

## SUMMARY OF UNCONSTITUTIONAL RULINGS

Judge Juan Bosco Molina, 5<sup>th</sup> Civil Court for the First Judicial Circuit of Panama

The law in this case is clear and simple. It is the basic principle of law that governs the inheritance of assets in every country. It is a legal principle that must be followed with an inheritance or there is chaos. It applies not only in Panama; it is followed worldwide.

There are two ways to leave property upon one's demise. With a will or without a will. If, there is no will there are laws directing the state to divide the decedent's property by distributing it, generally, among the family of the decedent based upon the degree of the relationship. In this case the Judge of the Probate court will appoint an Administrator to run the Estate.

If there is a will, the written document will name the person who should administer the Estate. Once the will is presented in court with proper jurisdiction and the named person is appointed by the court, that person "steps in the shoes" of the decedent to protect the decedent's property as his own and to distribute the decedent's property the way the decedent expressed in his will.

The basic principle of law involved is that once the appropriate court has named the Executor, that Executor cannot be dismissed without a hearing with due process and a showing of wrongdoing.

You cannot stop the Executor from acting simply by appealing the Executor's Appointment to a higher court. You must have a hearing and find wrong doing on his part. Since appeals take so long to be resolved if you stop the administration of the Estate during the appeal you would prevent any estate being administered for years by a disgruntled interested party.

In spite of that basic legal principle, Judge Molina issued two separate illegal orders that prevented the Appointed Executor, Richard Lehman, from acting to distribute one penny to beneficiaries for almost four years.

Judge Molina stopped Lehman with two unconstitutional rulings without a hearing, Panamanian kids died from malnutrition and many other beneficiaries received nothing for four years.

### The Law

The simplicity of the legal cases in Panama and Florida is this. On July 5<sup>th</sup>, 2006 Lehman was appointed the sole Executor in Lucom's will. A will in which he had

been formally named as the Executor. Under Panama Law (and the inheritance law of every other country), once Lehman was appointed the Executor, he was legally in Lucom's shoes) dealing with Lucom's property. The only way to remove Lehman was to have an adversarial hearing and show that he was not properly appointed for cause.

Hilda Lucom and her lawyer, Hector Infante, never called for that hearing. They knew they would lose. Instead Infante appealed the ruling appointing Lehman.

This illegal plan worked for the 3 ½ years due to Judge Juan Bosco Molina in the Probate Court. The Judicial authority most culpable during this time, Judge Molina, issued illegal rulings that prevented Lehman legally from acting as the Executor. All of these rulings were recently found to be unconstitutional and illegal.

It is these two illegal rulings by Judge Molina that are the key to understanding the entire legal puzzle.

The two unconstitutional and illegal rulings that were issued to stop Lehman completely from assuming his duties were:

On November 27, 2007, Judge Bosco Molina appointed Marta Canola as the Administrator of the Lucom Estate.

Judge Molina had no jurisdiction to hire an Administrator for the Estate. Lehman's original appointment had been appealed to the Supreme Court. When Lehman's appointment was appealed it took all of the power whatsoever from Molina, a lower court probate judge, to interfere with Lehman's appointment. Since the appeal of Lehman's appointment as Executor was already in front of the Panama Supreme Court, the Supreme Court is the only court that could rule on Lehman or any one else as the appointed Albacea.

- (2) After the first unconstitutional ruling, Judge Molina (for no apparent reason in Panama whatsoever) on August 29<sup>th</sup> 2008, (five months before Lehman's trial in Florida) issued another unconstitutional ruling saying that Lehman was never properly appointed Albacea and all of Lehman's actions were void from the start.

This order by the Panama judge was used in Florida with a corrupt Panama lawyer who testified to the absolute legality of Order 952.

## The Present

The two Panama Orders that both illegally stopped Lehman from carrying out his duties to distribute funds to the beneficiaries and the poor children of Panama are 100% illegal. Judge Molina had no authority. He has said it himself.

Order 952 represents corrupted evidence in a United States Court proceeding. That Florida Court based its ruling on the truth of Order No. 952 as the "irrefutable evidence" of Lehman's wrong doing.

A series of Panama rulings had declared that it is 100% illegal for Judge Molina to have issued the two rulings. The law is irrefutable at all times after Lehman's original appointment as Executor, Lehman was the appointed Executor.

Judge Molina issued both of his unconstitutional rulings by August 29, 2008. The Florida Judge issued his ruling in early March of 2009 after a February 2009 Florida court hearing.

Shortly after that the following rulings were issued in Panama either by Judge Molina or by the First Superior Court of Panama regarding Judge Molina's ruling No. 952 issued in August 2008. Order No. 952 held that Lehman was never appointed an Executor and everything he did was null and void.

1. In June of 2009, Judge Molina himself admitted he had no jurisdiction in his own opinion when he refused to rule on Chris Ruddy's application as Executor. Chris Ruddy was appointed together with Lehman as an Executor of Lucom's will by a later higher court ruling. Molina stated that he had no jurisdiction to rule on issues involving the appointment of any Executor, since it is in front of the Supreme Court. Order No. 587.
2. In July of 2009 Judge Eva Cal stated that Judge Molina had issued Order No. 952 without giving Lehman my due process and based upon a motion that was legally not supportable.
3. In August of 2009 Judge Eva Cal ruled that the appointment of Marta Canola as an Administrator of the Lucom Estate was illegal since Lehman was the appointed Executor at that time. Judge Cal stated it was illegal because Judge Molina had no jurisdiction to rule on anything that would interfere with Lehman's appointment.
4. On September 10th an Amparo was submitted to the Panama Superior Court by Lehman's counsel, demanding that the court declare Order No. 952 as unconstitutional.

5. On October 12<sup>th</sup> the First Superior Court of Panama issued an Edict suspending Order No. 952 in response to the Amparo and declared that Order No. 952 is unconstitutional.
6. On November 20<sup>th</sup> the First Superior Court withheld its opinion on the Edict that suspended Order No. 952. The Court's excuse for not issuing an opinion was that the issue was indirectly presently before the Supreme Court in another motion and the Superior Court did not want to rule.
7. On November 26<sup>th</sup> the opinion of the Superior Court was appealed to the Panama Supreme Court.
8. The suspension No. 952 that had prohibited Lehman from acting as an Executor is still valid. This is a result of the appeal to the Panama Supreme Court entered on November 26<sup>th</sup>. Lehman continues to have no legal impediments against his acting as the Executor of the Lucom Estate.