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Attorneys for Defendant
BARRY BONDS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, Plaintiffs, vs. BARRY LAMAR BONDS, Defendants	Case No.: CR 07-0732 SI DEFENDANT'S JURY INSTRUCTIONS PURSUANT TO ORDER FOR PRETRIAL PREPARATION March 1, 2011 Hon. Susan Illston

Pursuant to the Court's Order for Pretrial Preparation, defendant objects to the Government's Special Instruction No. 1 filed October 15, 2010. Leaving aside the issues raised by defendant's motion *in limine* concerning the obstruction of justice count, Special Instruction No. 1

makes reference to numerous counts that the Government has dismissed. Defendant understands that the Government intends to submit a new proposed instruction concerning Count 5, and defendant therefore asks permission to file objections, as well as his own proposed instruction, within a reasonable period of time after the Government files a new proposed instruction on the obstruction count.

The Government's Special Instructions Nos. 2 and 3 both refer to the "Second Superseding Indictment." If the reference to "Second" is replaced by "Third" in each Instruction, defendant does not object to these Instructions.

Defendant does not object to the government's proposed Instruction 8.112, on the elements of 18 U.S.C. §1623, although the reference to Counts One through Ten should read Counts One through Four.

Defendant does not object to the Instructions offered by the Government on October 15, 2010, as set forth under the "Table of Jury Instructions" on page 3 of the Government's submission.

In addition, defendant believes that the following instructions should be read to the jury:

1.1-1.11

2.1

3.1-3.11

4.8-4.9

7.1-7.3

7.5

Defendant respectfully reserves his right to supplement his objections, or offer additional Instructions, depending upon the evidence at trial. For example, whether character evidence (4.4, 4.7) or summaries (4.18, 4.19) or evidence of other alleged crimes will be placed before the jury is unknown at the present time, and may depend upon *in limine* issues that have been submitted to the Court. Similarly, until the substantive Instruction on Count 5 has been determined, defendant will not know whether a version of the specific issue unanimity instruction (7.9) is appropriate. At the close of evidence, or such earlier time as the Court may designate, defendant will respectfully seek leave of Court to submit additional Instructions, or additional or modified Instructions, depending

upon the evidence.

Respectfully submitted,

DATED: February 24, 2011

Skadden, Arps, Slate, Meagher & Flom LLP

Allen Ruby, Attorney for
Defendant Bonds