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13 BARRY LAMAR BONDS

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

18 UNITED STATES OF AMERICA,) Case No. 07-CR-0732 SI
19)
20 Plaintiff,) DEFENDANT’S SUPPLEMENTAL
21 vs.) PROPOSED SPECIAL JURY
22 BARRY LAMAR BONDS,) ADMONITION REGARDING THE
23 Defendant.) INTERNET

1 **I. Introduction**

2 Defendant Barry Bonds proposes that the Court read the following admonition to jurors
3 during its very initial encounter with them. In a high profile case such as this, we believe that in
4 this era of ready access to the internet and social networks it is of paramount importance to
5 impress upon jurors in clear, direct and plain English the requirement that they comply with the
6 Court's prohibitions against independent research and/or disclosure from the very outset. We
7 urge that this admonition, or some variance of it, should be re-read to jurors throughout the
8 proceedings. We have met and conferred with the government regarding this instruction. Its
9 attorneys are aware that we are submitting it to the Court. Their position is not clear.

10 **II. Proposed Instruction**

11 From this moment until the end of the trial or you are dismissed as a juror, you must not
12 discuss this case during the trial with anyone, including any of the attorneys, parties, witnesses,
13 your friends, or members of your family. This includes, but is not limited to, discussing your
14 experience as a juror on this case, discussing the evidence, the lawyers, the parties, the court,
15 your deliberations, your reactions to testimony exhibits or any aspect of the case or your
16 courtroom experience. In addition to not conversing face to face with anyone about the case, you
17 must not communicate with anyone about the case by any other means, direct or indirect, such as:
18 a writing, the telephone, e-mail, Facebook, MySpace, Twitter, instant messaging, Blackberry
19 messaging, I-Phones, I-Touches, Google, Yahoo, any internet search engine or any other form of
20 electronic communication for any purpose whatsoever.

21 You are also ordered not to do any internet research concerning the subject of Barry
22 Bonds, any of the witnesses or lawyers in this trial, or the subject of this trial. Similarly, you are
23 ordered not to read or watch any television or otherwise receive media coverage of this trial. It is
24 especially important that you obey this order because both sides are entitled to a trial in which the
25 jury is influenced only by facts that are properly presented to the jurors in court, according to the
26 rules of evidence. If a juror receives information about the trial or the subject matter of the trial
27 from the media or any other source, it could cause a mistrial – meaning that all of the jurors
28 would have to be dismissed and the whole process would start over from scratch. That would be

1 a tremendous burden on the court, the parties and the principles of fairness under which jury
2 trials are conducted.

3 I will give you some form of these instructions frequently during these proceedings. I do
4 that not to be unduly repetitive or because I don't think you are paying attention, but because, in
5 my experience, obeying these instructions is the hardest thing for jurors to do. I know of no
6 other situation in our culture where we ask strangers to sit together watching and listening to
7 something, read or hear nothing else about the subject, then go into a little room together and not
8 talk about the one thing they have in common that they have just experienced together. There are
9 several reasons for these rules.

10 The first is to help you keep an open mind. When you talk about things, you start to
11 make decisions about them and it is extremely important that you not make any decisions about
12 this case until you have heard all the evidence and all the rules for making your decisions, and
13 you won't have that until the very end of the trial. The second reason is that by having
14 conversations in groups of two or three during the trial, you won't remember to repeat all of your
15 thoughts and observations for the rest of your fellow jurors when you deliberate at the end of the
16 trial. The third and most important reason is that by discussing the case outside of the jury room
17 you increase the likelihood that you will be influenced by an outside third party and or you may
18 reveal private information that could impact the outcome of the case. If any person tries to talk
19 to you about this case, tell that person that you cannot discuss the case because you are a juror. If
20 that person persists, simply walk away and report the incident to my staff. The fourth reason is
21 the evidence you will hear in the courtroom has been presented to you after going through a
22 vetting process using principles of fairness contained in the federal rules of evidence.
23 Information from other sources has not gone through that process. If you were to receive
24 information from outside the courtroom, it would likely cause a mistrial. That would be a
25 tremendous waste and burden to both parties as well as the court.

26 These instructions must be followed by every juror and prospective juror in order to
27 ensure a fair trial. If as a juror in this matter you were to violate and of these rules, you could be
28 found in contempt of court, which is punishable by jail and/or a monetary fine.

