

No.

FILED

UNITED STATES DISTRICT COURT PH 12: 12

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIERING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

THE UNITED STATES OF AMERICA

vs.

BARRY LAMAR BONDS

SUPERSEDING INDICTMENT

COUNTS ONE - TEN: Title 18, U.S.C. § 1623(a) - False Declarations Before Grand Jury

COUNT ELEVEN: Title 18, U.S.C. § 1503 - Obstruction of Justice

*A true bill.*

*[Signature]*  
Foreperson

Filed in open court this 4 day of DECEMBER 2008

A.D. 2008 *[Signature]*  
BETTY P. LEE  
United States Magistrate Judge

Bail. \$ No process

*[Signature]*

EDWARD M. CHEN  
UNITED STATES MAGISTRATE JUDGE

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  COMPLAINT  INFORMATION  INDICTMENT

SUPERSEDING

**OFFENSE CHARGED**

- Counts 1-10: 18 U.S.C. § 1623(a) - False Declarations Before Grand Jury  Petty
- Count 11: 18 U.S.C. § 1503 - Obstruction of Justice  Minor
- Misdemeanor
- Felony

**PENALTY:** Counts 1-10: 5 years maximum imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment fee  
Count 11: 10 years maximum imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment fee

Name of District Court, and/or Judge/Magistrate Location

**NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**FILED**  
DEC - 4 PM 12:12

**DEFENDANT - U.S.**

**BARRY LAMAR BONDS**

**DISTRICT COURT NUMBER  
07-0732 SI**

**RICHARD W. HARRIS  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Internal Revenue Service, Criminal Investigation

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY  DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form JOSEPH P. RUSSONIELLO

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) AUSA MATTHEW PARRELLA

**DEFENDANT IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)  If not detained give date any prior summons was served on above charges
- 2)  Is a Fugitive
- 3)  Is on Bail or Release from (show District)

Northern District of California

**DEFENDANT IS IN CUSTODY**

- 4)  On this charge
- 5)  On another conviction }  Federal  State
- 6)  Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed?  Yes  No

If "Yes" give date filed

**DATE OF ARREST**  Month/Day/Year

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED TO U.S. CUSTODY**  Month/Day/Year

This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS**

**PROCESS:**

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

\_\_\_\_\_ Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

FILED

08 DEC -4 PM 12:12

RICHARD W. WILKINSON  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

2

3

4

5

6

7

8

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

9

10

11

12

UNITED STATES OF AMERICA, )

No. CR 07-0732-SI

13

Plaintiff, )

VIOLATIONS: 18 U.S.C. § 1623(a) – False  
Declarations Before Grand Jury; 18 U.S.C. §  
1503 – Obstruction of Justice

14

v. )

15

BARRY LAMAR BONDS, )

SAN FRANCISCO VENUE

16

Defendant. )

17

18

19

SECOND SUPERSEDING INDICTMENT

20

The Grand Jury charges:

21

Background

22

At all times relevant to this Indictment:

23

1. The defendant, BARRY LAMAR BONDS (“Bonds”), was a Major League

24

Baseball player for the San Francisco Giants.

25

2. Balco Laboratories, Inc. (“Balco”), was a California corporation performing

26

blood-testing, among other functions. Balco was located in Burlingame, California.

27

3. Greg Anderson (“Anderson”) was a personal athletic trainer whose clients

28

included numerous professional athletes, including Bonds. Anderson was affiliated with Balco

1 in that, among other things, he: obtained illegal drugs for later distribution to his clients  
2 (including professional athletes); submitted biological specimens from his clients to Balco for  
3 testing (including sending the specimens off to outside laboratories for analysis); and obtained  
4 the laboratory analysis results of those specimens from Balco.

5 4. A federal criminal investigation (“the criminal investigation”), led by the Internal  
6 Revenue Service-Criminal Investigations, commenced in the Northern District of California  
7 concerning Balco’s distribution of anabolic steroids and other illegal performance-enhancing  
8 drugs and the related money laundering of proceeds from the drug distributions. The criminal  
9 investigation initially resulted in an indictment and the convictions of four defendants on federal  
10 charges, including illegal drug distribution and money laundering offenses.

11 5. One focus of the criminal investigation was whether Balco, Anderson, and others  
12 were engaged in illegal drug distribution and money laundering arising from illegal distributions  
13 of drugs to professional athletes and others.

