

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 CORRUTION** 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