention of honoring the last will of WILSON CHARLES LUCOM, given that he denied to pay the monthly expenses established in the will in favor of the widow, HILDA PIZA LUCOM.

All of these acts were executed with the collaboration of VICTOR CROSBIE, who mislead WILSON CHARLES LUCOM for many years as described hereinafter in the chapter regarding the illegal exercise of profession, in virtue of which he received the sum of \$159,730.90.

REGARDING THE ILLEGAL EXERCISE OF THE PROFESSION

EIGHTH: RICHARD SAM LEHMAN, who allegedly exerts the law practice in the United States of America, sent constant information sending legal instructions to Panama to be executed by VICTOR CROSBIE, who identified himself as WILSON CHARLES LUCOM'S attorney with the purpose of carrying out important legal transactions that involved disposing of the property and litigations regarding WILSON CHARLES LUCOM.

NINTH: VICTOR CROSBIE, has given numerous legal services to the corporation named Hacienda Santa Monica, S.A., although he does not possess competence to exert the law practice.

during the years 2003, 2004, 2005 and 2006, as we will see further on.

ELEVENTH: VICTOR CROSBIE has collected a total of one hundred and thirty-two (132) checks, distributed in the following manner:

Twelve (12) checks during the year 2003 which amount to \$11,670.00 under the concept of legal fees as detailed in the invoices received by the firm SELLHORN & ASSOCIADOS which justify said checks.

Thirty-six (36) checks during the year 2004 that amount to \$51,018.15 under the concept of legal fees.

Fifty-one (51) checks to pay legal fees during the year 2005 which amount to 61,914.75.

Thirty-three (33) checks during the year 2006 which amount to \$33,253.00.

(exhibit with check details)

TWELVETH: To carry out some of the legal transactions VICTOR CROSBIE operated through several persons, such as BUFETE JURIDICO ADMINISTRATIVO ALVAREZ CUETO, CROSBIE AND ASSOCIADOS, represented by JOSE ALVAREZ CUETO, who appears as VICTOR CROSBIE's partner in said firm. He also operated through the SELLHORN & ASSOCIADOS firm, represented by AGUSTIN SELLHORN who issued invoices for services given in the name of this law firm, through VICTOR CROSBIE.

THIRTEENTH: Among the selection of services offered by VICTOR CROSBIE he has acted on behalf of several processes promoted against HACIENDA SANTA MONICA, S.A. and vice versa, all of this as member of the BUFETE JURIDICO ADMINISTRATIVO ALVAREZ CUETO, CROSBIE & ASSOCIADOS firm, as shown in the letterhead which appears in different communications and many diligences carried out in several Courts of the Republic.

FOURTEENTH: At the same time VICTOR CROSBIE, acted as a public authorized interpreter, such as the time he did so before the Second Circuit Notary of the Republic of Panama in the instruments that are detailed as follow:

Public Deed No. 6,646 dated June 20, 2005 of the Panama Second Circuit Notary,
Deed No. 11,191 dated October 20, 2005 of the Panama Second Circuit Notary and
Public Deed No. 1,131 dated February 3, 2006 of the Panama Second Circuit Notary.

FIFTEENTH: According to the certification issued, by the Fourth Court of General Business of the Supreme Court of Justice as well as the Department of Education, Mister VICTOR CROSBIE, does not presently possess any competence to exert the law practice in the Republic of Panama, neither does he possess the competence of a Public Authorized Interpreter.

FIRST: RICHARD SAM LEHMAN, WILSON CHARLES LUCOM'S attorney, making use of the trust the testator deposited in him, apparently convinced WILSON CHARLES LUCOM, by misleading him, to appoint him as albacea of his wealth and supposedly constituted the FUNDACION WILSON C. LUCOM TRUST FUND which was constituted as universal heir of WILSON CHARLES LUCOM'S estate and it is very possible that he intended to manage said foundation without any control whatsoever on behalf of HILDA PIZA LUCOM, sole beneficiary, as we can deduct from several electronic communications. It is presumed that RICHARD SAM LEHMAN is the head of this organization.

SECOND: VICTOR CROSBIE, acted as an interpreter, in the confection of the will and in said act carried out a set of false declarations, such as the fact that each one of the documents were read and approved by WILSON CHARLES LUCOM, which is impossible given that the testator WILSON CHARLES LUCOM is from St. Kitts and warned in his will that he did not understand the Spanish language.

THIRD: RICHARD SAM LEHMAN, who has a law practice in the United States of America, constantly sent information giving instructions of a legal nature to be executed in Panama by the alleged lawyer VICTOR CROSBIE regarding several commercial relations and judicial suits that involved WILSON CHARLES LUCOM.

FOURTH: To carry out some of the legal transactions VICTOR CROSBIE operated through several persons, such as BUFETE JURIDICO ADMINISTRATIVO ALVAREZ CUETO, CROSBIE AND ASOCIADOS, represented by JOSE ALVAREZ CUETO, who appears as VICTOR CROSBIE's partner in said firm. He also operated through the SELFHORN & ASOCIADOS firm, represented by AGUSTIN SELFHORN who issued invoices for services given in the name of this law firm.

FIFTH: JOSE ALVAREZ CUETO has collaborated with RICHARD SAM LEHMAN in WILSON CHARLES LUCOM'S estate procedures. This is corroborated by the fact that JOSE ALVAREZ CUETO, from the BUFETE JURIDICO ADMINISTRATIVO ALVAREZ, CROSBIE & ASOCIADOS requested on behalf of RICHARD SAM LEHMAN the opening of the estate and consequently appointed RICHARD SAM LEHMAN as albacea, in the same manner on July 18, 2006 at 3:21 p.m. JOSE ALVAREZ CUETO received an appeal statement from SALVADOR MUNOZ, legal representative of HILDA PIZA BLONDET against Resolution no. 1025/173-06 dated July 5, 2006, appointing RICHARD SAM LEHMAN as albacea. In said resort is attached the evidence which states that VICTOR CROSBIE is not a licensed lawyer and that the BUFETE JURIDICO ADMINISTRATIVO ALVAREZ, CROSBIE & ASOCIADOS firm did not exist at that time. Coincidentally, the next day, RICHARD SAM LEHMAN withdrew a substantial amount of money from an account under the name of WILSON CHARLES LUCOM, deposited at the First National Bank in Palm Beach (WACHOVIA), for the amount of SIX HUNDRED FIFTY FIVE THOUSAND TWO HUNDRED AND FORTY-ONE DOLLARS AND TWENTY-FIVE CENTS (\$655,241.25).

SIXTH: RICHARD SAM LEHMAN, as head of the organization, with the support of VICTOR CROSBIE and JOSE ALVAREZ CUETO, with their several acts made

them up and that his assets were protected, which is totally untrue given that they have committed acts directed to avoid the compliance of what was supposed to be the last will expressed in by his client, WILSON CHARLES LUCOM.

SEVENTH: It is important to mention that in the last codicil or modification made to the will, which was made under the instructions of RICHARD SAM LEHMAN, he included ISRAEL TEJADA (who intended to facilitate WILSON CHARLES LUCOM's hospital transfer) as beneficiary of WILSON CHARLES LUCOM as well as ANDREA OSPINA, ISRAEL TEJADA'S ex-wife, which in turn was WILSON CHARLES LUCOM'S secretary and whom managed a checking account to which RICHARD SAM LEHMAN transferred funds to in order to carry out the legal transactions mentioned above and who referred VICTOR CROSBIE as lawyer and interpreter, who then appeared to lack competence of having either of the said professions.

EIGHTH: PETER HIBBERD, was WILSON CHARLES LUCOM's doctor and was appointed as beneficiary by him and coincidentally was the doctor who was supposed to take care of him when he would have been transferred from the Centro Medico Paitilla.

NINTH: RICHARD SAM LEHMAN and CHRISTOPHER RUDDY, self-appointed themselves as "albaceas for medical purposes", (despite the fact that albaceas only act upon the demise of the grantor) and as responsible of the execution of a "will declaration" which is nothing else than an authorization to execute euthanasia or prevent the extension of life expectancy in critical health situations, all of this by means of the confessions of Public Deeds which are numbered as follow:

1. Public Deed No. 3880 of the Panama Second Circuit Notary "By which WILSON CHARLES LUCOM, grants special power in favor of HILDA P. LUCOM, RICHARD S. LEHMAN and CHRISTOPHER RUDDY" dated April 21, 2006.
2. Public Deed No. 3881 of the Panama Second Circuit Notary "By which WILSON CHARLES LUCOM appoints his albaceas for medical attention purposes" dated April 21, 2006.
3. Public Deed No. 3882 of the Panama Second Circuit Notary "By which WILSON CHARLES LUCOM, carries out his free will declaration" dated April 21, 2006.

The penal code typifies this criminal conduct in Book II, Title VII, Chapter III, article 242, which reads as follow:

"When two or three persons associate or constitute a gang with the purpose of committing offences, each one of them will be sanctioned, for this only act, with 1 to 3 years.

For the promoters, heads or leaders of these unlawful associations, the sanction will be of 3 to 5 years of prison. The same sanction will correspond to those who provide financial, logistic support or who hire them to commit these offences.

The sanction will increase one third when the author possesses firearms without being legally authorized to do so"

RICHARD LEHMAN	Coordination and misleading to take possession of the deceased's property, as well as contacting false attorneys to carry out procedures in Panama
CHRISTOPHER RUDDY	Appointed as albacea jointly with RICHARD LEHMAN, to manage the properties of WILSON CHARLES LUCOM, according to the will which is unlawful and false.
VICTOR CROSBIE	False attorney, who carried out all of the legal processes and instructions given by RICHARD LEHMAN, and who in addition acted as an interpreter in some of the deceased wills without having the competence of an authorized translator.
AGUSTIN SELLHORN	Practicing lawyer who allows VICTOR CROSBIE to act as a lawyer of his law firm, while he is not dully admitted to exert said profession.
JOSE ALVAREZ CUETO	Exerting lawyer, who allowed VICTOR CROSBIE to act as a lawyer of his firm being that his not fit to exert this profession.
ANDREA OSPINA	Personal Secretary of the deceased, followed instructions from RICHARD LEHMAN, in the criminal organization and also received wires on behalf of the same for the legal proceedings carried out by VICTOR CROSBIE.
PETER HIBBERD	Was the doctor of the deceased, also appointed as beneficiary, was the doctor who was supposed to attend him when he would be transferred from the Paitilla Hospital outside of the country.
ISRAEL TEJADA	Ex husband of ANDREA OSPINA and WILSON CHARLES LUCOM's driver, he was the one who contacted VICTOR CROSBIE, to act as a lawyer and received direct instructions from RICHARD LEHMAN .

V. REQUEST:

Based on the facts expressed above, we request that an investigation of the regulations, and that the corresponding sanction be imposed to the defendants.

VI. SPECIAL PETITION

Given that one of the conducts in this complaint constitutes an offence of aggravated swindle, and due to the fact that the damages exceed ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) and that it was executed by a legal representative and/or albacea whose position can be compared to a property administrator for which the penal

VII. EVIDENCE:

FUNDAMENTALS: Attached are the following:

1. Authenticated copy of Public Deed No. 14,113 dated august 16, 2006, by which HILDA ANTONIA PIZA BLONDET, grants General Power for INFANTE & PEREZ ALMILLANO to represent her in any lawsuit.
2. WILSON C. LUCOM'S death certificate.
3. Marriage certificate of WILSON C. LUCOM and HILDA PIZA ARIAS.
4. Simple copy of the negative certificate of the FUNDACION WILSON C. LUCOM
5. Simple copy of the negative END WAR TRUST
6. Certification issued by the General Secretary of the Supreme Court of Justice, in which is stated that VICTOR CROSBIE is not a lawyer.
7. Certification issued by the Education Department which states that VICTOR CROSBIE is not a Public Authorized Interpreter.
8. Certification issued by the Ministry of Government and Justice which states that VICTOR CROSBIE is not a Public Authorized Interpreter.
9. Authenticated copy of Resolution no. 1025/173-06 dated July 5, 2006 through which the testated estate of WILSON CHARLES LUCOM is open appointing RICHARD SAM LEHMAN as albacea, among other declarations.
10. Authenticated copy of Resolution no. 1227 dated august 31, 2006 through general protective measures are dictated, consisting on avoiding any type of management or disposition of properties in relation with the will of WILSON CHARLES LUCOM.
11. Authenticated copy of Public Deed No. 6646 of the Panama Second Circuit Notary "by which WILSON CHARLES LUCOM grants his last will" dated June 20, 2005.
12. Authenticated copy of Public Deed No. 11191 of the Panama Second Circuit Notary "by which WILSON CHARLES LUCOM grants his last will" dated October 20, 2005.
13. Authenticated copy of Public Deed No. 11191 of the Panama Second Circuit Notary "by which WILSON CHARLES LUCOM grants his last will" dated February 3, 2006.
14. Authenticated copy of Public Deed no. 3880 of the Panama Second Circuit Notary "By which Mister WILSON CHARLES LUCOM, grants special

CHRISTOPHER RUDDY" dated April 21, 2006.

15. Authenticated copy of Public Deed no. 3881 of the Panama Second Circuit Notary "By which Mister WILSON CHARLES LUCOM appoints his albaceas for his medical care" dated April 21, 2006.
16. Authenticated copy of Public Deed no. 3882 of the Panama Second Circuit Notary "By which Mister WILSON CHARLES LUCOM makes a free will declaration" dated April 21, 2006.
17. Authenticated copy of Public Deed no. 4648 and 4649, both dated May 12, 2006, "By which mister WILSON CHARLES LUCOM, states his will regarding the funds in his savings account #04-01-02-004975-0 in Banco General.
18. Original copies of 131 drawn by WILSON LUCOM and/or PAOLA OSPINA, in favor of VICTOR CROSBIE and collected by him for the payment of professional legal fees detailed in the chart in the eleventh numeral of this complaint.
19. Newspaper clipping of the ad published in page 51A of the La Prensa newspaper dated Thursday, August 31, 2006 regarding the FUNDACION WILSON C. LUCOM.
20. Copy of the criminal complaint for offence against the life and personal integrity of WILSON CHARLES LUCOM.

REPORTS:

Have the following entities officiated:

1. The La Prensa newspaper, in order to request an authenticated copy of the payment receipt corresponding to the ad publication which appeared in page 51A of the Business and Economy Section on Thursday, August 31, 2006. As well as an authenticated copy of the order and/or publication request.
2. The Florida Bar, in order to certify that RICHARD SAM LEHMAN is fit to exert the law practice in said State. We request the confection of the corresponding rogatory letter and attending the provided by Law no. 32 dated august 1, 2006, by which modifications are made to the Judicial Code regarding International Law, that it will be allowed to us to receive the rogatory letter by immediate express courier.
3. First National Bank in Palm Beach (WACHOVIA) in order to certify the hereinafter:
 - a. The existence of the accounts detailed below:
 - b. Submit an authenticated copy of the last transactions of said account corresponding to the month of June of 2006.
 - c. Submit an authenticated copy of the withdrawal orders and/or any document that support said disposition acts reflected by the transactions carried out in said account forwarding WILSON C. LUCOM'S demise, as of June 2 until this date. We request that a rogatory letter be

by which modifications are made to the Judicial Code regarding International Law, that it will be allowed to us to receive the rogatory letter by immediate express courier.

4. Finance and Economy Ministry to request an authenticated copy of Mr. VICTOR CROSBIE'S income tax reports.
5. Fourth Circuit Civil Court of the First Judicial Circuit of Panama, to request an authenticated copy of the Open Testated will file of WILSON CHARLES LUCOM which credits some of the acts carried out by VICTOR CROSBIE in the BUFETE JURIDICO ADMINISTRATIVO ALVAREZ, CROSBIE & ASOCIADOS firm
6. Second Circuit Judicial Court of Cocle, Civil branch, in order to request an authenticated copy of the file in the BUENAVENTURA VS. HACIENDA SANTA MONICA, S.A. case.
7. The Panama Second Circuit Notary in order to request an authenticated copy of the following public instruments: Public Deed No. 10553 dated October 5, 2005.

OCULAR INSPECTION

1. We request that an ocular inspection diligence to the bookkeeping records of ALVAREZ, CROSBIE & ASOCIADOS, in order to determine the payments received by VICTOR CROSBIE, for legal professional fees.
2. We request that an ocular inspection diligence be carried out as well to the bookkeeping records of SELLHORN & ASOCIADOS, in order to determine the payments received by VICTOR CROSBIE, for legal professional fees.

Panama, September 11, 2006.

Infante & Perez Almillano

Edna Ramos Chue

EXHIBIT 8



Republic of Panama
The Judiciary

SECOND SUPERIOR COURT OF JUSTICE IN AND FOR THE FIRST JUDICIAL CIRCUIT OF PANAMA. Panama, November twenty-one (21) two thousand seven (2007).

HABEAS CORPUS No. 60.

HAVING CONSIDERED:

Attorney Carlos Eugenio Carrillo Gomila filed an Preventive Habeas Corpus action on behalf of RICHARD SAM LEHMAN, who is the object of an arrest warrant.

He based his action, and indicating the Court should find the arrest warrant for RICHARD SAM LEHMAN is contrary to law, issued by the Fourth Prosecutor's Office in and for the First Judicial Circuit of Panama in a proceeding dated September 10, 2007, while the file is in Chambers of the Seventh Circuit Judge, against whom the constitutional action is filed.

He stated that the motive for the referenced proceeding is contrary to law and the acts allegedly investigated are unrelated to the criminal offense charged, wherefor his preventive detention is ordered; fraud, as a criminal offense, involves a concurring deceit to the detriment of

the victim of the crime, and evidence of the falseness and recklessness of the charges against RICHARD SAM LEHMAN has been provided; the arrest warrant does not coherently provide how RICHARD SAM LEHMAN could have deceived WILSON CHARLES LUCOM (R.I.P.) based on the fraud charge, which occurred on June 2, 2006; that is, when Mr. WILSON CHARLES LUCOM was already dead. With respect thereto, he alluded to jurisprudence that defines deceit.

He explained that the accusations that are the basis for the charges against RICHARD SAM LEHMAN and his preventive detention refer to his actions in the performance of his duties as executor, which post began in a proceeding dated July 6, 2006 before the Fourth Circuit Civil Court in and for the First Judicial Circuit of Panama, wherefor it is erroneous to accuse him of allegedly committing fraud to the detriment of a deceased inasmuch as none of the acts RICHARD LEHMAN is accused of happened prior to the death of WILSON CHARLES LUCOM, wherefor there is no probative evidence because all of the acts of his principal, consisting of opening bank accounts and managing funds belonging to the estate of WILSON CHARLES LUCOM were done in the performance of his duties as executor and while there was no suspension by the Civil Court for performing his duties.

He stated that counsel for Mrs. HILDA PIZA BLONDET, before the Fourth Circuit Prosecutor's Office, dismissed the criminal actions against Atty. Agustin Sellhorn and Mr. Christopher Ruddy, with reservations as to the fact that the said dismissal did not apply to the rest

inasmuch as the dismissal is unconditional and implies a final waiver of a claim; he transcribed Article 92 of the Criminal Code, regarding private action offenses, which sets forth that if there are several [persons] who are liable, forgiveness by the victim reaches all of them and alludes to an order issued by the Second Division of the Supreme Court of Justice indicating that the benefit of a proceeding dismissing a criminal action in favor of AGUSTIN SELFHORN and CHRISTOPHER RUDDY also extends to the remaining accused; therefore, the order to take an unsworn statement and the arrest warrant are contrary to law. However, the Prosecutor's Office denied the said dismissal when, in fact, it was the court who had to decide inasmuch as its admission or rejection is not a jurisdictional power. (Pp. 1-18 of the file)

Upon issuing the habeas corpus order, Atty. Leticia Vergara, Seventh Circuit Criminal Court Judge in and for the First Judicial Circuit of Panama, in charge, stated that she did not order the preventive detention of RICHARD SAM LEHMAN, but that it had been the Fourth Circuit Prosecutor's Office by way of a proceeding dated September 10, 2007; that Mr. LEHMAN is at the disposal of the said Court and that setting a date for the preliminary hearing was pending. (Pp. 71-72 of the file)

LEGAL BASIS

The object of the Habeas Corpus action is to review whether the detention of a person has been ordered in accordance with Constitutional and legal provisions; basically, if the warrant has been issued by the competent authority, in writing, and if it describes the facts and circumstances which serve as the basis for the execution of the criminal conduct as well as the involvement of the person whose detention is ordered.

These requirements are set forth in Articles 21 of the National Constitution and in Article 2152 of the Judicial Code, which stipulate a person who believes he is unjustly detained has the right to file a Habeas Corpus action to have a higher court to review the legality or illegality of that detention.

Thus we note that the investigation begins with the complaint filed by the law firm of Infante & Perez Almillano, represented by Atty. Edna Ramos Chue, acting for and on behalf of HILDA PIZA LUCOM or HILDA PIZA BLONDET against RICHARD SAM LEHMAN and others for fraud, misrepresentation, the illegal practice of the [legal] profession and conspiracy to commit a crime.

The central point of the complainant's brief indicated that RICHARD SAM LEHMAN, by and through his law office ALVAREZ CROSBIE & ASOCIADOS requested the opening of the

testamentary probate proceeding of WILSON CHARLES LUCOM (R.I.P.), which was granted by the Fourth Civil Court in and for the First Judicial Circuit of Panama in Order No. 1025/173-06, dated July 5, 2006; it stated that RICHARD LUCOM, chief counsel for WILSON LUCOM is sued for aggravated fraud inasmuch as he had allegedly established FUNDACION WILSON C. LUCOM TRUST FUND and FUNDACION END WAR TRUS to be the heirs of his fortune and it was thus set forth in his will, but said foundations did not exist when the public deed was granted; wherefor, upon the death of WILSON LUCOM on June 2, 2006, days after RICHARD LEHMAN moved for the opening of the testamentary probate proceeding, and the civil court appointed him the executor of the testamentary succession.

Availing himself of the spurious will, RICHARD LEHMAN performed acts disposing of assets, specifically a total of B./ 655,241.25 from account No. 1010077045838 at First National Bank in Palm Beach, thereby deceiving WILSON LUCOM for his benefit or that of a third party by claiming to administer the referenced foundations in his capacity as executor, but without honoring the will of WILSON CHARLES because he refused to provide the monthly expenses that were set forth in the will for the benefit of the widow, HILDA PIZA (Pg. 1).

At pages 5,793 through 5,481 is the proceeding dated September 10, 2007, whereby an order for the unsworn statement and consequent preventive detention of RICHARD SAM LEHMAN is issued under the same presumptions set forth in the proceeding, clarifying that the crime investigated was proven by incorporating to the preliminary investigation the proceeding of the Site Inspection at GLOBAL BANK, S.A., thereby establishing that account No. 50-102-23051 was opened in the

name of RICHARD SAM LEHMAN with Banco Nacional checks 7911 and 7912, pertaining to the Banco Disa settlement for B/. 60,440.38, corroborated by the sworn statement of MONICA GARCIA DE PAREDES CHAPMAN, a Global Bank private banking employee, who indicated that RICHARD LEHMAN opened the said account with two checks drawn payable to the ESTATE OF WILSON C. LUCOM by RICHARD S. LEHMAN, EXECUTOR; No. 7911, the first check, dated August 1, 2006 in the amount of B/. 57,791.61 and Check No. 7912, dated August 1, 2006 in the amount of B/. 2,648.77, and indicated that these were from the Banco Disa settlement.

Further, the Prosecutor's Office stated that the offense and involvement of RICHARD SAM LEHMAN were proven with the Site Inspection at Banco Disa (pg. 5,727), where it was established that the referenced checks were issued payable to WILSON LUCOM, but that in accordance with an internal memorandum, a record was provided of the fact that the said check was voided, drawing two new ones payable to RICHARD LEHMAN inasmuch as the document was shown, thereby showing that he was the executor of the estate of WILSON CHARLES LUCOM; and checks were continued to be drawn from the said account after he was suspended as the executor and administrator of the assets of Mr. LUCOM. Some of these payments were made to the company ROSSANA URIBE Y ASOCIADOS for advertising work done by her company after August 18, 2006, involving a campaign to make known one of the foundations earmarked for creating funds for

the poor children of Panama, in keeping with provisions set forth in his estate by Mr. WILSON LUCOM.

With respect to the foregoing, we note that in the sworn statement given by MONICA GARCIA DE PAREDES (5,779-5,782), a GLOBAL BANK private banking employee, and who interviewed the accused RICHARD LEHMAN upon requesting the opening of the account at the said institution, she indicated that he opened the account with two checks that were payable to the ESTATE OF WILSON C. LUCOM by RICHARD S. LEHMAN, EXECUTOR; the first check, No. 7911 dated August 1, 2006 for B/. 57,791.61 and Check No. 7912 dated August 1, 2006 for B/. 2,648.77; therefore, said transactions were conducted prior to issuance of order No. 1188/17-06 by the Fourth Civil Judge in and for the First Judicial Circuit of Panama on August 18, 2006, thereby denying the motion filed by RICHARD LEHMAN to perform duties as the executor or administrator of the assets of M. WILSON LUCOM, inasmuch as the order that declares the opening of the intestate succession he filed and his appointment as executor in the said order were appealed and the said appeal was granted with a deferred effect, wherefor his duties as executor were suspended.

In conjunction therewith, from the statement given by MELANIE MARLENE BENITEZ (pp. 5,784/5,792), a Global Bank private banking employee, one notes that after the account in favor of RICHARD LEHMAN was opened with Victor Lucom's [sic] funds, transactions with the account were conducted, drawing checks until October, 2006, which is corroborated with the statements of

the bank account, incorporated to the criminal file after the Site Inspection at Global Bank (pp. 3,295-3,313).

As to the deceit committed by RICHARD LEHMAN, according to the allegations of the complaining party, which state that he deceived Mr. WILSON LUCOM by making him believe that he had established Fundación WILSON C. LUCOM TRUST FUND to benefit the poor children of Panama, we have that in an Order dated May 4, 2007, the First Superior Court in and for the First Judicial Circuit (pp. 3,685-3,708) clarified that the said foundation is nothing more than a trust established on May 26, 2006 in the Island of Nevis, wherein WILSON LUCOM himself appears as the settler and his will provides that the remainder of the testator's accounts, after satisfying the bequests, and the product of the sale of real property must go to that foundation for the main purpose of feeding the needy children in Panama and not in favor of the accused; and that order even decided that the testamentary probate proceeding of WILSON CHARLES LUCOM shall remain open and appoints RICHARD LEHMAN, CHRISTOPHER RUDDY and HILDA PIZA LUCOM as the executors and trustees.

Therefore, the criminal act attributed to RICHARD LEHMAN in the complaint, as well as the charges filed by the Prosecutor's Office against RICHARD LEHMAN and wherefor his preventive detention was ordered were allegedly for FRAUD; but thus far the Court does not perceive evidence of the crime clearly, a situation that will have to be entertained by the judge pres-

iding over the case when deciding if the preliminary investigation has merits; particularly, when the governing verb in the criminal offense is deceit, inasmuch as the prosecutor's office has not explained where the trickery lies, when the crime was committed or against whom the said deceitful conduct occurred.

With regard thereto, it is pertinent to note that the authority who issued the arrest warrant in the case of Mr. RICHARD LEHMAN has not fulfilled the requirements set forth in Article 21 of the National Constitution, as well as requirements in Articles 2140 and 2152 of the Judicial Code so that the application of the precautionary measure, which is of an extreme nature, can be deemed to be legal; the written arrest warrant was issued by a competent authority, however, the punishable act or the involvement of the person whose arrest is ordered has not been clearly shown.

As to the exceptions of the accused and arguments by the defense, these are primarily facts and circumstances that should be considered by the Trial Court when it must decide the different stages of the process he/she presides, whether it is the intermediate stage to decide if there are merits to proceed, or the plenary stage, if he is summoned for trial.

In accordance with the foregoing, the only thing that remains for the Court to do is to proceed to find that the arrest warrant issued for RICHARD LEHMAN is illegal, and we shall entertain that hereinafter.

DISPOSITIVE PART

Based on the foregoing, the SECOND SUPERIOR COURT OF JUSTICE IN AND FOR THE FIRST JUDICIAL CIRCUIT OF PANAMA, administering justice for and on behalf of the Republic and as vested by law, declares **ILLEGAL** the arrest warrant for **RICHARD SAM LEHMAN** for the crime against property.

LEGAL BASIS: Article 21 of the National Constitution, 2140, 2152 and 2574 et seq. of the Judicial Code.

/s/ Illegible

JUDGE GENEVA C. AGUILAR DE LADRON DE GUEVARA

/s/ Illegible

JUDGE ELVIA M. BATISTA S.

