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

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

No. CR 07-0732-SI

**UNITED STATES’S MOTION TO
ADMIT RECORDING OF 2003
CONVERSATION ABOUT THE
DEFENDANT AND STEROIDS
BETWEEN STEVE HOSKINS AND
DR. ARTHUR TING**

Date: April 5, 2011
Judge: The Honorable Susan Illston

INTRODUCTION

21 On the evening of Sunday, April 3, 2011, Steve Hoskins contacted Agent Jeff Novitzky to
22 say that Hoskins had found a recording of Hoskins’s 2003 conversation with Dr. Arthur Ting
23 about the defendant and steroids. The government hereby moves to admit a redacted version of
24 the tape. The government submits that the tape is highly relevant to Hoskins’s credibility and
25 therefore to the question whether the defendant knowingly lied to the grand jury about his use of
26 steroids. Admission of the tape is also necessary to rectify the jury’s misimpression that the tape
27 does not exist.
28

1 Earlier in the trial, Hoskins testified that the defendant asked him to find information for
2 him about steroids that the defendant was considering using or was using. Hoskins further
3 testified that he went to Ting, the defendant's doctor, for medical information about steroids, and
4 that he and Ting discussed the defendant's use of steroids on multiple occasions, including in
5 2003.

6 Ting, on the other hand, testified that he gave Hoskins medical literature on steroids only
7 once, in 1999, that he has no recollection of any other conversations with Hoskins about the
8 defendant and steroids, and, specifically, that he never spoke to Hoskins about steroids in 2003.
9 The tape recording of the conversation between Hoskins and Ting, showing that the two
10 individuals discussed the defendant and steroids in 2003, tends to show that Hoskins is a credible
11 witness, and it should be admitted to rebut the allegation that Hoskins has lied about his
12 conversations with Ting and to aid the jury's ascertainment of the truth.

13 **FACTS**

14 **A. Hoskins's trial testimony**

15 On Wednesday, March 23, 2011, Hoskins provided direct testimony that the defendant
16 knowingly used anabolic steroids. In addition, Hoskins testified that in 1999, the defendant
17 instructed him to asked Ting about the effects of the anabolic steroid Winstrol. 3/23/11 Tr. at
18 397, 404. Hoskins did so, and Ting gave Hoskins the requested information during a
19 conversation. *Id.* at 406. Hoskins in turn relayed the information to the defendant. *Id.* at 411.

20 Hoskins testified that in 2003, he grew increasingly concerned about the defendant's
21 steroid use, and that he talked to several people, including Ting, about it. *Id.* at 422. In an effort
22 to persuade the defendant's father to intervene, Hoskins made a recording of a conversation with
23 the defendant's trainer and steroid-supplier, Greg Anderson. *Id.* at 423.

24 On cross-examination, defense counsel asked Hoskins a number of questions about the
25 Anderson recording. *Id.* at 460. As a part of that line of impeachment, defense counsel
26 cross-examined Hoskins at length about a secret recording of Ting that Hoskins had told law
27 enforcement that he had made in 2003. *Id.* at 460-69. Defense counsel's repeated questioning
28 suggested that Hoskins had been dishonest about the existence of this recording because Hoskins

1 did not know where the recording was:

2 Q. Isn't it true, that you told Mr. Novitzky that you were sure that you
3 recorded Dr. Ting after the search of Greg Anderson's residence?

4 A. I'm not sure.

5 Q. Where is that recording today, Mr. Hoskins?

6 A. I don't – mystery, I don't even have the recorder.

7 *Id.* at 463.

8 Q. Was there ever a tape?

9 A. Evidently not because it never got recorded.

10

11 Q. . . . Well, isn't it true, that at this meeting I've been asking you about you
12 said to your sister and your Lawyer and the agents you had actually
13 listened to the tape that you made of Dr. Ting?

14 A. Yeah, I actually thought I recorded it, I thought I had the recording on the
15 tape, but evidently I don't know what happened to the tape.

16 *Id.* at 466-67.

17 Defense counsel pursued this line of cross-examination again on the second day of
18 questioning.

19 Q. And at the meeting did you indicate that you thought that this small
20 recorder possibly contained your taped conversations with Dr. Arthur
21 Ting?

22 A. Yes.

23 3/24/11 Tr. at 552. Defense counsel further asked Hoskins a number of questions about how
24 many conversations he had with Ting about steroids, and the nature of those conversations. *Id.* at
25 565-70.

26 **B. Ting's trial testimony**

27 On Thursday, March 31, 2011, Ting testified on direct examination that he had a
28 conversation in 1999 with Hoskins in which Hoskins requested medical literature about a steroid.

3/31/11 Tr. at 1475. Ting testified that Hoskins did not tell him why he wanted the information.

Id. at 1476. Ting testified that he provided several pages of printed information about the steroid

to Hoskins, but had no conversation with Hoskins about it. *Id.* at 1478. Ting could not "recall"

1 whether he had any other conversations with Hoskins about the defendant on any topic between
2 1999 and 2003. *Id.* at 1478-79.

3 During cross-examination, defense counsel elicited testimony from Ting that other than
4 the 1999 instance when he had provided information on steroids to Hoskins, he had no other
5 discussions with Hoskins about steroids. 3/31/11 Tr. at 1489-90.

6 Q. And other than that conversation in 1999, which preceded giving him the
7 xeroxed pages about steroids, you have had no other discussions with
8 Stevie about steroids; is that right?

9

10 A. Correct, yes.

11 *Id.*

12 In response to a series of questions based on Hoskins's testimony about his conversations
13 with Ting, Ting testified that Hoskins never mentioned any specific steroid, such as Winstrol, to
14 him. *Id.* at 1497, 1504-05, 1524. In particular, defense counsel asked Ting if "in 2003, did you
15 ever talk with Stevie about steroids?" *Id.* at 1504. Ting responded, "2003? No." *Id.*

16 Defense counsel pursued the same line of questioning on re-cross, and again elicited a
17 denial from Ting that he spoke with Hoskins in 2003 about the defendant's use of steroids. *Id.* at
18 1521-24.

19 Defense counsel also devoted a portion of the cross-examination to establishing Ting's
20 medical credentials. *Id.* at 1490-92.

21 C. Discovery of tape recording of conversation between Hoskins and Ting

22 On the evening of Sunday, April 3, 2011, Hoskins contacted Agent Novitzky to say that
23 he had finally found the tape recording of his 2003 conversation with Ting. *See* Novitzky Report
24 (attached as Exhibit A). A preliminary, incomplete transcript of the conversation produced by
25 the defense shows that the conversation took place during a medical appointment Hoskins had
26 with Ting. *See* Def. Transcription at 5 (attached as Exhibit B). In the conversation, Hoskins
27 informed Ting that "last night" "they raided BALCO," an event that occurred in 2003. *Id.* at 6-7.

