

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 learns 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

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