/s/ Illegible

JUDGE LUIS M. CARRASCO

/s/ Illegible

ATTY. ANA E. GONZALEZ F.
CLERK, IN CHARGE

[Stamp:] **IN PANAMA ON THE 22nd**
DAY IN NOVEMBER 2007
AT 2:40 IN THE AFTERNOON
ILLEGIBLE CARLOS CARRILLO GOMILA
/s/ Illegible **CLERK**

....In Panama City, at ten in the morning (10:00 a.m.) of Friday, December first (1st) of two thousand six (2006), mister RICHARD S. LEHMAN appears before the 15th District Court of the Panama's First Judicial Circuit, with the purpose of extending his sworn deposition in the actual investigations. Due to the fact that the appearer does not dominate the Spanish language, translator ROBERTO BOSCO CIRE of the English to Spanish and vice versa language will be assigned to him, with personal i.d. number 8-407-194, particular translator with offices in Edificio Torres Ebel, floor 13-B, for which all information, questions and answers will be made through the translator. We proceed by having the witness take an oath, warning him on the content of Article 355 of the Penal Code, which refers to the False testimony offence, in virtue of which he promises to tell the truth on everything that he knows and is asked about. Forwardly, he is questioned in the following manner: QUESTION: What was the motive of your presence in this office this morning. ANSWER: I am here to testify regarding the VALORES GLOBALES shares that were stolen from Wilson C. Lucom's inheritance. Today I am going to testify regarding a letter that was submitted to my lawyers in Florida. This letter was written by Julian Cabarcos, who is related to HILDA through his marriage and said he was acting on behalf of VALORES GLOBALES. In the United States and maybe here, I don't know, one of our main rights is to have our own lawyer present to represent us. We call that the right to a legal representation. In this letter written by Julian Cabarcos on October 25 of 2006, Julian Cabarcos threatened my lawyer to make sure he resigned and stopped representing me. I am going to speak about the letter, but before doing that it is important to mention the whole context of the situation, this way this threatening letter can be valued in its totality. The situation is as follow. Hector Infante, the lawyer that represents HILDA LUCOM, who is trying to void the notarial will, which bequeaths approximately thirty million dollars to the poor children of Panama. They are trying to ensure that WILSON C. LUCOM's inheritance goes to HILDA LUCOM who is 83 years old and not to the poor children of Panama, due to the fact that the notarized will was accepted by the court it will be difficult for it to be voided. There is a plan to try and take this money for HILDA LUCOM which involves many actions, which most of them are aimed at getting me out of the way given that I have been appointed as the Albacea and I am the only one who can stop them. Hector Infante's office has presented official charges against me in Panama on

behalf of Mrs. Lucom, and just yesterday Hector Infante offered me three million dollars if I resigned. This happened in a meeting in which I was present as well as OCTAVIO DEL MORAL, attorney, MARIO BOYD, attorney, HECTOR INFANTE and one of Hector's associates whose name I do not know, this happened yesterday Thursday, November 30 in a restaurant near Infante's office. The reason for this meeting was to talk and try to resolve all of these differences. I found this very strange given that the court has not ruled that HILDA LUCOM has any right, other than the one mentioned in the will. Now I will talk about the theft of the VALORES GLOBALES shares and Julian Cabarcos' letter. It is important for this to be on record, to confirm that a judge in Florida has suspended HILDA LUCOM'S actions to exert any right on the VALORES GLOBALES shares. I am waiting to receive another order from the British Virgin Islands, where VALORES GLOBALES was incorporated, saying that HILDA LUCOM has no faculty to exert the right to vote. A judge in Florida has prevented HILDA from voting on the VALORES GLOBALES shares, given that she has denied to testify against me. In Florida you cannot report someone without any evidence. She has denied to testify. In Panama, the authorities must demand HILDA LUCOM to testify in person this way my rights are dully protected. I cannot understand how a judge can decide without her testimony in person. Now we will talk about JULIAN CABARCOS' letter. HILDA LUCOM'S accountant, Saby Bonilla, testified that the VALORES GLOBALES shares never left Mr. Lucom's home. From mid June until October 5, when she testified, despite that, JULIAN CABARCOS' letter, in which he threatens my lawyer, clearly confirms that HILDA PIZA LUCOM is in possession of shares that represent all of the VALORES GLOBALES shares. Who is telling the truth? Saby Bonilla, HILDA LUCOM or JULIAN CABARCOS. Also, in JULIAN CABARCOS' letter he accuses me of committing a serie of offences in Panama, none of which have been proved. Moreover, his letter affirms the following regarding my position as albacea: "The Panamanian Court has prohibited his capacity to act as Albacea". This is not true. Specific powers have been suspended; however I am still the Albacea. Paragraphs 2, 3 and 4 of the letter, make many erroneous statements on me. Due to this letter my attorney resigned and no other lawyer to whom I have showed this letter is willing to represent me. These actions, which are against the United States' constitutional rights, are just one of many of the erroneous actions against me in this case. I would like to ask Hector Infante, where he got the power to try to buy me with moneys derived from the LUCOM inheritance, while the inheritance

is still being administered and his client HILDA LUCOM has no such rights, other than the ones disposed in the will. I want ask the prosecution if it is an offence to try to buy off an Albacea to prevent him from administering an inheritance? as well as his threats to avoid us from having a legal representation? That is all. QUESTION: What type of specific powers are you referring to, which have been suspended, such as previously expressed and why were they suspended? ANSWER: I don't remember exactly, but in general they were 2 things, one: I would have nothing to do with Hacienda Santa Monica, and two: that I should not do anything with a serie of bank accounts in Panama. It is very hard for me to explain the reason of this decision, given that there was no hearing whatsoever, this was just an automatic act in response to something HECTOR INFANTE submitted, however my lawyers in Panama, have told me that they think that my suspension was illegal and is presently in appeal in a civil court here in Panama, I don't know which one. QUESTION: Please state if you wish to add anything else to the present diligence which you consider is important. ANSWER: That is all. At this point and not being any other the object of this diligence, the same is over, after having the witness read and sign it.

EXHIBIT 9

....In Panama City, at ten in the morning (10:00 a.m.) of Friday, December first (1st) of two thousand six (2006), mister RICHARD S. LEHMAN appears before the 15th District Court of the Panama's First Judicial Circuit, with the purpose of extending his sworn deposition in the actual investigations. Due to the fact that the appearer does not dominate the Spanish language, translator ROBERTO BOSCO CIRE of the English to Spanish and vice versa language will be assigned to him, with personal i.d. number 8-407-194, particular translator with offices in Edificio Torres Ebel, floor 13-B, for which all information, questions and answers will be made through the translator. We proceed by having the witness take an oath, warning him on the content of Article 355 of the Penal Code, which refers to the False testimony offence, in virtue of which he promises to tell the truth on everything that he knows and is asked about. Forwardly, he is questioned in the following manner: QUESTION: What was the motive of your presence in this office this morning. ANSWER: I am here to testify regarding the VALORES GLOBALES shares that were stolen from Wilson C. Lucom's inheritance. Today I am going to testify regarding a letter that was submitted to my lawyers in Florida. This letter was written by Julian Cabarcos, who is related to HILDA through his marriage and said he was acting on behalf of VALORES GLOBALES. In the United States and maybe here, I don't know, one of our main rights is to have our own lawyer present to represent us. We call that the right to a legal representation. In this letter written by Julian Cabarcos on October 25 of 2006, Julian Cabarcos threatened my lawyer to make sure he resigned and stopped representing me. I am going to speak about the letter, but before doing that it is important to mention the whole context of the situation, this way this threatening letter can be valued in its totality. The situation is as follow. Hector Infante, the lawyer that represents HILDA LUCOM, who is trying to void the notarial will, which bequeaths approximately thirty million dollars to the poor children of Panama. They are trying to ensure that WILSON C. LUCOM's inheritance goes to HILDA LUCOM who is 83 years old and not to the poor children of Panama, due to the fact that the notarized will was accepted by the court it will be difficult for it to be voided. There is a plan to try and take this money for HILDA LUCOM which involves many actions, which most of them are aimed at getting me out of the way given that I have been appointed as the Albacea and I am the only one who can stop them. Hector Infante's office has presented official charges against me in Panama on

behalf of Mrs. Lucom, and just yesterday Hector Infante offered me three million dollars if I resigned. This happened in a meeting in which I was present as well as OCTAVIO DEL MORAL, attorney, MARIO BOYD, attorney, HECTOR INFANTE and one of Hector's associates whose name I do not know, this happened yesterday Thursday, November 30 in a restaurant near Infante's office. The reason for this meeting was to talk and try to resolve all of these differences. I found this very strange given that the court has not ruled that HILDA LUCOM has any right, other than the one mentioned in the will. Now I will talk about the theft of the VALORES GLOBALES shares and Julian Cabarcos' letter. It is important for this to be on record, to confirm that a judge in Florida has suspended HILDA LUCOM'S actions to exert any right on the VALORES GLOBALES shares. I am waiting to receive another order from the British Virgin Islands, where VALORES GLOBALES was incorporated, saying that HILDA LUCOM has no faculty to exert the right to vote. A judge in Florida has prevented HILDA from voting on the VALORES GLOBALES shares, given that she has denied to testify against me. In Florida you cannot report someone without any evidence. She has denied to testify. In Panama, the authorities must demand HILDA LUCOM to testify in person this way my rights are dully protected. I cannot understand how a judge can decide without her testimony in person. Now we will talk about JULIAN CABARCOS' letter. HILDA LUCOM'S accountant, SABY BONILLA, testified that the VALORES GLOBALES shares never left Mr. Lucom's home. From mid June until October 5, when she testified, despite that, JULIAN CABARCOS' letter, in which he threatens my lawyer, clearly confirms that HILDA PIZA LUCOM is in possession of shares that represent all of the VALORES GLOBALES shares. Who is telling the truth? SABY BONILLA, HILDA LUCOM or JULIAN CABARCOS. Also, in JULIAN CABARCOS' letter he accuses me of committing a serie of offences in Panama, none of which have been proved. Moreover, his letter affirms the following regarding my position as albacea: "The Panamanian Court has prohibited his capacity to act as Albacea". This is not true. Specific powers have been suspended; however I am still the Albacea. Paragraphs 2, 3 and 4 of the letter, make many erroneous statements on me. Due to this letter my attorney resigned and no other lawyer to whom I have showed this letter is willing to represent me. These actions, which are against the United States' constitutional rights, are just one of many of the erroneous actions against me in this case. I would like to ask Hector Infante, where he got the power to try to buy me with moneys derived from the LUCOM inheritance, while the inheritance

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EXHIBIT 10

REPUBLIC OF PANAMA



JUDICIAL INVESTIGATIONS DIRECTORATE
GENERAL SECRETARIAT

Official letter No. SG-0116-08
Panama, January 31, 2008

The undersigned Interim Secretary General (in transition) of the Judicial Investigations Directorate, exercising her legal authority and at the request of the interested party,

HEREBY CERTIFIES:

That pursuant to information provided by our Panama National Interpol Headquarters Office, Messrs. Victor Antonio Crosbie Castillero, identity card No. 8-155-1933 and Richard Sam Lehman, passport No. 155423301 are not sought by any authority internationally in accordance with the International Criminal Police Organization database.

Very truly yours,

/s/ Illegible

MARIA CECILIA MATA ALVAREZ
Interim Secretary General (in transition)

MCM/nj.

REPUBLIC OF PANAMA
[Coat of Arms]
GENERAL SECRETARIAT
JUDICIAL TECHNICAL POLICE

REPÚBLICA DE PANAMÁ



**DIRECCIÓN DE INVESTIGACIÓN JUDICIAL
SECRETARÍA GENERAL**

*Oficio No.SG-0116-08.
Panamá, 31 de enero de 2008.*

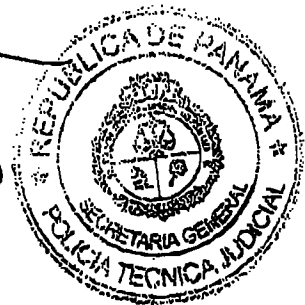
La suscrita Secretaria General Encargada (En Transición), de la Dirección de Investigación Judicial, en uso de sus facultades legales y a solicitud de la parte interesada,

CERTIFICA:

Que de acuerdo con información suministrada por nuestra Oficina Central Nacional de Interpol Panamá, los señores Victor Antonio Crosbie Castillero, con cédula de identidad personal No.8-155-1933 y Richard Sam Lehman, con pasaporte No.155423301, no son requeridos por ninguna autoridad a nivel internacional, conforme a la base de datos de la Organización Internacional de Policía Criminal.

Atentamente,


MARIA CECILIA MATA ALVAREZ
Secretaria General, Encargada (En Transición)



MCMA/mj.



**MINISTERIO PÚBLICO
FISCALIA CUARTA DEL PRIMER CIRCUITO
JUDICIAL DE LA PROVINCIA DE PANAMA.**

OFICIO No. 3745
Panamá, 10 de septiembre de 2007

Licenciado
JOSE AYU PRADO
Director de la Policía
Técnica Judicial.
E. S. D.

O.C.N. INTERIOR DE PANAMA

Recibido:

Carlos L. Wlender 10/17/07

De:

Fecha 24.10.2007

Hora 16:45

Señor Director:

Agradeceré a usted interponga sus buenos oficios a fin de que se capturen y sean puesto a ordenes de este Despacho, a los señores **RICHARD SAN LEHMAN**, de nacionalidad Estadounidense con pasaporte No. L550-757-44-081-0 de paradero desconocido, **ANDREA OSPINA**, con cedula de identidad No. E-8-87812, quien puede ser localizada en Villa Lucra, calle 15, casa No. 12; **VICTOR CROSBIE**, con cedula de identidad No. 8-155-1933, quien puede ser localizado en el Edificio Banco de Boston, piso No. 13, oficina No. 1302 ó en Villa Costa del Este, casa E, apartamento No. 3d, ya que mediante providencia de fecha 10 de septiembre de 2007, este Despacho ordeno recibirle declaración indagatoria y la detención de los prenombrados, **para el día 13 y 14 de Septiembre del 2007, a las 8:00 am.**

Al momento de su detención hágasele saber lo siguiente:

- 1.-Que se le detiene por orden escrita de esta Fiscalía, por el delito Contra el Patrimonio.
- 2.-Que desde el momento de su detención tiene derecho a ser asistido por un abogado, tal y como lo establece el artículo 22 de la Constitución Nacional.
- 3.-Que no esta obligado a declarar contra si mismo o sus parientes cercanos.

De usted, Atentamente.

LICDA. TANIA STERLING BERNAL
Fiscal Cuarta del Primer
Circuito de Panamá.

Jac
exp.0026 (g)

*Recibido
Fisco
2007.10
25-10*

EXHIBIT 11

Infante & Perez Almillano

ATTORNEYS AT LAW

P.O. BOX 0830-00142 ZONE 9
PANAMA, REP. OF PANAMA
ST. GEORGE BANK BUILDING, FLOOR 14
CALLE 50 AND 74 SAN FRANCISCO

TELEPHONES:
322-2121 322-2207
322-2205 322-2206
FAX: (507) 322-2212

**Criminal Complaint is
added hereto**

Complaint against **RICHARD SAM LEHMAN**
for extortion, defamation and slander, to the
detriment of **HECTOR ERNESTO INFANTE**.

**HONORABLE FOURTEENTH PROSECUTOR IN AND FOR THE FIRST JUDICIAL
CIRCUIT OF PANAMA:**

INFANTE & PEREZ ALMILLANO, whose personal information is evidenced in the foregoing power of attorney, respectfully appear before you by virtue of the power of attorney granted by **HECTOR E. INFANTE**, whose personal information is also on record in the power of attorney in the file of the preliminary investigation on **RICHARD SAM LEHMAN** for defamation and slander, for purposes of formally adding a **Complaint** for extortion, defamation and slander, and wherefor we move that, subsequent to the investigation of the facts, the pertinent penalty be imposed on the defendant.

I. DATE AND PLACE OF THE ACT:

The defamation and slander offenses were repetitive on April 13, 2007 and May 4, 2007, in depositions given by **RICHARD SAM LEHMAN** at the Circuit Court of the Fifteenth Judicial Circuit in Palm Beach County, Florida, United States of America; which were reiterated in emails on a subsequent date.

The extortion materialized between August 20 and 21, 2007, in two letters, one of these having been sent directly to **HILDA PIZA LUCOM**.

II. CRIMINAL DEFENDANT:

Is **RICHARD SAM LEHMAN**, a male, a U.S. citizen, of legal age, United States passport No. 155423307, who may be located at 2600 N. Military Trail, Suite 270, Boca Raton, Florida, State of Florida 33431, United States of America.

III. PLAINTIFF:

Is Attorney **HECTOR E. INFANTE**, a male, a Panamanian, of legal age, personal identity card No. 8-211-2657, represented by **INFANTE & PEREZ ALMILLANO**, who can both be located at Calle 50, Edificio St. Georges Bank and Trust Company, Floor 14, Panama, telephone number 322-2121, fax 32-2212.

THE COMPLAINT IS BASED ON THE FOLLOWING FACTS AND REASONS:

FIRST: On April 13, 2007, **RICHARD SAM LEHMAN** made defamatory and slanderous statements against our principal in a motion for removal of the Executor of the Estate of **WILSON CHARLES LUCOM (R.I.P.)**, in process before the Circuit Court of the Fifteenth Judicial Circuit

[Illegible initials]

in Palm Beach County, Florida, United States of America, a proceeding wherein Attorney **HECTOR ERNESTO INFANTE** is not a party.

SECOND: Defendant **RICHARD SAM LEHMAN**, in an email dated May 4, 2007, sent Attorney **HECTOR ERNESTO INFANTE** a Spanish translation of his defamatory and slanderous statements. The referenced email was sent with the evident and premeditated purpose of provoking, harming and defaming our principal. We can reliably back this statement with the contents of the message, which literally states:

"Dear Hector:

Your attorney in Florida was very helpful by asking me to tell everything I have come to know about you during this case.

I thought (sic) it was important to be able to include this statement (sic) so that it will be in the public records in Florida.

Please note the descriptions regarding which I had no choice (sic) other than to tell the truth.

- 1) Please note Page 83, Line (sic) 21 through Page 88, Line (sic) 25;**
- 2) Please note Page 97, Line (sic) through Page 100, Line (sic) 3;**
- 3) Please note Page 101, Line (sic) 8 through Page 102, Line (sic) 8.**

**Richard S. Lehman, Esq.
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Boca Raton, FL 33431
561.368.1113 Telephone
561.998.9557 Facsimile
mail to: rlehman@lehmantaxlaw.com
www.lehmantaxlaw.com**

THIRD: Upon reviewing the message written by **RICHARD SAM LEHMAN** in the aforementioned email, we verified the same intention to offend our principal by specifically "inviting" him to read the sentences in which he had the nerve to offend him and accuse him of

[Illegible initials]

criminal conduct; thereby also to the detriment of his honor, decorum, the reputation and image others could have of Atty. **HECTOR ERNESTO INFANTE**. Hereinafter we transcribe the pertinent extracts of **RICHARD SAM LEHMAN'S** defamatory and slanderous statements:

Abbreviations

Q. = Question RSL = Richard Sam Lehman

"Q. Did you enter into any type of negotiation with Hector Infante?

RSL: YES.

Q. Where did this negotiation take place?

RSL: The same took place - it happened in two places.

We had a prenegotiation in his office. I told him that since his office was wired, I was not going to negotiate with him.

Okay.

But we did discuss laws in his office.

Q. How do you know his office is wired?

RSL: I've heard it from almost all of the attorneys with whom I have spoken in Panama. **I know he represents drug traffickers. That's where he makes his money. He advertises in Colombian newspapers to represent drug traffickers.**

Q. Who told you his office was wired?

RSL: My God, as I told you, talk to any decent attorney in Panama who knows him. **There are so many I can't remember all of them.**

Q. Can you mention any?

RSL: Yes. Well, Chris Ruddy told me and Chris Ruddy told me incorrectly that his attorney Gabriel Castro had told him so. David Mizrachi told Chris. David Mizrachi was Chris' attorney. He told me it was wired. **Honestly, I'll tell you that I can't recall all the names** because I've gone through at least 35 attorneys thus far. At least four attorneys have told me that his office is wired.

Q. How do they know that?

RSL: **I haven't asked that.** But if you will allow me to show you the my detectives' report regarding how **perverted and mediocre** he is, perhaps you will want to see the contents if you wish to do your own due diligence on this guy. You could do your own inquiry and see.

[Illegible initials]

Q. What else have these attorneys told you about Hector Infante?

*RSL: They told me that his **modus operandi was threats, extortion and bribes. That he is known in the bar association for those characteristics.** They told me that he made money through his political relationship with a prosecutor with whom he agreed that any drug money that was to be released, the prosecutor would contact him to represent it. I heard they all became rich with that. Okay. That's what I've heard. **They've also told me he throws parties on ships in Cuba and in Panama. Okay, homosexual parties.** Okay. What else have I heard about Hector? I heard he **threatened journalists' lives** in his attempt to hide the fact of - this was on the internet. Some of his attorneys were caught at a party where drugs were being used and where a woman was murdered, and **Hector Infante had to hide that and threatened the lives of a couple of journalists.** Okay. They also told me that.*

Q. Who told you that?

*RSL: **That's on the internet.** Okay. Above and beyond the fact that some attorneys also told me. **I also found out that he had a disagreement with a partner, and that it was suddenly settled, but in the midst of that dispute the partner's grandson was suddenly kidnapped. He showed up later, after the problem was settled.** These are things I've been told. (Our highlighting)*

Page 83, Line 22-Page 86 -Line 6

FOURTH: From reading the false, defamatory and slanderous statements made by **RICHARD SAM LEHMAN** before the Circuit Court of the Fifteenth Judicial Circuit in Palm Beach County, Florida, there are serious accusations, defamation and offenses against Attorney **HECTOR E. INFANTE**.

The falsity of those statements can be verified with a logical, simple review thereof; inasmuch as in his answers, the declarant always attempts to circumvent the questions oriented towards revealing where he had obtained the false information, or better yet, who had told him so.

[Illegible initials]

Please note how he continues to do so in the extracts of the following statements:

Abbreviations

Q. = Question RSL = Richard Sam Lehman

"Q. Are you sure of that?"

RSL: I think so. I don't want to say one hundred percent and then not be certain later.

Q. Who do you think it is?

RSL: Well -

Q. - you're not sure?

Two drug enforcement agents from Panama.

Q. Are you still investigating Hector Infante?

RSL: No.

Q. Where did the \$7,000.00 that were paid taken from?

RSL: Which \$7,000.00?

Q. Five thousand plus 1,500 or \$2,200 to investigate [?]. From where was James Toth paid?

RSL: In answering this question, I will answer in summary. It would be from the account of the Lucom Estate or from my own money, depending whether the estate account would be left without funds. So, I think the subsequent invoice was paid by me.

Q. So the Estate in Florida paid some bills?

RSL: I'm sure it paid the first invoice. The invoice for investigation. Okay.

Q. Where is James Toth?

RSL: He has a Fort Lauderdale number. I don't know.

Q. Was the investigation on Hector Infante in any way relevant to the Estate in Florida?

RSL: I think it is relevant to his entire estate. Each expense we have had to incur, okay, and which have cost me a great deal personally, I believe each of those expenses was paid to defend this will. Okay. That includes assets in Florida, assets as they are. Insofar as I am concerned, since the man who is with the other party, as you can see from all of his actions, **is a dishonest attorney and a thief. You have to fight a lot when you have a dishonest attorney and a thief against you. Okay.**

Page 88, Line 1 - Page 98, Line 10

[Illegible initials]

RSL: As I told you, if there were any assets here that the members of the Arias family and Hector Infante could appropriate through any interpretation of the will or any other way, then they would be here **trying to suspend me. Perhaps they wouldn't try to kill me if it weren't much, but they would be trying to get rid of me and then kill me, who knows.**

Q. Would you have to travel to Panama? That was the question.

RSL: Perhaps, if there were persons in Panama who were doing all kinds of things that involve the assets there. I don't know. There are five or 10 people who are beneficiaries in Panama. So, I don't know.

Q. So your answer is I don't know?

RSL: I don't know. Correct, I don't know. (Our highlighting)

Page 101, Line 22 - Page 102, Line 13

FIFTH: The defendant falsely and recklessly accused our principal of allegedly committing the crime codified in Article 334 of the Criminal Code as **Corruption of Public Servants** inasmuch as **RICHARD SAM LEHMAN** was appointed and accepted the position of Executor of the estate of **WILSON C. LUCOM (R.I.P.)**. We must state that these statements constitute a restatement of the accusations the defendant has unscrupulously made by way of other proceedings.

SIXTH: When mentioning that the defendant continually repeats the accusations of bribery, notwithstanding there is no legal basis or evidence, we move the prosecutor who conducts the preliminary investigation as well as the Judge presiding over the case will appreciate how Attorney **HECTOR ERNESTO INFANTE** is the victim of defamation and slander perpetrated by an individual who not only has a clear intent to defame and slander, but that he also intends to be above Panamanian Law and the rights of its nationals.

[Illegible initials]

SEVENTH: The slander perpetrated by **RICHARD SAM LEHMAN** is aggravated by maliciously involving our principal as the person who is liable for another crime, specifically **kidnapping** (Article 188 of the Criminal Code) with regard to "one of his partner's grandsons". These slanderous statements reaffirm the defendant's own falsity and total lack of knowledge of the events that transpired, inasmuch as that case was followed very closely in Panama, where two of one of our principal's former partner's children were kidnapped (not grandchildren). It ended with the arrest, prosecution and conviction of the criminals responsible for such an abominable act.

EIGHTH: One must remember that both the accusation of **corruption of public servants** as well as the insinuation that our principal was involved in a **kidnapping** are serious accusations that could well bring forth an official investigation and the resulting harm to our client. Hereinbelow, we cite the pertinent regulations for the crimes:

"Article 188. Anyone who kidnaps a person to obtain from the said person or from another money, things or legally binding documents, or any other [thing] as the price for release, in favor of the person responsible or other persons he appoints, even if the intended results fail, shall be penalized with imprisonment for 5 to 7 years."

"Article 331. Any public servant who, personally or through a third party, accepts promises, money or other benefits as a reward for his duties, not owing thereto, shall be penalized with imprisonment for 2 to 4 years."

Article 332. When the object of the conduct of a public servant, stipulated in the foregoing article, is to delay or omit an act incumbent upon his duties, or the execution of or an act contrary to his duties, the penalty shall be imprisonment from 3 to 6 years.

If the perpetrator of the described punishable act works at the Office of the Prosecutor or the Judiciary, and the money, gift, promise or advantage has the purpose of being detrimental to or in favor of a party in a proceeding, the penalty shall be increased by half."

[Illegible initials]

Article 334. Penalties set forth in Articles 331, 332, 333 are applicable to whomever gives or promises a public servant a wrongful benefit, as the case may be. (Our highlighting)

NINTH: We can distinguish repeated defamatory and slanderous statements from the statements transcribed hereinabove, oriented towards harming the honor, decorum and reputation of Attorney **HECTOR ERNESTO INFANTE**. Said provocations refer to him as “perverted and mediocre”, “involved with drug trafficking”, “dishonest”, “thief” and attribute to him death threats and extortions, to the extent they create doubt as to his masculinity.

In order to somehow explain **RICHARD SAM LEHMAN’S** unworthy reasons for defaming and slandering our principal, we must specify that both represent different interests in a court proceeding in process in the Republic of Panama; and therefrom, he has made a personal enemy of our principal, making him the target of systematic, continual and personal attacks that include a large number of emails and telephone calls with offensive, degrading and threatening messages, even going as far as assuring **HECTOR ERNESTO INFANTE** in one of these, that he has decided to taken it upon himself to bring his fortune and reputation to an end.

TENTH: Evidently, **RICHARD SAM LEHMAN** has slandered our principal by maliciously questioning his honor and injuring the same by making reckless and false statements. Attorney **HECTOR E. INFANTE** is a renowned attorney in his field, and the statements that are today com-

[Illegible initials]

plained of could well cause him serious damages, both in his activities, as well as his professional reputation if the same were not clarified in a timely manner.

ELEVENTH: The defendant, falsely and without any basis whatsoever, has accused him of **corruption of public servants and kidnapping**, reasons wherefor his conduct fits the criminal offense of **defamation**.

TWELFTH: Likewise, the conduct of **RICHARD SAM LEHMAN** is in keeping with the criminal offense stipulated in Article 173 of the Criminal Code; that is, **slander** by harming the honor, decorum, reputation and dignity of Attorney **HECTOR E. INFANTE**, considerably detrimental to him personally and professionally.

THIRTEENTH: While it is true that one of the criminal acts complained of took place in the United States of America through statements made in a foreign proceeding and remitted to our principal's email addresses for the purpose of provoking; we must emphasize that Article 9 in our Criminal Code provides for the possibility of applying Panamanian criminal law for punishable acts committed abroad when these are "...perpetrated against a Panamanian or his rights."

[Illegible initials]

Inasmuch as our principal is a Panamanian national, this article unequivocally is applicable to the facts that occurred. The pertinent part of Article 9, paragraph 2 is transcribed hereinbelow:

"Article 9. Panamanian law shall be applied for punishable acts committed abroad when:

1. ...

*2. They are perpetrated against a Panamanian or his rights.
(...)"*

FOURTEENTH: On August twenty (20), 2007, **RICHARD SAM LEHMAN** had a threatening letter delivered to the offices of Attorney **HECTOR ERNESTO INFANTE**, thereby advising him of the publication of a sort of "Report", wherein all of the alleged unethical and illegal practices of our principal will be exposed.

We must warn the office of preliminary investigation that the alluded to "Report" only involves the same accusations with which the defendant has attempted to defame and slander our principal, this time camouflaged under the apparent format of an "informational brochure", that as the defendant explains in his letter, he intends to publish latest on Thursday, on a grand scale and to distribute it among Panamanian citizens/officers and United States dignitaries.

FIFTEENTH: Although he had indicated that the alleged report would be published on Thursday; exactly one (1) day after receiving the correspondence that was detailed in the previous paragraph, **RICHARD SAM LEHMAN** actually offered a settlement to **HILDA PIZA LUCOM**, (represent-

[Illegible initials]

ed in Panama by Attorney **HECTOR ERNESTO INFANTE**), this was handled on August twenty-first (21), 2007, through **CHARLES BENNARDINI**, one of his attorneys in the United States.

In the aforementioned offer no specific matter is proposed, rather the accused attempts to appeal to indecent intentions with Mrs. **HILDA PIZA LUCOM**; and the words of the accused himself are the ones that refer to terms such as "**A LARGE CAKE**" that everyone can share.

SIXTEENTH: Reviewing the correspondence provided as evidence to this amendment, the preliminary investigation officer will be able to perceive how **RICHARD SAM LEHMAN**, on the one hand, threatens to make public knowledge a whole series of accusations that are neither ethical nor legal; while, through another channel, encourages **HILDA PIZA** (represented in Panama by Attorney **HECTOR ERNESTO INFANTE**) to execute an out of court settlement, with which he intends to reduce her net worth (inheritance rights), after threatening her counsel to desist from his actions on the same date.

There is no need for a detailed explanation of the contradictory action by **RICHARD SAM LEHMAN**, by virtue of the fact that if any of the libel and slander uttered against our principal had any basis, the accused would not be indirectly proposing, and in every way possible, an agreement "beneficial" for everyone, appealing to the greed of his counterpart, and stating, likewise, his own motivation and interests.

[Illegible initials]

SEVENTEENTH: It is evident that **RICHARD SAM LEHMAN** not only publicly defames and slanders **HECTOR ERNESTO INFANTE**, but that his intention is to hurl even greater damage to the honor and decorum of our principal. All of these acts are used as a coercive element so that our principal will resign from legally representing **HILDA PIZA LUCOM**, or accepts an out of court settlement agreement with the plaintiff. We are transcribing the last sentence in the letter dated August 20, 2007.

"You decided to act this way. You can desist if you so wish."

EIGHTEENTH: **RICHARD SAM LEHMAN**'s conduct is in keeping with the criminal offense set forth in Article 187 of the Criminal Code, that is, **extortion** by having insistently threatened to destroy the honor and reputation of **HECTOR E. INFANTE** (as he criminally confesses in his written communications), if he does not desist from legally representing Mrs. **HILDA LUCOM**, or worse yet, if he refuses to persuade his client to negotiate an out-of-court settlement with the accused.

OFFENSES CHARGED HEREIN: The offenses are extortion, defamation and slander. For the pertinent purposes, we transcribe the cited provisions, to wit:

"Article 187. Anyone who, through intimidation or serious threats for purposes of an illegal gain for himself or a third party, forces another to make a detrimental disposal of assets for himself or third parties shall be punished with three (3) to five (5) years imprisonment."