28 The conversation was largely about Balco, steroids, and the defendant. During the
conversation, Hoskins and Ting repeatedly refer to "Barry." *Id.* at 6-11, 14. In response to

1 Hoskins's stating that the records were sealed in the Balco investigation, Ting stated, "But
2 Barry's gonna (indiscernible)," *id.* at 8. When Hoskins started to state that narcotic agents were
3 involved in the raid, Ting completed the thought by saying, "Because of the drugs." *Id.* at 13.
4 Later, Hoskins stated that he "had no clue that anybody else knew." *Id.* at 15. Ting responded,
5 "(Indiscernible) Bonds." *Id.* at 16. Ting also mentioned that Victor Conte had called Ting. *Id.*

6 The government's preliminary transcript chronicles some aspects of the conversation in
7 greater detail. At one point, Hoskins stated that he "didn't have no clue that somebody" other
8 than himself "and about five other people" knew." Gov't Transcription at 9 (attached as Exhibit
9 C). Ting responded, "(UI) About Bonds." *Id.* At a later point, Ting stated that Victor Conte
10 gave Ting's name to the newspaper, and that Ting would "take care of them." *Id.* Ting also
11 stated that Conte "makes" the "shit" or steroids that Anderson used. *Id.* at 9-10. Ting also stated
12 that "(UI) they knew baseball and steroids shit goes on (UI) years (UI) But people know. I
13 know." *Id.* at 10.

14 ARGUMENT

15 A. The recording is relevant, highly probative evidence

16 The government seeks to admit into evidence the recording of Hoskins's 2003
17 conversation with Ting to corroborate Hoskins's testimony. As set forth above, Hoskins and
18 Ting have testified inconsistently as to the number and nature of their discussions about steroids
19 and the defendant. The defense has meticulously cultivated the conflict in testimony between
20 Hoskins and Ting, and with good reason. Hoskins has testified that the defendant knew he was
21 taking steroids prior to his grand jury testimony in 2003; that the defendant asked Hoskins to
22 inquire with Ting about steroids; and that Hoskins had numerous conversations with Ting about
23 steroids, including conversations in 2003. If the jury accepts Ting's testimony that other than one
24 conversation in 1999, he had no conversations with Hoskins about steroids, it cannot accept
25 Hoskins's testimony that he had multiple conversations with Ting. And if the jury believes that
26 Hoskins lied about his conversations with Ting, it may discount Hoskins's testimony that the
27 defendant admitted his steroid use and asked Hoskins to find out information about the steroids
28

1 he was using or considering using. In short, Hoskins's credibility on the issue of his
2 conversations with Ting is critical to the government's case that the defendant's statements to the
3 grand jury were knowingly false and for the purpose of obstructing justice.

4 The recording of Hoskins and Ting corroborates Hoskins's testimony and suggests that
5 Ting testified inaccurately. This evidence can help the jury resolve the conflict between Hoskins
6 and Ting regarding whether and how often they talked about the steroids and the defendant. It is
7 therefore relevant evidence. *See* Fed. R. Evid. 401.

8 **B. The recording is not excludable under Fed. R. Evid. 403**

9 The recording is not excludable under Fed. R. Evid. 403. As noted, its probative value is
10 unusually high. In a he-said/he-said dispute about whether Hoskins and Ting had conversations
11 about steroids, the recording is indisputable proof that at least one conversation occurred and that
12 Ting was not surprised by the content of their discussions about baseball, the defendant, and
13 steroids. Nor is there any danger of unfair prejudice. Both parties knew that Hoskins had long
14 maintained that this recording existed and that the recording related to steroids and the defendant.
15 Indeed, the defense chose to extensively cross-examine Hoskins about this recording, suggesting
16 that because Hoskins had not been able to produce the actual recording, he had lied about its
17 existence and contents and therefore about whether he had a conversation with Ting. Moreover,
18 the defense has anticipated recalling Hoskins to give additional evidence. 3/24/11 Tr. at 579.

19 Neither party had access to this recording until Hoskins produced it on Sunday night
20 (April 3, 2011), and the government immediately provided it to the defendant. Both parties are
21 working to produce final transcripts and to have the tape examined. Fairly complete transcripts
22 had been produced by the close of business on Monday, April 4, 2011, and the defense's choice
23 of laboratory will examine the tape for tampering at 9 a.m. on Tuesday, April 5, 2011.
24 Meanwhile, the government has four witnesses and a grand jury transcript to introduce into
25 evidence, so that the jury will not be kept waiting prior to the time the necessary examinations of
26 the tape are concluded and the tape is ready to be admitted into evidence. Nor will the actual
27 introduction of the recording take an undue amount of time; it simply requires recalling Hoskins
28 to authenticate and lay a foundation for the tape, the playing of the recording, and whatever

1 permissible cross-examination the defendant makes.

2 Finally, admission of the recording into evidence is necessary to avoid misleading the
3 jury and confusing issues. By the defendant's cross-examinations, the jury has been left with the
4 impression that there is no 2003 recording of any conversation between Hoskins and Ting, and
5 the inference that Hoskins is a liar. As it turns out, the recording does exist, and it is as Hoskins
6 represented it. The jury is entitled to know the truth: that the recording exists. Indeed, Fed. R.
7 Evid. 102 requires that evidence be admitted "to the end that the truth may be ascertained." Just
8 as a written contract should be admitted where the parties in a civil proceeding dispute the
9 existence of a contract, so should the recording of Hoskins conversation with Ting be admitted.

10 **C. The recording is not hearsay**

11 The recording is not hearsay. The purpose of introducing the recording is to show that
12 Hoskins did not testify falsely about having multiple conversations with Ting about steroids –
13 and in particular about his conversation in 2003 with Ting – contrary to the mis-impression that
14 testimony elicited by the defense counsel has created. The government does not intend to offer
15 the statements that Hoskins and Ting made in the recorded conversation for the truth of the
16 matter asserted. Fed. R. Evid. 801. The fact that Hoskins and Ting made these statements,
17 however, is substantive evidence of a fact the defense has hotly disputed: that Hoskins and Ting
18 had multiple conversations about the defendant and steroids.

19 Moreover, Hoskins's statements in the recording are also admissible as nonhearsay, prior
20 consistent statements under Fed. R. Evid. 801(d)(1)(B) because they are consistent with his trial
21 testimony about conversations with Ting, and are offered to rebut the suggestion of recent
22 fabrication or improper influence or motive. Under that rule, a prior statement is not hearsay if it
23 meets the following four criteria: "(1) the declarant must testify at trial and be subject to
24 cross-examination; (2) there must be an express or implied charge of recent fabrication or
25 improper influence or motive of the declarant's testimony; (3) the proponent must offer a prior
26 consistent statement that is consistent with the declarant's challenged in-court testimony; and, (4)
27 the prior consistent statement must be made prior to the time that the supposed motive to falsify
28 arose." See *United States v. Liu*, 538 F.3d 1078, 1086 (9th Cir. 2008) (internal quotation marks

1 and citation omitted).

2 Here, Hoskins has testified and been cross-examined, and, as set forth below, the
3 government proposes to recall him to introduce the recording. At trial, Hoskins testified in his
4 direct examination that he spoke with Ting about the defendant and steroids in 2003. 3/23/11
5 Tr. at 422. Defense counsel cross-examined Hoskins at length about a secret recording of Ting
6 that Hoskins had claimed to make in 2003. *Id.* at 460-69. Defense counsel also suggested
7 through questioning that Hoskins had been dishonest about the existence of this recording
8 because Hoskins did not know where the recording was. *Id.* at 463-67. Defense counsel also
9 suggested through questioning of Ting that Hoskins never had any conversations with Ting about
10 the defendant and steroids, other than the single request for information in 1999. *E.g.*, 3/31/11
11 Tr. at 1489-90. Those questions constituted an implicit accusation that Hoskins had fabricated
12 his testimony that he had conversations with Ting about the defendant and steroids.

