

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

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AFFIDAVIT IN SUPPORT OF MOTION FOR DISQUALIFICATION OF JUDGE

THOMAS A. BOWDOIN, JR., being duly sworn, deposes and says:

1. I am a co-claimant in this *in rem* forfeiture action.
2. I have personal knowledge of the facts contained in this affidavit.
3. I believe that the Honorable ROSEMARY M. COLLYER, Judge of the United States District Court in which this action was commenced and is now pending, and before whom it is to be tried or heard, has a personal bias and prejudice against me, exhibiting a deep-seated animosity toward me precluding fair judgment on the merits, and the reason for such belief is as follows:

4. In a Memorandum Opinion filed on November 11, 2009, the Honorable Judge Collyer denied my Rule 60(b) motion to vacate a prior Order by this Court approving my ill-advised release of claims.

5. Supporting her reasoning in denying the aforementioned Rule 60(b) motion, the Honorable Judge Collyer evidenced personal bias and prejudgment, stating that if I were found eventually guilty of the criminal charges being now investigated by a grand jury, but upon which no indictment has yet been issued, Bowdoin “*will face a term of incarceration for sure.*” (Mem. Op. 7 (Nov. 10, 2009), Docket No. 155) (emphasis added).

6. The above-quoted language reveals that the Honorable Judge Collyer has already made up her mind that, if found guilty in any future criminal action, defendant Thomas A. Bowdoin, Jr.'s sentence must certainly include a period of incarceration, despite the fact that (a) no evidence or testimony has yet been developed or weighed in any criminal action against me regarding my involvement with AdSurf Daily, Inc., and (b) I have not yet even been indicted on any specific criminal charges regarding my involvement with AdSurf Daily, Inc.

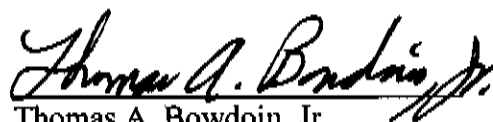
7. As sentencing is discretionary to the criminal tribunal, and the form of sentence imposed is influenced by the criminal charges being adjudicated, the relative culpability of the defendant, and the damage allegedly caused, monetary fines and/or parole are likely available sentencing options when and if, in the future face, I face any criminal indictment for my involvement with AdSurf Daily, Inc.

8. Therefore, the Honorable Judge Collyer in unequivocally proclaiming in her 11 November 2009 Memorandum Opinion that, if found guilty, Bowdoin "will face a term of incarceration for sure", demonstrated extrajudicial bias and prejudgement of co-claimant Thomas A. Bowdoin, Jr. (Mem. Op. 7 (Nov. 10, 2009), Docket No. 155.)

9. Based upon the above-cited facts, I believe that the Honorable Judge Collyer has demonstrated a clear personal bias against me, and has prejudged the criminal sentencing I am to receive, regarding criminal charges the grand jury has not even issued an indictment for yet.

And further Affiant sayeth naught.

Dated this 17<sup>th</sup> day of December 2009.

  
Thomas A. Bowdoin, Jr.,  
Co-Defendant/Claimant

STATE OF FLORIDA  
COUNTY OF LEE

SUBSCRIBED and SWORN to (or affirmed) before me by Thomas A.

Bowdoin, Jr. this 17<sup>th</sup> day of December, 2009.

Personally known to me

Produced identification

Patricia C. Sanson  
Notary Public