[Illegible initials]

"Article 173. Anyone who offends the dignity, honor or decorum of another person in writing, or in any other form, shall be punished with [illegible]... one hundred twenty (120) fine."

EVIDENCE. We reiterate the documentary evidence on file in this preliminary investigation on **RICHARD SAM LEHMAN** for defamation and slander; and add the following as evidence:

A. DOCUMENTARY EVIDENCE:

1. Letter dated Friday, August twenty (20), 2007, addressed to Attorney **HECTOR ERNESTO INFANTE**, signed by **RICHARD SAM LEHMAN**.
2. Attachment to the letter dated August twenty (20), 2007, consisting of a brochure titled *"Panamanian – Cases Pending Justice (sic) – The excessive ambition of a law firm (sic)."*
3. Plain copy and translation into Spanish of the letter dated August twenty-one (21), 2007, addressed to **HILDA LUCOM**, signed by **RICHARD SAM LEHMAN**.
4. Original and copy for comparison by clerk of the general power of attorney for litigation granted by **HILDA PIZA**, therein documenting representation in favor of **INFANTE & PEREZ ALMILLANO**.

B. TESTIMONIAL EVIDENCE:

Likewise, we move the following persons be summoned to give a sworn statement:

1. **OCTAVIO DEL MORAL**

[Illegible initials]

2. FERNANDO LINARES

3. ELOY ALFARO,

all members of the law firm TAPIA, LINARES & ALFARO, the attorneys for LUCOM WORLD PEACE LTD., likewise trustee of the foundation WILSON CHARLES LUCOM TRUST FUND in the testamentary probate proceeding of WILSON CHARLES LUCOM (R.I.P.) before the Fifth Civil Circuit Court in and for the First Judicial Circuit of Panama.

LAWS: Articles 9, 172, 173, 187 of the Criminal Code; Articles 1957, 2000 et seq. of the Judicial Code, as amended by Law No. 31 of May 28, 1998.

Panama, August 28, 2007.

Infante & Perez Almillano

/s/ Illegible
Edna Ramos Chue

[Partially legible stamp]

... motion
....Daniel Infante
....8-755-27 29
...August 2007
10:20 a.m. Added
to the preliminary investigation
By /s/ Illegible

[Illegible initials]

EXHIBIT 12



**REPUBLIC OF PANAMA
THE JUDICIARY**

SUPREME COURT OF JUSTICE – EN BANC

PANAMA, OCTOBER EIGHT (08) TWO THOUSAND EIGHT (2008).

WHEREAS:

The Supreme Court of Justice en banc entertains the appeal filed on Judgment No. 51 of November 26, 2007, issued by the Second Superior Court for the First Judicial District in the Habeas Corpus action filed by Atty. Carlos Eugenio Carrillo Gomila on behalf of **RICHARD SAM LEHMAN** against the Fourteenth Prosecutor's Office for the First Judicial Circuit of Panama.

DECISION OF THE LOWER COURT

The appealed judgment declares the arrest warrant issued by the Fourteenth Prosecutor's Office for the First Judicial District of Panama against **RICHARD SAM LEHMAN** is legal, accused of crimes against Honor (defamation and slander), the Administration of Justice and Against Property (Extortion) to the detriment of Hector Infante Bonilla inasmuch as it has been issued by a competent authority and through a reasoned, written decision which complies with the formalities and requirements stipulated by law for its decision.

APPEAL

The appellant states his disagreement with the decision of the lower court inasmuch as the reasons given by the Fourteenth Prosecutor's Office for the First Judicial Circuit of Panama in the Order dated October 2, 2007 does not explain how the alleged facts are subsumed in the extortion offense. In addition to the fact that the agency conducting the preliminary investigation, in the decision dated October 2, 2007, ordered the arrest of **RICHARD SAM LEHMAN** based on the alleged offenses against Honor and Defamation in legal proceedings, criminal offenses that by virtue of the punishment do not admit preventive detention.

He affirms that, furthermore, the arrest ordered by the Fourteenth Prosecutor's Office for the First Judicial Circuit of Panama is arbitrary given the fact that **RICHARD SAM LEHMAN** cannot be investigated or prosecuted in the Republic of Panama, but in the place where the alleged offense occurred, to wit, Florida, United States.

The appellant moves for censure, therefor, for reversal of Habeas Corpus Judgment No. 51 of November 26, 2007, issued by the Second Superior Court of Justice and that [the Court] declare the order for the preventive detention of **RICHARD SAM LEHMAN** is illegal.

CASE BACKGROUND

To better understand the criminal issue, we must remit ourselves to the background of the case as set forth hereunder:

On June 12, 2007, the law firm Infante & Perez Almillano filed a formal complaint against Mr. **RICHARD SAM LEHMAN** with the Fourteenth Prosecutor's Office for the First Judicial Circuit of Panama for defamation and slander in legal proceedings to the detriment of Mr. Hector Ernesto Infante.

One gleans from the contents of the complaint that Wilson Charles Lucom (R.I.P.), the husband of Hilda Piza, granted a will which is on record in Public Deed No. 6646 of June 20, 2005, modified in Public Deeds No. 11191 of October 20, 2005 and Public Deed 1131 of February 3, 2006; public deeds prepared at the Office of the Second Notary Public for the Circuit of Panama.

Therein, the said public deeds establish the appointment of Messrs. **RICHARD SAM LEHMAN**, Christopher Ruddy and Hilda Lucom as executors, and Fundacion Wilson C. Lucom as the heir.

In those same terms, the legatees are Messrs. Hilda Piza Lucom, Isabel Maria Clark, Robert Clark, Alexander Clark, Lanny Clark, Cassandra Clark, the Mayo Clinic of Rochester Minnesota, Melinda Isabel Arias de Morrice, Hilda Julie Arias de Abdelnour, Madeline Antonia Piza, Gilberto Arias Piza, Margarita del Carmen Arias Piza, Norah Garner, James Gibbons, Ann Smith, Walter Garner, Gaby Elkins, Christopher Ruddy, Dr. Peter Hibberd, Mario Boyd, Andrea Ospina, Tanya Itzel Ramos Herrera, Israel del Carmen Tejada Cuervo, Edilberto Soto and Fundacion End War Trus.

By way of Order No. 1025/173-06 of July 5, 2006, the Fourth Civil Court decrees the opening of the testamentary succession proceeding, and among other items, appoints Mr. **RICHARD SAM LEHMAN** as the executor of the said estate and the Administrative Law Office of Alvarez, Crosbie y Asociados as legal counsel for Mr. **SAM LEHMAN**.

From the complaint one gleans that the referenced offenses occurred on April 13, 2007, in depositions given by Mr. **RICHARD SAM LEHMAN** before the Circuit Court in and for the Fifteenth Judicial Circuit in Palm Beach County, Florida, United States of America, wherein he made defamatory and slanderous statements against Hector Ernesto Infante in the motion for the removal of the executor of the estate of Wilson Lucom (R.I.P.), which are before the Court for Palm

Beach County, Florida, United States of America.

Subsequent thereto, on May 4, 2007, **RICHARD SAM LEHMAN** sent an email to Atty. Hector Ernesto Infante, containing the translation into Spanish of his defamatory and slanderous statements.

By way of a proceeding dated August 29, 2007, the taking of the unsworn statement of **RICHARD SAM LEHMAN** was ordered as the alleged violator of legal provisions set forth in Chapter I, Title III in Book II of the Criminal Code and Chapter I, Title XI in Book II of the Criminal Code. Likewise, by way of a proceeding scheduled for September 7, 2007, the agency conducting the preliminary investigation ordered taking the unsworn statement of Mr. **RICHARD SAM LEHMAN** on finding he was involved in the alleged commission of a crime against property, set forth in Chapter III, Title IV in Book II of the Criminal Code, extortion. In a proceeding scheduled for September 10, 2007, the agency conducting the investigation ordered taking the unsworn statement of **RICHARD SAM LEHMAN** for his involvement in the offense stipulated in Title IV, Chapter IV in Book II of the Criminal Code and ordered the immediate arrest of Victor Crosbie, Paola Ospina de Tejada and **RICHARD SAM LEHMAN** and decreed a writ of ne exeat.

The Fourteenth Prosecutor's Office for the Circuit of Panama, in a proceeding dated October 2, 2007, ordered the preventive detention of Mr. **RICHARD SAM LEHMAN** for his involvement in crimes against honor, the administration of justice and against property to the detriment of Hector Ernesto Infante, basing the said order on the fact that the crime involved provides for a sentence of three (3) to five (5) years imprisonment, in addition to the fact that Mr. **LEHMAN** has been charged with crimes against honor and the administration of justice.

DECISION OF THE FULL COURT

It is incumbent on this Judicial Body to examine whether the preventive detention applied to **RICHARD SAM LEHMAN** is in keeping with the constitutional and legal premises for its decision.

In this legal endeavor, the Supreme Court of Justice en banc, reiterates that the Habeas Corpus is a constitutional action whose object is to protect the personal freedom of all individuals against arbitrary detentions or threats; that is, that the said constitutional guarantee specifically and concretely protects personal freedom from restrictions that are arbitrary and violate the Constitution and the Law when constitutional and legal presumptions are not met; that is, it has been imposed in a written order, issued by the competent authority, therein detailing the offense charged, the supporting evidence as well as the involvement of the accused in the attributed illegal conduct. Likewise, one must consider that the offense charged has a minimum sentence of four (4) years imprisonment and that the possibility of flight or ignoring the process exists, the danger of the destruction of evidence, or there is a risk of an attack against the life or health of another person or against himself, as required by Article 2140 of the Judicial Code.

Therefore, preventive detention applied for the crime of extortion concerns examining if the same has been shown in the preliminary investigation, therefore, the following elements are on record in the preliminary investigation:

1. The direct accusation by Attorney Hector Infante Bonilla as the person who defamed and slandered him before foreign judicial authorities.
2. A letter dated August 20, 2007, wherein **RICHARD SAM LEHMAN** demands that Attorney Hector Infante Bonilla resign as legal counsel for Hilda Lucom; elements that do not reveal any criminal violation inasmuch as in the crime of extortion, there must be an intent to profit and damage to assets, which are the subjective elements.

In addition thereto, the objective elements consist of the use of violence or intimidation; that the passive subject is forced to act in a way he does not want; consummation; conducting or omitting a legal act and coincidence, which elements are not shown in the preliminary investigation in the evidence provided thereto.

Another necessary premise which is not fulfilled to order detention concerns the minimum punishment applicable to the offense charged inasmuch as Article 2140 of the Judicial Code, modified by Law 27 of May 21, 2008, provides:

Article 2140. Preventive detention may be decreed when prosecuting a crime that has a minimum punishment of four years imprisonment and the crime and involvement of the accused have been shown through probative means that provide legal certainty of the said act, and furthermore there is a possibility of flight, ignoring the process, a danger evidence will be destroyed, or the person may attack the life or health of another person or himself.

If the accused is handicapped, the officer, additionally, will take the necessary precautions to protect his personal safety.

Exceptionally, when it involves a person whose permanent residence is not in the national territory, or in cases where in the judgment of the competent authority the life or personal integrity of a third party is threatened, preventive detention may be decreed even if the minimum sentence for the crime charged is less than four years imprisonment.

In this last case, at the request of the accused or his legal counsel, the measure shall be reviewed by the Judge presiding over the case, who without further proceedings shall decide if he confirms, revokes or modifies it.

From the foregoing article one gleans that preventive detention is applicable when the crime foresees a sentence of a minimum four (4) years imprisonment, a presumption that is not fulfilled inasmuch as the crime of extortion provides for a sentence of one (1) to four (4) years.

Another argument that must be refuted involves the application of criminal law in space. Article 9 in the Criminal Code provides the possibility of applying Panamanian criminal law to punishable acts committed abroad, provided these are committed against a Panamanian or his rights.

Article 9. Panamanian criminal law shall be applied for punishable acts committed overseas when:

1.
2. they are committed against a Panamanian or his rights.
3.
4.
5.

With regard thereto, the habeas corpus Court concludes that inasmuch as Hector Infante is a Panamanian national and argues the possible violation of his rights, criminal law is perfectly applicable wherefor the appellant's argument in respect of this aspect is unfounded.

The foregoing allow us, in the Court's judgment, to establish that the factual and legal bases in support of the preventive detention order against **RICHARD SAM LEHMAN** and the probative elements that thus far have been provided in the investigation are not sufficient to establish there is a crime against property as set forth in Chapter III, Title IV in Book II of the Criminal Code; based thereon, this full court of the Supreme Court of Justice overturns Habeas Corpus Judgment No. 51 of November 26, 2007, issued by the Second Superior Court for the First Judicial District in the Habeas Corpus action, in favor of Mr. **RICHARD SAM LEHMAN**, and declares the ordered preventive detention is illegal.

DECISION OF THE FULL COURT

Based on the foregoing, **THE SUPREME COURT OF JUSTICE EN BANC**, administering justice on behalf of the Republic and as vested by Law, **OVERTURNS** Habeas Corpus Judgment No. 51 of November 26, 2007, issued by the Second Superior Court for the First Judicial District

in the Habeas Corpus action in favor of Mr. **RICHARD SAM LEHMAN**; in its stead, **DECLARES ILLEGAL** the preventive detention of **RICHARD SAM LEHMAN**, if there is no other pending case.

SERVE NOTICE.

/s/ Illegible
HARLEY J. MITCHELL D.

/s/ Illegible
GISELA AGURTO AYALA

/s/ Illegible
ANIBAL SALAS CESPEDES

/s/ Illegible
WINSTON SPADAFORA FRANCO

/s/ Illegible
ADAN ARNULFO ARJONA

/s/ Illegible
ESMERALDA AROSEMENA DE TROITÑO

/s/ Illegible
VICTOR L. BENAVIDES P.

/s/ Illegible
ALBERTO GIGARRUISTA CORTEZ

/s/ Illegible
LUIS MARIO CARRASCO

/s/ Illegible
CARLOS H. CUESTAS G.
SECRETARY GENERAL

EXHIBIT 13

Congress of the United States
Washington, DC 20515

September 18, 2008

Ambassador Barbara J. Stephenson
American Embassy Panama - PAS
Building 783, Demetrio Basilio Lakas Avenue
Clayton, Panama

Dear Ambassador Stephenson:

We want to thank you for extraordinary efforts to strengthen US-Panama relations, as well as our nation's critical partnerships with Latin American countries. We are writing to you regarding an issue that was brought to our attention by Mr. Richard S. Lehman, an attorney from South Florida, who has encountered serious difficulties with the Panamanian legal system over the past two years while attempting to execute the will of Wilson C. Lucom.

As you are aware, Mr. Lehman is an American citizen and a resident from Boca Raton, Florida. As the Executor of Mr. Lucom's estate, he has been attempting to carry out Mr. Lucom's will, but has faced numerous legal obstacles and delays with the Panamanian courts. In addition, it is our understanding that Mr. Lucom, who passed away in 2006, may have left as much as \$50 million in his will for children's charities in Panama.

It is our understanding that Mr. Lehman will be returning to Panama to continue to fight charges against him, as well as attempt to address legal matters relating to the Lucom Estate. We are concerned about his safety; according to Mr. Lehman, other individuals associated with him and this case have been threatened with physical violence and even shot at. It is our hope that the Panamanian courts will act in a just manner and that the Panamanian government will take adequate steps to ensure Mr. Lehman's safety while in Panama. Finally, we urge you along with Embassy personnel to meet directly with Mr. Lehman and provide any appropriate assistance should it be requested.

Thank you for your prompt attention to this matter. If you have any questions, please do not hesitate to contact us.

With warm regards,


Robert Wexler


Ron Klein

EXHIBIT 14

Honorable Justice
Harley Mitchell Dale
Chief Justice
Supreme Court of Justice
Panama.

Honorable Chief Justice:

I have the honor of writing to you regarding the duties contained in the Executive Decree 179 dated October 27, 2004, that establishes the National Transparency Council against Corruption and its Executive Secretary, whose responsibility among others is to identify at a preventive stage, the administrative deficiencies that could generate corruption acts and it was the case, to submit them to the competent authorities.

This office of Secretary has received documents regarding the Testamentary Estate of Wilson Lucom, a United States citizen, who left a fortune of approximately \$50.0 Million in his Will for the poor children of Panama.

The document that we are enclosing for your consideration consists of a report on the extreme abuse of the criminal and civil system in Panama, in order to distort the testator's last will (Wilson Lucom).

According to the documents, Wilson Lucom's Will distributes the fortune in the following manner:

- \$1.0 Million to Mayo Clinic in the United States, which provided care for him to fight bladder cancer.
- \$2.0 Million for 19 persons, among friends, distant relatives and employees.
- An annuity for Hilda Lucom, his present wife and another one for Isabel Clark, his stepdaughter from his first marriage; consisting in :
 - Hilda Lucom, \$ 240,000 per year
 - Isabel Clark \$ 200,000 per year.
- The remainder of his fortune consists in the Hacienda Santa Monica and other properties and funds that should be administered by a Foundation in benefit of the poor children of Panama. This fortune is worth around 50.0 Million.

The Estate was opened in Panama, for which the Panamanian laws regarding estates are applicable. The Court of the cause appointed Richard S. Lehman as the Executor of the Estate, nevertheless, on May 4, 2007 it was determined that according to the Will, there should be three Executors: Richard Lehman, Hilda Lucom (the widow) and Christopher Ruddy.

Mrs. Hilda Lucom, the deceased's widow, was previously the wife of Gilberto Arias, son of the late Ex -President of the Republic Harmodio Arias Madrid, with whom she had 5 children. According to the document, Mrs. Lucom's children (stepchildren of Wilson Lucom, among them Gilberto Arias jr. , Melinda and Frank Morrice), jointly with some attorneys, among them, Hector Infante and Edna Ramos, filed over 13 false criminal complaints against Richard Lehman, the executor, which caused his suspension and the delay in the Estate Proceedings.

On May 4, 2007 the First Superior Court of Panamá confirmed Lucom's Will is valid and appointed three executors mentioned previously. This decision was pending of a Cassation Appeal at the First Courtroom.

The criminal complaints filed against Lehman include the following crimes: intentional homicide; negligent homicide, forgery of documents, illegal exercise of a profession, unlawful association to commit crimes, aggravated assault, theft, fraud, extortion, among others. Almost all of these complaints have been dismissed; the only pending is the one for extortion.

The document points out that two Judges have acted unlawfully in the investigation of these complaints; the Fourth Circuit District Judge and the Fifteenth Circuit District Judge.

The Fourth Circuit District Court questioned Richard Lehman for the swindle complaint and ordered an arrest order. The Second Superior Court declared the arrest as illegal and declared that the offense was not proven. The Fourth Circuit District Court had also investigated other complaints related to this same case for several other crimes, which were all dismissed by the Courts.

According to this report, instead of complying with the Second Superior Court of Justice's order which declared the preventive arrest as illegal, the Fourth Circuit District Court Judge issued an arrest warrant Richard Lehman and Victor Crosbie (Lehman's lawyer), which is only issued for those who are most wanted, in order to be arrested by the Interpol. According to the Interpol, this request was sent directly from Hector Infante's office. This "Red Alert" caused Crosbie's illegal arrest at the Medellin airport and his deportation as a delinquent. The "Red Alert" is used by the Interpol to detect and arrest drug traffickers and terrorists and is sent to 170 countries.

Simultaneously, the deceased's stepchildren filed another complaint for extortion, which was presently settled at the Fourteenth Circuit District Court. This Court also issued an arrest order and filed charges against Richard Lehman. There is presently a Habeas Corpus pending for ruling to declare this new order illegal.

The document also reports that the Arias-Morrice family also tried to bribe Richard Lehman, through their attorney Hector Infante, for 3.0 Million, in to step down as a fiduciary of the inheritance, it also reports on a complain of the theft of shares certificates of the Valores Globales, S.A. corporation, which were kept in Wilson Lucom's home.

Without going any further into analyzing the bottom of the matter, whose controversy corresponds to the Courts of Justice, this Office considers that this case is an example of the extreme abuse in the Panamanian legal system, in the frame of a harsh dispute between the Executor, who has the duty of carrying out the testator's last will, and the widow and her

children, for a millionaire inheritance. Consequently, we are enclosing the documents aforementioned, for what you deem appropriate.

I take this opportunity to reiterate my consideration and respect.

Sincerely,

ALMA MONTENEGRO DE FLETCHER
Executive Secretary

Encl. --The indicated above.

Secretaría Ejecutiva...

- ☐ Visión
- ☐ Misión
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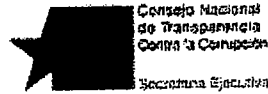
- ☐ Preventivo Legal
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Denuncias y Quejas...



Entrar

--Nota de Prensa--



La Secretaría Ejecutiva del Consejo Nacional de Transparencia remite a la Corte Suprema de Justicia y a la Procuraduría General de la Nación denuncia sobre la sucesión de Wilson Lucom

La Secretaría Ejecutiva del Consejo Nacional de Transparencia contra la Corrupción, mediante nota No. SECT/GG/685-08 de 25 de noviembre de 2008, pone en conocimiento al Magistrado Presidente de la Corte Suprema de Justicia, Harley Mitchell Dale y a la Procuraduría General de la Nación, Ana Matilde Gómez Ruiloba, una denuncia sobre el abuso del sistema penal y civil, en el marco de una disputa legal sobre la sucesión de Wilson Lucom. El texto es idéntico en ambas notas.

Texto de las notas:

SECT/GG/685-08
Panamá, 25 de noviembre de 2008

Honorable Magistrado
Harley Mitchell Dale
Presidente Corte
Suprema de Justicia
E.S.D.

Honorable Magistrado Presidente:

Tengo el honor de dirigirme a usted en atención a las funciones contenidas en el Decreto Ejecutivo 179 de 27 de octubre de 2004, que crea el Consejo Nacional de Transparencia contra la Corrupción y su Secretaría Ejecutiva, la cual tiene entre sus responsabilidades identificar a nivel preventivo, las deficiencias de carácter administrativo que pudieran generar actos de corrupción y si fuera el caso, remitirlos a las autoridades competentes.

Esta Secretaría ha recibido una documentación, en relación a la sucesión testamentaria de Wilson Lucom, ciudadano norteamericano, quien dejó en su testamento una fortuna de aproximadamente 50 millones de dólares a los niños pobres de Panamá.

El documento que adjuntamos para su consideración, consiste en un informe sobre el extremo abuso del sistema penal y civil panameño, a fin de desvirtuar la última voluntad del testador, Wilson Lucom.

Según la documentación, el testamento de Wilson Lucom distribuyó la fortuna de la siguiente manera:

- 1 millón de dólares para la Clínica Mayo, en Estados Unidos, la cual le proporcionó los cuidados necesarios para combatir un cáncer de vejiga.
- 2 millones de dólares para 19 personas, quienes son amigos, familiares lejanos y empleados.
- Un legado vitalicio para Hilda Lucom, su esposa actual y otro para Isabel Clark, hijastra de su primera esposa, el cual que consiste en:

Hilda Lucom, \$ 240.000 anuales
Isabel Clark \$ 200.000 anuales.

- El resto de su fortuna, consistente en la Hacienda Santa Mónica y otras propiedades y fondos que deberán ser administrados por una fundación a beneficio de los niños pobres de Panamá. Esta fortuna se estima en 50 millones de dólares.

La sucesión se abrió en Panamá, por lo que las leyes panameñas en materia de sucesión son aplicables. El juzgado de la causa nombró de albacea de la herencia a Richard S. Lehman, no obstante, el 4 de mayo de 2007 se determinó que, de acuerdo al testamento, los albaceas debían ser tres: Richard Lehman, Hilda Lucom (la viuda) y Christopher Ruddy.

La señora Hilda Lucom, viuda del causante, en primeras nupcias fue esposa de Gilberto Arias, hijo del Ex -

Señora Lucom (hijastros de Wilson Lucom, entre otros) y sus hijos Héctor Infante y Edna Ramos, interpusieron más de 13 denuncias penales fraudulentas contra el albacea, Richard Lehman, lo cual provocó la suspensión del Albacea y el retraso en el proceso de sucesión.

El 4 de mayo de 2007 el Primer Tribunal Superior de Panamá confirmó la validez del testamento de Lucom y nombró a los tres albaceas antes mencionados. Esta decisión está pendiente de un recurso de casación en la Sala Primera de la Corte.

Las denuncias penales contra Lehman incluyen los siguientes delitos: Homicidio doloso, homicidio culposo, falsedad de documentos, ejercicio ilegal de la profesión, asociación ilícita, estafa agravada, hurto, fraude, extorsión, entre otras. Casi todas las denuncias han sido sobreseídas, la única que queda pendiente es la de extorsión.

El documento señala que dos fiscales han actuado de forma irregular en la investigación de estas denuncias: la Fiscal Cuarta de Circuito y el Fiscal Décimocuarto de Circuito.

La Fiscalía Cuarta de Circuito indagó a Richard Lehman por el delito de estafa y emitió una orden de detención. El Segundo Tribunal Superior declaró ilegal la detención, señalando que no estaba acreditado el delito. La Fiscalía Cuarta de Circuito también había investigado otras denuncias relativas al mismo caso por diversos delitos, las cuales fueron todas sobreseídas por los Tribunales.

Según el informe, la Fiscal Cuarta, en vez de acatar la orden del Segundo Tribunal Superior de Justicia, en la cual se declara ilegal la detención, le solicitó a la Interpol de Panamá emitir una orden de captura contra Richard Lehman y Víctor Crosbie (abogado de Lehman), la cual sólo se emite para los más buscados, a fin de que fueran arrestados por la Interpol. Según los archivos de la Interpol, esta solicitud fue enviada desde las oficinas de Héctor Infante. Esta alerta de nombre "la circular roja" dio lugar a la detención ilegal de Crosbie en el aeropuerto de Medellín y su deportación como un delincuente. La "circular roja" es utilizada por la Interpol para detectar y detener narcotraficantes y terroristas y es enviada a 170 países.

Simultáneamente, los hijastros del causante interpusieron otra denuncia por extorsión, la cual quedó radicada en la Fiscalía Décimocuarta de Circuito. Esta Fiscalía igualmente emitió una orden de detención y levantó cargos en contra de Richard Lehman. Actualmente, se encuentra pendiente de decisión un habeas corpus en la Corte para declarar ilegal esta nueva orden.

El documento en comento también señala que la familia Arias-Morrice también trató de sobornar a Richard Lehman, a través del abogado Héctor Infante, por 3 millones de dólares, a cambio de su renuncia como albacea de la herencia y también denuncia el robo de una acciones de la sociedad Valores Globales, S.A. las cuales se encontraban guardadas en la casa de Wilson Lucom.

Sin entrar a analizar el fondo del asunto, cuya controversia le corresponde resolver a los tribunales de justicia, esta Secretaría considera que este caso ejemplifica el abuso extremo del sistema legal panameño, en el marco de una cruda disputa por una herencia millonaria entre el Albacea, quien tiene el deber de tutelar la última voluntad del testador, y la viuda e hijos de ésta. En consecuencia, le enviamos la documentación antes señalada, para lo que estime procedente.

La ocasión es oportuna para reiterarle las muestras de mi consideración y respeto.

Atentamente,

ALMA MONTENEGRO DE FLETCHER
Secretaría Ejecutiva

Adj.- Lo indicado.

Panamá, 27 de noviembre de 2008.

Ir a Índice de Noticias



Secretaría de la Presidencia
para la Innovación Gubernamental



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EXHIBIT 15

Dear Mr. Lehman:

Regarding the legal advice in regards to your position as Albacea and the powers which you actually maintain we can indicate the following:

1. In accordance with Resolution No. 1025/173-06 dated July 5, 2006, you were appointed as Albacea of the estate of Wilson Charles Lucom. Your appointment originates from the last will and act of Mister Lucom, and based on this fact you were designated by the court through the afore mentioned resolution. It is important to point out that this designation was a result of a judicial interpretation of Mr. Lucom's will.
2. According to article 861 of the Civil Code, your acceptance in the position of albacea puts you in the obligation of exerting the same, unless you resign, or proceed to terminate your appointment for any of the circumstances provided in article 872 of the Civil Code. If the afore mentioned is not the case you are in the obligation of continuing to exert the position, unless an authority expressly indicates that you cannot continue to.
3. The inconsistencies of the Court's acts have created much confusion regarding the legitimate exercise of your faculties as Albacea. However, we estimate that as long as the same court who appointed you does suspends your powers as Albacea as required by law (article 861 of the Civil Code), you maintain in force your authorities in regards to the appointment you were assigned.
4. In accordance with article 1587 of the Judicial code the removal or appointment of albacea or administrator of the estate must be done through an incident (plea), if it has not yet been previously designated through a resolution of the beneficiaries declaration, which is your case. Which means, in our opinion the removal of the position of albacea must be done through an incident (plea).
5. According to the information we maintain in our files, Mr. Molina explained by e-mail, that your faculties as Albacea are suspended until the Superior Court resolves the corresponding appeal. Now, you remain as Albacea as long as, we reiterate, you are not removed by any competent authority, which in this case is the same authority who appointed as such.
6. Until the time in which in fact, your faculties as Albacea as granted by the Panamanian law are suspended, any acts carried out by you as such, are legal and valid.

Kind regards,

Carlos Villalobos.

From: Carlos Villalobos [mailto:carlosv@icazalaw.com]
Sent: Tuesday, November 07, 2006 12:10 PM
To: Carol Truel
Subject: RE: from Richard S. Lehman

Estimado señor Lehman:

Respecto a su consulta relacionada con su calidad de Albacea y los poderes que en la actualidad mantiene podemos indicarle lo siguiente:

1º De conformidad con el Auto N° 1025/173-06 del 5 de julio de 2006, usted fue designado Albacea de los bienes de la herencia del señor WILSON CHARLES LUCOM (Q.E.P.D.). Su designación proviene de un acto de última voluntad del señor LUCOM (Q.E.P.D.), y sobre esa base fue designado por el Tribunal mediante la resolución antes referida. Cabe destacar que esa designación fue producto de una Interpretación judicial del testamento del Sr. Lucom (Q.e.p.d.)

2º De acuerdo al artículo 861 del Código Civil, su aceptación del cargo de albacea lo obliga a desempeñarlo, a no ser que usted lo renuncie, o proceda la terminación de su designación por alguna de las circunstancias previstas en el artículo 872 del Código Civil. De no ocurrir lo anterior usted está en la obligación de seguir desempeñando el cargo, a no ser que una autoridad expresamente le indique que no puede hacerlo .

3º La inconsistencia de las actuaciones del Tribunal han creado confusión en cuanto al ejercicio legítimo de sus facultades como Albacea. Sin embargo, estimamos que mientras el mismo Tribunal que lo designó no le ordene expresamente que suspenda su gestión de Albacea como lo obliga la Ley (artículo 861 del Código Civil), usted mantiene vigente todas las potestades concernientes al cargo para el cual fue designado.

