

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.-

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