13 The recording is consistent with Hoskins's in-court testimony because the contents of the
14 tape show that Hoskins spoke with Ting shortly after the Balco raid in 2003, and that the
15 conversation covered steroids and the defendant. Finally, because the recording was made
16 sometime in the fall of 2003, Hoskins's statements were made before he had a motive to testify
17 falsely against the defendant. Indeed, at the time that Hoskins made the statements, the
18 defendant had not testified in the grand jury or been indicted.

19 To the extent that Hoskins's and Ting's statements in the recording relate to matters that
20 this Court has ruled inadmissible, the government of course agrees that these statements should
21 be redacted from the recording, just as redactions have been made to the Anderson recording and
22 to the defendant's grand jury transcript.

23 **D. The government's proposed method of admitting the recording**

24 The government asks to recall Hoskins for the limited purposes of authenticating and
25 laying a foundation for the admission of the newly available tape into evidence.

26 Fed. R. Evid. 611(a) states that the court shall control the "mode and order of
27 interrogating witnesses and presenting evidence" so as to "make the interrogation and
28 presentation effective for the ascertainment of the truth," as well as to avoid needless

1 consumption of time and to protect witnesses. Thus, this Court has the discretion to allow the
2 government to recall any witness, including Hoskins. Rule 611(a) suggests that this Court should
3 permit the government to recall a witness when this is necessary to the “ascertainment of the
4 truth.” The government believes that the recording is essential to the jury’s fully-informed
5 ascertainment of whether Hoskins or Ting has been truthful about the number and nature of their
6 conversations about steroids and the defendant.

7 Alternatively, the government asks to recall Agent Novitzky to testify about the fact that
8 Hoskins revealed the recording to him on the evening of April 3, 2011, that Agent Novitzky has
9 reviewed the tape, that Agent Novitzky recognizes the voices of Hoskins and Ting on the tape,
10 and that the tape appears to be a conversation in the wake of the 2003 Balco raid about whether
11 the defendant would be caught up in the steroids investigation.

12 **CONCLUSION**

13 For the above-stated reasons, the government respectfully requests permission to admit
14 the 2003 recording of Hoskins’s conversation with Ting.

15
16
17 DATED: April 5, 2011

Respectfully submitted,

18 MELINDA HAAG
United States Attorney

19 /s/

20 MATTHEW A. PARRELLA
21 JEFFREY D. NEDROW
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EXHIBIT A

Draft Report of SA Novitzky – Dated 04-04-11

On April 3, 2011, at approximately 8:30 p.m., SA Novitzky placed a telephone call to Steve Hoskins. Previously that evening, SA Novitzky had received two unanswered telephone calls from Michael Cardoza, an attorney once retained by Hoskins.

Hoskins informed SA Novitzky that he found a tape recording of a conversation he had with Dr. Ting at his rented personal storage facility earlier in the day. He stated that the recording contained conversation about steroid use, BARRY BONDS and BALCO. Hoskins stated that when he found it, he called Cardoza and asked him what he should do. SA Novitzky informed Hoskins that he would be over shortly at his residence to pick up the recording. Hoskins stated that the recording with Dr. Ting was located on the other side of a microcassette recording that contained recordings of Kimberly Bell detailing her relationship with BARRY BONDS. Hoskins stated that Bell had consented to the recordings as she feared for her safety from BARRY BONDS.

At approximately 10:00 p.m. on April 3, 2011, SA Novitzky arrived at Hoskins residence in Redwood City, CA. Hoskins provided SA Novitzky with a microcassette that he stated contained the recording of Dr. Ting. Hoskins also provided SA Novitzky an Olympus PearlCorder S923 microcassette recorder. (Note: SA Novitzky requested the microcassette recorder from Hoskins while driving to pick up the recording so that he could listen to the recording when it was picked up).

Hoskins stated that he had not manipulated with the recording of Dr. Ting in any manner. He stated that the conversation took place in Dr. Ting's Fremont medical offices, and that Dr. Ting examined an injury on Hoskins during his visit. He also stated that he was not sure if the microcassette recording machine that he provided to SA Novitzky had been the machine that made the recording. He stated that there was possibly a different recorder that taped Dr. Ting conversation but that he was not sure, and could not locate it if did exist.

At approximately 11:00 a.m., SA Novitzky made a digital recording of the approximate 15 minute analog audio conversation between Hoskins and Dr. Ting, and forwarded to AUSA's Matt Parrella and Jeff Nedrow at approximately 11:30 p.m. SA Novitzky did not record the entire content of the microcassette, just the Hoskins and Dr. Ting section.

On the morning of April 4, 2011, SA Novitzky provided the microcassette to Sutton Pierce, United States Attorney's Office Automated Litigation Support Specialist, who used equipment to make duplicate digital audio recordings of the entire content of both sides of the microcassette.

Upon the completion of the recording by Pierce, USAO paralegal Denise Oki took possession of the microcassette and returned it to SA Novitzky.

EXHIBIT B

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Audio tape of conversation between
STEVE HOSKINS and DR. ART TING

Pages 1 - 19

Conversation: Hoskins/Ting

1 (Audio begins at 2:00 from start of
2 audio file)

3 DR. TING: Did they see it?

4 MR. HOSKINS: I was over there
5 working on it, man. (Indiscernible) but
6 I had my other one (indiscernible) like
7 that, too. You need to get four people
8 in there.

9 DR. TING: Yeah.

10 MR. HOSKINS: Start fixing. I don't
11 know if they fixed it yesterday or not.

12 DR. TING: Yesterday, they fixed it,
13 (indiscernible) like three days ago.

14 MR. HOSKINS: Okay. No, was it
15 three days? No, I think two days ago, it
16 was still there.

17 DR. TING: Picked it out, the
18 Wednesday -- Thursday -- Thursday, I
19 think.

20 MR. HOSKINS: Thursday
21 (indiscernible) Thursday.

22 DR. TING: (Indiscernible).

23 MR. HOSKINS: Doesn't it?

24 DR. TING: (Indiscernible).

25 MR. HOSKINS: Oh, man, they should

Conversation: Hoskins/Ting

1 (indiscernible) when What's-her-name was
2 taking a lot out of the stuff.

3 DR. TING: (Indiscernible) taking a
4 lot out of the stuff.

5 MR. HOSKINS: No, but I
6 (indiscernible) telling because when I
7 had -- because you don't want it to
8 (indiscernible).

9 DR. TING: At all?

10 MR. HOSKINS: I mean, it's okay, but
11 you don't want to have, I mean, when you
12 have four people in there, and they could
13 just be going somewhere and
14 (indiscernible) --

15 DR. TING: Yeah.

16 MR. HOSKINS: -- like if you had to
17 turn or something --

18 DR. TING: Yeah.

19 MR. HOSKINS: -- right?
20 (Indiscernible) they need a turn and, you
21 know, make the car go like that. You
22 don't like that shit. I mean, if
23 (indiscernible) drive (indiscernible). I
24 don't know just (indiscernible).

25 DR. TING: Oh, man, it's

Conversation: Hoskins/Ting

1 (indiscernible).

2 MR. HOSKINS: A little bit's okay.

3 DR. TING: (Indiscernible).

4 MR. HOSKINS: Oh, well, then that --

5 that's okay because what happens is

6 you're probably -- you hear a sound worse

7 than it is. As long as (indiscernible)

8 doesn't go (indiscernible) do anything --

9 DR. TING: No.

10 MR. HOSKINS: -- (indiscernible)

11 then that's okay.