4º De conformidad con el artículo 1587 del Código Judicial la remoción o nombramiento de albacea o administrador de la herencia debe hacerse a través de incidente, si es que previamente no ha sido designado a través del auto de declaratoria de herederos, como Es su caso. Es decir de acuerdo a nuestra opinión la remoción del cargo de albacea en todo caso debe hacerse a través de incidente.

5º De acuerdo con la información que mantenemos en nuestros archivos, el Ldo. Molina le explicó vía email, que sus facultades como Albacea están suspendidas hasta tanto el Tribunal Superior resuelva el recurso correspondiente. Ahora bien, usted sigue siendo Albacea hasta tanto, reiteramos, usted no sea removido por orden de autoridad competente, que en este caso, resulta ser la misma autoridad que lo designó como tal.

6º Hasta el momento en que de hecho, se suspendieran las facultades de Albacea que la ley panameña le confieren, todos los actos por usted realizados como tal, son válidos y legales.

Saludos cordiales,

Carlos E. Villalobos Jaén

EXHIBIT 16

**CRIMINAL COMPLAINT AGAINST THE
SEVENTH CRIMINAL CIRCUIT JUDGE
ATTORNEY FELIPE FUENTES AND AGAINST
JUDGE DIANA HURTADO WHO SUBSTITUTED HIM
ON FEBRUARY 10, 11 AND 12, 2009**

**HONORABLE DEPUTY PROSECUTOR OF THE REPUBLIC OF PANAMA,
HAND DELIVERED.**

I, **VICTOR ANTONIO CROSBIE CASTILLERO**, a male, a Panamanian, of legal age, Personal Identity Card N° 8-155-1933, a practicing attorney, Professional License N° 11138, whose law office is located at Calle Elvira Méndez, in Edificio Torre Delta, Floor # 13, Suite N° 1302, Panama City, hereby appear before you to formally file a CRIMINAL COMPLAINT against the **SEVENTH CRIMINAL CIRCUIT JUDGE, ATTORNEY FELIPE FUENTES** and against **Substitute Judge ATTORNEY DIANA HURTADO**, whose other personal information is unknown to us, but which can be located in her office, Edificio Coremusa, Calidonia neighborhood, Panama City, Province of Panama, to whom we attribute having committed the CRIMES: ONE OFFENSE AGAINST THE LIBERTY OF RICHARD SAM LEHMAN, SET FORTH IN TITLE II, CHAPTER I (CRIME AGAINST INDIVIDUAL FREEDOM) ARTICLE 147 of the Criminal Code, and others stipulated in TITLE X, CHAPTER II, WRONGFUL BREACH OF PUBLIC DUTIES, ARTICLE 342, AND THE ARTICLE STIPULATED IN CHAPTER VI, (ABUSE OF AUTHORITY AND VIOLATION OF THE DUTIES OF PUBLIC EMPLOYEES) ARTICLES 351 AND 352, respectively, all in Book II of the Criminal Code.

THIS CRIMINAL COMPLAINT IS FORMALIZED AS FOLLOWS:

1. PLAINTIFF.

Mr. **RICHARD SAM LEHMAN**, a male, a citizen of the United States, of legal age, married, United States of America Passport No. 420303869 and identification number L-550-757-44-081-0, domiciled at 2600 N. Military Trail # 270, Boca Raton, Fl 33431, Florida, United States of America.

2. DEFENDANTS.

Attorney **FELIPE FUENTES, SEVENTH JUDGE OF THE FIRST JUDICIAL CIRCUIT OF PANAMA, CRIMINAL DIVISION**, and **ATTORNEY DIANA HURTADO**, whose personal information and address are unknown to us, but which can be located at the headquarters of the SEVENTH CRIMINAL CIRCUIT COURT

located in Edificio Coremusa, Calidonia neighborhood, Panama City, Province of Panama, Republic of Panama.

3. THE OFFENSES AND HOW THESE WERE COMMITTED ARE AS FOLLOWS:

a. RESTRICTION OF PERSONAL FREEDOM. This crime is set forth in Article 147 of the Criminal Code.

Article 147: *"Anyone who illegally deprives another of his freedom shall be penalized with one to three years of imprisonment, or its equivalent of days-fine or weekend arrest.
If the taking away of freedom was ordered or executed by a public employee by abusing his duties, the penalty shall be two to four years of imprisonment."*

MANNER OF COMMISSION:

This crime is committed by both defendants as of February 6, 2009 through even date, when having knowledge that RICHARD SAM LEHMAN had been deprived and restricted of his corporal freedom at Tocumen International Airport and once the verbal and personal requests had been made, they in fact decided to uphold a precautionary measure restricting freedom (writ of ne exeat) which in due course had been ordered in a decision by the IVth Prosecutor, both further knowledgeable of the existence of Constitutional Judgment N° 60 of November 2007, issued by the Second Superior Court of Justice, therein decreeing that the arrest warrant for RICHARD SAM LEHMAN was illegal, that it was the most serious measure and having the duty to nullify the writ of ne exeat, in fact, simply abstained from doing so, thus affecting the freedom of our principal. This is a fact and it is thus proven, because when Doctor Acevedo moved Judge Diana Hurtado to nullify Official Document N° 3747, before Attorney Gabriel Guzman and Attorney Ricardo Reynolds, stated the following:

"She was not going to nullify the writ of ne exeat because she had received instructions from Judge Felipe Fuentes not to touch that file."

Two presumptions that constitute another criminal offense are evidenced with that statement. Judge Diana Hurtado does not exercise her judicial independence, and therefore, fails to perform her duties as a Judge; and on the other hand, Attorney Felipe Fuentes abuses his authority by piercing the independence of the Judge and thus, in fact, upholds the writ of ne exeat against Richard Sam Lehman.

Evidence of this offense is given in the notarized sworn statements of Doctor Jose Rigoberto Acevedo and Attorney Gabriel Guzman.

The conducts of the defendants constitute objective acts of the attributed crime, inasmuch as they violate the Constitution and the Law without any legal basis, arbitrarily and in fact upholding a writ of ne exeat that should have been nullified immediately at the request of the party in an official document addressed to the National Migration Administration and not how they presume to invent an incidental proceeding for purposes of prolonging an unjust and illegal act against Richard Sam Lehman because he is kept kidnapped in the country by not allowing him to depart.

c. **ABUSE OF AUTHORITY AND VIOLATION OF THE DUTIES OF PUBLIC EMPLOYEES.**

Art. 351

The public employee, who, abusing his position, orders or commits an arbitrary act not specifically set forth in criminal law to the detriment of a person, shall be penalized with one to two years of imprisonment, or its equivalent in days-fine or weekend arrest.

Art. 352

The public employee who, illegally refuses, omits or delays an act inherent to his position shall be penalized with six months to one year of imprisonment, or its equivalent in days-fine or weekend arrest.

MANNER IN WHICH THEY WERE COMMITTED:

These criminal offenses are executed autonomously by each of the defendants. The conduct of Attorney Felipe Fuentes is evidenced in two identifiable acts: the first consists in trying to nullify the writ of ne exeat through a procedural step that does not exist in these cases, and failing to observe the Habeas Corpus constitutional decision, and the second act is evidenced when this defendant pierces the independence of the substitute Judge, ordering her to abstain from conducting any procedure in favor of Richard Sam Lehman.

The criminal act of omission committed by the Seventh Judge is evidenced from the moment he decides not to conduct any procedural act to nullify the writ of ne exeat that is upheld de facto against RSL, while his duty as a Judge, once the attorneys repeatedly requested its nullity, was to address the pertinent official document to the Migration Administration and he never did. This omission was the basis for the freedom of Richard Sam Lehman to be denied and restricted since Friday, February 6 of this year to date.

With respect to these same offenses that were also committed by Attorney Diana Hurtado when she acted as the Seventh Judge on February 10, 11 and 12 of this

b. **WRONGFUL BREACH OF PUBLIC DUTIES**

Art. 342: *"The public employee who, in the performance of duties as a member of the Judiciary or the Prosecutor's Office, administrative authority, arbiter, or any other position that must decide a matter under his consideration or competence, personally or through a third party accepts, receives or requests a donation, promise, money, benefit or advantage to cause harm or favor one of the parties in the process, or as a consequence of having harmed or favored one of them, shall be penalized with four to eight years of imprisonment. The same penalty shall be applied to an officer of the Judiciary or the Public Prosecutor's Office who:*

- 1. By collusion or through other fraudulent means, issues a Decision overtly contrary to the Constitution or the law, in a manner that is detrimental.*
- 2. By collusion or through other fraudulent means, receives from or gives legal advice to any of the parties, in such a way that it is detrimental.*
- 3. Maliciously delays a process submitted for his decision.*

If an innocent person is convicted as a result of the conducts stipulated [above], the penalty shall be five to ten years of imprisonment.

MANNER IN WHICH THEY WERE COMMITTED:

The defendants are perfectly aware that pursuant to Article 2127 of the Judicial Code, injunctions are set in order of priorities, and preventive detention is the most serious that can be applied. When by way of Judgment No. 60 of November 2007, the Second Superior Court of Justice decreed the order for preventive detention issued against Richard Sam Lehman was illegal, both knew that the effect of the decision is absorption of the writ of ne exeat within the illegality stated by the Habeas Corpus Constitutional Court. Therefore, by deliberately keeping the writ of ne exeat in force without any legal protection whatsoever, they violate Article 21 of the Political Constitution and Article 1948 of the Judicial Code which provide:

Political Constitution...Art. 21

"No person can be deprived of his freedom, other than by virtue of a written order from a competent authority, issued pursuant to legal formalities and for a reason previously stipulated by law. Persons executing the said order are required to provide a copy thereof to the interested party, if he should so request it..."

Judicial Code... Art. 1948

Any legal provision that limits personal freedom, the exercise of powers granted to the subjects of the process or that establish penalties in a proceeding shall be restrictively interpreted.

year, she abused her authority because since the writ of ne exeat was in force, she permitted Richard Sam Lehman to be deprived and restricted of his freedom, which constitutes a flagrant abuse of authority, and she likewise commits the crime of omission of the duties of public employees when, at the request of the interested party, she in fact did not nullify the writ of ne exeat, decides to do nothing by stating she has direct instructions from the Judge of the Court to act this way, forgetting that she, and nobody else, was the Seventh Judge at the time.

MOTION

We move for admission of this Criminal Complaint and for strict compliance with provisions in Article 2466 of the Judicial Code, which states:

Judicial Code. Art. 2466

When the act, object of the proceeding, provides for a penalty of imprisonment, the detention and consequent suspension from the position held by the accused shall be decreed.

EVIDENCE

- Authenticated copy of Judgment N° 60 of November, 2007 from the Second Superior Court of Justice, which is self-explanatory.
- Certificate issued by the Office of the Clerk of the Supreme Court of Justice.
- Sworn statements of Doctor Jose Rigoberto Acevedo and Attorney Gabriel Guzman.

LAW.

- Political Constitution
- Article 2000 and other concurring articles in the Judicial Code
- Law 31 of 1998

On the date it is filed

ATTY. VICTOR ANTONIO CROSBIE CASTILLERO
PROFESSIONAL LICENSE # 11138

EXHIBIT 17

**CRIMINAL COMPLAINT FOR OMISSION
AND VIOLATION OF DUTIES OF THE
PUBLIC EMPLOYEES AND FOR
COMMISSION OF THE CRIME OF WRONGFUL
BREACH OF PUBLIC DUTIES, FILED BY
RICHARD SAM LEHMAN AGAINST THE
FOURTEENTH PROSECUTOR FOR THE
FIRST JUDICIAL CIRCUIT OF PANAMA FOR
THE RELATED ACTS OF CORRUPTION**

**HONORABLE PANAMANIAN DUTY ANTICORRUPTION PROSECUTOR, HAND
DELIVERED.**

I **VICTOR ANTONIO CROSBIE CASTILLERO**, a male, a Panamanian, of legal age, Personal Identity Card N° 8-155-1933, a practicing attorney, Professional License N° 11138, whose law office is located at Calle Elvira Méndez, in Edificio Torre Delta, Floor # 13, Suite N° 1302, Panama City, by virtue of a duly registered and current power of attorney hereby appear before you on behalf of **RICHARD SAM LEHMAN**, a male, a citizen of the United States, of legal age, married, United States of America Passport No. 420303869 and identification number L-550-757-44-081-0, domiciled at 2600 N. Military Trail # 270, Boca Raton, FL 33431, Florida, United States of America to formally file a CRIMINAL COMPLAINT for OMISSION AND VIOLATION OF THE DUTIES OF PUBLIC EMPLOYEES AND FOR THE COMMISSION OF WRONGFUL BREACH OF THE DUTIES OF PUBLIC EMPLOYEES and the resulting ACTS OF CORRUPTION incurred in by Attorney **WILLIAM PARODI** in his capacity as the Fourteenth Prosecutor for the First Judicial Circuit of Panama and all others who are found to be liable in the other related offenses, to be sentenced as provided by law.

THIS CRIMINAL COMPLAINT IS FORMALIZED AS FOLLOWS:

1. PLAINTIFF.

Mr. **RICHARD SAM LEHMAN**, a male, a citizen of the United States, of legal age, married, United States of America Passport No. 420303869 and identification

number L-550-757-44-081-0, domiciled at 2600 N. Military Trail # 270, Boca Raton, Fl 33431, Florida, United States of America.

2. DEFENDANT.

Attorney **WILLIAM PARODI, FOURTEENTH PROSECUTOR FOR THE FIRST JUDICIAL CIRCUIT OF PANAMA**, whose personal information and domicile are unknown to us, but can be found at the headquarters of the **FOURTEENTH PROSECUTOR FOR THE FIRST JUDICIAL CIRCUIT OF PANAMA**, located in the Prosecutor's Building in Panama, Calidonia neighborhood, Panama City, Province of Panama, Republic of Panama.

3. THE OFFENSES AND HOW THESE WERE COMMITTED ARE AS FOLLOWS:

a. **RESTRICTION OF PERSONAL FREEDOM.** This crime is set forth in Article 147 of the Criminal Code.

Article 147: ***"Anyone who illegally deprives another of his freedom shall be penalized with one to three years of imprisonment, or its equivalent of days-fine or weekend arrest.
If the taking away of freedom was ordered or executed by a public employee by abusing his duties, the penalty shall be two to four years of imprisonment."***

MANNER OF COMMISSION:

This crime is committed by the Fourteenth Prosecutor for the First Judicial Circuit of Panama when on February 6, 2009, pursuant to an arrest warrant issued by his office, Mr. Richard Sam Lehman was illegally arrested at Tocumen International Airport, although Prosecutor William Parodi was fully knowledgeable that Mr. Richard Sam Lehman had been exonerated of any charges against him by way of the Constitutional Habeas Corpus judgment issued by the Supreme Court

en banc on October eighth 2008, and personally served to the Office of the Fourteenth Prosecutor for the First Judicial Circuit of Panama by way of a note dated November 7, 2008, signed by Presiding Justice Harley J. Mitchell D. of the Supreme Court of Justice.

b. **WRONGFUL BREACH OF PUBLIC DUTIES**

Art. 342: “The public employee who, in the performance of duties as a member of the Judiciary or the Prosecutor’s Office, administrative authority, arbiter, or any other position that must decide a matter under his consideration or competence, personally or through a third party accepts, receives or requests a donation, promise, money, benefit or advantage to cause harm or favor one of the parties in the process, or as a consequence of having harmed or favored one of them, shall be penalized with four to eight years of imprisonment. The same penalty shall be applied to an officer of the Judiciary or the Public Prosecutor’s Office who:

- 1. By collusion or through other fraudulent means, issues a Decision overtly contrary to the Constitution or the law, in a manner that is detrimental.**
- 2. By collusion or through other fraudulent means, receives from or gives legal advice to any of the parties, in such a way that it is detrimental.**
- 3. Maliciously delays a process submitted for his decision.**

If an innocent person is convicted as a result of the conducts set forth in this article, the penalty shall be five to ten years of imprisonment.

MANNER OF COMMISSION:

The term “prevaricato” [malfeasance] stems from the Latin “prevaricare”, which is to pervert the course of justice, and this is where the legal provision exercises the protection involving the member of the Judiciary, the Prosecutor’s Office, Administrative Authority, Arbiter or anyone who must issue a legal decision. The defendant’s conduct constitutes an objective offense as attributed as it violates the

Constitution and the Law without any legal basis, arbitrarily and in fact upholding a writ of ne exeat that should have been nullified immediately at the request of the party in an official document addressed to the National Migration Administration, and not attempting to indicate he had no knowledge of the file because it was his predecessor who issued the measure, when we know that collusion (agreement) is an integral part of a conduct that enables the malicious delay of an unjust and illegal act against Richard Sam Lehman as of the moment when he was notified of a false arrest on February 6, 2009 at Tocumen International Airport, overtly and repeatedly violating Article 21 of the Political Constitution and Article 1948 of the Judicial Code which provide:

Political Constitution...Art. 21

“No person can be deprived of his freedom, other than by virtue of a written order from a competent authority, issued pursuant to legal formalities and for a reason previously stipulated by law. Persons executing the said order are required to provide a copy thereof to the interested party, if he should so request it...”

Judicial Code... Art. 1948

Any legal provision that limits personal freedom, the exercise of powers granted to the subjects of the process or that establish penalties in a proceeding shall be restrictively interpreted.

c. ABUSE OF AUTHORITY AND VIOLATION OF THE DUTIES OF PUBLIC EMPLOYEES.

Art. 352

The public employee who, illegally refuses, omits or delays an act inherent to his position shall be penalized with six months to one year of imprisonment, or its equivalent in days-fine or weekend arrest.

MANNER IN WHICH THEY WERE COMMITTED:

The Fourteenth Prosecutor incurs in this criminal offense when he decides to omit execution of a duty that falls within his duties, knowingly acting beyond any legal framework, inasmuch as the Presiding Justice of the High Court, Harley J. Mitchell of the Supreme Court of Justice addressed a note to him dated November 7, 2008, therein indicating the decision issued by the Court en banc, declaring that the arrest warrant issued for Richard Sam Lehman was illegal, and therefore, the officer hereby charged had to duty to ensure compliance with this Constitutional Decision and not to adopt a permissive and evidently omissive conduct that would be directly detrimental to American attorney Richard Sam Lehman. This omission was the basis for arresting Richard Sam Lehman on Friday, February 6 of this year at Tocumen International Airport for a period of more than 20 hours, in custody of the Judicial Investigation Administration of the Panamanian National Police.

PRELIMINARY INVESTIGATION EVIDENCE

- I. Attached hereto as evidence for the preliminary investigation is an authenticated copy of Official Document N° 553 issued by the Office of the Public Prosecutor, Fourteenth Prosecutor's Office for the First Judicial Circuit, addressed to Lieutenant Nestor Rios on February 7, 2009, thereby nullifying the October 2, 2007 order, and therefore, releasing Richard Sam Lehman from detention.

Also attached as evidence for the preliminary investigation is the HABEAS CORPUS judgment dated October 8, 2008, IN FAVOR OF RICHARD SAM LEHMAN, issued by the Supreme Court of Justice en banc, and official document N° SGP-1909 dated November 7, 2008 from the Office of the Clerk of the Supreme Court of Justice and signed by Presiding Justice Harley J. Mitchell and addressed to the Fourteenth Circuit Prosecutor for the First Judicial Circuit of Panama, Attorney William Parodi.

We move the testimony of the following persons be taken as evidence:

1. Mr. Ortega, Migration Supervisor, Tocumen Airport, 6:00 P.M. shift on February 6, 2009.
2. Lieutenant Nestor Rios, Judicial Investigation Administration of the Panamanian National Police.
3. Mr. Calvo, Acting Chief, Migration, Tocumen Airport, night shift on February 6, 2009.
4. National Police staff on duty in their office at the Tocumen International Airport.

LEGAL BASIS:

- Political Constitution of the Republic of Panama
- Articles 147, 342, 352 and other concurring articles in the Criminal Code.
- Article 1948 and other concurring article in the Judicial Code.

Panama, on the date it is filed.

Respectfully submitted,

ATTY. VICTOR ANTONIO CROSBIE CASTILLERO
PROFESSIONAL LICENSE # 11138

EXHIBIT 18

all others involved as the perpetrators or accomplices in the Crime of Extortion

CLERK OF THE OFFICE OF THE NATIONAL ATTORNEY GENERAL (DUTY PROSECUTOR FOR THE CRIMINAL CIRCUIT OF PANAMA) HAND DELIVERED:

Attorney **VICTOR ANTONIO CROSBIE CASTILLERO**, a male, a Panamanian, of legal age, a practicing attorney, Professional License No.11138, holder of personal identity card No.8-155-1933, whose law office is at Vía España, Edificio Torre Banco de Boston, Floor 13, Suite 1302, Panama City, the place where I accept personal and judicial service of process, Counsel for **RICHARD SAM LEHMAN**, a male, a U.S. citizen, of legal age, married, United States of America passport No.1554423307 and identification number L-550-757-44-081-0, domiciled at 1120 Bear Island Drive, West Palm Beach, Florida, United States of America, with our usual respect, hereby appear before you to file a formal Complaint for Extortion to the detriment of my principal, masterminded by Attorney Hector Infante and Mrs. Hilda Piza de Lucom and perpetrated by Attorney Edna Ramos Chue.

THIS CRIMINAL COMPLAINT IS BASED AS FOLLOWS:

I: Complainant: Mr. **RICHARD SAM LEHMAN**, a male, a U.S. citizen, of legal age, United States of America passport No.1554423307 and identification number L-550-757-44-081-0, domiciled at 1120, Bear Island Drive, West Palm Beach, Florida, United States of America.

II: Defendants: Attorney Hector Infante, a Panamanian of legal age, Attorney Edna Ramos Chue, a female, a Panamanian of legal age, and Mrs. Hilda Piza.

III. Criminal offense complained of:

Extortion, as set forth in Book II, Title II, Crimes against Freedom, Article 149 of the Criminal Code.

“Article 149:

Anyone who, by means of violence, intimidation or serious threat, to obtain an illegal profit or any other gain for himself or for a third party, forces another person to dispose of capital, provide information or to **tolerate, do or refrain from doing something that injures the said party or a third party, will be punished with five to ten years imprisonment**” (underlining added)

Execution of the criminal offense by the accused is directly in keeping with the portion hereinabove that is bolded. This is factual, because the conduct of the accused violated the right of our principal to have and retain the best possible technical defense, as

THE NATIONAL ASSEMBLY FOR PERSONAL INFORMATION ON DR. JOSE RIGOBERTO ACEVEDO, a male, a Panamanian of legal age, married, identity card N° 7-111-941, a practicing attorney, whose law office is located at Colonial Las Cumbres, Tel. 6691-2603, who has been duly retained as part of the team of attorneys who defend Richard Sam Lehman in the criminal cases in process at the Fourth Criminal Circuit Prosecutor's Office, Case 0026-2006 and at the 14th Prosecutor's Office.

Execution of the extortion directly affecting the defense of our principal begins as of July 7, 2008, when requests for certificates of personal information are filed with the Secretariat of the Assembly on Dr. Jose Rigoberto Acevedo and Attorney Jose Didimo Escobar, deliberately also requesting personal information on the Chair of the National Assembly, the Hon. Pedro Miguel González, to make Dr. Acevedo feel obligated to act against his will (resign the power of attorney) as he, in fact did, inasmuch as Dr. Jose R. Acevedo advised Attorney Victor Crosbie that he would remove himself from the proceedings to appropriately consider the decision that he would make. This act of distancing himself from the process is based on coercive intimidation that affected the technical defense of Mr. Richard Sam Lehman, as a third party, as evidenced in the document addressed to Attorney Victor A. Crosbie on June 29 2008; although subsequently, in a conversation with the grantor, Dr. Acevedo reassumed the power of attorney as evidenced in the document dated July 2, 2008.

THIS CRIMINAL COMPLAINT IS BASED ON THE FOLLOWING FACTS.

FIRST: There are authenticated copies of the three [requests for] personal information on Dr. Jose Rigoberto Acevedo, Attorney Jose Didimo Escobar and the Honorable Pedro Miguel Gonzalez before the Secretariat of the National Assembly, filed by Attorney Edna Ramos Chue, on behalf of Hector Infante and Hilda Piza.

SECOND: Attorney Hector Infante has concurrently extorted our principal RICHARD SAM LEHMAN, so that he will abandon his post as the Executor of the estate left by Wilson Charles Lucom to the poor children of Panama. This is factual, inasmuch as the accused have complained of Mr. Richard Sam Lehman, firstly as the perpetrator of an intentional homicide, which they then transform into negligent homicide to the detriment of his friend and client WILSON CHARLES LUCOM, which were all dismissed by our Courts of Justice upon determining the crimes charged never existed. They have subsequently filed charges against him as the alleged perpetrator of aggravated swindle and extortion with the same purpose of inducing him to resign from his post as Executor. This extortion effort is a

HE HAS BEEN CONVICTED BY PANAMANIAN COURTS. FURTHER, LEHMAN CANNOT CONTINUE TO perform his duties to protect the \$50.0 million that were left to the poor children of Panama. Lehman has had no due process whatsoever pursuant to Panamanian law. If this criminal complaint is rejected, Hector Infante would be free to continue to add to the list of false criminal accusations against Lehman, with total impunity¹.

THIRD: The legal maneuverings by Hector Infante against Richard Sam Lehman that began on July 5, 2006, when Lehman assumed the position as Executor of the Estate of Wilson C. Lucom and swore to protect assets on behalf of the poor children of Panama, have been shown to be false in the Courts of Panama, and deprive Lehman of his human, constitutional and criminal right and we summarize as follows:

1. Falsely Accused of the False Crime of Intentional Homicide;
2. Falsely Accused of the Crime of Negligent Homicide;
3. Falsely Accused of the Crime of Aggravated Assault;
4. Falsely Accused of the Crime of Forgery of Documents;
5. Falsely Accused of the Crime of the Illegal Exercise of a Profession;
6. Falsely Accused of the Crime of the Unlawful Association to Commit Crimes;
7. the Crime of Perfidy;
8. Falsely Accused of the Crime of Falseness;
9. Falsely Accused of the Crime of Aggravated Swindle;
10. Falsely Accused of the Crime of Fraud;
11. Falsely Accused of the Crime of Swindle;
12. Falsely Accused of the Crime of Theft;
13. Offered an Attempted Bribe;
14. Falsely Accused of the Crime of Property Crimes Against the Estate of Wilson C. Lucom;
15. The Filing of an Illegal Arrest Warrant against Lehman;
16. The Filing of an Illegal Indictment against Lehman;
17. Prosecutorial Corruption;
18. Issuance of an Interpol Red Notice Alert Falsely Naming Lehman as a Dangerous Criminal to 170 Worldwide Police Agencies;
19. Falsely Accused of the Crime of Extortion;
20. Falsely Accused of the Crime of Slander;
21. The Filing of an Illegal Arrest Warrant against Lehman;
22. The Filing of an Illegal Indictment against Lehman;
23. Prosecutorial Corruption; and
24. The Widespread Dissemination of False Slandorous Accusations that

ACEVEDO TO ASSIST WITH THE TECHNICAL DEFENSE OF RICHARD SAM LEHMAN'S INTERESTS, and therefore, of all the poor children of Panama.

FIFTH: By including the Chair of the Assembly, the Hon. Pedro Miguel Gonzalez, Dr. Acevedo's immediate boss, in the requests for certification and remitting this documentation to the Office of the Comptroller General of the Republic, the object of accused was to coerce, as they in fact did to the detriment of my principal as a third party, inasmuch as their intent was to affect the technical defense retained by Mr. Richard Sam Lehman.

SIXTH: Dr. Jose Rigoberto Acevedo, whose intention was to preclude his immediate superior, the Chair of the National Assembly, from being involved in an act that could result in negative political consequences, was forced distance himself from the defense and representation of Richard Sam Lehman, thereby affecting our principal's technical defense.

MOTIONS:

1. Admit this complaint and immediately process service to the accused.
2. In accordance with Article 2006 of the Judicial Code, once admitted, order the taking of the unsworn statements of the accused.
3. Apply personal precautionary measures involving detention as rigorously as these have been applied to our principal.
4. Summons Attorney Edna Ramos Chue to acknowledge the authenticated copies of the requests for certificates adduced in this complaint.

EVIDENCE:

1. Authenticated copies of the three (3) requests for certification filed with the Secretariat General of the National Assembly by Attorney Edna Ramos Chue on behalf of Hector Infante and Hilda Piza.
2. Letter of the agreement and contract between Dr. Jose Rigoberto Acevedo and Mr. Richard Sam Lehman.
3. Letter distancing himself from the technical defense from Dr. Jose R. Acevedo to Attorney Victor Crosbie, the representative of Mr. Lehman.
4. Document from Dr. Jose Rigoberto Acevedo reconsidering his decision.

by Law 2000-1000

b) Article 2000 through 2006 of the Judicial Code.

On the date it is filed,

Respectfully,

ATTY. VICTOR CROSBIE

EXHIBIT 19

La Prensa

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Translated from La Prensa
TUESDAY, MAY 27, 2008

Héctor Ávila says they were out to kill him.

Violence.

The Chorrillo Leader, Héctor Ávila was shot last May 23 in this sector, he says his aggressors "wanted to kill him" and he did not rule out the fact that this could have been ordered by a "powerful Panamanian family, who was able to get an inheritance (of 50 Million dollars) that was left by a deceased American citizen.

According to Ávila, they wanted to kill him given he protested before the Supreme Court of Justice in relation to the case, since - he added - the millionaire had left the bulk of his fortune to the poor children of Panama and this has not been honored.

William Sala

La Estrella

LUCOM'S MILLIONS

Saturday, May 17, 2008

Yesterday, dozens of children 7 to 12 years of age marched before the Supreme Court of Justice. The purpose of the march was to ask the said Body to do justice in the case of the \$50 million estate left by American Wilson Lucom. The children delivered documents about the case to Supreme Court Presiding Justice Harley Mitchell. /Photo Edward Ortiz/



God bless Wilson Lucom: Panamanian poor children

They wanted justice! Justice! But they had happy faces. A \$500-million estate.

Saturday, May 17, 2008

Hilda Bernal C.

hbernal@estrelladepanama.com

There were about 50 children between the ages of 7 and 12 walking up the hill toward the Supreme Court of Justice under the hot 11 a.m. sun. Two children carrying the Panamanian and United States flags, and another one with documents for the Presiding Justice preceded them. There were mothers carrying infants among them. They wore white t-shirts with red lettering that read: "Thanks, Wilson Lucom."

They stopped at the foot of the front of the steps at the Court. They started to yell, joyously, not furiously, "Justice, Justice", while some unfolded a banner with large letters: "God bless Wilson Lucom, benefactor of the poor children of Panama." They had gone to ask for the assets.

