

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Civil Action No. 08-1345 (RMC)
)	ECF
v.)	
)	
8 GILCREASE LANE, QUINCY)	
FLORIDA 32351, <i>ET AL.</i> ,)	
)	
Defendants.)	
)	

**PLAINTIFF’S NOTICE OF SUPPLEMENTAL AUTHORITY
IN SUPPORT OF ITS OPPOSITION (DKT #51) TO
MEMBERS’ AND VICTIMS’ MOTIONS TO INTERVENE**

Plaintiff, the United States of America, respectfully informs the Court of the following supplemental authority in support of its opposition to various would-be intervenors' efforts to appear in this matter, apparently to seek dismissal of this forfeiture case, and either a return, to Mr. Bowdoin, of funds that they provided to him, or a return to them of funds seized from bank accounts that, before their seizure, were controlled by Thomas A. Bowdoin, Jr. In *United States v. Wilson*, __ F. Supp.2d __, 2009 WL 2424623 (E.D. Cal. Aug. 6, 2009), the district court out of the 9th Circuit rejected fraud victims' efforts to intervene in criminal forfeiture's ancillary proceedings because, even accepting the 9th Circuit's *Boylan*'s conclusion, that a constructive trust was deemed to relate back to the time when an offense was committed, which the district court recognized was inaccurate, to prevail against a forfeiture under Section 853(n)(6)(A), a petitioner must establish an interest in a property that existed *before* the crime occurred. A property interest arising "simultaneously with the Government's interest," not before it, comes

too late, as the 9th Circuit recognized in *Hooper*¹, for victim-petitioners to prevail under Section 853(n)(6)(A). Moreover, under a Prudential Standing analysis, “the interests of crime victims in receiving restitution are not in the zone of interests implicated in [the forfeiture statute], even if they have Article III standing under *Boylan*.²” (Citing *United States v. Lazarenko*, 476 F.3d 642 (9th Cir. 2007).)

Respectfully submitted,

/s/_____
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/s/_____
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/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Opposition to be served by means of the Court’s ECF system on this 4th day of September 2009 upon all counsel or parties of record.

/s/_____
William R. Cowden

¹ *United States v. Hooper*, 229 F.3d 818 (9th Cir. 2000).

² *United States v. \$4,224,958.57 ("Boylan")*, 392 F.3d 1002 (9th Cir. 2004).