12 DR. TING: Yeah.

13 MR. HOSKINS: Because you don't want

14 it to happen (indiscernible) steering

15 wheel (indiscernible).

16 DR. TING: No.

17 MR. HOSKINS: (Indiscernible). But

18 if you (indiscernible) make the wheel go

19 like that, if you're going around the

20 corner --

21 DR. TING: (Indiscernible).

22 MR. HOSKINS: -- and they hit a big

23 dip (indiscernible) like that.

24 DR. TING: Yeah.

25 MR. HOSKINS: You don't want --

Conversation: Hoskins/Ting

1 it'll freak -- it freaked him out.

2 DR. TING: (Indiscernible).

3 MR. HOSKINS: Quick healer, you
4 know, I didn't think (indiscernible) heal
5 this fast.

6 DR. TING: (Indiscernible). Let's
7 see here. Okay. (Indiscernible). Just
8 bought some. Yeah.

9 MR. HOSKINS: (Indiscernible).
10 That's (indiscernible) right here.
11 (Indiscernible) feel on you
12 (indiscernible). It's still sore.
13 That's where he (indiscernible) needle
14 (indiscernible). Yeah, it's still sore,
15 sore as hell right there.

16 DR. TING: (Indiscernible).

17 MR. HOSKINS: It's sore like a
18 bruise.

19 DR. TING: Yeah, you can feel that.

20 MR. HOSKINS: Yeah.

21 DR. TING: But it's all right.
22 It'll (indiscernible).

23 MR. HOSKINS: And then
24 (indiscernible)?

25 DR. TING: Yeah.

Conversation: Hoskins/Ting

1 MR. HOSKINS: (Indiscernible).

2 DR. TING: Yeah.

3 MR. HOSKINS: (Indiscernible) kick
4 me right in the eye.

5 DR. TING: Yeah. (Indiscernible).
6 (Indiscernible) surgeon?

7 MR. HOSKINS: No, I'm going over
8 there to -- I'm going there today. I
9 tried calling him, but those guys never
10 answer the phone.

11 DR. TING: (Indiscernible).

12 MR. HOSKINS: (Indiscernible),
13 something like that?

14 DR. TING: What happened?

15 MR. HOSKINS: (Indiscernible) they
16 raided -- they raided BALCO. They -- you
17 know Victor?

18 DR. TING: Yeah.

19 MR. HOSKINS: They went there
20 because Victor was the guy always being
21 in Greg's stuff.

22 DR. TING: Yeah.

23 MR. HOSKINS: Okay, well, in the
24 newspaper, they have Barry, they have
25 Marion Jones, just (indiscernible)

Conversation: Hoskins/Ting

1 saying, but they've got Barry as the main
2 one. Barry's the main one that they
3 supply stuff to. Marion Jones, and they
4 know that the same guy is known -- Victor
5 is known, I guess, in the whole circle.

6 DR. TING: (Indiscernible)?

7 MR. HOSKINS: Yup. Like, I guess,
8 Hunter. You know who was going with
9 Marion Jones? He was. Also, they busted
10 the girl, her name's Kelli White.

11 DR. TING: Yeah.

12 MR. HOSKINS: Okay, well, she got
13 all her stuff from BALCO, too. So what
14 happened is just last night, they -- the
15 IRS and the narcotic division, they
16 raided BALCO.

17 DR. TING: You've got to be kidding.

18 MR. HOSKINS: Took all their shit.

19 DR. TING: You know, I don't think
20 (indiscernible) have anything of that
21 shit. (Indiscernible).

22 MR. HOSKINS: And they have --

23 DR. TING: (Indiscernible).

24 MR. HOSKINS: This was last
25 (indiscernible) was last night.

Conversation: Hoskins/Ting

1 DR. TING: (Indiscernible).

2 MR. HOSKINS: Yeah. And then
3 they -- and then they said that -- oh,
4 they said Romanowski's one of them, but
5 they have 250 players.

6 DR. TING: You gotta be --

7 MR. HOSKINS: 250, I guess, football
8 players or athletes.

9 DR. TING: (Indiscernible).

10 MR. HOSKINS: It was for -- it was
11 raided last night. And it was in the
12 paper today. It was in the paper.
13 Because I knew a little bit
14 (indiscernible).

15 DR. TING: About Barry?

16 MR. HOSKINS: Yeah, he's a main
17 player. You know? And they said that
18 all the records were sealed right now.

19 DR. TING: But Barry's gonna
20 (indiscernible). (Indiscernible).

21 MR. HOSKINS: (Indiscernible)
22 private, but let me just tell you, that
23 ain't the case because the first thing
24 they did --

25 DR. TING: Yeah.

Conversation: Hoskins/Ting

1 MR. HOSKINS: -- was say that one of
2 the main people that drove there and get
3 their stuff from there is Barry.

4 DR. TING: They actually said that?

5 MR. HOSKINS: Yeah, his name was the
6 one that's in the paper. And they
7 know -- I mean, you don't know, Greg
8 probably tried to -- tried to figure out
9 whatever -- what -- Barry -- somewhere on
10 their computer -- somewhere in their
11 thing, they have it for Barry
12 (indiscernible) all their shit.

13 DR. TING: They do?

14 MR. HOSKINS: Yup. Because what
15 happened, man, it was a trip. And I
16 didn't even -- I didn't even know this.
17 This is how weird shit is, okay. I get a
18 call from my mom.

19 DR. TING: (Indiscernible).

20 MR. HOSKINS: And my mom tells me,
21 you've gotta call Smoky. And Smoky says,
22 (Indiscernible), man, who plays in a
23 woman's football league thing, but she
24 does drugs heavy and she knows. She's
25 best buddies, I guess, with Victor. So

Conversation: Hoskins/Ting

1 she calls me and tells me, okay, well you
2 better -- she says, you better call Greg
3 or try to get a hold of Barry, or
4 whatever, because they're going --
5 they're arresting Victor right now.
6 They're going through his -- they're
7 searching the lab --

8 DR. TING: (Indiscernible) --

9 MR. HOSKINS: I didn't --

10 DR. TING: -- figure it all --

11 MR. HOSKINS: I don't know. Thing
12 is, I don't -- I never even knew his
13 (indiscernible). All of them already
14 knew that Victor -- that Barry was
15 already (indiscernible). And Barry was
16 already (indiscernible) Victor
17 (indiscernible) shit. I didn't even know
18 this person.

19 So he calls me up, tells me to give
20 them (indiscernible) work. Barry's got
21 anything in his computer, they've got
22 anything, you'd better get rid of it.
23 And 'cause he said, 'cause -- 'cause the
24 first thing he -- first thing Smoky said
25 was that he knows that Barry's on

1 their -- on their list, their computer
2 thing. So they knew they supplied Barry
3 with stuff. And it won't come really
4 (indiscernible) because that the feds on
5 the side of (indiscernible), they have
6 the records and stuff sealed right now --

7 DR. TING: (Indiscernible).

8 MR. HOSKINS: -- because they don't
9 want any reporters. It's in
10 (indiscernible) paper, I started to bring
11 the damn thing to you today. It's in
12 the -- (indiscernible) in the whole front
13 (indiscernible) paper. He's in the
14 (indiscernible) paper. I was looking in
15 the Chronicle today, but I didn't see it
16 in the Chronicle.