It involved the will of an American expatriate who died in our country in June, 2006, leaving most of his fortune to a foundation whose only objective is to feed the poor children in Panama. His widow is trying to invalidate the will and the case has made it to the Supreme Court. The documents are about the alleged illegal measures she and her attorneys have taken to defeat the decedent's will.

"It is our way of fighting," said Hector Avila, an activist and coordinator of the march. "We have to fight for these 50 million."

"There have been false criminal complaints and illegal arrest warrants. We trust the judiciary. God will not allow anyone to steal from the country's poor children," The children also carried banners that read, "Thank you, Richard Lehman," "Thank you, Victor Crosbie." They are the executor of the will, an American attorney, Lucom's friend and adviser, and his Panamanian assistant.

In April, La Estrella de Panama reported the arrest of attorney Crosbie in Colombia as a result of a red alert that was wrongfully issued by Interpol Panama after the court had declared his arrest warrant was illegal.



They arrived at the Supreme Court under the burning sun. They had the will of the American expatriate in their hands. /Photo Edward Ortiz/

WEDNESDAY, MAY 28, 2008

Avila demands an investigation to find out who wanted to have him killed

Authorities remain silent regarding the implications. Hector will keep fighting.

Armed policeman guard the Trauma Center at the Santo Tomas Hospital. This has nothing to do with a simple routine vigilance; it is to protect the community leader Hector Avila, who was shot on the premises of the Amella Denis de Icaza Park in the El Chorillo neighborhood. Avila, who is 50 years old, can hardly speak. He was shot twice, one in his jaw and the other one in his right shoulder, forwarding an assault by three minors and an adult.

Sitting on a chair still convalescent after undergoing surgery, Avila tried to be strong to speak to La Estrella de Panama regarding what happened that night.

"I'm not ruling anything out. I hope the authorities will investigate and find out who wanted to have me killed", he said. According to Avila, he was assaulted a couple of hours forwarding his appearance and participation in the television program "Trocha Abierta" (open cross-path), which is aired by Hosanna Vision, in which he spoke about the litigation in the courts of justice in regards to the 50 million dollar inheritance left by the U.S. businessman Wilson Lucom, for the poor children of Panama.

The Chorillo Leader sent a message to the President of the Republic, Martin Torrijos, I hope that the day "that I die" the merit of Wilson Lucom will be honored, given that neither other Panamanian nor any foreigner has done what this man did for the poor children of our country.

He also mentioned that "I have never said this money was for the poor children of the El Chorillo neighborhood, but for all the children that are immersed in misery and poverty".

"There is a group of persons, where Alejandro Perez is, who are continuously making false accusations against me in a radio program. He does not have more credibility than me", expressed Avila. "I don't care if I get killed. I am prepared to continue fighting so the poor children of our country can have a decent place where to eat and live".



Hector Avila recuperates in the hospital.
Photo: Noriel Gutierrez

EXHIBIT 20

las últimas
bbc noticias
todos los títulos
primera plana
al cierre
nación
página editorial
opinión
usted decide
weblog
finanzas
ciudad
provincias
deportes
visión mundial
estilo de vida
agenda
eventos
gente con estilo

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jueves 13 de septiembre de 2007

« ANTERIOR

"Yo practico boxing" dice
diputada Marilyn Vallarino

SIGUIENTE »
Confabulario

Indagatoria contra sujeto que se hizo pasar por abogado

 [versión para imprimir]

 [enviar por e-mail]

Juan Manuel Díaz C.
PANAMA AMERICA

 AMPLIAR

UNA ORDEN de indagatoria, esta vez por el delito de extorsión fue emitida por la fiscalía décimo cuarta de circuito contra el norteamericano Richard Lehman.

Ese mismo despacho emitió una orden de captura e indagatoria contra Lehman por los delitos de fraude y calumnia e injuria.

La decisión de la fiscalía se fundamenta en el análisis de una serie de documentos aportados contra Lehman y Víctor Crosbie, quienes ejercían ilegalmente la profesión de abogado.



El Colegio de Abogados pide sancionar a los acusados.

Lehman podría enfrentar una condena de hasta ocho años de prisión si es encontrado culpable del delito de extorsión.

Según la investigación tanto Lehman como Crosbie intentaron realizar fuertes transacciones comerciales simulando ser abogados que practicaban acciones legítimas.

A

ARREST WARRANT AGAINST ALLEGED ATTORNEYS

Forwarding a long investigation the Fourth Circuit Civil Court ordered the arrest of the American, Richard Lehman and the Panamanian, Victor Crosbie for the alleged offences of fraud, document forgery, illegal practice of the law and illegal association to commit offences.

Lehman and Crosbie, who are now fugitives, are accused of participating in an Estate process while pretending to be lawyers when in fact they were not suitable to exert this profession according to the National Legislation.

According to the district judge's summaries, Crosbie is being charged for endorsing Lehman's illegal activities.

They both tried to carry out important commercial transactions that involved large sums of money without having any legal faculty to do so.

Lehman is also being processed for another case of libel and slander in detriment of a law firm.

Moreover, Lehman also faces a process at the Criminal Division of the Supreme Court of Justice for manslaughter.

REACTIONS FROM THE BAR

President of the Bar, Marta Lopez de Martans qualified the illegal exercise of law as a criminal act and estimated necessary to impose the sanctions to those who incur in these types of activities.

She assures that this situation directly affects the image of law practice.

She moreover urged the Public Ministry to investigate this type of activities and requested the courts to apply the highest sanctions to the responsables.



FISCALÍA: LOS DENUNCIAN POR EJERCER PROFESIÓN SIN TENER LA IDONEIDAD

Ordenan captura contra supuestos abogados

Juan Manuel Díaz C.
PANAMA AMERICA

TRAS una larga investigación, la fiscalía cuarta de circuito ordenó la captura del estadounidense Richard Lehman y del panameño Víctor Crosbie por los supuestos delitos de estafa, falsedad de documentos, ejercicio ilegal de la profesión de abogado y asociación ilícita para delinquir.

Lehman y Crosbie, quienes se encuentran prófugos de la justicia, se les acusa de haber participado en un proceso de sucesión y de fingir ser abogados, cuando no tenían idoneidad para ejercer esa profesión como establece la legislación nacional.



De acuerdo con las sumarias de la fiscalía, a Crosbie se le hacen imputaciones por haber avalado las actividades ilegales de Lehman.

La Presidenta del Colegio Nacional de Abogados, Marta López de Martans, repudió la violación al ejercicio del derecho en Panamá.

Se detalla que ambos intentaron realizar importantes transacciones comerciales que involucraban fuertes sumas de dinero sin tener facultad legal para ello.

A Lehman se le sigue otro proceso por el delito de calumnia e injuria en perjuicio de miembros de una firma de abogados.

Además, el norteamericano Lehman enfrenta un proceso en la Sala Penal de la Corte Suprema de Justicia por el delito de homicidio culposo.

REACCIONES DEL CNA

Sobre este caso, la Presidenta del Colegio Nacional de Abogados, Marta López de Martans, calificó como un acto delictivo el ejercicio ilegal del derecho y estimó necesario aplicar las sanciones del caso para quienes incurran en este tipo de actividades.

Aseguró que esta situación afecta de forma directa la imagen del profesional del derecho.

Además, instó al Ministerio Público para que investigue este tipo de actividades y solicite a los tribunales la máxima sanción para los responsables.

miércoles 12 de septiembre de 2007
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Summons for a person who passed himself off as an attorney

Juan Manuel Díaz C.

PANAMA AMERICA

AN ORDER to give an unsworn statement, this time for extortion, was issued for American Richard Lehman by the Fourteenth District Attorney's Office.

This same office issued a warrant for his arrest and questioning for fraud, defamation and slander.

The Prosecutor's decision is based on a review of a series of documents filed against Lehman and Victor Crosbie, who were illegally practicing law.

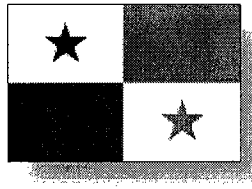
Lehman could face a sentence of up to eight years if he is found guilty on the extortion charge.

According to the investigation Lehman, as well as Crosbie, attempted to conduct business transactions, simulating they were attorneys transacting legitimate acts.



EXHIBIT 21

REPORT TO THE ATTORNEY GENERAL
COUNTRY OF PANAMA



THE ESTATE OF
WILSON C. LUCOM

Legal Abuse in Panama
Civil and Criminal

LEGAL ABUSE IN PANAMA

CIVIL AND CRIMINAL

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The Stealth of the Shares of Valores Globales S.A.	29

An Overview

The following is a Report of a list of legal abuses committed against the Estate of Wilson C. Lucom (R.I.P.), its beneficiaries and in particular, Richard S. Lehman, Esq. as the Executor of that Estate. The abuses against Lehman were committed in order to remove him as the sole Executor of a Panamanian Estate and to nullify the Last will and Testament of Wilson C. Lucom.

The Report discloses a plan to illegally nullify and defeat the Last Will and Testament of Wilson C. Lucom ("Lucom"), which left the bulk of his \$50.0 Million fortune to feed the malnourished and starving poor children of Panama. The defeat of this gift would then result in the \$50.0 fortune passing to one of Panama's most elite and powerful families, the children of Hilda Arias and their attorneys, Hector Infante and Edna Ramos ("the Arias Group").

Since Lucom's Last Will and Testament could not be defeated in the Panamanian courts of law, the only way to steal this precious gift to Panama's poor children was to get rid of Lehman. Lehman was appointed by the Panamanian Court as the sole Executor of Lucom's Will. Therefore, he was the only person with the legal authority who had sworn an oath in Panama to protect the poor children of Panama.

The Report clearly shows not only a gross abuse of Panama's civil law system which has resulted in the complete inability to administer Lucom's Estate for 20 months. It will show a systematic use of the criminal legal system to resolve civil cases by the threats, terror and personal and financial ruin of the opponent.

*A pattern
of gross
abuse*

It will show a legal system where one lawyer with impunity can file more than 13 fraudulent criminal allegations against Lehman in one year accusing him of crimes he never committed; the issuance of two illegal arrest warrants against Lehman in Panama and the issuance of two illegal indictments against Lehman. All of this as a result of the corruption of at least one and possibly two Panamanian Prosecutors.

The most recent attacks on Lehman and his lawyers resulted from the corruption of several Panamanian police agencies. In January of 2008 Lehman and his main Panamanian counsel, Victor Crosbie, were illegally listed as Red Notice criminals of the highest order by Panamanian Interpol. Then Lehman's counsel was falsely arrested by Interpol in Columbia and Panama.

P A R T I

This illegal arrest by the Panamanian Police Agencies took place after the Panamanian Superior Court had ruled that no arrest warrant was in effect for Lehman and Crosbie and advised the Police Agencies accordingly.

Sadly the plan to steal the millions *has resulted in the deaths* of no less than 200 malnourished Panamanian children who, by UNICEF standards have died at a rate of one child every three days during the 20 month period that Lucom's gift has been delayed by the use of illegal tactics.

The tip of the ice berg of the abuses of the law that you will see in this Report has been featured in TIME Magazine and the newspaper articles published in the La Estrella Newspaper in Panama April 7th and 8th. (Exhibit 1(A))

Exhibit 1(B) includes newspaper reports and pictures of the most recent actions involving Lucom's Estate. They tell a story of just how dangerous it can be to be a champion of Lucom's Will.

On May 10th, 2008, Hector Avila, a local hero in Panama's barrios, who has worked hard on gang prevention; led a march to the Panama Supreme Court to present a copy of this Attorney General's Report to the Chief Justice of the Panamanian Supreme Court. As one can see, it was a march by the poor children of Panama asking for justice.

Exactly one week after the march, Hector Avila was gunned down on the streets of Panama. Avila is recovering and has named the Arias family as one of the chief suspects responsible for his shooting.

Background

Wilson C. Lucom, was a U.S. national and an extremely wealthy man who arrived in Panama in 1995. Since the early 1980's he was married for the second time to a Panamanian woman, who was a member of one of the most influential families in Panama. Lucom had no children of his own. His wife, Hilda, was previously married to Gilberto Arias, the scion of one of Panama's most powerful families. Hilda had five children with Gilberto Arias; two of which remain in power positions in Panama.

After several years in Panama, Lucom had problems with his wife's children who distanced him from themselves and their mother, Lucom's wife. This situation lasted several years.

Lucom was an enterprising man and a sensitive soul who gave up his U.S. citizenship and fell in love with Panama. He witnessed the needs and the hunger endured by thousands of Panamanian children, particularly in the rural areas; therefore, he decided to leave in his will, written on June 20th, 2005, almost 50 million dollars to the poor children of Panama, which would be managed and distributed by his "Fundacion Wilson C. Lucom Trust Fund", created for this purpose.

Lucom left to his wife their multi million dollar home in Punta Paitilla and for the rest of her life, 20 thousand dollars a monthly income, or a minimum 240 thousand dollars per year, to be paid by the Foundation's main account. He provided handsomely for his stepdaughter in the U.S. and small amounts to his stepchildren in Panama and bequests to his friends, employees, persons who provided services to him and \$1.0 Million to Mayo Clinic. This was his last will.

The object of the Foundation was to feed children with needs in Panama and he gave instructions to look for areas where there were children's schools that had no meals for lunch.

Lucom explained that the principals of the schools had to form groups of volunteers with parents and other persons to plant gardens with seeds, so that they would bear fruit in the future to first feed the children in the area, then to provide some money for their sale.

Upon Lucom's death his will was probated in the country of Panama and the Panamanian Probate judge accepted Lucom's will as valid and appointed Lucom's long term United States friend and attorney, Richard S. Lehman, to serve as the sole Executor of Lucom's Estate.

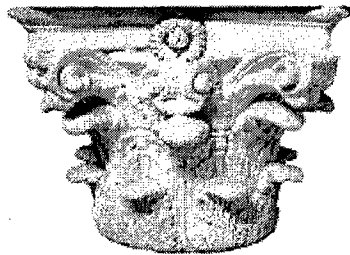
PART II

Lehman is a South Florida attorney who had been Lucom's attorney and friend for 31 years faithfully. Lehman is a long time resident of South Florida, having practiced law there for 33 years with an impeccable record as an attorney and community leader. Before starting his private practice in Florida he graduated from Georgetown Law School in Washington D.C.; obtained an LLM, master's degree in tax law at New York University Law School and served for years as a Senior Attorney with the Internal Revenue Service of the United States and as a law clerk to Judge William Fay on the United States Tax Court in Washington D.C.. He has continually held an "AV" rating as an attorney since the beginning of his career. He also served in the Judge Advocate General's Corp. of the United States Army Reserves.

Prior to commencing work as the Executor of Lucom's Estate, Lehman had never been accused of any criminal action whatsoever and is held in the highest esteem in his community by individuals from the political, religious, legal, financial and other walks of life.

Upon being appointed the sole Executor of Lucom's Estate, Lehman swore an oath upon the bible to uphold Lucom's Will and to protect the poor children of Panama with Lucom's money. To date he has done so having guided the Will through its acceptance by the Panamanian Probate and Superior Courts.

*Lucom's Will stands today at a point
where its ultimate legal validity
will be decided shortly
by the Panama Supreme Court.*



Lucom Last Will and Testament

Lucom's Will is not complicated. (Exhibit 2) It is very clear that Lucom wanted to make sure that Mrs. Lucom's children received nothing other than the relatively small specific bequests he gave them in his Will. The pattern of his Will insures that every asset he owned at death ultimately is given to the poor children of Panama except for those assets necessary to meet the specific bequests he mentioned in his Will.

Wilson Charles Lucom left a last will and testament ("Lucom's Will") in a public deed attested to by a Notary in Panama. A will completed in this fashion requires a very high standard of proof to be overturned and declared invalid. Lucom's will is precise. Lucom's Will identifies separately all his real estate (the "Real Estate") and leaves all of the identified Real Estate directly to Fundacion Wilson C. Lucom Trust Fund (the "Fundacion"), a St. Kitts Trust that is registered in Panama. The sole purpose of the Fundacion is to feed the poor children of Panama. The main piece of real property, known as Hacienda Santa Monica, belongs to a Panamanian corporation known as Hacienda Santa Monica, S.A. This corporation was 100% owned by Wilson Charles Lucom (R.I.P.) and is valued at more than US \$40,000,000.00. This property was identified by Lucom to go directly for the benefit of the poor children of Panama.

In addition to the Real Estate there is almost US \$10.0 million in liquid assets. These financial assets are also identified in Lucom's Will as "\$7.0 million or more in other assets". These \$10.0 million or so in financial assets are to be used:

- (1) \$1.0 million is to be given to the Mayo Clinic in the United States (upon the death of HILDA, Lucom's widow).
- (2) \$2.0 million is given to 19 different individuals; both U.S. and Panamanian, representing friends and employees, distant family members and members of Hilda's family.
- (3) The balance of Lucom's estate (the "Balance") is to be used to pay the following life estates to HILDA LUCOM and to LUCOM's stepdaughter, Isabel Clark ("Isabel").

A. Hilda Lucom - \$240,000/year
B. Isabel Clark - \$200,000/year

Any funds remaining in the Balance after the deaths of Hilda and Isabel (the "Remaining Balance") will pass to the Fundacion. Lucom was so intent on leaving his fortune to the poor children of Panama that he even left them all of his personal property. Hilda only had the right to use the furniture in their home during her life. After her death even Lucom's furniture is to go to the poor children of Panama.

PART III

If Lucom's Will is carried out, as written, the remaining Balance plus the Real Estate, after paying fees and expenses of the sale of Hacienda Santa Monica and other costs would well result in US \$40 Million or more going to the poor children of Panama, as Lucom wished.

Lucom's Will originally appointed the Executor, Hilda Lucom and Ruben (Chinchorro) Carles as his three administrators (The Executors). By way of a First Codicil that was completed several months before Lucom passed away, Chinchorro was replaced by Christopher Ruddy, who was a friend of Lucom's for the last five or six years of his life.

APPOINTMENT OF RICHARD S. LEHMAN AS THE EXECUTOR, JULY 5, 2006

Lucom's Will was initially ruled upon by the Panamanian Probate Court and **instead of appointing the three The Executors mentioned in Lucom's Will and Codicils, the Judge appointed Richard Lehman as the sole Executor for technical reasons related to Panamanian Counsel's improper drafting of the Second Codicil.** (Exhibit 3) 1/

This appointment of Lehman as the sole Executor is now meaningless since on May 4th, 2007, the Panamanian Superior Court upheld the Panamanian Probate Court ruling that Lucom's Will was valid and decided that the appropriate administration of Lucom's Will should in fact be carried out by the three Executors named in the Will, Richard Lehman, Hilda Lucom and Christopher Ruddy. A full discussion of the May 4th Superior Court ruling and all of its implications will follow in chronological order.

Shortly after his appointment, Lehman went to Panama and started to make the necessary banking arrangements to transfer all of Lucom's liquid accounts into a Panamanian account for the Estate of Wilson C. Lucom. He met with numerous lawyers and beneficiaries regarding all Estate matters and real estate matters for the sale of Hacienda Santa Monica.

1/ Codicil No. 2 was drafted improperly. That Codicil *eliminates* a paragraph in the Will that appoints the three named Executors and resulted in the Panamanian Probate Court appointing Lehman as the sole Executor. Lehman was appointed as the sole Executor since his name was the only one mentioned a second time in the Will as an Executor.

PART III

At this time intense discussions were held with Gilberto Arias, Jr. in order to attempt to avoid any litigation over the Estate of Wilson C. Lucom. Lehman offered the amount of \$10 Million outright to Hilda instead of her \$240,000 life estate from the Will which was also supplemented by a \$60,000 year fee as The Executor or trustee of Lucom's Estate. This would leave significant funds for Hilda to leave to her children in spite of Lucom's wishes.

Since the Lucom Estate is comprised of over 80% of non income producing property (and in fact income losing real estate) it could ill afford a dragged out legal battle, particularly it could not afford the lost opportunity costs of missing a sale of the property at what could be the highest point in the Panama real estate market. On July 13th, 2006 the Executor met with Gilberto Arias in Panama and he and The Executor agreed upon a settlement. Gilberto later said his mother was thrilled with the settlement.

SETTLEMENT AGREEMENT/LAWSUIT SAME DAY

On July 14th Gilberto sent a letter to Lehman's lawyer, Alvaro Aleman of Icaza Gonzalez Ruiz and Aleman (IGRA) confirming an agreement. (Exhibit 4) Essentially Gilberto's letter captured all of the material points except for certain agreed upon protections for Lucom's Estate. Lehman's letter of July 18th firmed up the deal. (Exhibit 5) Gilberto entered into an agreement with Lehman as the sole Executor, that Gilberto's mother, Hilda, was "thrilled with". However, at the same time, an attorney for the rest of the family (Melinda and Frank Morrice), filed an action against Lehman and the Estate of Wilson C. Lucom on July 14th. (Exhibit 6)

THIS ACTION THAT WAS FILED ON HILDA'S BEHALF WAS TO SOME EXTENT VERY CONFUSING IN THAT HILDA, IN THAT ACTION, ACTUALLY ACCEPTED LUCOM'S WILL WHILE AT THE SAME TIME OBJECTING TO PARTS OF IT AND OBJECTING TO LEHMAN'S APPOINTMENT AS THE EXECUTOR.

THE ATTACK ON THE EXECUTOR

During the first month of administration, the Arias attorney at the time, Salvador Munoz, appeared in the Panamanian Probate Court stating falsely that Richard Lehman had a “quasi criminal background” and had already stolen over \$600,000 from Lucom’s bank account in Wachovia Bank in Florida. (Exhibit 7)

*A gringo
with a
crooked past*

This was a lie. Munoz made no mention of the fact that all that Lehman had done was to open a new bank account in the same bank for the same amount of money in the name of the Estate of Wilson C. Lucom as he was required to do by law.

A few days after Munoz’s court statements about Lehman were made, Hilda appointed a new lawyer, Hector Infante. Using Munoz’s court statement as “evidence” that Lehman was a criminal, Hector Infante began a major lobbying effort and convinced the Probate Judge that she had appointed as the sole Executor, a “gringo” with a crooked background, who had already stolen \$655,000, and was on his way to steal everything from the poor children of Panama.

THE EXECUTOR’S SUSPENSION AND THE DELAYS IN PROBATE

In response to this, Lehman was “suspended” from his duties as the Executor by the Panamanian Probate Court. (Exhibit 8) At that point the Estate had no administration. This highly unusual situation, of leaving a \$50 Million estate with no responsible party in charge has lasted for over a year and a half; another successful Infante tactic. By suspending Lehman as the Executor, it meant that Lehman could not fight to defend the Will with Estate funds. This occurrence is an impossibility in the United States and any other country with estate laws.

*Attack
leads to
suspension*

Lehman immediately sought legal advice after his suspension and was told by counsel that since he had not been removed as The Executor he had the responsibility to continue to act to protect the property and could use Estate funds where available. (Exhibit 9)

PART III

In spite of his “suspension” and based on legal advice, Lehman has continued to defend all of the Estate assets with his own funds and has now paid expenses of \$1,000,000. In spite of numerous success in defending all of the Estate assets, it was not until January of 2008 that the probate court was able to assume control and start to administer the Estate and protect the assets.

These delays are the result of multiple delay tactics by the Arias Group which included forcing the initial Probate Judge to resign by filing criminal charges against that judge for not ruling in their favor. (Exhibit 10)

PRESENT STATUS

On July 5, 2006, The Panamanian Probate Court accepted Lucom’s Will as valid and commenced probate proceedings appointing Lehman as the sole Executor. This was appealed by the Arias Group. On May 4, 2007, the Panama Superior Court confirmed the validity of Lucom’s Will with certain modifications to the Probate Court ruling. Particularly, the appointment of three Executors and Trustees. (Exhibit 11) This was appealed by the Arias Group.

**THE PANAMANIAN SUPREME COURT IS EXPECTED TO RULE
ON THE FINAL DECISION OF THE VALIDITY OF LUCOM’S WILL
IN THE NEAR FUTURE.**

THE PANAMANIAN CHARITIES

In order to insure all of Panama was aware that Lehman intended only to carry out Lucom’s Will and sought no personal gain, Lehman and his attorney, Octavio Del Moral opened negotiations with several of Panama’s leading charities. The promise has been made to give these charities a fixed percentage of whatever was eventually awarded by the Panamanian courts or obtained through a settlement. (Exhibit 12) The total of the promised percentages would eventually equal 100% of the awarded amount.

*100%
will go towards
charities*

PART III

The agreement contemplated in Exhibit 12 has never been executed. To prevent these measures of good will and the proof of the Lehman's proper intentions, both Melinda Morrice, Hilda's daughter, and Hector Infante made numerous personal calls to the various charities involved to threaten those parties and warned them that if they accepted the agreement for charitable funds from Lucom's Estate, the charities would be harmed by the Panama America newspaper and never be able to raise funds again from the Panama elite.

To date the charities have refused to accept the funds out of fear and intimidation.

Several crimes were committed against Lehman under the criminal statutes of the Country of Panama as a result of the Arias Group filing false accusations of a criminal nature against Lehman. The first of these false accusations was that Lehman murdered Lucom. The first false crime the Arias Group charged Lehman with was Intentional Homicide. This was filed despite the fact that no evidence whatsoever existed that such a crime had been committed. (the "First Denuncia") (Exhibit 13)

As a result of a thorough investigation of the false accusation The Second Superior Court of Justice of Panama dismissed this First Denuncia with the following comments.

According to the court the elements summarized allow it to deduct that the death of Mister WILSON CHARLES LUCOM resulted from adverse pathological circumstances and is not a product of the intervention of a criminal fraudulent or punitive act. . . by RICHARD LEHMAN . . . it is important to underline the sworn declaration of physician MARCO ANTONIO LOPEZ ZAMORA in which he states that the patient was never unattended, disconnected was never taken off any medical support, always remained in the same bed with all the life support machines and medicines that he was taking.

Under these circumstances . . . investigation should be closed with a *definitive objective and impersonal stay of proceedings*. (Exhibit 14)

The patently false First Denuncia results in a number of serious crimes in and of itself against Lehman. Not the least of which is the blatant attempt to intimidate him with the criminal laws of a foreign country. However, this First Denuncia is more than just a harmful defamatory lie about a person of impeccable stature.

It was the first movement in a dangerous legal match to steal \$50.0 Million from the malnourished and dying poor children of Panama. It is a plan that has totally abused the Panamanian judicial system for almost two years.


NULLIFICATION ATTEMPT

After opening the will, which was requested by the Executor on July 5, 2006 and executed by a Panamanian Judge from the Fourth Civil Court in and for the First Judicial Circuit, Lucom's wife, who is 84, has heart problems and Parkinson's Disease, filed a motion to nullify the will so that she would be named the universal heir and obtain the 50 million dollars that were earmarked for the children. (Exhibit 15)


As one will see from Hilda's own testimony, the elderly woman is in no condition for an international legal war or to administer Lucom's Estate. It is clear that her children are the ones who are behind all of this because they know that only through her can they legally maneuver to take the fortune away from the Panamanian children. Therefore, in all proceedings against the estate and against the Executor, which will be explained hereinafter, Hilda is the principal but not in reality.

It is obvious that Hilda's attempt to nullify the will had no weight or legal basis and would not lead to the Will being overturned. Therefore Hilda's main objective was to remove Lehman as the Executor. To date the Panamanian Probate Court and Superior Court have upheld the validity of the Will.

So long as Lehman stood in the way, Lucom's gift of \$50.0 Million to the poor children of Panama could not be stolen. In order to intimidate Lehman to resign as Executor and to ruin him financially, Lehman was the subject of five totally false and illegal Denuncias that led to the following specific abuses of Lehman under Panamanian law. 2/

 **I. THE FIRST DENUNCIA.** The First Denuncia that was filed shortly after Lehman's appointment as Executor charged Lehman with

1. The Crime of Intentional Homicide;
2. The Crime of Negligent Homicide;

 **II. THE SECOND DENUNCIA.** On the same day that the First Denuncia was filed, a Second Denuncia was filed. The Second Denuncia fraudulently charged and alleged that Lehman had committed all of the following crimes in the country of Panama.

DENUNCIA

2/ To understand the plan, one must understand the Denuncia in Panama. The procedure known as a Denuncia permits an individual to report a crime for investigation and this can turn into a full criminal investigation on the flimsiest of evidence.

PART III

The Second Denuncia charged that the list of crimes had been committed by Lehman while acting as a leader of a group of people (the "Gang") that had collaborated not only to murder Wilson Lucom but also to steal his substantial fortune. (Exhibit 16) This Denuncia falsely charged Lehman with:

3. The Crime of Aggravated Assault;
4. The Crime of Forgery of Documents;
5. The Crime of the Illegal Exercise of a Profession;
6. The Crime of the Unlawful Association to Commit Crimes;
7. The Crime of Perfidy;
8. The Crime of Falseness;
9. The Crime of Aggravated Swindle;
10. The Crime of Fraud;

In this Second Denuncia, Lehman's *Preventive Detention* was called for.

III. THE THIRD DENUNCIA. Shortly after the Second Denuncia was filed, a Third Denuncia (Exhibit 17) falsely accused Lehman of stealing Lucom Estate checks and falsely charged Lehman with:

11. The Crime of Swindle;
12. The Crime of Theft;

IV. THE BRIBERY ATTEMPT. Since Lehman refused to be intimidated by the false criminal allegations, on November 30th, 2006, Hector Infante tried another tactic and attempted to bribe Lehman to resign from office with a bribery offer of \$3.0 Million. This bribe was not even considered by Lehman. (Exhibit 18) Thus, Lehman also was subject to:

13. Attempted Bribery;

V. THE FOURTH DENUNCIA. The Second and Third Denuncias and the Bribery attempt were ineffective to scare or buy off Lehman. The Arias Group realized their plan to steal millions of dollars from the mouths of the poor children of Panama was doomed to failure unless extraordinary actions were taken. This meant the heat would really be turned up on Lehman and lead to even greater abuse. Lehman was further subjected to the following abuses of the Panamanian system.

A new Fourth Denuncia was filed against Lehman as an extension of the Second Denuncia. (Exhibit 19) This Denuncia falsely charged Lehman with:

14. The Crime of Property Crimes Against the Estate
of Wilson C. Lucom;

PART III

The Superior Court, after reviewing all of the Second, Third and Fourth Denuncias dismissed all of these crimes and stated the following about all of these alleged crimes.

... the criminal act attributed to RICHARD LEHMAN in the complaint, where his preventive detention was ordered were allegedly for FRAUD; but thus far the Court does not perceive evidence of the crime ... particularly, when the governing word in the criminal offense is deceit, inasmuch as the prosecutor's office has not explained where the trickery lies, when the crime was committed or against whom the said deceitful conduct occurred.

