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March 2, 2011

The Honorable Susan Illston
Judge of the United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

RE: United States vs. Bonds
No. CR 07-0732 SI

Dear Judge Illston:

Yesterday at the Pretrial Conference the Court permitted the defense to submit this letter, which contains excerpts of testimony from "athlete witnesses" about what Greg Anderson told them concerning the items they bought from him.

The Government's Witness List filed February 24 lists Marvin Benard, Bobby Estalella, Jason Giambi, Jeremy Giambi, Armando Rios, Benito Santiago and Randy Valardi as trial witnesses. The testimony of each is set out below, except for Randy Valardi, who apparently did not testify before the Grand Jury.

We have also included excerpts of testimony from two other athletes, Larry Izzo and Gary Sheffield, who are not on the Government's Witness List.

We have attached the transcript pages on which the excerpts appear.

Excerpts from Athlete's Testimony

I. Bobby Estalella – 11/20/03

Page 17: lines 14-23

	14	Q. Okay.
13:37:29	15	Did he tell you what this clear liquid thing
13:37:32	16	was? What did he say this was or how did he describe
13:37:35	17	it?
13:37:36	18	A. Basically, it wasn't a steroid. How he
13:37:41	19	explained it to me. It's not a steroid. It's a
13:37:44	20	derivative of it, I guess. But in the sense it clicks
13:37:48	21	in a lot of the same things that it's supposed to do.
13:37:51	22	It helps your muscle memories. Helps everything recover
	23	faster. That's what he was explaining to me.

Bobby Estalella – 10/18/07

Page 44: lines 14-25 thru Page 45: lines 1-3

GRAND JUROR: Just to clarify, I got a little bit mixed up, do you know when you learned or found out or when you knew that The Clear and The Cream was steroids?

THE WITNESS: Um... I guess it would probably, um -- it would probably be at some point after all this came up, 'cause I knew it was a derivative of it. I mean as far as a regular like anabolic or a steroid that way, I don't know, I never considered it that.

I knew growth hormone was growth hormone and I was taking that, um, but The Clear and The Cream I

knew it was an enhancement; but as far as I knew, that was either pill form or injectable. I never knew of designer drug.

II. Benito Santiago – 12/4/03

Page 9: lines 22-25 thru Page 10: lines 1-7

Q. Let me ask you if he ever gave you something like this. We've marked this today as Exhibit 501. Did he ever give you a liquid to take that he called -- well, I don't know, whatever he called it. Does that

item look familiar to you in terms of him giving you something?

A. Yes.

Q. What did he tell you that was?

A. He told me it was supplement to -- to take for play the game, and basically, you know, you put it under the tongue. And I followed that.

Page 14: lines 13-25 thru Page 15: lines 1-6

Q. Did he ever tell you that the things he was giving you were steroids or had steroid-like effects?
A. No.
Q. Well, let me ask about some of these other items on here. Well, let me ask a couple things.
With the liquid, did he ever give you a cream to put on your arms that looked like this (indicating)? And this is Exhibit 502. Do you recognize that?
A. Yes.
Q. Did he give that to you to put on?
A. Yes.
Q. And did you use it?
A. Yes.

Q. What did he tell you that was?
A. Basically, those three items that you have in there, it basically give me the same result, you know, it was basically for the same activity.
Q. Did they work?
A. Hmmm... No, no.

Page 19: lines 9-22

Q. So, just so we're clear, he gave you something he called G -- you remember that; correct?
A. Yes.
Q. And then he also gave you another thing, but you don't know what it was called?
A. No.
Q. Did he tell you that -- did he ever tell you that was a steroid, that it was testosterone?
A. No.
Q. So, I'm sorry but I have to ask, you injected these items into your body, but didn't know exactly what they were? Is that correct?
A. Believe it or not.
Q. All right. You trusted Mr. Anderson.

Benito Santiago – 6/22/06

Page 27: lines 17-21

Q. Okay. Did Mr. Anderson ever tell you that that clear, the one that you put in your mouth, did he ever say that it was an undetectable steroid?
A. Never told me that.

Page 28: lines 14-19

Q. All right. Did he ever tell you exactly what that cream was?
A. No.
Q. Okay. Did he ever tell you that it had something to do with testosterone?
A. No.