17 DR. TING: Yeah.

18 FEMALE SPEAKER: (Indiscernible).

19 MR. HOSKINS: It's not because of
20 me. I've only been here two minutes.

21 DR. TING: (Indiscernible).

22 MR. HOSKINS: (Indiscernible).
23 (Indiscernible) they said they have the
24 records sealed, but they only -- those
25 big (indiscernible) that they're making

Conversation: Hoskins/Ting

1 | here. You knew (indiscernible) because
2 | you were -- (indiscernible) the one who
3 | told me -- and you told me that. And you
4 | (indiscernible), this other guy named
5 | Brian (ph.) Gold -- Goldstein. He's
6 | this -- okay, they said Victor's got his
7 | files in the lab, but this Brian, whoever
8 | the hell he (indiscernible) white
9 | (indiscernible) shit or Gold -- Gold
10 | (indiscernible). Whatever.

11 | DR. TING: (Indiscernible).

12 | MR. HOSKINS: He, well, that guy
13 | worked, they got the stuff from BALCO.
14 | They got it from Vic.

15 | DR. TING: Yeah?

16 | MR. HOSKINS: Yeah.

17 | DR. TING: The first one?

18 | MR. HOSKINS: Goldman got it from
19 | Victor. They made up the stuff to give
20 | to (indiscernible).

21 | DR. TING: (Indiscernible).

22 | MR. HOSKINS: See BALCO, see the
23 | thing of it is, BALCO, they are doing
24 | this stuff.

25 | DR. TING: Um-hum.

Conversation: Hoskins/Ting

1 MR. HOSKINS: They're making it.

2 And that's why the -- the one of the IRS
3 was one of the people because again,
4 however they do it, they're not claiming
5 the money from the people, whatever the
6 hell. So IRS was there and the narcotic
7 people. You know, the only reason
8 narcotics --

9 DR. TING: Because of the drugs.

10 MR. HOSKINS: -- was because of the
11 drugs. And the guy, I guess, Victor, he
12 knew all about doping all the guy -- all
13 the athletes up.

14 DR. TING: (Indiscernible).

15 MR. HOSKINS: Right, exactly.
16 (Indiscernible) exactly. So that's where
17 Greg was always trying to say, well, you
18 need to get tested using this. But what
19 they did is they said they had --

20 DR. TING: (Indiscernible).

21 MR. HOSKINS: -- they had computer -
22 - they had computer whatever guys,
23 specialists, go in there.

24 DR. TING: (Indiscernible)?

25 MR. HOSKINS: I don't know. They

Conversation: Hoskins/Ting

1 take -- because you know, Greg always
2 used to say that. He had the right
3 amount or whatever the hell so that if
4 you got tested or whatever --

5 DR. TING: (Indiscernible).

6 MR. HOSKINS: -- it wouldn't show
7 up. And those guys know exactly what the
8 incremental -- (indiscernible) -- they
9 know (indiscernible) grid, though,
10 basically, is what I'm saying. But that
11 shit mother-fucker, that shit's getting
12 ready to come -- because they -- they had
13 all the records on the comptuer, right
14 now. But it'll be all over in a minute.
15 I'm getting (indiscernible) --

16 DR. TING: (Indiscernible).

17 MR. HOSKINS: -- those records are
18 sealed (indiscernible). And then last
19 night, they had it on the news
20 (indiscernible) --

21 DR. TING: (Indiscernible).

22 MR. HOSKINS: -- had a picture of
23 Barry. And then -- had a picture of
24 Barry and Romanowski.

25 DR. TING: (Indiscernible).

Page 14

Conversation: Hoskins/Ting

1 MR. HOSKINS: Well, you know Roman -

2 -

3 DR. TING: Yeah, I know him.

4 MR. HOSKINS: (Indiscernible)

5 pictures of (indiscernible).

6 DR. TING: (Indiscernible).

7 MR. HOSKINS: Yeah, I know.

8 (Indiscernible). You know, it

9 (indiscernible) that BALCO reported that

10 the -- that the trash had been

11 (indiscernible) in August, they reported

12 in August that the trash was

13 (indiscernible). (Indiscernible) took

14 the shit. (Indiscernible) they imported

15 a (indiscernible). (Indiscernible) with

16 that. (Indiscernible).

17 DR. TING: (Indiscernible) that.

18 MR. HOSKINS: And I didn't even

19 (indiscernible). When I got the call

20 from my mom --

21 DR. TING: (Indiscernible).

22 MR. HOSKINS: -- I didn't have no

23 clue (indiscernible). I had no clue that

24 anybody else knew, but I knew

25 (indiscernible). A lot of other people

Conversation: Hoskins/Ting

1 were --

2 DR. TING: (Indiscernible) Bonds.

3 MR. HOSKINS: -- and I'm like,
4 (indiscernible) I'm like, used to those
5 (indiscernible). I didn't know
6 (indiscernible).

7 DR. TING: (Indiscernible), yeah,
8 they all -- they all know who it is.
9 Victor's the one who called me about it.
10 He had (indiscernible) --

11 MR. HOSKINS: Yeah.

12 DR. TING: -- (indiscernible).

13 MR. HOSKINS: Yeah.

14 DR. TING: He (indiscernible) car
15 (indiscernible), call, said he got my
16 name. (Indiscernible) --

17 MR. HOSKINS: Yeah.

18 DR. TING: -- they said give him my
19 name, I'll take care of them.

20 MR. HOSKINS: See, I didn't know --
21 I didn't -- I never --

22 DR. TING: They all know
23 (indiscernible). They all know.

24 MR. HOSKINS: So that's how Greg --
25 that's how Greg got the shit.

Conversation: Hoskins/Ting

1 DR. TING: (Indiscernible).

2 MR. HOSKINS: Yeah.

3 DR. TING: (Indiscernible) doing it.

4 MR. HOSKINS: That's what they
5 wanted. They want is -- it's what you

6 want (indiscernible). How Victor

7 (indiscernible).

8 DR. TING: He makes it.

9 MR. HOSKINS: Makes it?

10 DR. TING: (Indiscernible).

11 MR. HOSKINS: They probably figured
12 that out. (Indiscernible).

13 DR. TING: But there's another guy.

14 (Indiscernible).

15 MR. HOSKINS: The guy that -- they
16 were (indiscernible). (Indiscernible).

17 DR. TING: (Indiscernible).

18 MR. HOSKINS: I didn't know. I
19 didn't know. I didn't know the doctor,
20 man.

21 DR. TING: (Indiscernible)?

22 MR. HOSKINS: Well, that's how it
23 starts. (Indiscernible) in the hole
24 (indiscernible) baseball (indiscernible).

25 (Indiscernible) but people know. They

Conversation: Hoskins/Ting

1 know.

2 DR. TING: Yeah.

3 MR. HOSKINS: Yeah, they know

4 (indiscernible). I was shocked. When he
5 told me that (indiscernible).

6 DR. TING: Yeah. Wild

7 (indiscernible). (Indiscernible).

8 MR. HOSKINS: Well, hey, okay. Bye-
9 bye. Thank you.

10 (On phone) All right,

11 (indiscernible).

12 Yeah.

13 Walking outside the office right
14 now. They said (indiscernible).

15 Yeah, hold on. I'll just get that
16 stuff back to you in just a little bit.

17 No.

18 (End of audio)

19

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C E R T I F I C A T I O N

I, Dena Page, hereby certify that the foregoing is a true and correct transcription; to the best of my ability, of the sound recorded proceedings submitted for transcription.

