

1 MELINDA HAAG (CASBN 132612)
United States Attorney

2 J. DOUGLAS WILSON (DCBN 412811)
3 Deputy Chief, Criminal Division

4 MATTHEW A. PARRELLA (NYSBN 2040855)
JEFFREY D. NEDROW (CASBN 161299)
5 MERRY JEAN CHAN (CABN 229254)
6 Assistant United States Attorneys

7 150 Almaden Boulevard,
San Jose, California 95113
8 Telephone: (408) 535-5045
9 Facsimile: (408) 535-5066
Email: jeff.nedrow@usdoj.gov

10 Attorneys for Plaintiff

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA,)
16 Plaintiff,)
17 v.)
18 BARRY LAMAR BONDS,)
19 Defendant.)
20)
21)

No. CR 07-0732 SI

**PROPOSED JURY INSTRUCTIONS
FOR COUNTS ONE, TWO AND
THREE**

Trial: April 7, 2011
Time: 8:30 a.m.
Court: Hon. Susan Illston

22 The government respectfully requests that the Court charge the jury with the following
23 jury instructions for Counts One, Two, and Three. The government has conferred with defense

24 //
25 //
26 //
27 //
28 //

1 counsel regarding these instructions, and the defense concurs with these instructions as drafted.

2 DATED: April 6, 2011

Respectfully submitted,

3

4

MELINDA HAAG
United States Attorney

5

6

MATTHEW A. PARRELLA
JEFFREY D. NEDROW
MERRY JEAN CHAN
Assistant United States Attorneys

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

COUNT ONE—FALSE DECLARATION

(18 U.S.C. § 1623(a))

The defendant is charged in Count One with making a material false declaration before a grand jury, in violation of 18 U.S.C. § 1623(a). Count One alleges that the defendant made the following material false declaration (underlined below) :

Question: I know the answer - - let me ask you this again. I know we kind of got into this.

Let me be real clear about this. Did he [Anderson] ever give you anything that you knew to be a steroid? Did he ever give a steroid?

Answer: I don't think Greg would do anything like that to me and jeopardize our friendship. I just don't think he would do that.

Question: Well, when you say you don't think he would do that, to your knowledge, I mean, did you ever take any steroids that he gave you?

Answer: Not that I know of.

In order for the defendant to be found guilty of Count One, the government must prove each of the following elements beyond a reasonable doubt:

1. The defendant testified under oath before a grand jury;
2. The testimony described above was false;
3. The testimony was material to the grand jury before which he testified; and
4. The defendant knew that the testimony described above was false and material to the grand jury before for which he testified.

A statement was material if it had a natural tendency to influence, or was capable of influencing, the decision of the grand jury to which it is addressed.

COUNT TWO-FALSE DECLARATION

(18 U.S.C. § 1623(a))

The defendant is charged in Count Two with making a material false declaration before a grand jury, in violation of 18 U.S.C. § 1623(a). Count Two alleges that the defendant made the following material false declaration (underlined below):

Question: Did Greg ever give you anything that required a syringe to inject yourself with?

Answer: I've only had one doctor touch me. And that's my only personal doctor. Greg, like I said, we don't get into each others' personal lives. We're friends, but I don't - we don't sit around and talk baseball, because he knows I don't want - don't come to my house talking baseball. If you want to come to my house and talk about fishing, some other stuff, we'll be good friends. You come around talking about baseball, you go on. I don't talk about his business. You know what I mean?

Question: So no one else other than perhaps the team doctor and your personal physician has ever injected anything in to you or taken anything out?

Answer: Well, there's other doctors from surgeries. I can answer that question, if you're getting technical like that. Sure, there are other people that have stuck needles in me and have drawn out - - I've had a bunch of surgeries, yes.

Question: So - -

Answer: So sorry.

Question;: - - the team physician, when you've had surgery, and your own personal physician. But no other individuals like Mr. Anderson or any associates of his?

Answer: No, no.

In order for the defendant to be found guilty of Count One, the government must prove each of the following elements beyond a reasonable doubt:

1. The defendant testified under oath before a grand jury;
2. The testimony described above was false;
3. The testimony was material to the grand jury before which he testified; and
4. The defendant knew that the testimony described above was false and material to

the grand jury before for which he testified.

1 A statement was material if it had a natural tendency to influence, or was capable of
2 influencing, the decision of the grand jury to which it is addressed.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT THREE–FALSE DECLARATION

(18 U.S.C. § 1623(a))

The defendant is charged in Count Three with making a material false declaration before a grand jury, in violation of 18 U.S.C. § 1623(a). Count Three alleges that the defendant made the following material false declaration (underlined below):

Question: And, again, just to be clear and then I'll leave it, but he [Anderson] never gave you anything that you understood to be human growth hormone? Did he ever give you anything like that?

Answer: No.

In order for the defendant to be found guilty of Count Three, the government must prove each of the following elements beyond a reasonable doubt:

1. The defendant testified under oath before a grand jury;
2. The testimony described above was false;
3. The testimony was material to the grand jury before which he testified; and
4. The defendant knew that the testimony described above was false and material to the grand jury before for which he testified. .

A statement was material if it had a natural tendency to influence, or was capable of influencing, the decision of the grand jury to which it is addressed.