

Government Lays Out Case Against Bonds



Marcio Jose Sanchez/Associated Press

Barry Bonds, who is accused of lying to a grand jury in connection with the Balco investigation, arriving at the courthouse Tuesday.

By JULIET MACUR
Published: March 22, 2011

SAN FRANCISCO — A federal prosecutor opened the government’s case against Barry Bonds on Tuesday by calling Bonds’s assertion that he did not know he was taking performance-enhancing drugs “an utterly ridiculous and unbelievable story.”

Matthew Parrella, an assistant United States attorney, told the jury in Bonds’s perjury trial that the government would prove Bonds lied to a federal grand jury in 2003 when he said he never knowingly took steroids or other performance-enhancing drugs.

“The defendant had immunity,” Parrella said, growing increasingly animated during his 50-minute opening statement. “All he had to do was tell the truth. That’s all he had to do, was tell the truth. But he couldn’t do it. And the evidence will show that he planned not to do it.”

Bonds, charged with four counts of lying to a grand jury in 2003 and one count of obstruction of justice in connection with the Bay Area Laboratory Co-operative investigation, testified to the grand jury that he assumed he was receiving flaxseed oil and arthritis cream from his former trainer Greg Anderson. He never knew that Anderson was actually giving him steroids, the defense contends.

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As it turns out, though, the jury will not be hearing from Anderson, the case's would-be star witness. Anderson, who is Bonds's childhood friend, [was ordered into federal custody Tuesday](#) when he refused to take the stand. He will remain jailed for the duration of the trial, which could last as long as four weeks.

Judge Susan Illston of United States District Court told the jurors that Anderson was unavailable to testify, and instructed them not to speculate about his absence.

Anderson has already spent more than a year in jail for his refusal to testify, and it was his fourth visit to jail in five years for contempt of court.

"He doesn't trust the prosecution," [Mark Geragos](#), Anderson's lawyer, said outside the courtroom. "He'll never cooperate with these guys, ever."

Geragos filed court papers Tuesday to try to keep Anderson out of jail. If he remains in custody, Geragos said he would appeal the decision.

Anderson's absence hurts the government's case, but it does not destroy it, and the jury learned Tuesday what evidence the prosecutors planned to introduce.

Parrella referred to Bonds, Anderson and Victor Conte, who was the president of Balco, as "the Three Musketeers of Balco," in an attempt to establish their connection to each other and to steroid use.

He then gave jurors a mini science lesson about steroids and other performance-enhancing drugs — subjects at the crux of the trial. He explained the differences between anabolic steroids and human growth hormone, and the ways they are administered. He also detailed some of the testimony the jury would be hearing from [Larry Bowers, the chief science officer of the United States Anti-Doping Agency](#), and explained the origins of the Balco investigation.

Allen Ruby, who is Bonds's lead lawyer, explained how the defense would refute many of the prosecution's main points — and many of its main witnesses. Bonds had actually helped the Balco investigation with his grand jury testimony, Ruby said, because it helped secure several indictments in the case.

Ruby said Bonds had admitted using substances called "the cream" and "the clear" given to him by Anderson. While those substances were later proved to be steroids, Ruby said that Bonds did not know what they were — and that no other athletes knew what they were because those substances were so new to the market.

"I know it doesn't make for a very good story — Barry Bonds went to the grand jury and told the truth," Ruby told the jury. "It doesn't make much of a made-for-TV movie, but that's what happened."

Ruby showed the jury photographs of several government witnesses — including Bonds's former mistress, Kimberly Bell, and his former personal assistant, Steve Hoskins — and said those witnesses had relationships with Bonds that had ended bitterly. That bitterness is pervasive among these witnesses, he said.

"You and you alone will decide which witnesses are reliable," Ruby said in his booming baritone.

Bell is expected to testify that she saw changes in Bonds's body, including shrunken testicles and bloating, that are often identified with steroid use. She is also expected to say that Bonds admitted to her that he used performance-enhancing drugs. Ruby said



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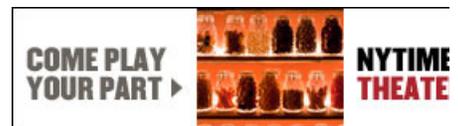
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Bell was unhappy when she and Bonds broke up.

Hoskins is expected to testify that he and Bonds discussed Bonds's steroid use and that Hoskins had even researched what steroids Bonds should take. Ruby said the relationship between Hoskins and Bonds had ended abruptly when Bonds discovered that Hoskins was forging his signature.

Ruby delved further into the subject of Hoskins when he later cross-examined [Jeff Novitzky](#), a special agent with the [Food and Drug Administration](#).

[Novitzky's discovery of drug paraphernalia](#) in Balco's Dumpster had kicked off the Balco case, which has lasted nearly a dozen years. He was the lead investigator in that case and was present at the search and seizure of items in Anderson's house and car. On Tuesday, he identified and described many of those items for the jury.

Ruby questioned Novitzky about the government's dealings with Hoskins, trying to point out possible conflicts of interests in that relationship.

Ruby said that Bonds had reported Hoskins to the [F.B.I.](#) because he suspected Hoskins of financial misconduct and of forging Bonds's name on memorabilia. But that inquiry was dropped, and suddenly Hoskins became a government witness against Bonds, Ruby said.

Novitzky answered Ruby's questions coolly, often locking eyes with the jurors when answering. Those jurors, in turn, appeared interested in the questioning. With every question and answer, they snapped their heads from Ruby to Novitzky, as if watching a tennis match.

On Wednesday, that match continues. Ruby will finish cross-examining Novitzky. Hoskins, who was Bonds's best friend until their falling out in mid-2003, is expected to be next on the witness stand.

A version of this article appeared in print on March 23, 2011, on page B11 of the New York edition.



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