I further certify that I am not employed by nor related to any party to this action.

In witness whereof, I hereby sign this date:
April 4, 2011.

Dena Page

[1 - hoskins]

	1	bought 5:8	5:25 6:2,5,11,14,18	g
1	1:24	brian 12:5,7	6:22 7:6,11,17,19	getting 14:11,15
19	1:24	bring 11:10	7:23 8:1,6,9,15,19	girl 7:10
	2	bruise 5:18	8:25 9:4,13,19 10:8	give 10:19 12:19
		buddies 9:25	10:10 11:7,17,21	16:18
2011	19:15	busted 7:9	12:11,15,17,21,25	go 3:21 4:8,18 13:23
250	8:5,7	bye 18:8,9	13:9,14,20,24 14:5	going 3:13 4:19 6:7
2:00	2:1		14:16,21,25 15:3,6	6:8 7:8 10:4,6
	4	c	15:17,21 16:2,7,12	gold 12:5,9,9
4	19:15	call 9:18,21 10:2	16:14,18,22 17:1,3	goldman 12:18
	a	15:19 16:15	17:8,10,13,17,21	goldstein 12:5
ability	19:6	called 16:9	18:2,6	gonna 8:19
action	19:11	calling 6:9	drive 3:23	gotta 8:6 9:21
ago	2:13,15	calls 10:1,19	drove 9:2	greg 9:7 10:2 13:17
ain't	8:23	car 3:21 16:14	drugs 9:24 13:9,11	14:1 16:24,25
amount	14:3	care 16:19	e	greg's 6:21
answer	6:10	case 8:23	e 19:2	grid 14:9
anybody	15:24	cause 10:23,23,23	employed 19:10	guess 7:5,7 8:7 9:25
april	19:15	certify 19:4,10	exactly 13:15,16	13:11
arresting	10:5	chronicle 11:15,16	14:7	guy 6:20 7:4 12:4,12
art	1:10	circle 7:5	eye 6:4	13:11,12 17:13,15
athletes	8:8 13:13	claiming 13:4	f	guys 6:9 13:22 14:7
audio	1:9 2:1,2	clue 15:23,23	f 19:2	h
	18:18	come 11:3 14:12	fast 5:5	happen 4:14
august	15:11,12	comptuer 14:13	feds 11:4	happened 6:14 7:14
	b	computer 9:10	feel 5:11,19	9:15
back	18:16	10:21 11:1 13:21,22	female 11:18	happens 4:5
balco	6:16 7:13,16	conversation 1:9	figure 9:8 10:10	heal 5:4
	12:13,22,23 15:9	corner 4:20	figured 17:11	healer 5:3
barry	6:24 7:1 8:15	correct 19:5	file 2:2	hear 4:6
	9:3,9,11 10:3,14,15	d	files 12:7	heavy 9:24
	11:2 14:23,24	damn 11:11	first 8:23 10:24,24	hell 5:15 12:8 13:6
barry's	7:2 8:19	date 19:14	12:17	14:3
	10:20,25	days 2:13,15,15	fixed 2:11,12	hey 18:8
baseball	17:24	dena 19:4,22	fixing 2:10	hit 4:22
basically	14:10	dip 4:23	football 8:7 9:23	hold 10:3 18:15
begins	2:1	division 7:15	foregoing 19:5	hole 17:23
best	9:25 19:6	doctor 17:19	four 2:7 3:12	hoskins 1:10 2:4,10
better	10:2,2,22	doing 12:23 17:3	freak 5:1	2:14,20,23,25 3:5
big	4:22 11:25	doping 13:12	freaked 5:1	3:10,16,19 4:2,4,10
bit	8:13 18:16	dr 1:10 2:3,9,12,17	front 11:12	4:13,17,22,25 5:3,9
bit's	4:2	2:22,24 3:3,9,15,18	fucker 14:11	5:17,20,23 6:1,3,7
bonds	16:2	3:25 4:3,9,12,16,21	further 19:10	6:12,15,19,23 7:7
		4:24 5:2,6,16,19,21		7:12,18,22,24 8:2,7

Page 1

[hoskins - side]

8:10,16,21 9:1,5,14	i'm 14:10	n	private 8:22
9:20 10:9,11 11:8	j	n 19:2	probably 4:6 9:8
11:19,22 12:12,16	jones 6:25 7:3,9	name 3:1 9:5 16:16	17:11
12:18,22 13:1,10,15	k	16:19	proceedings 19:7
13:21,25 14:6,17,22	kelli 7:10	name's 7:10	q
15:1,4,7,18,22 16:3	kick 6:3	named 12:4	quick 5:3
16:11,13,17,20,24	kidding 7:17	narcotic 7:15 13:6	r
17:2,4,9,11,15,18,22	knew 8:13 10:12,14	narcotics 13:8	r 19:2
18:3,8	11:2 12:1 13:12	need 2:7 3:20 13:18	raided 6:16,16 7:16
hum 12:25	15:24,24	needle 5:13	8:11
hunter 7:8	know 2:11 3:21,24	never 6:9 10:12	ready 14:12
i	5:4 6:17 7:4,8,19	16:21	really 11:3
imported 15:14	8:17 9:7,7,16 10:11	news 14:19	reason 13:7
incremental 14:8	10:17 13:7,25 14:1	newspaper 6:24	recorded 19:7
indiscernible 2:5,6	14:7,9 15:1,3,7,8	night 7:14,25 8:11	records 8:18 11:6,24
2:13,21,22,24 3:1,3	16:5,8,20,22,23	14:19	14:13,17
3:6,8,14,20,23,23,24	17:18,19,19,25 18:1	o	related 19:11
4:1,3,7,8,10,14,15	18:3	o 19:2	reported 15:9,11
4:17,18,21,23 5:2,4	known 7:4,5	office 18:13	reporters 11:9
5:6,7,9,10,11,12,13	knows 9:24 10:25	oh 2:25 3:25 4:4 8:3	rid 10:22
5:14,16,22,24 6:1,3	l	okay 2:14 3:10 4:2,5	right 3:19 5:10,15
6:5,6,11,12,15,25	lab 10:7 12:7	4:11 5:7 6:23 7:12	5:21 6:4 8:18 10:5
7:6,20,21,23,25 8:1	league 9:23	9:17 10:1 12:6 18:8	11:6 13:15 14:2,13
8:9,14,20,20,21	list 11:1	outside 18:13	18:10,13
9:12,19,22 10:8,13	little 4:2 8:13 18:16	p	roman 15:1
10:15,16,17,20 11:4	long 4:7	page 19:4,22	romanowski 14:24
11:5,7,10,12,13,14	looking 11:14	pages 1:24	romanowski's 8:4
11:18,21,22,23,25	lot 3:2,4 15:25	paper 8:12,12 9:6	s
12:1,2,4,8,9,10,11	m	11:10,13,14	saying 7:1 14:10
12:20,21 13:14,16	main 7:1,2 8:16 9:2	party 19:11	says 9:21 10:2
13:20,24 14:5,8,9	making 11:25 13:1	people 2:7 3:12 9:2	sealed 8:18 11:6,24
14:15,16,18,20,21	man 2:5,25 3:25	13:3,5,7 15:25	14:18
14:25 15:4,5,6,8,9	9:15,22 17:20	17:25	searching 10:7
15:11,13,13,14,15	marion 6:25 7:3,9	person 10:18	see 2:3 5:7 11:15
15:15,16,17,19,21	mean 3:10,11,22 9:7	ph 12:5	12:22,22 16:20
15:23,25 16:2,4,5,6	minute 14:14	phone 6:10 18:10	shit 3:22 7:18,21
16:7,10,12,14,15,16	minutes 11:20	picked 2:17	9:12,17 10:17 12:9
16:23 17:1,3,6,7,10	mom 9:18,20 15:20	picture 14:22,23	14:11 15:14 16:25
17:12,14,16,16,17	money 13:5	pictures 15:5	shit's 14:11
17:21,23,24,24,25	mother 14:11	player 8:17	shocked 18:4
18:4,5,7,7,11,14		players 8:5,8	show 14:6
irs 7:15 13:2,6		plays 9:22	side 11:5
it'll 5:1,22 14:14			