14 6. As part of the criminal investigation, on or about September 3, 2003, a federal  
15 search warrant, issued in the Northern District of California, was executed at the Balco premises  
16 in Burlingame, California. As well as other evidence, investigators obtained evidence that Bonds  
17 had a relationship with Anderson and Balco.

18 7. As part of the criminal investigation, several professional athletes, including but  
19 not limited to Bonds, and other witnesses, were subpoenaed to appear before the Federal Grand  
20 Jury to provide testimony about their knowledge and involvement with Balco and its employees,  
21 including but not limited to Victor Conte and James Valente, as well as any relationship they had  
22 with Anderson.

23 8. On or about December 4, 2003, Bonds testified before the Grand Jury. Bonds  
24 received an Order of Immunity for his Grand Jury testimony, pursuant to 18 U.S.C. § 6003 and  
25 28 C.F.R. § 0.175, and was informed that pursuant to that order neither his testimony nor any  
26 information directly or indirectly derived from his testimony could be used against him in any  
27 criminal case except in a prosecution for perjury, false declaration, or otherwise failing to comply  
28 with the Court’s order.

1           9.       During the criminal investigation, evidence was obtained including positive tests  
2 for the presence of anabolic steroids and other performance-enhancing substances for Bonds and  
3 other professional athletes.

4 COUNT ONE: (18 U.S.C. § 1623(a) – False Declarations Before Grand Jury)

5           10.       The factual allegations contained in paragraphs one through nine above are  
6 incorporated herein as if set forth in full.

7           11.       On or about December 4, 2003, in the Northern District of California, the  
8 defendant,

9                               BARRY LAMAR BONDS,

10 having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the  
11 Northern District of California, knowingly made a false material declaration, that is, he gave the  
12 following underlined false testimony:

13           Q:       I know the answer - - let me ask you this again. I know we kind of got into this.  
14 Let me be real clear about this. Did he [Anderson] ever give you anything that you knew  
15 to be a steroid? Did he ever give a steroid?

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

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

20           A:       Not that I know of.

21 All in violation of Title 18, United States Code, Section 1623(a).

22  
23 COUNT TWO: (18 U.S.C. § 1623(a) – False Declarations Before Grand Jury)

24           12.       The factual allegations contained in paragraphs one through nine above are  
25 incorporated herein as if set forth in full.

26           13.       On or about December 4, 2003, in the Northern District of California, the  
27 defendant,

28                               BARRY LAMAR BONDS,

1 having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the  
2 Northern District of California, knowingly made a false material declaration, that is, he gave the  
3 following underlined false testimony:

4 Q: So, starting in December 2001, on this page, again, there's BB here, which  
5 obviously are consistent with your initials; correct?

6 A: He could know other BBs.

7 Q: Correct.

8 But BB would also be your initials; is that correct?

9 A: That's correct.

10 \*\*\*\*\*

11 Q: Okay. Were you obtaining testosterone from Mr. Anderson during this period of  
12 time?

13 A: Not at all.

14 All in violation of Title 18, United States Code, Section 1623(a).

15  
16 COUNT THREE: (18 U.S.C. § 1623(a) – False Declarations Before Grand Jury)

17 14. The factual allegations contained in paragraphs one through nine above are  
18 incorporated herein as if set forth in full.

19 15. On or about December 4, 2003, in the Northern District of California, the  
20 defendant,

21 BARRY LAMAR BONDS,

22 having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the  
23 Northern District of California, knowingly made a false material declaration, that is, he gave the  
24 following underlined false testimony:

25 Q: In January 2001 were you taking either the flax seed oil or the cream?

26 A: No.

27 Q: And were you taking any other steroids?

28 A: No.

1 All in violation of Title 18, United States Code, Section 1623(a).

2  
3 COUNT FOUR: (18 U.S.C. § 1623(a) – False Declarations Before Grand Jury)

4 16. The factual allegations contained in paragraphs one through nine above are  
5 incorporated herein as if set forth in full.