With regard thereto, it is pertinent to note that the authority who issued the arrest warrant in the case of Mr. RICHARD LEHMAN has not fulfilled the requirements set forth in Article 21 of the National Constitution, as well as requirements in Articles 2140 and 2152 of the Judicial Code. ... the punishable act or the involvement of the person whose arrest is ordered has not been clearly shown.

In accordance with the foregoing, the only thing that remains for the Court to do is to proceed to find that the arrest warrant issued for RICHARD LEHMAN is illegal, and we shall entertain that hereinafter. (Exhibit 20)

ch

VI. THE CORRUPTION OF THE POLICE AGENCIES. Having been thoroughly rebuked by the Superior Court for issuing an illegal arrest warrant and violating Lehman's Panamanian constitutional and criminal judicial rights, the Prosecutor of the 4th Fiscalia took the exact *different* action than required under the law.

Instead of honoring the decision of the Superior Court, the Prosecutor directly overrode the Superior Court's written directions to the Panamanian Division of Interpol. Instead of directing Interpol that her arrest warrant was illegal, the Prosecutor ordered Interpol to issue the highest state of arrest order to 170 countries worldwide for Victor Crosbie and Richard Lehman. (the "Red Notice") This led to Lehman's principal attorney in Panama being falsely arrested by Interpol. Lehman is forever listed in Interpol's records as a criminal of the worst case. (Exhibit 21)

THE INTERPOL FILES OBTAINED AFTER CROSBIE'S FALSE ARREST SHOWED THAT THE PROSECUTOR'S DOCUMENTS ORDERING THE ARREST OF CROSBIE AND LEHMAN WERE SENT TO THE INTERPOL OFFICE FOR EXECUTION NOT FROM THE OFFICES OF THE PROSECUTOR, BUT FROM THE OFFICES OF HECTOR INFANTE, THE ATTORNEY FOR THE ARIAS GROUP. (Exhibit 22)

P A R T I I I

This has led to a major corruption investigation in Panama as will be explained hereinafter.

As a result of Prosecutor corruption, Lehman was subjected to

- 15. An Illegal Arrest Warrant;**
- 16. An Illegal Indictment;**
- 17. Prosecutorial Corruption;**
- 18. Red Notice Alert Communicated to
170 Worldwide Police Agencies;**

THE 14TH FISCALIA – NEW CRIME

At the same time that the arrest warrant and indictment were started in the 4th Fiscalía, the Arias Group also started a 5th Denuncia in the 14th Fiscalía with a different prosecutor. There, a transmittal letter to The Arias Group from Lehman to promote a settlement was held to be an extortion letter by Lehman. (Exhibit 23)

In the 14th Fiscalía, the Arias Group was able to obtain an immediate illegal arrest warrant and an illegal indictment against Lehman for the crime of extortion without any investigation whatsoever from a Prosecutor who had (1) no jurisdiction over the case; (2) violated all of Richard Lehman's constitutional and judicial protections that go with the presumption of innocence in the Panama constitution; and (3) there was no crime. (Exhibit 24)

In addition to the extortion charge, a completely fictitious slander charge of no real importance or legal value was also added to the extortion charge.

The only criminal counts left against Lehman at this time which Lehman now stands accused of:

- 19. Extortion;**
- 20. Slander;**

In addition to these false charges, Lehman now in the district of the prosecutor of the 14th Fiscalía was again made subject to:

- 21. Illegal Arrest Warrant;**
- 22. Illegal Indictment;**
- 23. Prosecutorial Corruption;**

PART III

THE FAMILY NEWSPAPER

Immediately after the two illegal arrest warrants were issued, in a coordinated attack on the creditability of Richard Lehman, the family newspaper, Panama America, the second largest newspaper in Panama, printed on successive days, September 12th and September 13th, two defamatory and slanderous totally incorrect major newspaper articles naming Lehman as responsible for multiple crimes. All of the crimes except the extortion count mentioned above have proven to not be a crime or were in the process of dismissal when the article was published. (Exhibits 25 and 26)

As a result of this part of the plan, Richard Lehman was subject to:

**24. Widespread Dissemination of False Slanderous Accusations
that he is a Murderer and Gangster;**

Each of the above transactions are accompanied by their own set of crimes against Lehman. They will now be discussed with a more complete explanation of the facts.



The False Criminal Charges

THE MURDER CHARGE

With the prior background one can now consider the fraudulent murder charge against Lehman and the other crimes.

The Second Superior Court of Panama and the Prosecutor presiding over the murder allegation against Lehman thoroughly investigated the First Denuncia and closed the file with no charges against Lehman. There was a finding of no crime whatsoever.

The decision of the Superior Court should be enough in and of itself to establish there was no crime of murder. Instead crimes were being committed against Lehman by those who for their own benefit were alleging that there was a false murder. There is more convincing evidence that the latter was the case in Hilda's own testimony.

Clearly, from Hilda's testimony, it is *not* Hilda Lucom who is the real party accusing Lehman of the murder of Lucom. Instead, the real accusers making the fraudulent accusation against Lehman are persons who have *no legal standing to upset Lucom's will and no relationship with Lucom whatsoever*. They have no legal or moral right to steal Lucom's gift by the use of false accusations of murder.

It is clear from Hilda's testimony that she never believed in the Denuncia filed in her name that accused Lehman of murder. She never authorized the First Denuncia accusing Lehman as a murderer and never knew the case filed by her against Lehman for murder was dismissed.

HILDA'S TESTIMONY OF MARCH 1, 2007

No Accusation of Murder

Question: Did Richard S. Lehman kill Wilson Charles Lucom?

Hilda Lucom: I've never said that.

Question: Did Richard S. Lehman kill Wilson Charles Lucom?

Hilda Lucom: No. The actions – the actions they took which I didn't want them to, because he was extremely delicate.

Question: Did Richard Sam Lehman kill Wilson Charles Lucom?

Answer please, yes or no, and then you may explain your answer.

Hilda Lucom: I've given my answer.

PART IV

No Knowledge of Filing the First Denuncia

Question: And did you authorize Edna Ramos Chue to file this denuncia against Mr. Lehman for attempting against the life of and personal integrity of Wilson Charles Lucom?

Hilda Lucom: I Lived that

Question: You lived that Mr. Lehman and Mr. Ruddy attempted against the life of person – and personal integrity of Wilson Charles Lucom?

Hilda Lucom: Not exactly.

Dismissal of the Denuncia

Question: Do you know that the court that the interpreter just told you about dismissed this, finding it had no valid basis?

Hilda Lucom: What Court?

Question: You know that that – this denuncia, . . . has been dismissed by the court, the Second Superior Court in and for the First Judicial District of Panama because it has no basis in fact?

Hilda Lucom: No

As one will see, the fraudulent allegations of murder against Lehman was only the beginning of 24 separate major legal abuses of Lehman including dozens of crimes committed against him.

DENUNCIA NOS. TWO AND THREE – SETTING THE STAGE FOR LEHMAN'S DESTRUCTION AND GROSS PROSECUTORIAL ABUSE

At the same time, September 11, 2006 that the Arias Group filed the First Denuncia, they also filed a Second Denuncia described below and shortly thereafter the Third Denuncia, also described below was filed.

Together Denuncia Nos. One, Two and Three is a series of criminal allegations against Lehman. When the three Denuncias are taken together, it is clear that the plan was to paint a false picture of Lehman, as a murdering, stealing crook so that all of Lehman's efforts to protect the poor children of Panama and carry out Lucom's Will could be thwarted. Furthermore, the major criminal allegations were designed to set the stage for Lehman's false arrest in Panama in order to intimidate him or even kill Lehman so that the poor children of Panamá would be abandoned.

PART IV

The three Denuncias together present a 100% false story and each of the three Denuncias depend upon multiple fraudulent incorrect statements of fact and law made by those responsible for the false allegations.

This Report has already discussed the numerous falsities in the fraudulent Intentional Homicide Charge (Denuncia One).

A similar discussion is important regarding Denuncia Nos. Two and Three. Just as the Superior Court dismissed the First Denuncia, it also dismissed Denuncias Nos. Two, Three and Denuncia No. Four. (to come)

*3 Denuncias
paint a
false picture*

On September 11, 2006 the Arias Group not only filed the false murder allegation, they filed a second allegation against Lehman which together portrayed Lehman as a murderer of a dear friend and client, Wilson C. Lucom; and a thief who committed such murder in his capacity of a leader of a criminal gang that were intent on stealing Lucom's money. In fact at the time of these criminal Denuncias, Lehman was the appointed sole Executor of the Estate of Wilson Lucom and the only person able to defend this Estate on behalf of the beneficiaries, the poor children of Panama.

While the Arias Group was accusing Lehman of being a murderer and a leader of a gang, they were also attempting to nullify the will being defended by Lehman.

THE SECOND DENUNCIA

The Second Denuncia accused Lehman of leading a "Gang" to steal Lucom's fortune. Every single member of Lehman's alleged Gang was an individual close to Wilson Lucom who would give clear and unequivocal testimony that Lucom's Will as written expressed his true intentions and that these witnesses to Lucom could confirm the same.

The Second Denuncia was more than an attempt to intimidate and scare Lehman. It called for his immediate preventive detention and arrest without a trial and was also intended to scare and intimidate anyone who would support Lucom's Will. The Denuncia contains more lies and factual distortions than it has paragraphs.^{3/}

^{3/} Denuncia No. 3 filed shortly after Denuncia No. 2. accused Lehman as the Executor of stealing several checks that were made out to Lehman in his position as Executor. Denuncia No. 3 quickly fell by the wayside since the checks that were supposedly "stolen" had been in the possession of Lehman's attorneys from the moment he had received them. The attorneys have been awaiting instructions from the Probate Court on the proper disposition of these checks.

PART IV

This Second Denuncia was a legal attack on numerous innocent individuals. There was an attack on all of the people capable of rebutting the slanderous accusations. It is disturbing that the list of people that have suffered trying to help Lehman preserve the Lucom Estate for the poor children has grown so long in a year and half.^{4/}

NO CRIME

After a thorough investigation this Second Denuncia was also ordered to be dismissed by the Panama Superior Court.

The words used by the Second Superior Court in ordering the dismissal of the Second, Third and Fourth Denuncias against Lehman would seem to be enough to conclude that criminal wrongs were not committed by Lehman, but rather they were committed against Lehman by the Arias Group in naming him a gang leader.

“ . . . the court does not perceive evidence of the crime...”

and

“ . . . the authority who has issued the arrest warrant in the case of Mr. Richard Lehman has not fulfilled the requirements as set forth in Article 21 of the National Constitution, as well as requirements in Articles 2140 and 2152 of the Judicial Code ...”

4/ There has been a systematic attempt to silence or force actions from every one of the following persons through either criminal or civil actions, threats and intimidation, undue influence or bribery:

- (i) a Panamanian Notary;
- (ii) lawyers both in Panama and the United States;
- (iii) a Panamanian Judge;
- (iv) the Executor of the Panama Will;
- (v) witnesses that would testify favorably to the Testator's intent;
- (vi) U.S. and Panamanian beneficiaries;
- (vii) several members of the press;
- (viii) other professionals providing services to the Estate;
- (ix) people submitting information to the press;
- (x) several Panamanian charities that wish to benefit from Lucom's gift;
- (xi) A Panamanian Prosecutor (as will be seen);
- (xii) Panamanian Police Authorities; and the
- (xiii) Panamanian Division of Interpol (as will be seen).

PART IV

However, again there is even more convincing evidence that there was no “gang” or plan by Lehman to steal Lucom’s estate in the very words of Hilda Lucom in her testimony. Like the First Denuncia, the complainant in the Second, Third and Fourth Denuncias, Hilda, had no idea why the Denuncias were filed, what they said or that they were overturned.

In two separate testimonies under oath in Florida Hilda did not present any evidence to support any Denuncia. The question then becomes who controls and is falsely speaking for Hilda Lucom?

In the “gang” complaint where Hilda called for Lehman’s imprisonment from five to ten years in advance before any trial, Hilda’s testimony of proof of Lehman as a gang leader proves empty.

HILDA’S TESTIMONY OF MARCH 1, 2007

Question: Do you believe Richard Lehman is a gang leader?

Hilda Lucom: What kind of a gang?

Question: Well, your lawyers wrote it in the papers, so I’m asking you what you and – what your interpretation is of “gang leader.” It’s your lawyers that did that.

Hilda Lucom: What I know is that Mr. Wilson would have never been satisfied with the way that Mr. Richard Lehman behaved with me.

Question: How did he behave with you?

Hilda Lucom: In that he never notified me of anything, and I’m the widow.

Mr. Weiss: (Hilda’s attorney) Is that your complete answer?

Hilda Lucom: No, that’s not complete.

Mr. Weiss: Okay, Well, than finish –

Hilda Lucom: But that’s it.

Question: Mrs. Lucom, before we took a break, you testified that one of the reasons Mr. Lehman is a gang leader is because he’s not carrying out Wilson Charles Lucom’s wishes under his will; is that correct?

Hilda Lucom: As to the characterization of a gang, I don’t know if he is a gang leader or not. He knows that.

Question: In addition, “it is important to consider that Mr. Lehman is being criminally investigated in Panama for fraud and conspiracy to commit a crime”. Do you see that?

Hilda Lucom: That’s what I’ve been told.

Question: And that’s what you wrote to Mr. Rudolph, correct?

Hilda Lucom: Where did I write it?

Question: What fraud did Mr. Lehman allegedly commit?

Hilda Lucom: I don’t remember, but I think that . . .

Mr. Bennardini: And she stopped there?

The Interpreter: The interpreter noted she stopped there.

PART IV

THE BRIBERY ATTEMPT

The First, Second and Third Denuncias were firmly in place by November 30, 2006. One of the Denuncias called for the immediate preventive detention and the arrest of Lehman without a trial or any hearing whatsoever.

However, that was not enough to completely insure the stealth of the millions of dollars that had been given to the malnourished and starving children of Panama. In the event the threats, intimidation, financial burdens and stress did not move Lehman out of the way and cause him to forsake his oath to the poor children of Panama, the additional step was to attempt to bribe Lehman for an amount of "\$2 Million to \$3 Million" in front of witnesses.

On December first, 2006 Richard Lehman testified *about the bribery attempt and the Panamanian Prosecutor took no action whatsoever*. Lehman's testimony in part was as follows:

In Panama City, at ten in the morning (10:00 a.m.) of Friday, December first (1st) of two thousand six (2006), mister Richard S. Lehman appears before the 15th District Court of the Panama's First Judicial Circuit with the purpose of extending his sworn deposition in the actual investigation.

There is a plan to try and take this money for Hilda Lucom which involves many actions, which most of them are aimed at getting me out of the way given that I have been appointed as the Albacea and I am the only one who can stop them. Hector Infante's office has presented official charges against me in Panama on behalf of Mrs. Lucom and just yesterday Hector Infante offered me three million dollars if I resigned. This happened in a meeting in which I was present as well as Octavio Del Moral, attorney, Mario Boyd, attorney, Hector Infante and one of Hector's associates whose name I do not know. This happened yesterday, Thursday, November 30 in a restaurant near Infante's office.

. . . I want to ask the prosecution if it is an offense to try to buy off an Albacea to prevent him from administrating an inheritance? . . .

This attempted bribery was repulsed by Lehman.

PART IV

THE FOURTH DENUNCIA

The same Opinion by the Superior Court which dismissed the Second and Third Denuncias also dismissed the Fourth Denuncia with those same words that the Superior Court had for the two previous Denuncias.

“ . . . the court does not perceive evidence of the crime...”

and

“ . . . the authority who has issued the arrest warrant in the case of Mr. Richard Lehman has not fulfilled the requirements as set forth in Article 21 of the National Constitution, as well as requirements in Articles 2140 and 2152 of the Judicial Code ...”

To understand how totally influenced the Prosecutor was it is important to look at the Prosecutor's actions in charging Lehman with the Fourth Denuncia and the illegal arrest warrant that resulted from the illegal charge.

The Fourth Denuncia was actually an extension of the Second and Third Denuncias. The Prosecutor ultimately was unable to continue to use the Second and Third Denuncias to prosecute Lehman since her jurisdiction had been removed to the 7th Circuit Court for her failure to timely close the case.

However, it was critically important at this point, as Lehman got closer to victory, to either arrest Lehman or his chief advisor, Victor Crosbie, in order to further intimidate and put fear into both Lehman and Crosbie to discontinue their efforts on behalf of the poor children of Panama.

The legal traps in Panama got hotter. Lehman was charged with the crime of illegally spending Estate money and an arrest warrant was issued for his arrest.

The following is the state of events leading to this illegal charge. **This false charge was later completely dismissed by the Superior Court.**

The Prosecutor's Office of the 4th Fiscalia issued arrest warrants based on false facts. **THE PROSECUTOR CLAIMED THAT A CRIME HAD BEEN COMMITTED WHEN LEHMAN PAID ESTATE FUNDS TO THIRD PARTY SERVICE PROVIDERS SUCH AS LAWYERS AND OTHER PROFESSIONALS TO DEFEND THE ESTATE.**

The Prosecutor issued an arrest warrant for Lehman even though six months before Lehman made a special appointment with the Prosecutor and flew to Panama for a meeting. Lehman demanded that this Prosecutor permit him to testify and clean up all of the fraudulent statements in the charges against him in the “Gang Complaint”. This demand was not only issued once, but was repeated several times in the Prosecutor's office in Panama in front of at least two witnesses; the Executor's counsel and an interpreter.

**THE PROSECUTOR REFUSED TO HEAR LEHMAN'S TESTIMONY
OR SEE HIS EXCULPATORY TESTIMONY.**

PART IV

The Prosecutor issued an arrest warrant even though at the time Lehman was appointed the Executor by the Probate Court and confirmed by the Superior Court and told by his lawyers that he must use Estate money to defend the estate. Had the prosecutor taken Lehman's timely testimony when offered, the Prosecutor would have learned that Lehman, as the Executor was instructed by a written legal opinion from the law firm of Icaza Gonzalez-Ruiz and Aleman, one of Panama's most respected law firms, that he had a continuing obligation to protect the Estate with Estate money.

The Prosecutor issued an arrest warrant even though the expenses were paid on behalf of the Estate to lawyers and other important parties necessary to successfully defend the Estate and *Lehman received no personal remuneration at all*. The Prosecutor considered the payments to defendants of the Estate a crime even though by that time Lehman had spent \$700,000 of his own money to defend the Estate and had received no benefit whatsoever. By April of 2008 Lehman had spent \$1,200,000 of his own funds to defend the Estate.

The Superior Court never considered any of Lehman's actions a crime and the Probate Court has found his actions to be exemplary under the circumstances.

On February 15, 2008, the Panamanian Probate Court issued the following Order regarding the propriety of all of Mr. Lehman's expenses of Estate money with the following language:

From the reading of the report presented . . . the undersigned Judge considers in a preliminary decision that the report rendered by Richard Sam Lehman . . . should be approved"

These are the same reports upon which the prosecutor based a criminal charge. (Exhibit 27)

PROSECUTORIAL CORRUPTION OF THE POLICE AUTHORITIES, INTERPOL AND THE RED NOTICE ALERT SYSTEM

By November of 2007 the Arias Group's attempts to intimidate Lehman became more and more desperate.

Not only did the Arias Group instigate the fraudulent Fifth Denuncia, as later discussed, they went even further to corrupt the Panama Police and Interpol.

By that point in time, two Superior Courts had dismissed the murder charges, and had dismissed all the Denuncias in the 4th Fiscalía which were the Second, Third and Fourth Denuncias.

PART IV

Therefore, pursuant to the opinion of the Superior Court, the Prosecutor could no longer enforce her illegally issued arrest warrant. This Prosecutor then showed her utter contempt for the Superior Court, the second highest court in the land, by completely ignoring the Court's order that the Prosecutor's arrest warrant was illegal. The Prosecutor proceeded to instruct the Panama Division of Interpol to place Lehman on the Red Notice Control List.

The history of this Red Notice is important to see the Prosecutorial corruption. On November 21, 2007 the Second Superior Court dismissed all charges against Lehman. The Court not only declared the Prosecutor's arrest order illegal but also stated in its opinion that her illegal order of arrest was based on no criminal activity and was in violation of Lehman's constitutional and judicial rights in Panama. On November 26, 2007 the Superior Court's ruling lifting the illegal warrant was sent to and signed for by José Ayu Prado, director of the Policía Técnica Judicial (Technical Judicial Police). (Exhibit 28)

In spite of this ruling, three months later on January 26, 2008 when Victor Crosbie flew from San José, Costa Rica, to Medellin, Colombia, he was arrested by Colombian authorities pursuant to a Red Notice Interpol warrant. The warrant named Lehman along with Crosbie as a Red Notice Alert individual. The Red Notice Code is reserved for terrorists and drug lords. It was issued by Interpol Headquarters in Lyon, France, on the request of the Interpol liaison officer in Panama and sent to 170 countries.

*Crosbie falsely
arrested by
Interpol*

After arresting Crosbie at Medellin Airport, Colombian police deported him that same evening to Panama, where he was arrested and taken to PTJ headquarters. The detectives were contrite, as was the Interpol liaison officer. All were aware that the Superior Court had ruled the order for Crosbie's arrest illegal. All were worried that by following orders from Superiors and arresting Crosbie they might get in big trouble. The incident attests to Hector Infante's power to manipulate the judicial and law enforcement authorities of Panama, and through them Interpol in the cause of frustrating Lucom's will and enriching himself. The decision to involve Interpol must have come from somewhere above Ayu Prado.

On January 28th, 2008 Victor Crosbie's false arrest in Panama was lifted and the Red Notice Alert for Lehman and Crosbie were dismissed worldwide. (Exhibit 29)

Thereafter Lehman and Crosbie filed criminal and administrative actions against the Prosecutor and others. (Exhibit 30)

P A R T I V

THE PANAMANIAN AMERICA NEWSPAPER SLANDER

In order to spread the lies created by the false Denuncias about Lehman through Panama and the world, the Arias Group used their family controlled newspaper, the second largest newspaper in Panama, the Panama America.

As soon as the illegal arrest warrant was issued in the Fourth Denuncia, on September 12 and 13, 2007, the next two days after the issuance of two illegal arrest warrants against Lehman were issued, the Panama America newspaper published two articles falsely reporting that Lehman was charged with a multiplicity of crimes in Panama. These two defamatory articles were published and circulated in Panama and in Florida on Panama America's internet website. The owners of the Panama America newspaper are close family members of Hilda and her children.

These articles were placed in the family's newspaper, Panama America, by the Arias Group who felt the need to destroy Lehman's credibility countrywide and worldwide as part of the plan to remove him as Executor.

Among numerous other mistakes, the articles falsely state that Lehman faces manslaughter charges and is fleeing arrest for numerous crimes and the illegal practice of law. The articles also falsely state that Lehman is a fugitive from justice.

The articles contain significant false statements of fact which tend to expose Lehman to hatred, ridicule and contempt and also tend to expose Lehman to damages for his business and reputation. The articles also falsely charge that Lehman committed the crime of negligent homicide.

The Panama America newspaper incident created its own set of crimes that the Defendant committed against Lehman. Equally important to the crimes committed against Lehman is the danger that exists when a criminal conspiracy in Panama is aided by the Press as was done here.

There are numerous protections under Panama law that protect an accused's identity prior to conviction. None of these protections were honored by the Panama American Newspaper.

THE FIFTH DENUNCIA – EXTORTION

By February of 2008, Hector Infante has only one single weapon to continue to use to prevent Richard Lehman from defending himself and the interests of the poor children of Panama. This is an alleged extortion charge brought by Hector Infante in the 14th Fiscalia. (Exhibit 31)

PART IV

This false allegation and the arrest warrant issued on Lehman in advance by the prosecutor fits perfectly into the plan to prevent Lehman from coming to Panama to defend himself or the poor children of Panama.

*Seemingly
no end to
scare tactics*

In spite of the fact that Lehman has overcome 14 false allegations of crimes against him and overcome prosecutorial corruption; and in spite of the fact that Lucom's Will has been validated in every court in Panama, the Arias Group were still not finished with persecuting Lehman to scare him away.

By early 2008 Infante had no more false criminal counts to intimidate or extort Lehman with and his previous attempt to personally bribe Lehman with \$3.0 Million to step aside as the Executor had failed. Infante needed to do something extraordinary since the Panamanian Supreme Court will be issuing a final ruling on the validity of Lucom's Will at any time.

Infante proceeded to cause one more illegal arrest to be filed against Lehman for extortion. The extortion charge concerned a letter written by Lehman to Infante prior to the publication of a report disclosing Infant's unethical tactics. Lehman's letter suggested that they settle the case rather than continue to personally threaten each other with court actions, a perfectly proper suggestion.

Again, as in the 4th Fiscalia, the Prosecutor dismissed every single protection that Richard Lehman had to assure the presumption of innocence in his case. He was not permitted to offer any statement on his own behalf. This illegal arrest warrant is presently before the Panama Supreme Court. (Exhibit 32)

CRIMES AND ABUSES AGAINST OTHERS

This Report has focused on crimes against Richard S. Lehman. However, it cannot be complete without mentioning to one extent or another two sets of crimes against others involved with this sordid case.

Most important is the harm that has been done to the poor children that have already died of malnutrition while the law fight goes on. It is also important to make note of the stealth of \$6.0 Million worth of assets from the Estate of Wilson C. Lucom by the Arias Group.

The Stealth of the Shares

OF VALORES GLOBALES S.A. BY THE ARIAS GROUP

Valores Globales S.A. (the “Company”) is a British Virgin Islands corporation, whose stock was issued in bearer form and was owned by Wilson Lucom from the inception of the Company until Lucom’s date of death.

Valores Globales was Lucom’s “holding company” for assets that he wanted to keep outside of Panama. He had lost several million dollars in a Panama Bank’s failure and kept the majority of his liquid assets in the U.S. Valores Globales owned \$6 Million of assets. The assets consisted of almost \$4 Million in a Florida bank deposit and a Florida portfolio account and \$2 Million in interest bearing Promissory Notes from Florida residents and companies.

During Lucom’s entire life he had always had a large office in his various homes. Lucom did not leave the house much and spent most of his working days in that office. In Panama his pattern was the same. The office was part of the large condominium apartment that was Lucom’s home in Panama. The office was not closed off from the rest of the home. There was open access to the rest of the home and to anyone in the home. Lucom’s documents were generally not kept under lock and key.

Upon Lucom’s death, when the Arias family opposed Lehman, they not only reported him as a murderer and a gangster, but also sued to remove him as the Executor. As a practical matter, they made it impossible for Lehman to carry out any of his Executor duties by completely denying access to Lucom’s files.

Once having secured the home and Lucom’s files for themselves, the Defendants made a direct attack on the Estate’s major asset outside of the Hacienda Santa Monica real property. The Defendants stole the bearer shares of the Company that remained in a file cabinet open to all.

Shortly after Lucom’s death, Lehman, in verifying the Estate inventory, was advised by Lucom’s secretary that the Company’s bearer shares were missing. Later, by late August of 2006, Hilda Lucom called a meeting of the shareholders of Valores Globales S.A. at which time she presented herself as the sole shareholder of the Company and insisted upon access to Valores Globale’s assets in Florida.

THE INJUNCTION

The theft of the Company’s shares had one purpose in mind. The Company had the only liquid assets available to finance the Defendants’ attack on all of the other Estate assets.

PART V

Lehman, in order to protect the estate assets, obtained an injunction in a Florida court preventing Hilda from having any access whatsoever to Valores Globales assets. This prevented the waste of \$6 Million of Estate assets. (Exhibit 33)

The evidence that the Valores Globales shares were part of Lucom's Estate and then stolen from the Estate is overwhelming. The evidence that there never was a gift of Valores Globales shares by Wilson Lucom to Hilda Lucom is overwhelming. (Exhibit 34)

First, Hilda Lucom's own attorney in open court admitted that the *assets of Valores Globales were owned by the Estate*. How can Hilda own the shares of Valores Globales when her attorney claimed that the assets of Valores Globales were owned by the Estate?

It can be shown that the Valores Globales shares were a key asset in Lucom's overall Estate plan and they are mentioned in Lucom's Will, along with other assets as part of his legacy. For many reasons, Lucom's entire estate plan makes no sense without the inclusion of the Valores Globales assets in his Estate.

HILDA'S SUPPOSED GIFT OF THE SHARES

It is Hilda's claim that Lucom in fact made a gift of these shares to her. However, Hilda did not know the date on which she was "given" this gift. Nor, at times, could she remember the right place in their home in which the gift was given to her.

Furthermore, Hilda admits she never kept the shares for even a moment. According to Hilda herself, Lucom put the shares back in *Lucom's files* after telling Hilda they were a gift to her. Hilda has no written record of a gift nor did Lucom tell anyone of the gift.

Finally, Hilda's own son, Gilberto has stated that he, Gilberto Arias, not Lucom, gave the shares to Hilda from Lucom's files after Lucom's death.

Hilda's own testimony casts much doubt on the supposed gift to her of \$6.0 Million of Lucom's assets.

Hilda is nothing but a puppet for others. In fact, there are four hours of video tapes of Hilda's deposition under oath that prove totally she is unaware of what is being done in her name.

The following is Hilda's testimony under oath on March 1, 2007 in testimony in Florida regarding Valores Globales, a valuable asset that she was supposedly given.

PART V

(i) No Gift of Shares

Hilda states that Lucom gave her the shares to keep. However, he immediately took them back.

In describing the shares Hilda says “he gave the shares to me and *“he told me to keep them”*. *She never did keep them*. She admits this in her testimony at

Page 51, Lines 14 – 21

Hilda Lucom: What I know is that my husband gave me those shares to me, and he told me, and **he put them back in the file**, and they told me they are in a safe place and I don’t know any thing else.

(ii) The Place the Gift was Given. Hilda also has two versions of where she and Lucom were when she was given the shares. First she describes the gift in the “hall” where the files were kept.

Page 43 Lines 7 – 2, Page 44, Line 3

Q. And your testimony is, Mr. Lucom handed those to you?

A. Yes, in my house.

Q. What room of your house?

A. In a hall that we have where the files were at. That’s where they were kept. The files in the hall and everybody knew.

However, compare this with Hilda’s later testimony that the gift of the shares were made to her “in their room”.

Page 70, Lines 1 – 16, Page 71, Lines 18 – 25

Q. When Wilson – when Charlie gave you the shares, was anyone else in the apartment?

A. Yes, but we were in our room.

Q. So there were other people in the – there were other people in the apartment, but you were alone in your room?

Q. Well, let me ask the question again, just to clarify the record. You were alone in the room with Charlie, right?

A. That’s right.

(iii) The Time of the Gift. Hilda has her dates mixed up on exactly when she received this gift of almost \$6 Million from Lucom. First she indicates she received the gift three weeks to a month or a little more before Lucom died.