[sign - yup]

sign 19:13	10:10 11:7,17,21	work 10:20
smoky 9:21,21 10:24	12:11,15,17,21,25 13:9,14,20,24 14:5	worked 12:13
sore 5:12,14,15,17	14:16,21,25 15:3,6	working 2:5
sound 4:6 19:6	15:17,21 16:2,7,12	worse 4:6
speaker 11:18	16:14,18,22 17:1,3	y
specialists 13:23	17:8,10,13,17,21	yeah 2:9 3:15,18
start 2:1,10	18:2,6	4:12,24 5:8,14,19
started 11:10	today 6:8 8:12 11:11	5:20,25 6:2,5,18,22
starts 17:23	11:15	7:11 8:2,16,25 9:5
steering 4:14	told 12:3,3 18:5	11:17 12:15,16 15:3
steve 1:10	transcription 19:5,8	15:7 16:7,11,13,17
stuff 3:2,4 6:21 7:3 7:13 9:3 11:3,6 12:13,19,24 18:16	trash 15:10,12	17:2 18:2,3,6,12,15
submitted 19:7	tried 6:9 9:8,8	yesterday 2:11,12
supplied 11:2	trip 9:15	yup 7:7 9:14
supply 7:3	true 19:5	
surgeon 6:6	try 10:3	
t	trying 13:17	
t 19:2,2	turn 3:17,20	
take 14:1 16:19	two 2:15 11:20	
tape 1:9	u	
tell 8:22	um 12:25	
telling 3:6	v	
tells 9:20 10:1,19	vic 12:14	
tested 13:18 14:4	victor 6:17,20 7:4 9:25 10:5,14,16 12:19 13:11 17:6	
thank 18:9	victor's 12:6 16:9	
thing 8:23 9:11,23 10:11,24,24 11:2,11 12:23	w	
think 2:15,19 5:4 7:19	walking 18:13	
three 2:13,15	want 3:7,11 4:13,25 11:9 17:5,6	
thursday 2:18,18,20 2:21	wanted 17:5	
ting 1:10 2:3,9,12,17 2:22,24 3:3,9,15,18 3:25 4:3,9,12,16,21 4:24 5:2,6,16,19,21 5:25 6:2,5,11,14,18 6:22 7:6,11,17,19 7:23 8:1,6,9,15,19 8:25 9:4,13,19 10:8	wednesday 2:18	
	weird 9:17	
	went 6:19	
	wheel 4:15,18	
	whereof 19:13	
	white 7:10 12:8	
	wild 18:6	
	witness 19:13	
	woman's 9:23	

EXHIBIT C

74-SF-137604

TAPE 1

HY

1

STEVE HOSKINS: (SH)

DR. TING: (DT)

UNINTELLIGIBLE: (UI)

(Background Noises)

UM: (UI) doing somebody up. Can you let Greg know I'm here. I'll wait here. I'll wait here.

UM: (UI) alright?

UM: Yeah, I'm working on it (UI) right now. Starting off football.

(Loud Background Noises)

UM: (UI).

UM: I was over there working on it man.

UM: (UI).

UM: (UI) have my other one in rows like that too. You can get four people in there.

UM: Yeah.

UM: (UI) I didn't know if they fixed it yesterday or not.

UM: They fixed it. (UI) picked it up. I picked it up like two, like three days ago.

UM: Okay, no was it three. No I think two days ago it was still there.

DT: Picked it up Wednesday or Thursday, Thursday I think.

SH: Thursday (UI). Thursday

DT: (UI).

SH: (UI) What's her name had taken a lot out of it though.

DT: (UI) he and Bonds (UI).

74-SF-137604

TAPE 1

HY

2

SH: Ah man, (UI) there when what's her name was taking a lot out of it though.

DT: (UI) take a lot out of it (UI).

SH: (UI) when I had tell him cause you don't want it to (UI).

DT: No.

SH: I mean it's okay but you don't want to ev...have four people in there and they could just be going somewhere and then they made a turn or something right.

DT: Yeah, yeah.

SH: Say like be going to court and they need a turn (UI) car or like that. I don't like that shit. I mean if it's somebody like (UI) I don't want to touch (UI).

DT: (UI).

SH: A little bit's okay.

DT: (UI).

SH: Yeah (UI) that's okay cause what happens is you're it'll sound worse than it is. As long as there's (UI) car do anything. (UI) then that's okay.

DT: Yeah.

SH: Cause you don't want it to have any steering wheel (UI) where you at.

DT: No.

SH: Cause they're just kids and you could hear yourself go ahh can't do that. (UI) wheel go like that (UI) around the corner and they hit a, and they hit a big dip.

DT: (UI).

SH: (UI) freak them out.

74-SF-137604

TAPE 1

HY

3

DT: (UI).

SH: Quick healer, but you know I didn't think it would heal this bad.

DT: I know (UI) it.

SH: (UI) Okay (UI) yeah (UI) that, that's part of (UI) feel right here. Hard (UI) still soew (UI) needle (UI). Sore, sore as hell right there, shit.

DT: It's sensitive right.

SH: It's sore like a bruise.

DT: Yeah, you could feel the (UI) but it's alright (UI).

SH: (Did you get what the search is?

DT: Yeah (UI) LA (UI).

DT: (UI) Did you get your prescription?

SH: Nah, I'm going over there, I'm going there today I tried to call him and those guys never answers the phone.

DT: (UI).

SH: They raided uh, they raided Balco. You know Victor.

DT: They did?

SH: They, they, they went in there, Victor was the guy always giving Greg the stuff.

DT: Right.

SH: Okay well they, in the newspaper they have Vic, they have Barry, they have Marion Jones. Just a fucking trip. They got Barry as the main one, Barry's the main one that they supply stuff to. Marion Jones and they know that the same guy is known, Victor is known I guess in the whole circle.

74-SF-137604

TAPE 1

HY

4

DT: (UI)

SH: Yep. Um, like I guess Hunter and you know, who was going with Marion Jones (UI). K, well, also they busted the girl, her name's Kelly White.

DT: Yeah.

SH: Okay well she got all her stuff from Balco too. So what happened is just last night they, they uh, the IRS and, and the Narcotics Division, they raided Balco.

DT: You gotta be shitting me.

SH: Took all their shit.

DT: Here, I'm thinking Barry (UI). (Yeah, I think Barry's was there, right)

SH: And they have uh...

DT: (UI).