6 17. On or about December 4, 2003, in the Northern District of California, the  
7 defendant,

8 BARRY LAMAR BONDS,

9 having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the  
10 Northern District of California, knowingly made a false material declaration, that is, he gave the  
11 following underlined false testimony:

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

13 A: I've only had one doctor touch me. And that's my only personal doctor.

14 Greg, like I said, we don't get into each others' personal lives. We're friends, but I don't  
15 – we don't sit around and talk baseball, because he knows I don't want – don't come to  
16 my house talking baseball. If you want to come to my house and talk about fishing, some  
17 other stuff, we'll be good friends. You come around talking about baseball, you go on. I  
18 don't talk about his business. You know what I mean?

19 \*\*\*\*\*

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

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

25 Q: So - -

26 A: So sorry.

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

1 A: No, no.

2 All in violation of Title 18, United States Code, Section 1623(a).

3

4 COUNT FIVE: (18 U.S.C. § 1623(a) – False Declarations Before Grand Jury)

5 18. The factual allegations contained in paragraphs one through nine above are  
6 incorporated herein as if set forth in full.

7 19. On or about December 4, 2003, in the Northern District of California, the  
8 defendant,

9 BARRY LAMAR BONDS,

10 having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the  
11 Northern District of California, knowingly made a false material declaration, that is, he gave the  
12 following underlined false testimony:

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

16 A: No.

17 All in violation of Title 18, United States Code, Section 1623(a).

18

19 COUNT SIX: (18 U.S.C. § 1623(a) – False Declarations Before Grand Jury)

20 20. The factual allegations contained in paragraphs one through nine above are  
21 incorporated herein as if set forth in full.

22 21. On or about December 4, 2003, in the Northern District of California, the  
23 defendant,

24 BARRY LAMAR BONDS,

25 having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the  
26 Northern District of California, knowingly made a false material declaration, that is, he gave the  
27 following underlined false testimony:

28 Q: Let me ask the same question about Greg at this point, we'll go into this in a little



1 bit more detail, but did you ever get anything else from Greg besides advice or tips on  
2 your weight lifting and also the vitamins and the proteins that you already referenced?

3 A: This year, in 2003 - - at the end of 2002, 2003 season, when I was going through -  
4 - my dad died of cancer, you know, and everyone knows that.

5 Q: Yes. I'm sorry about that.

6 A: And everyone tries to give me everything. You got companies that provide us  
7 with more junk to try than anything. And you know that as well.

8 I was fatigued, tired, just needed recovery, you know. And this guy says: "Try  
9 this cream, try this cream." And Greg came to the ballpark and he said, you know: "This  
10 will help you recover," and he rubbed some cream on my arm, like, some lotion-type  
11 stuff, and, like, gave me some flax seed oil, that's what he called it, called it some flax  
12 seed oil, man. It's, like: "Whatever, dude."

13 And I was at the ballpark, whatever, I don't care. What's lotion going to do to  
14 me? How many times have I heard that: "This is going to rub into you and work." Let  
15 him be happy. We're friends. You know?

16 Q: When did that happen for the first time?

17 A: Not until 2003, this season.

18 All in violation of Title 18, United States Code, Section 1623(a).

19  
20 COUNT SEVEN: (18 U.S.C. § 1623(a) – False Declarations Before Grand Jury)

21 22. The factual allegations contained in paragraphs one through nine above are  
22 incorporated herein as if set forth in full.

23 23. On or about December 4, 2003, in the Northern District of California, the  
24 defendant,

25 BARRY LAMAR BONDS,

26 having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the  
27 Northern District of California, knowingly made a false material declaration, that is, he gave the  
28 following underlined false testimony:

1 Q: And - - all right. So, how many times approximately do you think you got these  
2 tubes with what Mr. Anderson told you was flax seed oil?

3 A: Maybe once a home stand or something, if that. Greg didn't travel with me on the  
4 road. So, I was at home, when I came home.

5 Q: And the first time was the beginning of this year's season, in 2003?

6 A: Yes, 2003, because I was battling with the problems with my father and the - - just  
7 the lack of sleep, lack of everything.

8 All in violation of Title 18, United States Code, Section 1623(a).

9

10 COUNT EIGHT: (18 U.S.C. § 1623(a) – False Declarations Before Grand Jury)

11 24. The factual allegations contained in paragraphs one through nine above are  
12 incorporated herein as if set forth in full.

13 25. On or about December 4, 2003, in the Northern District of California, the  
14 defendant,

15 BARRY LAMAR BONDS,

16 having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the  
17 Northern District of California, knowingly made a false material declaration, that is, he gave the  
18 following underlined false testimony:

19 Q: Mr. Anderson had never given you anything or asked you to take anything before  
20 the 2003 season; is that right?