PART V

Page 40, Lines 12 – 22, Lines 3 – 16, Page 41, Lines 17 – 19

Q. On what date did he hand you these shares?

A. It was in 2007, but I don't remember the date.

Q. Oh, it was in 2007?

A. No. In 2006.

Q. What day in 2006?

A. I don't know.

Q. How long before Mr. Wilson died?

A. I would say like three weeks or a month before, or a little more.

However, in those same pages she states that Lucom was in the hospital six weeks prior to his death, which would make it impossible for him to be in the apartment giving her a gift of the shares.

Page 68, Lines 1 – 5

Q. When he was last admitted to remain in a hospital before he died?

A. Well, I was going to the hospital like six weeks.

In fact Lucom was in intensive care for four weeks in the hospital and was not ambulatory for several weeks before that. He was physically unable to move to make the gift in the time frame described by Hilda.

(iv) Knowledge of Valores Globales
Hilda's \$6.0 Million "Gift"

Hilda had no knowledge where Valores Globales was incorporated or who the officers and directors were.

Page 42, Lines 14 – 20, Lines 23 – 25

Q. In what country is Valores Globales registered as a corporation?

A. My husband used to have it.

Q. So you don't know? You're the off – are you the sole officer and director of Valores Globales?

A. No, I don't have the details. I know that he gave them as a gift to me. He gave them to me.

Q. And when did you contact the British Virgin Islands agent for Valores Globales and inform them that you were the new shareholder?

A. I don't remember that moment either.

P A R T V

She has no knowledge of important corporate documents that were in the Valores Globales files with the shares.

Page 59, Lines 9 – 20

Q. Have you ever seen that before?

A. No.

Q. You're the sole officer and director and sole shareholder of Valores, and you've never seen its share register?

A. No.

She has no knowledge where the shares are now.

Page 46, Lines 16, Page 47 Lines 17 – 24

Q. Where are the original certificates right now?

A. I don't know. . .

A. they are – they are kept in a box in a safe place.

Q. Where?

A. I don't know.

She has no knowledge of the assets of the Company.

Page 52, Lines 20 – 25, Lines 1 – 16, Page 53, Lines 17 – 20

Q. What are Valores' assets?

A. I don't know that exactly.

Q. What other assets does Valores have in Florida?

A. As far as I know – no, I don't know, because I know it was an investment company. That's what he told me.

Q. What investments does Valores Globales have?

A. That, I don't know. Stocks.

She has no knowledge of the operations of Valores Globales.

Page 53, Lines 7 – 20

Q. Who is running Valores Globales on a daily basis?

A. It doesn't move, right?

Q. I said, who is running it? Who is operating it?

A. Honestly, I don't know.

Q. Well –

A. I know it's there. It's like a bank account that is there.

Q. That's all that Valores Globales is, is a bank account?

A. Yes.

EXHIBIT 22



May 13, 2008

Dear Mr. President:

I apologize for intruding on your privacy; however, I believe the enclosed is important information of which you need to be aware.

I am a Florida attorney who was appointed the Albacea (now suspended) of the Estate of Wilson C. Lucom, almost two years ago.

Mr. Lucom's Estate leaves the greater part of his \$50.0 Million fortune specifically not only to just provide the poor children of Panama with the immediate need to feed themselves but also with the way to feed themselves in the future.

His Will specifically provides that his funds are to be used as follows:

The main objective of the FUNDACION WILSON C. LUCOM TRUST FUND is to feed needy children in Panama. I instruct my trustees to find an area where there are children's schools that don't have meals for lunch, and lack the usual needs and those provided by schools where lunch is provided. It is my wish that directors of schools form groups of volunteers with parents and others, and that they plant gardens with seed provided by the WILSON C. LUCOM TRUST FUND foundation.

One of the parents, or any other person, must provide some hectares for these gardens, at no cost. Many plantings must be sown to feed the children and to sell at market, in such a manner that there will be no need to provide seeds more than two (2) times, per school, and that these will continue the plantation process in these gardens and their own sale with the product of its own benefit.

As you will see in the enclosed Report to your Attorney General, since I have taken the oath as an Albacea in your country with a fiduciary duty to the poor children of Panama, I have diligently pursued that oath for almost two years. This has been a mission of nothing but goodness on my part for your country. To date I have not been able to distribute one penny to the poor children of Panama.

However instead the Report will show you that I and many of your country men and women have suffered continuous legal abuses and threats and intimidation as we have tried to help carry out my mission.

I hope you will read the full Report and I hope it has the same affect on you that it has had on many others. I express both of these hopes because I believe you are one of the very few who can do something about this.

Therefore, my final hope and my plea to you is to use the power of your good offices to make sure that justice prevails in your land and that the law will provide equal protection for your poorest and most vulnerable citizens.

Very truly yours,

RICHARD S. LEHMAN

EXHIBIT 23

POWER AND CRIMINAL SUIT AGAINST
MR. OYDÉN ORTEGA DURÁN,
JUSTICE OF THE CIVIL COURTROOM OF THE
SUPREME COURT OF JUSTICE

MR. PRESIDENT OF THE NATIONAL ASSEMBLY

I, **VICTOR ANTONIO CROSBIE CASTILLERO**, Panamanian, adult, male, with personal I.D. 8-155-1933, practicing lawyer, with professional license duly issued by the Supreme Court of Justice N° 11138, with professional offices located at Torre Banco Delta, Piso No.13, Oficina 1302, teléfono 263-8225, in virtue of the General Power that is duly registered and in force, appear before the National Assembly of Representatives in representation of **RICHARD SAM LEHMAN**, adult, male, United States Citizen, bearer Passport No. 420303869 and I.D. number N.L-550-757-44-081-0, with residence at 2600 N. Military Trail # 270 Boca Raton, Fl 33431, Florida, United States of America, in order to interpose a Criminal Complaint against Mr. **OYDÉN ORTEGA DURÁN**, Justice of the Civil Courfroom of the Supreme Court of Justice, for having committed the offense of Improper Prevarication regulated in Book II, Title X (Offenses against the Public Administration), Chapter II (Corruption of Public Servants) Articles 342, Criminal Code.

Mr. Victor Antonio Crosbie Castillero is authorized to act according to the clauses established in the General Power for lawsuits, which is attached to this complaint.

Date of Submission.

LICDO. VÍCTOR CROSBIE CASTILLERO
License No 11138

PRESIDENTE DE LA ASAMBLEA NACIONAL, E.S.D.

I am **VICTOR ANTONIO CROSBIE CASTILLERO**, Practicing Lawyer, in virtue of the faculties expressed in the General Power aforementioned, acting in name and representation of Richard Sam Lehman, person whose particulars are included in the General Power for lawsuits, I appear before the National Assembly of Representatives to interpose a Formal Criminal Complaint against Mr. Oyden Ortega D., Justice of the Civil Courtroom of the Supreme Court of Justice, for having committed the offense of Improper Prevarication, regulated in Book II, Title X (Offenses against the Public Administration), Chapter II (Corruption of Public Servants) Articles 342, Criminal Code; in the file that is being processed before your office. This Complaint is being formalized in the following manner:

- I. **PLAINTIFF:** Is attorney Richard Sam Lehman, adult, male, United States Citizen, bearer of Passport No. 420303869 and I.D. number N.I.L-550-757-44-081-0, residing at 2600 N. Military Trail # 270 Boca Raton, Fl 33431, Florida, United States of America.
- II. **DEFENDANT:** Is Mr. OYDEN ORTEGA DURAN, Justice of the Civil Courtroom of the Supreme Court of Justice, whose particulars we are not aware of, however reachable in the stand of the Supreme Court of Justice.
- III. **OFFENSE ATTRIBUTED.** Is the Offense of Improper Prevarication being regulated in Article 342 of the Criminal Code, as one of the modalities of corruption of public servants.

Article 342. The public servant who, by performing, as a member of the Judicial Organ or the Public Ministry, administrative authority, arbitrate or any other position that should decide a matter of his knowledge or competency, personally or through an interposed person, accepts, receives or requests or solicits a donation, promise, on Money, benefit or advantage to harm or favor one of the parties in the proceedings or as a consequence of having harmed and favor one of them, be sanctioned with prison of four to eight years. The same sanction will be

applied to the public official of the Judicial Organ or the Public Ministry that:

1. By collusion or any other fraudulent mean issues a resolution glaringly contrary to the Constitution or Law, in the manner that it causes harm.
2. By collusion or any other fraudulent mean, receives or gives legal advice to any of the parties, in the manner that it causes harm.
3. Maliciously delays a proceeding submitted to his decision.

If one of the conducts established in this article results in a sentence of an innocent person, the sanction will be of five to 10 years of prison.

IV. FORM OF COMMISSION OF THE OFFENSE. This offense is executed intentionally by the Defendant, at the time that in the Civil Cassation Proceedings, in the Testamentary Estate proceeding of Wilson Charles Lucom, uttered a signed resolution, glaringly contrary to the established by the Constitution and the Law. We must point out that the **Political Constitution**, rules in its article **215 numeral 2**, "The object of the proceeding is the acknowledgement of the rights consigned is the fundamental law", which in the doctrine is called Due Process of Law, which is regulated in the **Judicial Code, article 231** "Every person has free access to the courts of justice to expect a guardianship of the rights acknowledged by law. Such guardianship cannot be limited, but through an agreement or dispositions of the law" and **article 469** "By uttering his decisions, the Judge must take into consideration that the object of the proceeding is the acknowledgement of the rights consigned by the fundamental law and this criteria should be used to interpret the dispositions of the actual Code...."

Before the Constitution and the Law, it absolutely unfounded and inexplicable, that Justice Oyden Ortega D., utter a resolution in the Civil Cassation Proceeding, in which he would appoint Mrs. Hilda Piza as the sole albacea and administrator of Wilson Charles Lucom's inheritance, who in other civil and criminal suits, is not familiar with the Will's legitimacy in which she is appointed as one of the legatees and as one of the testamentary executors.

It is timely to point out that this offense it is unnecessary to accredit that the Defendant received something in Exchange of his decision, not even

the famous summary. We just need to have the Credential Commission of the Representative Assembly to review the proceedings to confirm this absurd remoteness to the constitutional and legal regulation, aforementioned.

The execution of prevarication is palpable in numeral 1 of article 342 of the Criminal Code. The defendant prevaricates due to the following:

1. He intentionally fails to guard the rights of Richard Sam Lehman and others, by appointing by means of legal resolution, Mrs. Hilda Plza as sole Albacea, violating the testamentary will of Wilson Charles Lucom, who appointed as Albaceas of his Will

1. Richard Sam Lehman, Christopher Rudy and Mrs. Hilda Piza.
2. He intentionally is not aware of Mr. Richard Sam Lehman's rights as Testamentary Albacea and this was the testator's wish.
3. He internationally validates one parties of the Will, favoring Hilda Piza, although she has questioned and refuted the legitimacy of the Will, as confirmed in the proceedings. Additionally, as stated in the resolutions, Mrs. Hilda Piza confessed she suffers from a degenerative mental illness such as Alzheimer which makes her even more unsuited due to her age (90-years old) to exert the Administration of the inheritance.

Such appointment has as a fundamental purpose, to allow the Infante & Pérez Almllano firm to finally exert the administration of the inheritance and to mock the poor children of Panama, at the same time in which Hilda Piza cannot even wander on her own and the Alzheimer is causing its negative effects.

4. Being aware of the existence of a criminal proceeding for document falseness that had been carried out (Wilson Charles Lucom's signature) in the Will, he is unaware that the experts determined that it was indeed Wilson Charles Lucom who signed his Will therefore the same could not be modified but through the formalities established by the Law. (Civil Code).
5. Deliberately affecting Richard Sam Lehman he is unaware of Article 1526 of the Judicial Code, by being appointed as Testamentary Albacea of the Wilson Charles Lucom Estate.
6. Richard Sam Lehman is affected in his condition as Testamentary Albacea testamentary appointed by the cujus. Is the one who is presently fighting to have the testator's will met, investing large sums of money of his own pocket, in order for the poor children of Panama to be benefitted with the Lucom inheritance, given that it was his last will.
7. He is intentionally unaware of article 772 of the Civil Code which establishes that: "The Will cannot be revoked fully or in part, but through the necessary solemnities to testate". One of the solemnities to change the testator's will, is not through legal will, given that then the Judge becomes the testator, but precisely using the formal means through which the Will was elaborated (the testator's will and notary formality).

REQUEST: For the reasons aforementioned, we respectfully request the members of the Credential Committee of the National Assembly, to accept this Criminal Complaint, to assure the right of defense of the accused and to request the National Assembly the sentence established by the law for the Justice of the Civil Courtroom of the Supreme Court of Justice, Mr.Oydén Ortega D.

PRUEBAS:

1. Solicitamos a la Honorable Asamblea Nacional de Diputados que requieran de la Sala Civil de la Corte Suprema de Justicia, el expediente original de casación civil de la Sucesión testamentaria de Wilson Charles Lucom, actualmente en el despacho del Magistrado Oydén Ortega Durán.
2. Declaraciones de Hilda Piza ante la fiscalía 4ª de circuito donde manifestó padecer de Alzheimer.
3. Copia debidamente autenticada del Testamento dejado por Wilson Charles Lucom.
4. Poder General otorgado por Richard Sam Lehman al Licenciado Victor Crosbie Castillero.

DERECHO: Constitución Nacional, Ley 31 de 1998. Código Judicial, Reglamento Interno de la Asamblea.

Fecha de presentación.

LICDO. VÍCTOR CROSBIE CASTILLERO
Idoneidad No.

DECLARES NON PROVEN the Nullity Motion submitted by Mrs. Doris Serrano....
And (CASA?) the Superior Court decision dated April 4, 2007 , in the manner that
its resolution part will be the following:

MODIFIES resolution 1025/173/06 dated July 5, 2006 issued by the Fourth Circuit
Civil Court of the First Judicial Circuit of Panama whose resolution part will be the
following:

1. That Wilson Charles Lucom's Estate proceedings is opened.
2. That the beneficiaries, without harming any third parties, are Hilda Piza Lucom, Isabel Maria Clark, Robert Clark, Alexander Clark, Lanny Clark , Cassandra Clark, Mayo Clinic of Rochester, Melinda Morrice, Hilda Abdelnour, Madelaine Arias, Gilberto Arias, Margarita Arias, Norah Garner, James Gibbons, Ann Smith, Walter Garner, Gary Elkins, Christopher Ruddy, Dr. Peter Hibberd, Mario Boyd, Andrea Ospina, Tanya Ramos, Israel Tejada and Edilberto Soto.
3. Appoints Hilda Piza Lucom as Executor and Trustee of the inheritance according to article 857 and 858 of the Civil Code in order to her to exert her position as executor and trustee and will have to appear before the court to take possession of her charge.
4. Any person in their right and that have interest should appear, the law summons referred to in article 1526 of the Judicial code is ordered and fixed.

DECLARA NO PROBADO el incidente de nulidad presentado por la Lcda. Doris Serrano.....y CASA el auto Civil de 4 de mayo de 2007 del T. Sup., de manera que su parte resolutive quedará así:

MODIFICA el auto 1025/173/06 de 5 de julio de 2006 expedido por el Juzgado 4º de Circuito Civil del Primer Circuito Judicial de Panamá, cuya parte resolutive quedará así:

1. Que está abierto el proceso de sucesión testada de Wilson Charles....
2. Que son sus legatarios, sin perjuicio de terceros, Hilda Piza Lucom, Isabel María Clark, Robert Clark, Alexander Clark, Lanny Clark, Cassandra Clark, Clínica Mayo de Rochester..., Melinda Morrice, Hilda Abdelnour, Madeline Arias, Gilberto Arias, Margarita Arias A., Norah Garner, James Gibson, Ann Smith, Walter Garner, Gaby Elkins, Christopher Ruddy. Dr. Peter Hibberd, Mario Boyd, Andrea Ospina, Tanya Ramos, Isabel Tejada y Edilberto Soto.
3. Se nombra como albacea y fiduciario de la herencia a Hilda Piza Lucom para que de conformidad con los artículos 857 y 858 del C. Civil ejerza el cargo de albacea y fiduciaria, quien deberá comparecer al tribuna a tomar posesión.
4. Se ordena que comparezcan a estar en Derecho todas las personas que tengan algún interés en la misma y que se fije y publique el edicto emplazatorio de que trata el artículo 1526 del C.J.

EXHIBIT 24

REPUBLIC OF PANAMA
OFFICE OF THE PROSECUTOR

SIXTH PROSECUTOR'S OFFICE FOR THE FIRST JUDICIAL CIRCUIT OF PANAMA

HEARING No. 674

PRELIMINARY INVESTIGATION
OFFENSE: AGAINST FREEDOM
VICTIM: RICHARD SAM LEHMAN

MOTION: DISMISSAL WITHOUT PREJUDICE

Panama, September 29, 2008

HONORABLE DUTY CRIMINAL CIRCUIT COURT JUDGE FOR THE FIRST JUDICIAL
CIRCUIT OF PANAMA.

This substantiating agency received from the Deputy Prosecutor's Office of the Republic the preliminary investigations conducted for an offense against FREEDOM to the detriment of RICHARD SAM LEHMAN, reported by Attorney VICTOR ANTONIO CROSBIE.

BACKGROUND OF THE PRELIMINARY INVESTIGATION

Attorney VICTOR ANTONIO CROSBIE CASTILLERO begins this investigation, who, acting for and on behalf of RICHARD SAM LEHMAN formally filed a criminal complaint for the alleged commission of EXTORTION.

The deponent mentions that the offense of Extortion that directly affects the defense of his principal began on June 17, 2008 when requests for certification of personal information were filed before the General Secretariat of Parliament in respect of Dr. Jose Rigoberto Acevedo and Attorney Jose Didimo Escobar, and also deliberately asked for personal information on the president of Parliament, the Honorable Pedro Miguel Gonzalez with the object of making Dr. Acevedo feel forced to act against his will (practically resign his power of attorney) as in fact happened, inasmuch

as Dr. Jose R. Acevedo notified Attorney Victor Crosbie that he would distance himself from the proceedings to take the time to correctly consider his final decision. This act of distancing himself from the proceeding substantiates the coercive intimidation that affected, as a third party, the technical defense of Richard Sam Lehman, as evidenced in the document addressed to Attorney Victor Crosbie on June 29, 2008, although subsequently, as reflected in the document, July 2, 2008.

Attorney Hector Infante, has concurrently extorted Mr. RICHARD SAM LEHMAN so that he will desist from exercising his position as Testamentary Executor of the estate left by Wilson Charles Lucom to the poor children of Panama. This is so inasmuch as the defendants have complained of Mr. Richard Sam Lehman firstly as the perpetrator of an intentional homicide; subsequently they converted that to an unintentional homicide to the detriment of Wilson Charles Lucom, his friend and client, which charges were completely dismissed by our Courts of Justice upon considering that the offenses charged never existed. Subsequently, they have filed complaints against him as the alleged perpetrator of aggravated fraud and extortion.

This extortion offense is the twenty-fifth abuse in a long list of abuses against Lehman in Panama. However, this offense is committed to guarantee that Lehman will be fully unprotected in the Panamanian legal system, without the representation of a competent attorney. Lehman cannot continue to prove that the criminal charges against him are false, as he has done in the Panamanian Courts. Neither can Lehman continue to perform his obligation to protect the \$50 million that were

left to the poor children of Panama. If this criminal complaint is rejected, Hector Infante would be free to continue adding to the list of false criminal charges against Lehman, in total impunity. (See pages 1-6).

CONSIDERATIONS

Once the records of the proceedings inserted thus far within this preliminary investigation have been analyzed we have, firstly, that Article 149 of the Criminal Code provides:

...Anyone, who by means of violence, intimidation or serious threat, to obtain wrongful profit or any other benefit for himself or a third party forces another person to dispose of an asset, provide information or tolerate, do or omit something that is detrimental to a third party, will be penalized with imprisonment for five to ten years. ...

Therefore, pursuant to how the facts are stated in the complaint, the legal requirements for the crime of EXTORTION are not met; let us remember that EXTORTION is characterized by violence that coerces the victim through intimidation.

-4-

We note that in this case there is an indication that all types of actions have been accepted for the purpose of making RICHARD SAM LEHMAN desist from exercising his position as testamentary executor; however, it does not reach the coercion for him to make a disposition to the detriment of his assets, an essential element in the offenses complained of.

PROSECUTOR'S DECISION

By virtue of the foregoing, the undersigned Sixth Prosecutor for the First Judicial Circuit of Panama recommends to the Honorable Competent Court to issue a ORDER TO DISMISS WITHOUT PREJUDICE, in accordance with the record of the preliminary proceedings established in Article 2108 of the Judicial Code, within the preliminary investigation conducted for the alleged commission of the offense AGAINST FREEDOM to the detriment of RICHARD SAM LEHMAN.

Submitted with the utmost respect,

/s/ Illegible
ZULEIKA MOORE GOULDBOURNE
Sixth Circuit Prosecutor for the First Judicial Circuit
of Panama

Seal: REPUBLIC OF PANAMA
[ILLEGIBLE]
PROSECUTOR'S OFFICE

dcrg.-

VICTOR ANTONIO CROSBIE CASTILLERO
ATTORNEY AT LAW

**OBJECTION TO PROSECUTOR'S HEARING No. 64
ON SEPTEMBER 29, 2008**

SIXTH JUDGE OF THE CRIMINAL CIRCUIT OF PANAMA, HAND DELIVERED.

I hereby file objections to Prosecutor's Hearing No. 64 dated September 29, 2008, issued by the Sixth Circuit Prosecutor, Attorney Zuleika Moore.

THIS CHALLENGE IS BASED ON THE FOLLOWING:

FIRST: The Prosecutor mistakenly and erroneously states in the challenged Prosecutor's Hearing, that in this case (where Richard Sam Lehman is an extensive victim of the defendants' conduct) the objective elements for extortion are not fulfilled without explaining said reasoning.

SECOND: The error continues when the Prosecutor states that physical violence, coercion and intimidation are synonymous. Extortion requires that only one of these elements must be present and the will is affected; that is, disposal of assets, documents or doing, not doing or tolerating something against his will.

THIRD: In her analysis, the Prosecutor deliberately omitted the following part of the provision "forces another [person] to dispose of an asset, to provide information or to tolerate, do or omit something that is prejudicial, or is detrimental to a third party, will be...". The Prosecutor's partiality with this omission is obvious, a personal conduct that in previous cases was challenged by other victims and will cause her removal from her position.

FOURTH: The foregoing paragraph in the provision determines the extortion offense where Richard Sam Lehman is affected, as explained in the criminal complaint, inasmuch as the intimidation of

Dr. Jose R. Acevedo was detrimental to his client which, likewise, constitutes the commission of the extortion.

FIFTH: We must note that Richard Sam Lehman is an extensive victim of extortion, as set forth in Article 149 of the Criminal Code, therefore, upon a showing of sufficient intimidation (an objective element of extortion, with the letter of temporary withdrawal from his defense) and likewise an act against his will due to intimidation (another objective element of this offense), plus the damage over separation of the best defense, as understood and considered by Richard Sam Lehman, has the legitimacy to file for prosecution for extortion upon being an extensive victim of this offense.

MOTION: We move the Court return this file for the respective preliminary investigation to be conducted, to guarantee the constitutional and legal rights of the defendants, and finally, to determine their guilt. We also move [the Court], once the defendants have been questioned, to apply the respective precautionary measure.

LAW: Article 149 of the Criminal Code and Judicial Code.

On the date it is filed.

/s/ Illegible

ATTY. VICTOR CROSBIE C.

THIS BRIEF WAS FILED TODAY, November
eighteenth (18) two thousand eight at three
twenty in the afternoon

/s/ Illegible
Clerk

Seal: REPUBLIC OF PANAMA

[Illegible] Circuit Court

Panama

The Judiciary

EXHIBIT 25

THE FOREGOING IS A TRUE COPY OF
THE ORIGINAL

Panama, Feb 10 / 09

/s/ Illegible

Clerk of

THE SUPREME COURT OF JUSTICE

Atty. YANIXSA Y. YUEN



[Seals:] REPUBLIC OF PANAMA

Supreme Court of Justice

Office of the Clerk

REPUBLIC OF PANAMA

SUPREME COURT OF JUSTICE

OFFICE OF THE CLERK

Document No. SGP-1909

Panama, November 7, 2008

Attorney

WILLIAM PARODI

Fourteenth Circuit Prosecutor

for the First Judicial Circuit of Panama

Hand delivered.

Dear Prosecutor:

*I am hereby advising you that this Court, en banc, by way of an order issued on October eighth (8), 2008, **REVOKED** Habeas Corpus judgment No. 51 of November 26, 2007, issued by the Second Superior Court for the First Judicial District in the habeas corpus action, in favor of Mr. **RICHARD SAM LEHMAN**; and in its stead, **DECLARED ILLEGAL** the preventive detention of the aforementioned **RICHARD SAM LEHMAN** if there is no other case pending.*

Very truly yours,

/s/ Illegible

HARLEY J. MITCHELL D.

Substantiating Justice

File 992-07

gadg/.

cc of the order.

REPÚBLICA DE PANAMÁ



CORTE SUPREMA DE JUSTICIA
SECRETARÍA GENERAL

10 Feb. 09
Ym. G. Ym.
Lcda. YANIXSA Y. YUEN

Oficio N° SGP- 1909
Panamá, 07 de noviembre de 2008

Licenciado
WILLIAM PARODI
Fiscal Decimocuarto de Circuito
del Primer Circuito Judicial
de Panamá.
E. S. D.

Señor Fiscal:

Comunico a Usted que el Pleno de esta Corporación de Justicia mediante resolución del día ocho (08) de octubre de 2008 REVOCÓ la sentencia de Hábeas Corpus N° 51 de 26 de noviembre de 2007 dictada por el Segundo Tribunal Superior del Primer Distrito Judicial en la acción de hábeas corpus a favor del señor **RICHARD SAM LEHMAN** y en su lugar **DECLARÓ ILEGAL** la detención preventiva del prenombrado **RICHARD SAM LEHMAN** de no existir otra causa pendiente.

Atentamente,

HARLEY J. MITCHELL D.
Magistrado Sustanciador.

Exp.992-07
gadg/
Cc de la resolución.

EXHIBIT 26

PROSECUTOR'S OFFICE
OFFICE OF THE FOURTEENTH PROSECUTOR
IN AND FOR THE FIRST JUDICIAL CIRCUIT OF PANAMA

Official No. 553
Panama, February 7, 2009

Lieutenant
Nestor Rios
Judicial Investigations Administration
Panamanian National Police

Lieutenant Rios:

Pursuant to the telephone call from the Judicial Investigations Administration as to Mr. Richard Sam Lehman's status, I must note that the Second Superior Court of Justice, by way of Official document No. 5668-S, dated December 10, 2008, notified us of the judgment by the Supreme Court of Justice en banc therein declaring illegal the detention of Mr. Richard Sam Lehman, accused of crimes against honor, the administration of justice and crimes against property to the detriment of Hector Infante Bonilla, an act that was investigated by the Office of the Fourteenth Prosecutor for the First Judicial Circuit.

With regard thereto, the decision dated October 2, 2007 is null and void with respect to the preventive detention issued by the Office of the Fourteenth Prosecutor for the First Judicial Circuit of Panama and, therefore, the official document ordering execution thereof.

Truly yours,
/s/ Illegible
Atty. William A. Parodi
Fourteenth Prosecutor for the First
Judicial Circuit of Panama

Seal: REPUBLIC OF PANAMA
OFFICE OF THE FOURTEENTH
PROSECUTOR
FOR THE FIRST JUDICIAL CIRCUIT OF
PANAMA

REPUBLIC OF PANAMA
ATTORNEY GENERAL'S OFFICE
OFFICE OF THE FOURTEENTH
PROSECUTOR FOR THE FIRST JUDICIAL
CIRCUIT OF PANAMA
**I HEREBY CERTIFY THE FOREGOING IS
A TRUE COPY OF THE ORIGINAL**
Panama February 9, 2009
/s/ Illegible
Clerk

THE FOREGOING IS A TRUE COPY OF
THE ORIGINAL

Panama, Feb 10 / 09

/s/ Illegible

Clerk of

THE SUPREME COURT OF JUSTICE
Atty. YANIXSA Y. YUEN

MINISTERIO PÚBLICO
FISCALÍA DECIMO CUARTA DEL PRIMER
CIRCUITO JUDICIAL DE PANAMÁ.

OFICIO NO. 553

Panamá, 7 de febrero de 2009.

Teniente
Nestor Ríos
Dirección de Investigación Judicial
De la Policía Nacional de Panamá.

Teniente Ríos:

En Atención a llamada telefónica emitida por la Dirección de Investigación Judicial, referente al estatus del Sr. Richard Sam Lehman, debo señalar que el Segundo Tribunal Superior de Justicia a través de oficio No. 5668-S fechado 10 de diciembre de 2008, nos puso en conocimiento del fallo del Pleno de la Corte Suprema de Justicia a través del cual se declaró ilegal la detención del Sr. RICHARD SAM LEHMAN, sindicado por los delitos Contra el Honor, Contra la Administración de Justicia y Contra el Patrimonio, en perjuicio de Héctor Infante Bonilla, hecho que fuera investigado por la Fiscalía Decimo Cuarta del Primer Circuito Judicial.

En este sentido queda sin efecto la resolución del 2 de octubre de 2007 en lo que respecta a la Detención Preventiva emitida por la Fiscalía Decimo Cuarta del Primer Circuito Judicial de Panamá y por consiguiente el oficio que ordenó su ejecución.

Atentamente

Licdo. William A. Parodi
Fiscal Decimo Cuarto del Primer
Circuito Judicial de Panamá.



REPÚBLICA DE PANAMÁ
MINISTERIO PÚBLICO
FISCALÍA DECIMOCUARTA DE CIRCUITO DEL PRIMER
CIRCUITO JUDICIAL DE PANAMÁ

**CERTIFICO QUE LO ANTERIOR ES
FIEL COPIA DE SU ORIGINAL**

Panamá 9 de Febrero del 2009
Secretario (a)

EXHIBIT 27



Republic of Panama
The Judiciary
SUPREME COURT OF JUSTICE – OFFICE OF THE CLERK

Panama, February 9, 2009

Mr.
CLOVIS SINISTERRA
Director General
National Migration Services.

Dear Director:

At the request of Attorney Victor Crosbie, legal counsel for Mr. RICHARD SAM LEHMAN, for the pertinent legal purposes, I am hereby remitting the judgment dated October 8, 2008, whereby the Supreme Court of Justice en banc REVOKED Habeas Corpus judgment No. 51 of November 26, 2007, issued by the Second Superior Court for the First Judicial Circuit in favor of Mr. RICHARD SAM LEHMAN and in its stead DECLARED ILLLEGAL the preventive detention of the aforementioned RICHARD SAM LEHMAN if there is no other case pending.

