

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