21 A: We never had those discussions. We don't discuss about his -- you know, part of  
22 his world of business is his business. My business is my business. So, we don't --

23 Q: I'm asking --

24 A: No.

25 Q: That's not my question. My question is - -

26 A: No.

27 Q: - - prior to the last season, you never took anything that he asked you to take, other  
28 than vitamins?

1 A: Right. We didn't have any other discussions.

2 Q: No oils like this or anything like this before?

3 A: No, no, no, not at all. Not at all.

4 All in violation of Title 18, United States Code, Section 1623(a).

5

6 COUNT NINE: (18 U.S.C. § 1623(a) – False Declarations Before Grand Jury)

7 26. The factual allegations contained in paragraphs one through nine above are  
8 incorporated herein as if set forth in full.

9 27. On or about December 4, 2003, in the Northern District of California, the  
10 defendant,

11 BARRY LAMAR BONDS,

12 having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the  
13 Northern District of California, knowingly made a false material declaration, that is, he gave the  
14 following underlined false testimony:

15 Q: Okay. So, first of all, Mr. Bonds, I guess I want to recheck with you or ask you  
16 again exactly when you started getting the - - what I'll call the recovery items, what you  
17 understood to be flax seed oil and the cream, when you started getting that from Greg  
18 Anderson. I think that you said - - but please correct me if I'm wrong - - that you thought  
19 it was prior to this current baseball season.

20 But let me ask, I mean, is it possible it's actually a year before, after the 2000 - -  
21 well, actually two years before, after the 2001 season? Because this first calendar is dated  
22 December 2001 with "BB" on it and its got a number of entries that I'd like to ask you  
23 about.

24 Were you getting items during that period of time from Greg?

25 A: No. Like I said, I don't recall having anything like this at all during that time of  
26 year. It was toward the end of 2000, after the World Series, you know, when my father  
27 was going through cancer.

28 All in violation of Title 18, United States Code, Section 1623(a).

1 COUNT TEN: (18 U.S.C. § 1623(a) – False Declarations Before Grand Jury)

2 28. The factual allegations contained in paragraphs one through nine above are  
3 incorporated herein as if set forth in full.

4 29. On or about December 4, 2003, in the Northern District of California, the  
5 defendant,

6 BARRY LAMAR BONDS,

7 having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the  
8 Northern District of California, knowingly made a false material declaration, that is, he gave the  
9 following underlined false testimony:

10 Q: In December 2001.

11 And what about the - - the clear - - either the clear or the cream, were you getting  
12 either of those substances in December of 2001 from Mr. Anderson?

13 A: No. Like I said, I recall it being toward the end of 2002 - - 2002, after 2002  
14 season.

15 All in violation of Title 18, United States Code, Section 1623(a).

16  
17 COUNT ELEVEN: (18 U.S.C. § 1503 – Obstruction of Justice)

18 30. The factual allegations contained in paragraphs one through nine above are  
19 incorporated herein as if set forth in full.

20 31. On or about December 4, 2003, in the Northern District of California, and  
21 elsewhere, the defendant,

22 BARRY LAMAR BONDS,

23 did corruptly influence, obstruct, and impede, and endeavor to corruptly influence, obstruct, and  
24 impede, the due administration of justice, by knowingly giving Grand Jury testimony that was  
25 intentionally evasive, false, and misleading, including but not limited to the false statements  
26 made by the defendant as charged in Counts One through Ten of this Indictment.

27 ///

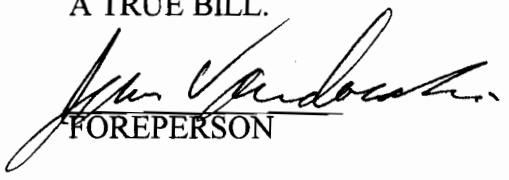
28 ///

1  
2  
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

All in violation of Title 18, United States Code, Section 1503.


DATED:  
*12-c/04*

A TRUE BILL.

  
FOREPERSON

JOSEPH P. RUSSONIELLO  
United States Attorney

  
BRIAN J. STRETCH  
Chief, Criminal Division

(Approved as to form:   
AUSA PARRELLA