Truly yours,

/s/ Illegible

Dr. CARLOS H. CUESTAS G.

Clerk

Supreme Court of Justice [Seal:] REPUBLIC OF PANAMA
SUPREME COURT OF

JUSTICE

OFFICE OF THE CLERK

EXHIBIT 28

COMPLAINT FOR CONTEMPT OF COURT
filed by Attorney
VICTOR ANTONIO CROSBIE CASTILLERO
against the Fourth Prosecutor for the First
Judicial Circuit of Panama, Attorney
TANIA STERLING BERNAL

HONORABLE CLERK OF THE SUPREME COURT OF JUSTICE OF THE REPUBLIC OF PANAMA.
HAND DELIVERED.

I, **VICTOR ANTONIO CROSBIE CASTILLERO**, a male, a Panamanian, of legal age, Personal Identity Card No. 8-155-1933, a practicing attorney, Professional license No. 11138, whose law office is located at Calle Elvira Mendez, Edificio Torre Delta, Floor # 13, Suite No. 1302 in Panama City, hereby appear before you with the usual respect for the purpose of filing a **DISCIPLINARY COMPLAINT FOR CONTEMPT OF COURT** against Attorney **TANIA STERLING BERNAL**, in her capacity as Fourth Prosecutor for the First Judicial Circuit of Panama.

NAME AND PERSONAL INFORMATION OF THE COMPLAINANT

As stated, my name is **VICTOR ANTONIO CROSBIE CASTILLERO**, a Panamanian, personal identity card No. 8-155-1933, domiciled at Calle Elvira Mendez, Edificio Torre Delta, Floor # 13, Suite No. 1302 in Panama City, Province of Panama, a practicing attorney, Professional license No. 11138, duly issued by the Supreme Court of Justice in Panama.

NAME OF THE OFFICER COMPLAINED OF

The officer regarding whom we hereby file a formal **DISCIPLINARY COMPLAINT FOR CONTEMPT OF COURT** is Attorney **TANIA STERLING BERNAL**, Fourth Prosecutor for the First Judicial Circuit of Panama, whose personal information is unknown to us, but can be located at the Prosecutor's Office operating at Edificio **AVESA**, Via España, Panama City.

FAULT COMPLAINED OF

The disciplinary fault we attribute to the accused officer is **CONTEMPT OF A COURT ORDER** inasmuch as she did not promote or observe compliance with a Habeas Corpus judgment issued by the Second Superior Court for the First Judicial District, which nullified the arrest warrant she issued against **VICTOR ANTONIO CROSBIE CASTILLERO, RICHARD SAM LEHMAN AND ANDREA OSPINA**. Furthermore, the accused officer is also accused of the overt and repeated violation of Judicial Ethics, specifically by failing to observe or comply with standards of conduct set forth in our legal code which categorically imposed on the accused Officer the obligation to comply with the following judicial ethics rules:

Art. 447...

1. To respect and comply with the Constitution and the laws of the Republic and to fulfill these completely, without any diversion by fear of the obligation to comply with the fundamental guarantees and rights of the citizenry;
2. To ensure the administration of justice is speedy and scrupulous;
3. ...
4. To be restrained, attentive, patient and impartial...
5. ...
6. ...
7. To fight the inclination to abuse of subordinates, by reason of friendship...

STATEMENT OF THE ACTS THAT CONSTITUTE THIS FAULT

FIRST: Pursuant to an order dated September 10, 2007, the Fourth Prosecutor for the First Judicial Circuit of Panama, Attorney Tania Sterling Bernal, ordered taking the unsworn statement of VICTOR CROSBIE, a Panamanian, holder of personal identity card No. 8-15501933 in the proceeding begun pursuant to a criminal complaint filed by the law office of Infante & Perez Almillano on behalf of Hilda Piza Lucom or Hilda Antonia Piza.

SECOND: In the same order described in the foregoing paragraph, the Fourth Prosecutor for the

First Judicial Circuit of Panama, Attorney Tania Sterling Bernal, ordered the immediate arrest of Messrs. **VICTOR CROSBIE, RICHARD SAM LEHMAN AND ANDREA OSPINA.**

THIRD: On even date with the said order, September 10, 2007, the Fourth Prosecutor for the First Judicial Circuit of Panama, Attorney Tania Sterling Bernal, issued official document No. 3745 addressed to Jose Ayu Prado, who was the Director of the **Judicial Technical Police**, the director of the **NATIONAL MIGRATION ADMINISTRATION** and all security bodies, ordering the arrest of Messrs. **VICTOR CROSBIE, RICHARD SAM LEHMAN AND ANDREA OSPINA.**

FOURTH: HABEAS CORPUS JUDGMENTS Nos. 60, 61, and 62, issued by the Second Superior Court of Justice for the First Judicial District of Panama, dated November 21, 22 and 23, 2007, respectively, declared ILLEGAL the arrest warrants that had been previously issued by **FOURTH PROSECUTOR TANIA STERLING** for Messrs. **VICTOR CROSBIE CASTILLERO, RICHARD SAM LEHMAN AND ANDREA OSPINA.**

FIFTH: On November 24, 2008, we appeared at the National Migration Administration to verify the STATUS of Messrs. **VICTOR CROSBIE, RICHARD SAM LEHMAN AND ANDREA OSPINA** at the offices of migratory investigation, and were met with the unpleasant surprise that more than one year after the **HABEAS CORPUS** actions had been decided and the respective official documents issued, the order issued by the Fourth Prosecutor Tania Sterling to **VICTOR CROSBIE, RICHARD SAM LEHMAN AND ANDREA OSPINA** is still active and pending.

SIXTH: We appeared at the Prosecutor's Office to request, by way of a note addressed to the Fourth Prosecutor, that she order reversal of official document No. 3745 of September 10, 2007, pursuant to the already known considerations in accordance with Habeas Corpus judgments Nos. 60, 61 and 62 dated November 2007, issued by the Second Superior Court for the First Judicial

District, therein declaring **ILLEGAL** the arrest warrants issued by Tania Sterling Bernal, the Fourth Prosecutor for the First Circuit of Panama against Messrs. **VICTOR ANTONIO CROSBIE CASTILLERO, RICHARD SAM LEHMAN AND ANDREA OSPINA**, and therefore, everything related to the said arrest warrant was null and void.

SEVENTH: Notwithstanding the foregoing, in an overt violation of a Judgment issued by the Second Superior Court of Justice, Attorney Tania Stirling Bernal, Fourth Prosecutor for the First Circuit of Panama, maintains in her position of keeping all measures active with respect to Messrs. **VICTOR CROSBIE CASTILLERO, RICHARD SAM LEHMAN AND ANDREA OSPINA**, arguing that the said judgment alludes to the trier of facts and not to her office; therefore, she omitted sending the information to the INTERPOL National Central Bureau- Panama regarding the reversal of the arrest warrant; and as a result of that omission, on January 26, 2008, **VICTOR ANTONIO CROSBIE CASTILLERO** was refused entry in the Republic of Colombia and, quite the contrary, was deported to the Republic of Panama and arrested at Tocumen International Airport that same day and [illegible first line]...excessive harm caused by the illegal acts of the officers involved.

That is, **VICTOR ANTONIO CROSBIE CASTILLERO** was deported by the Republic of Colombia and sent as a detainee to the Republic of Panama, based on an arrest warrant that the **SECOND SUPERIOR COURT FOR THE FIRST JUDICIAL DISTRICT** had declared **ILLEGAL**, but that the Fourth Prosecutor for the First Circuit of Panama, Attorney Tania Stirling Bernal, had and has in an active *status*, thus violating the fundamental rights for free movement and profession, as well as the personal safety and moral integrity of Panamanian citizen **VICTOR ANTONIO CROSBIE CASTILLERO**.

EIGHTH: Knowing the background and problems in this process, the office of **TANIA STIRLING, FOURTH PROSECUTOR FOR THE FIRST JUDICIAL CIRCUIT** not only violates the personal safety and

freedom of **VICTOR ANTONIO CROSBIE CASTILLERO**, but directs her disdainful proceedings against Mr. **RICHARD SAM LEHMAN** and Ms. **ANDREA OSPINA** so they will live the sour, insipid and devious experience of the disastrous violation of their fundamental rights by an officer incapable of complying with the necessary instructions to correct what, however one looks at it, could be another direct legal violation; that is, **CONTEMPT OF COURT**.

VIOLATED ORDERS OR PROVISIONS

Attorney Tania Stirling Bernal, with her omission, has violated paragraph 2 in Article 347 of the Judicial Code which provides:

“The following duties are incumbent upon all agents of the Prosecutor’s Office:

1. ...
2. To promote compliance with or execution of laws, judgments and administrative provisions.”

Furthermore, Constitutional provisions and other laws and administrative provisions have been violated, clearly set forth in our positive laws.

MOTION

The fault committed by Attorney **TANIA STIRLING BERNAL** are **extremely serious** by nature upon her clear and interested insubordination of a court order (contempt of court) and in flagrant disrespect of the individual rights and guarantees of Messrs. **VICTOR ANTONIO CROSBIE CASTILLERO, RICHARD SAM LEHMAN AND ANDREA OSPINA**, wherefor they serve as the basis for exemplary punishment, if not the immediate removal from her position, suspension thereof for the maximum period stipulated by law, and an exhaustive investigation to determine why there was and is an attempt to continue with the violation of the fundamental rights of the injured parties, by way of their actions and contempt for the law.

EVIDENCE FOR THE PRELIMINARY INVESTIGATION

✓As evidence for the preliminary investigation, attached hereto are copies of HABEAS CORPUS judgments Nos. 60 and 62 issued by the Second Superior Court of Justice for the First Judicial District in respect of Messrs. VICTOR ANTONIO CROSBIE CABALLERO, RICHARD SAM LEHMAN.

✓Letter addressed to the Fourth Prosecutor for the First Judicial District.

✓Letter addressed to the Seventh Criminal Judge for the First Judicial District.

We move a copy of HABEAS CORPUS judgment 61 of the Second Superior Court of Justice in respect of Ms. **ANDREA OSPINA** be requested. Further, a report from the National Migration Administration, to certify the STATUS of Messrs. VICTOR ANTONIO CROSBIE CASTILLERO, RICHARD SAM LEHMAN AND ANDREA OSPINO, since when and if official document No 3745 dated September 10, 2007, issued by the Fourth Prosecutor for the First Judicial District of Panama thereby ordering the immediate arrest is in force and effect.

Respectfully submitted to the Clerk of the Supreme Court of Justice of Panama,

/s/ Illegible

Attorney Victor A. Crosbie C.
Professional License # 11138

Date it is filed.

/s/ Illegible

[Seal:] [Illegible] Superior Court of Justice
Clerk's Office
[Illegible]

SWORN PROCEEDING OF A COMPLAINT

*In Panama City, at three ten (3:10 p.m.) in the afternoon, today, January twenty-second (22) two thousand nine, at the Clerk's Office of the Second Superior Court of Justice for the First Judicial District of Panama there appeared Attorney **VICTOR ANTONIO CROSBIE CASTILLERO**, a male, a Panamanian, personal identity card No. 8-155-1933, a practicing attorney, professional license No. 11138, whose law office is located at Calle Elvira Mendez, Edificio Torre Delta, Floor #13, Suite No. 1302, Panama City, telephones 263-8225 and 263-7818 (fax), place where he accepts personal and legal service of process (to whom Article 381 of the Criminal Code is read), for the purposes of swearing the complaint filed **against Attorney TANIA STIRLING BERNAL**, Fourth Prosecutor for the First Judicial Circuit of Panama.*

*Thereinafter, the Substantiating Judge asks Attorney VICTOR ANTONIO CROSBIE CASTILLERO the following: If he affirms and ratifies under oath the charges he files in the complaint against **Attorney TANIA STIRLING BERNAL**, Fourth Prosecutor for the First Judicial Circuit of Panama. **ANSWER:** Your Honor, I affirm and ratify this complaint. **QUESTION:** Do you wish to add something else? **ANSWER:** Yes, I wish to add something, Your Honor, the contents of this complaint are self-*

explanatory and constitute the unquestionable evidence of the Prosecutor's conduct complained of herein, who without the least respect whatsoever for the orders issued by this Superior Court, insists in maintaining an injustice and giving procedural force and effect to a matter decided pursuant to a Habeas Corpus, which decisions are Constitutional in nature and must be complied with without delay, and in this case she has allowed a year and months to go by without the Prosecutor complying with the order of the Superior Court; therefore, we only hope justice will prevail.

QUESTION: Do you wish to add anything else? **ANSWER:** No, Your Honor, that is all.

On these terms, this legal proceeding is ended at three twenty-two (3:22 p.m.) in the afternoon, today January twenty-second (22), 2009, signed by the parties who have intervened.

ATTY. ELVIA MARIA BATISTA SOLIS
SUBSTANTIATING JUDGE

ATTY. VICTOR ANTONIO CROSBIE CASTILLERO
PARTY SWEARING THE COMPLAINT

ATTY. TULIA DEL C. MORELOS
LEGAL CLERK

/fn.-

Complaint - 461 -

EXHIBIT 29

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

RICHARD S. LEHMAN, individually
and RICHARD S. LEHMAN, P.A., a
professional association,

CASE NO:

EG 8887 04 0 176-6217 7

Plaintiffs,

vs.

PANAMA AMERICA, S.A., a
foreign corporation,

Defendant.

COPY
RECEIVED FOR FILING

OCT 11 2007

SHARON R. BOOK
CLERK & COMPTROLLER
CIRCUIT CIVIL DIVISION

COMPLAINT
(Jury Trial Demanded)

Plaintiffs, Richard S. Lehman, individually and Richard S. Lehman, P.A., a
Professional Association, sue Defendant Panama America, S.A. and allege:

JURISDICTION, PARTIES AND VENUE

1. This is a defamation action against the largest newspaper in Panama for damages in excess of \$50,000,000.00, exclusive of interest, attorneys' fees and court costs. In an effort to intimidate and coerce Plaintiff Richard S. Lehman ("Lehman") into resigning from his position as personal representative of a large Panamanian testamentary estate whose primary beneficiary is the poor children of Panama, the powerful Arias family of Panama has made outrageous and untrue allegations against Lehman in Panama and Florida courts, subjected him to false criminal charges, and

now has used the newspaper the family owns to defame Lehman and ruin his reputation in Panama and the United States. The Arias family is doing this out of greed and avarice to deprive the poor children of Panama of their bequest of approximately \$50 million and instead use the money to fund their lavish lifestyles.

2. Lehman is an attorney licensed to practice law in the state of Florida. He is a prominent tax attorney in Palm Beach County, practicing through Plaintiff Richard S. Lehman, P.A. ("Lehman P.A."). Lehman served as an attorney for Wilson C. Lucom ("Lucom") for over 31 years. Lucom was a former prominent citizen of Palm Beach County who moved to the Republic of Panama in 1995. He died in Panama on June 2, 2006. Pursuant to an Order entered by the probate court in Panama on July 5, 2006, Lehman was appointed as the Albacea (personal representative) of Lucom's domiciliary estate. Pursuant to an Order entered by the Probate Division of this Court on July 19, 2006, Lehman was appointed as the Ancillary Personal Representative of Lucom's estate (hereinafter "the Estate").

3. Defendant Panama America, S.A. ("Panama America") is a Panamanian newspaper published here in Florida through its site on the worldwide web at www.pa-digital.com. Panama America is owned and controlled by the influential Arias family in Panama. This Court has jurisdiction over Panama America under Florida Statute §48.193(1)(a), (1)(b), and (2). Through its web site, Panama America

is engaging in substantial and not isolated activity within Florida and is operating, conducting and engaging in business within Florida. Further, as set forth in the allegations below, Panama America has committed the tortious act of defamation in Florida.

4. Venue is proper in Palm Beach County, Florida because the cause of action accrued in Palm Beach County, Florida.

SUMMARY OF THE CASE

5. This is a defamation law suit based upon the publication of untrue facts in an effort to damage the reputation of Lehman and Lehman PA. It is a law suit that will demonstrate how the powerful Arias family and their attorneys have abused the Panamanian criminal justice system and the Panamanian free press in an effort to deprive the poor children of Panama of Lucom's generous bequest made in their behalf. To understand the gravamen of this action, it is necessary to plead the detailed facts set forth below.

6. In June of 2006, Lucom, an expatriate American living in Panama, passed away in Panama leaving a fortune in excess of \$50 million dollars, almost all of which by virtue of his Last Will and Testament was left to the poor children of Panama via the Wilson C. Lucom Trust Fund Foundation (the "Foundation"). This would be the largest gift of its kind in Panama's history.

7. Lucom was survived by his widow and second wife, Hilda Piza Lucom ("Hilda"). This was Lucom's and Hilda's second marriage. Hilda's first marriage was to Gilberto Arias, the son of a former President of Panama and the scion of one of the most powerful and influential families in Panama, who count among their ancestors two Presidents of Panama, one of whom is Gilberto's father. Hilda's first marriage produced five children, two of whom remain in Panama and two of whom reside in the U.S., one in Florida, the other in New York City. The other lives in Switzerland.

8. Lucom's Will is a notarial will which in Panama's civil law system is extremely difficult to overturn. The will left specific instructions for all of Lucom's assets and on July 5, 2006 Lucom's will was accepted into probate by the Panama Courts. The Foundation was accepted as the principal heir to Lucom's fortune and Lucom's trusted attorney and friend of 31 years, Lehman, was appointed the sole Albacea of Lucom's Estate in Panama.

9. After the will was accepted to probate administration in July 2006, the powerful Arias family reacted immediately and adversely to the fact that, under Lucom's Will, his fortune would go to the poor children of Panama. To preclude Lehman from carrying out Lucom's testamentary intent and distributing substantial assets to the poor children of Panama, Hilda appealed Lehman's appointment as sole

Albacea. Shortly thereafter, she filed suit in Panama to nullify Lucom's will in its entirety. If this suit is successful, Lucom's entire fortune would go to Hilda and her children, and not to the poor children of Panama.

10. In May 2007, the Appellate Court affirmed Lehman's appointment as Albacea, but construed Lucom's will to also add Hilda and non-party Christopher Ruddy ("Ruddy") as Albaceas. Hilda then appealed this May 2007 appellate decision to the Panama Supreme Court which must now decide the ultimate validity of Lucom's will and the identity of the Albaceas.

11. For over a year since Lucom's death, Hilda and the Arias family have recognized that Lehman is the sole obstacle to their greed. In addition to the appeal of Lehman's appointment as Albacea and a challenge to the validity of the will, members of the Arias family, including Hilda and her children, as well as Panamanian attorneys Hector Infante ("Infante") and Edna Ramos Chue ("Chue"), set up a plan that is continuing today to abuse the judicial process of the courts of both Panama and Florida in an attempt to intimidate, bribe and extort Lehman in a concerted effort to coerce him to resign in favor of Hilda as the Albacea and as Lucom's Personal Representative in Florida.

12. To fully understand the plan, it is necessary to understand Panama's

criminal justice system. Under Panama law, a private citizen may commence a criminal action against another person by filing a "Denuncia" with any prosecutor's office. The person initiating the Denuncia may call for the arrest and pretrial detention of the accused and for the seizure of the accused's assets. This is all based on minimal evidence, much less than probable cause. Although a Denuncia cannot proceed forward until reviewed by a Panamanian prosecutor and judge, it can be used by people such as the Arias family to extort and intimidate others in order to achieve self-serving personal goals.

13. Hilda's plan, commenced by Infante and Chue, included the instigation of multiple Denuncias and criminal investigations in Panama against Lehman that included the false charge of intentional homicide of Lucom by Lehman and Ruddy. Other false charges were filed against Lehman for being the head of a criminal enterprise whose purpose was to steal Lucom's fortune. The members of the alleged enterprise included Lucom's Florida physician and Lucom's most trusted employees. In the charging papers, Hilda, Infante and Chue not only asked for a sentence against Lehman of 5 to 10 years, but for the immediate preventive detention of Lehman in a Panamanian prison. The plan also included using the Florida courts to sue Lehman and place him under personal financial pressures to resign. In slightly over one year since Lucom's death, Hilda, Infante and Chue abused Denuncias by accusing Lehman

of fourteen crimes, all because he was fulfilling his fiduciary duties to the Estate to fund the Foundation for the benefit of the poor children of Panama.

14. With all of this hanging over Lehman's head, in November 2006, Infante made Lehman a financial offer "he could not refuse" by offering Lehman \$3 million to resign as Albacea and ancillary personal representative. Lehman refused and for the past sixteen months has devoted substantial amounts of his professional time and resources to ensure Lucom's testamentary intent is satisfied and the poor children of Panama receive Lucom's generous gift.

15. The criminal charges described against Lehman in paragraph 13 have since been dismissed by Panamanian authorities. Hilda and her lawyers also tried to bring false criminal contempt charges against Lehman here in the probate division of this Court which were summarily dismissed. Since the failed bribe and dropping of criminal charges, Lehman has been successful in the Courts of Panama, the British Virgin Islands and Florida by obtaining injunctive and other relief to protect Lucom's generous bequest to the poor children of Panama. Yet, Hilda and her children remain steadfast in their efforts to deprive the poor children of Panama of Lucom's gift.

16. Hilda, her children, Infante and Chue are frustrated by their prior failed efforts to intimidate Lehman. They also realize that the lower Panama appellate court has upheld the validity of Lucom's will and is likely to be affirmed by the Panama

Supreme Court. Realizing that they are about to lose any chance of taking Lucom's fortune from the poor children of Panama. Hilda, her children, Infante and Chue recently filed yet another recent Denuncia against Lehman, and his associate, Victor Crosbie ("Crosbie") alleging fraud, document forgery, illegal practice of law and illegal association to commit offenses.

17. As alleged in detail below, on September 12 and 13, 2007, Panama America published two false and defamatory articles that Lehman faces manslaughter charges and is fleeing arrest for numerous crimes and the illegal practice of law in Panama. The articles also falsely state that Lehman is a fugitive from justice.

GENERAL ALLEGATIONS

A. The Estate of Wilson C. Lucom

18. The primary administration of the Estate is in the Republic of Panama. Lucom's will was admitted to probate in Panama on July 5, 2006 and Lehman was appointed by the Panamanian Court as sole Albacea on the same date.

19. In a Motion filed with the Panama Probate Court on July 14, 2006, Hilda did not challenge the validity of the will, but did appeal the appointment of Lehman as sole Executor. According to papers prepared by Hilda's Panamanian lawyer at the time, Jose Salvador Munoz, Hilda desired to be appointed as Albacea, despite the fact

that she is 83 years old, in poor health, and has no business experience. As alleged in paragraph 10, Lehman's and Hilda's appointments as Albaceas remain on appeal.

20. In his will, Lucom bequeathed to Hilda a life estate of at least \$240,000 per year to pay for her comfort, health, support and well-being. Lucom also bequeathed his 50 percent interest in the marital apartment home in Panama to Hilda, along with a life estate of all personalty in the marital apartment home. Lucom also bequeathed a life estate not to exceed \$200,000 per year payable to his step daughter from his previous marriage. In addition, Lucom bequeathed \$1,000,000 to the Mayo Clinic in Rochester, Minnesota and approximately \$2,000,000 to various employees and family members. Lucom left only a small portion of his estate to Hilda's five children. Consequently, the Arias family is upset that they will not enjoy all of Lucom's substantial estate.

21. The remainder of the Estate's assets, valued at approximately \$45 million, was bequeathed to the Foundation which Lucom established to benefit the poor children of Panama. Lucom grew up a poor boy in a Pennsylvania mining town and expressly wanted to use his wealth to benefit the poor children of Panama. As Albacea, Lehman has devoted numerous hours setting up this gift to charity to carry out Lucom's wishes. Lehman has already made preliminary arrangements with several of Panama's leading charities for the acceptance of Lucom's gift. Lehman

has no financial or beneficial interest in any of these charities nor has Lehman paid himself a single cent as compensation for his services as Albacea or ancillary personal representative. Yet, Hilda, her children, Infante and Chue on the other hand, are doing everything possible to deprive the poor children of Panama of Lucom's generous gift.

22. The Estate's primary asset is a 7,000 acre working ranch on the Pacific coast of Panama that is owned 100% by Hacienda Santa Monica S.A., a Panamanian corporation. Hacienda Santa Monica, S.A. is owned 100% by the Estate. The ranch is worth in excess of \$40 million.

B. The Arias' Plan to Avoid Probate of the Will and Take Over The Estate

23. As a vulnerable 83 year old adult with poor health, Hilda is being used as a tool by Infante, Chue and her children to obtain control of the Estate's assets and avoid funding the Foundation. At the insistence and urging of her children and lawyers, Hilda has now decided that she is not satisfied with her inheritance under the will. Therefore, after initially not challenging the validity of will and with the aid of Infante and Chue, Hilda is now challenging the validity of the will in Panama. This has resulted in an ugly fight in both Panama and in Florida by which Hilda and her lawyers are doing anything and everything, legal and illegal, to take over control of the Estate and its substantial assets and thereby avoid the funding of the Foundation

thereby preventing Lucom's testamentary intent of a generous gift to the poor children of Panama. This includes the use of Panama America, owned and controlled by members of the Arias family related to Hilda and her children, to publish defamatory statements about Lehman.

24. Hilda and her children intend to coerce Lehman to resign and then use the more than \$45 million intended as Lucom's testamentary gift to the Foundation to finance the continuation of the lavish Arias lifestyle. They know full well that Lehman intends to fulfill his fiduciary duties to the Estate and the poor children of Panama which includes funding the Foundation pursuant to Lucom's intent. Hilda, the Arias family, Infante and Chue recognize that Lehman is the sole obstacle to their greed. Therefore, they have filed knowingly false civil and criminal actions including, without limitation, completely frivolous charges of the homicide of Lucom against Lehman in an effort to intimidate him and force him to resign as Albacea in Panama and Ancillary Personal Representative in Florida.

25. On September 11, 2006, Hilda, Infante and Chue filed their first Denuncia against Lehman. Through her lawyers, Hilda and her children falsely claimed that Lehman caused himself to be appointed Albacea by fraud to allow himself to subsequently obtain Lucom's property. The Denuncia also accused Lehman of hiring "false lawyers to perform proceedings in Panama" and being the

head of a gang involved in a criminal enterprise whose purpose was to steal Lucom's fortune. The same Denuncia named Ospina, Lucom's bookkeeper, as a co-conspirator. These allegations against Ospina were obviously intended to intimidate her with respect to her testimony regarding Hilda's theft of the Valores shareholder certificates. As to Lehman, again these criminal allegations were false and were not intended to bring a criminal to justice, but to extort and intimidate Lehman into resigning as Albacea and Ancillary Personal Representative. These charges have since been dropped by Panamanian authorities as being totally without merit.

26. Also on September 11, 2006 Hilda filed another Denuncia containing homicide charges against Lehman related to the death of Lucom. Hilda, her lawyers and children claimed that Lehman participated with Ruddy to disconnect medical devices which were keeping Lucom alive, which disconnection resulted in his death. In fact, all that Lehman and Ruddy actually did was prepare the hospital's administrative paperwork to move Lucom, at Lucom's unequivocal written request and also the request of Lucom's American physician, to a better hospital in Panama run by the Johns Hopkins hospital group. Lucom was never disconnected from any medical support devices. Again these criminal allegations are false and were not intended to bring a criminal to justice, but instead to extort and intimidate Lehman

into resigning. These charges of intentional homicide were also dropped by the Panamanian prosecutor's office and the Panamanian Superior Court.

27. As a result of all of this outrageous conduct directed against Lehman in Panama and Florida, Lehman and Lehman PA were forced to file an abuse of process lawsuit against Hilda, Chue, Infante and other members of the Arias family. The suit, styled as *Richard S. Lehman and Richard S. Lehman, PA v. Hilda Piza Lucom et. al.*, Case Number 50 2007 CA000478XXXXMBAO, was filed on January 11, 2007. Defendant Chue's Motion to Dismiss the complaint for failure to state a cause of action was denied in May 2007 by and the case is proceeding forward.

28. Because Lehman refused the bribe described in paragraph 18 above and remains devoted to carrying out his duties to the Estate and the poor children of Panama as its beneficiaries, and due to their frustration with Lehman's success to date in the abuse of process action, Hilda, Infante and Chue filed yet another recent Denuncia falsely accusing Lehman and Crosbie of fraud, document forgery, illegal practice of law and illegal association to commit offenses. They then used their control of Panama America to defame Lehman by publishing that he faces manslaughter charges, is fleeing arrest for numerous crimes and the illegal practice of law and is a fugitive from justice.

29. All conditions precedent to the filing of this action, including pre-suit

notice under § 770.01, *Fla. Stat.*, have been met, waived or otherwise been satisfied.

COUNT I
DEFAMATION BY A MEDIA DEFENDANT AS TO A PRIVATE CLAIMANT

30. Lehman realleges and incorporates by reference the allegations contained in paragraphs 1 through 29 as if fully set forth herein.

31. On September 12 and 13, 2007, Panama America published two articles reporting that Lehman and Crosbie were charged with fraud, document forgery, illegal practice of law and illegal association to commit offenses. These two articles, entitled “Indagatoria contra sujeto que se hizo pasar por abogado” dated September 13, 2007 and “Ordenan captura contra supuestos abogados” dated September 12, 2007, were published and circulated in Florida on Panama America’s website.

32. The articles falsely state that Lehman faces manslaughter charges and is fleeing arrest for numerous crimes and the illegal practice of law. The articles also falsely state that Lehman is a fugitive from justice.

33. The articles contain significant false statements of fact which tend to expose Lehman and Lehman, P.A. to hatred, ridicule and contempt and also tend to expose Lehman and Lehman, P.A. to damages to their business and reputations. The

articles also falsely charge that Lehman committed the crime of negligent homicide. These statements are defamatory *per se* and were published to third parties in Florida.

34. Panama America either made the statements intentionally or was negligent in printing and publishing the false and defamatory statements. Consequently, Lehman and Lehman, P.A. have been damaged.

35. Lehman and Lehman, P.A. reserve their right to amend this Complaint to assert a claim for punitive damages under Section 768.72, *Fla. Stat.*

WHEREFORE, Plaintiff, Richard S. Lehman, individually and Richard S. Lehman, P.A., demand judgment against Defendant Panama America, S.A. for compensatory damages as set forth above, interest, costs and for such other relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL


Lehman and Lehman, P.A. demand a jury trial of all issues so triable as of right.

(Remainder of page intentionally left blank).

DATED this **11th** day of **October, 2007**.

Respectfully submitted:

KATZMAN, WASSERMAN & BENNARDINI, P.A.
Attorneys for Petitioner Richard S. Lehman, Esq.
as Ancillary Personal Representative of the
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