

1 ALLEN RUBY (SBN 47109)
SKADDEN, ARPS, MEAGHER & FLOM, LLP
2 525 University Avenue, Ste. 1100
Palo Alto, CA 94301
3 Telephone: (650) 470-4500
Facsimile: (650) 470-4570
4

5 CRISTINA C. ARGUEDAS (SBN 87787)
TED W. CASSMAN (SBN 98932)
ARGUEDAS, CASSMAN & HEADLEY, LLP
6 803 Hearst Avenue
Berkeley, CA 94710
7 Telephone: (510) 845-3000
Facsimile: (510) 845-3003
8

9 DENNIS P. RIORDAN (SBN 69320)
DONALD M. HORGAN (SBN 121547)
RIORDAN & HORGAN
10 523 Octavia Street
San Francisco, CA 94102
11 Telephone: (415) 431-3472
Facsimile: (415) 552-2703
12

13 Attorneys for Defendant
BARRY LAMAR BONDS

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**
17

18 UNITED STATES OF AMERICA,) Case No. CR 07 0732 SI
19)
Plaintiff,) **DEFENDANT’S OBJECTIONS**
20) **TO GOVERNMENT’S PROPOSED**
vs.) **INSTRUCTIONS**
21)
BARRY LAMAR BONDS,)
22)
Defendant.)
23)

24
25 Defendant objects to the following instructions proposed by the government:

26 1. Ninth Circuit Model Instruction 5.6 – This instruction defines when an act is knowing,
27 rather than when a party knows a statement to be false. It is misleading in the context of this case.
28

1 2. Government’s instruction on count 5 – Defendant Bonds has already objected to the
2 inclusion in this instruction of any statements not specifically detailed in the indictment. In the
3 defendant’s view, the obstruction count should be limited to the alleged false statements
4 contained in counts one, two, and three. The court has previously ruled that count five
5 encompasses the totality of the defendant’s testimony before the grand jury. If the court
6 continues to subscribe to that view, defendant Bonds submits that his proposed instruction no. 5
7 would be appropriate.

8 Dated: April 6, 2011

Respectfully submitted,

LAW OFFICES OF ALLEN RUBY

ARGUEDAS, CASSMAN & HEADLEY, LLP

RIORDAN & HORGAN

By /s/ Dennis P. Riordan
Dennis P. Riordan

By /s/ Donald M. Horgan
Donald M. Horgan

Counsel for Defendant
Barry Lamar Bonds