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 BARRY LAMAR BONDS

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

14 UNITED STATES OF AMERICA,

15  
 16 Plaintiff,

17 vs.

18 BARRY LAMAR BONDS,

19 Defendant.

) Case No. CR 07 0732 SI

)  
 ) **DEFENDANT'S NOTICE OF MOTION**  
 ) **AND MOTION TO DISMISS COUNTS I,**  
 ) **II, V, VII, VIII, IX, XI, XII, XIV, AND XV**  
 ) **OF THE SUPERSEDING INDICTMENT;**  
 ) **AND SUPPORTING MEMORANDUM**

) Date: October 24, 2008

) Time: 11:00 a.m.

) Judge: The Honorable Susan Ilston

21 **TO: JOSEPH RUSSONIELLO, UNITED STATES ATTORNEY; MATTHEW**  
 22 **PARRELLA, JEFFREY NEDROW, AND JEFFREY FINIGAN, ASSISTANT**  
 23 **UNITED STATES ATTORNEYS; AND THE CLERK OF THE ABOVE-**  
 24 **ENTITLED COURT:**

25 PLEASE TAKE NOTICE that on Friday, October 24, 2008, at 11 a.m. in the Courtroom  
 26 of the Honorable Susan Ilston, defendant BARRY LAMAR BONDS will move the Court for an  
 27 order dismissing counts one, two, five, seven, eight, nine, eleven, twelve, fourteen, and fifteen of  
 28 the superseding indictment filed on May 13, 2008.

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1 This motion is founded on the present notice of motion; the accompanying memorandum  
2 of points and authorities; the papers and records on file in the action; and on such oral and  
3 documentary evidence as may be presented at the time of the hearing.

4 Dated: August 25, 2008

Respectfully submitted,

5 LAW OFFICES OF ALLEN RUBY

6 ARGUEDAS, CASSMAN & HEADLEY, LLP

7 RAINS, LUCIA & WILKINSON, LLP

8 RIORDAN & HORGAN

9 By /s/ Dennis P. Riordan  
10 Dennis P. Riordan

11 By /s/ Donald M. Horgan  
12 Donald M. Horgan

13 Counsel for Defendant  
14 Barry Lamar Bonds