SH: This (UI) last night yeah. And then they, and then they said that uh, for, and they said Romanowski (phonetic) is one of 'em but they do 250 players. Two hundred fifty I guess football players or athletes.

DT: They did it today?

SH: (UI) last night and in the paper today, in the paper it was in the news a little bit.

DT: Is Barry in there?

SH: Yeah he is the main player.

DT: You're shitting me.

SH: Nope. And they said that uh, all the records are sealed right now.

DT: Cause Barry goes there (UI) some blood work (UI) That's what Greg said (UI).

74-SF-137604

TAPE 1

HY

5

SH: Greg tried it, but let me just tell you that ain't the case was because the first thing they did.

DT: Yeah.

SH: Was say that one of the main people that go there and get their stuff from there is Barry.

DT: They actually said that?

SH: Yeah, his name is the one that's in the paper.

DT: Ah..

SH: And they know I mean even though Greg probably tried to uh, tried to figure whatever worked for Barry. Somewhere on their comput..some were on their thing they had for Barry on there, all their shit.

DT: They did?

SH: Yep cause what happened man there this was a trip and I didn't even, I didn't even know this, this is how weird shit is okay. I get a call from my mom and my mom tells me you gotta call Smokey (phonetic) and Smokey's a chick man, who plays in the women's football league thing but she does drugs (UI) and she knows (UI). She's best buddies I guess with Victor. So she calls me and tells me okay you better, she says you better call Greg or try to get a hold of Barry whatever cause they're going, they're arresting Victor right now and they're going through his, they're, they're, they're searching the lab.

DT: (UI) Victor (UI)?

SH: I didn't, I don't know and I, the thing is I don't even, I never even knew of this chick. All of them already knew that Victor, that Barry was already juicing, that Barry was already juicing the Victor guy was giving Greg the shit. I don't even know this person. So he calls me up, tells me to, to give the names (UI) if Barry's got anything in his computer you know they got anything, you better get rid of it. And cause he said cause, cause the first thing, the first

74-SF-137604

TAPE 1

HY

6

thing Smokey said was that he knows that Barry's on their--

DT: Their list.

SH: On their list or computer thing, so they knew that they supplied Barry with stuff.

DT: (UI).

SH: And it won't come really huge because the, the feds will try to make they, they have the records and stuff sealed right now.

DT: But (UI)?

SH: Cause they don't want any reports.

DT: But it's in the paper.

SH: It's in today's paper I started to bring the damn thing to you today. It's in the, it was in the whole front of the San Mateo paper. Ain't in the Redwood City paper, I was looking in the Chronicle today but I didn't see it in the Chronicle.

DT: Yeah (UI). (Chronicle's crap (?))

SH: It's not because of me. I only been here two minutes.

DT: Where's Barry at? (OR: UI)

SH: Um, well they said they have the, the records sealed but the only, the leak the name that they (are missing (UI) (?) here. And it's weird because you were, just when you told me that, you told me that they mentioned the other guy's name is Brian Gold, Goldstein (phonetic)? Ok, they said Victor's the guy who founded the lab with this Brian whoever the hell gave (UI) Kelly White her shit.

DT: Oh Goldman,

ST: Gold Brain Gold (UI) That's who gave Kelly White (UI)

74-SF-137604

TAPE 1

HY

7

DT: (UI)

ST: Whatever (UI).

DT: Her shit.

ST: Yeah.

DT: (UI)

SH: Well that, that work, they got it from, from Balco.
They got it from Victor.

DT: Yeah?

SH: Yeah.

DT: Whose Goldman got it from?

SH: Goldman got it from Victor. They made up the stuff to
give to Jones.

DT: That's right.

SH: See Balco, see the thing of it is, Balco they are doing
the stuff.

DT: They're making it.

SH: They're making it. And that's why the one the IRS got
one of the people because I guess however they do with
it they're not claiming the money from the people
whatever the hell the IRS was there (UI) narcotics
people (UI). The only reason narcotics was there--

DT: The drugs.

SH: Was cause of the drugs. And the guy I guess Victor's
known--

DT: (UI)

SH: To the whole (UI) for doping all of the guy, all of the
athletes up.

74-SF-137604

TAPE 1

HY

8

DT: (UI). Cover stuff (UI)

SH: Right, exactly there you go, exactly. So that's where Greg was trying, always trying to say well even if you got tested what they did is they said they had um,

DT: (UI)

SH: They had computer, they had computer whatever guy inspector that's going there.

DT: (UI)

SH: From there (UI) because you know Greg always used to say you had the right amount or whatever the hell so that if you got tested or whatever--

DT: Wouldn't show up.

SH: --the hell it wouldn't show up. And those guys know exactly whatever the increments or same shit, they know the same shit Greg knows basically is what I'm saying. So that shit's going to fucking, that shit's getting ready to come, cause they, they got all the records sealed right now. But it will be all over in a minute. (UI) Chronicle (UI) records are sealed (UI). San Mateo, Redwood City (UI) and then last night they had it on the news real fast but you could hardly see it.

DT: Oh really?

SH: Had a picture of Barry and then had picture of Barry running out (UI)

DT: Romo (UI)

SH: Oh, you know Romo (UI).

DT: (UI) Pictures of (UI)

SH: (UI) you know that uh, that Balco reported that their trash had been missing in August. They reported in August that their trash was missing. That son of a bitch took their shit. (UI) that they reported their trash missing (UI).

74-SF-137604

TAPE 1

HY

9

DT: (UI).

SH: (UI) when I got the call from my mom.

DT: That's fucked up.

SH: I didn't have no clue as to what, I didn't have no clue that somebody else knew. I thought I, I knew and about five other people were around.

DT: (UI) About Bonds.

SH: (UI). Yeah and I didn't know Victor.

DT: You know they all, they all know who he is. Victor's the one who called me about (UI). Bonds (UI) um--

SH: Yeah.

DT: --you know what I'm saying.

SH: Yeah.

DT: (UI) Chronicle(?) call. They called me, said they got my name from Victor. (UI).

SH: Yeah.

DT: Victor gave them my name - (UI) I'll take care of them (UI).

SH: See I didn't know. I didn't, I never...

DT: They all know Victor. They all know.

SH: So that's how Greg, that's how Greg got his shit (UI).

DT: (UI).

SH: See that's what they want. They want his, they want how Victor got his shit, that's what they want.

DT: He, he, he makes it.

SH: Makes it? So that's how--

74-SF-137604

TAPE 1

HY

10

DT: (UI) Yeah.

SH: They might have figured that out (UI).

DT: (UI) But there's another guy (UI) story (UI)

SH: Okay.

DT: (UI) mention Victor's name but there's another, another (UI) makes it.

SH: Yeah I didn't know, but I didn't know, I didn't know--

DT: (UI) It's out there (UI) stories around.

SH: Well that's how it starts (UI) more people (UI).

DT: (UI) they knew baseball and steroids shit goes on (UI) years (UI) But people know. I know.

SH: Yeah.

DT: Yeah, (UI).

SH: See I was, I was shocked cause he told me that. (UI)

DT: (UI). Yeah. (UI)

SH: (UI) Okay, yeah okay, hello. Alright okay, alright thanks (UI). Alright just give me (UI) yeah. Uh just walking off (UI) right now. They said everything's cool. But uh. (UI - background noise) Yeah hold on I'll just get that stuff back to you in just a little bit. Um, no.

(End of Conversation)