III. Armando Rios – 11/20/03

Page 15: lines 18-25

Did Mr. Anderson, Greg, ever talk to you about steroids?
A. Not really. I don't remember specifically about steroids. No.
Q. Okay. Let me use a couple other names of these substances and tell me if he talked about them. Did he talk to you about something called norbolethone?
A. I don't believe so.

Page 20: lines 7-14

14:55:35 7 Q. Besides growth and the testosterone that we
14:55:38 8 talked about --
14:55:39 9 And the testosterone is a steroid, correct?
14:55:42 10 A. I don't know. From what I read it is a
14:55:48 11 steroid.
14:55:49 12 Q. Did Greg ever tell you, like, this is a
14:55:52 13 steroid? Did he ever tell you that?
14:55:53 14 A. I don't think so.

Page 45: lines 14-24

15:28:51 14 But did Mr. Anderson say anything about, you
15:28:54 15 know, the things that he had provided you, about whether
15:28:58 16 they were legal or not or illegal or anything like that?
15:29:01 17 A. I don't believe so.
15:29:03 18 Q. Did he ever before say, you know, the
15:29:05 19 testosterone -- I mean it's steroids. Did you ever
15:29:10 20 discuss that it wasn't legal for him to distribute that
15:29:11 21 to help you with sports? Did you ever talk about that?
15:29:14 22 A. I don't think so. I don't remember a specific
15:29:18 23 conversation talking about whether it was illegal or
15:29:20 24 not.

IV. Larry Izzo – 12/11/03

Page 11: lines 23-25 thru Page 12: lines 1-9

Q. In addition to the supplements that you talked about, did you ever get any kind of a clear liquid or a clear substance from Mr. Anderson that he referred to as

the clear or liquid of some sort?

A. Yes.

Q. When did that happen? When did you first get that from him?

A. At some point in January, February.

Q. Okay. And what did he tell you that was? What did he say about that?

A. He didn't say much about it. There wasn't -- he didn't tell me what it was specifically.

Page 13: lines 22-25 thru Page 14: lines 1-20

In connection with that, did he also give you a little vial of a white topical cream to put on your skin?

A. Some form of a white vial, yes.

Q. And did he tell you what that was?
A. He said that was a cream, you know, that -- to be -- to use with the clear liquid.
Q. And did he specifically tell that you that was actually a steroid cream or testosterone-based steroid cream?
A. No, I didn't -- the cream?
Q. Yes, the cream, right.
A. No, no.
Q. Okay. You didn't know that.
A. No.
Q. All right. What about -- going back to the liquid. Did he ever talk to you about that being a derivative or a slightly altered steroid that would have steroid-like effects, but wasn't actually a steroid? Did he ever talk to you about that?
A. Well, the word "steroid" I don't recall. It was described to me as something that really would give you benefits similar to that, but it wasn't described to me as a steroid.

V. Gary Sheffield – 12/11/03

Page 12: lines 15-21

Q. And what did he tell you was in that cream?
A. He didn't tell me anything was in it. He just told me it was a massage cream you put on arthritic joints and it soothes you.
Q. Did he tell you it was a steroid or testosterone-based cream?
A. No, sir.

Page 19: lines 3-16

Q. All right. And I got to ask some of these questions. But regarding this, I mean, did he ever tell you that that clear liquid was actually a derivative or an altered version of a steroid, did he ever tell you that?
A. No, sir.
Q. Again, would you have taken it if you had known that?
A. No, sir.
Q. Did he ever talk to you about steroids?
A. No, sir.
Q. Did he ever talk to you about something called human growth hormone?
A. No, sir.

Page 25: lines 20-23

Q. Did he tell you that these were, like, little testosterone or steroid pills? Did he say anything to you about that?

A. No, sir.

Page 26: lines 16-20

Q. Okay. All right. All right. And again, I mean, would you have taken that if you had known it had a testosterone component to it or a steroid component to it?

A. Definitely not steroids, no.

But actually on the cream, did he tell you whether or not that was actually a steroid-based or testosterone-based cream? Did he ever say that to you?

A. No. He just said it was the clear and cream. He said it was, you know, an alternative to a steroid or alternative steroid, you know. And I believe he did say undetectable.

VI. Jeremy Giambi – 12/11/03

Page 14: lines 21-25 thru Page 15: lines 1-9

Is that familiar to you, 501, the liquid, as similar to something you would have gotten from Anderson?

A. Yes, sir.

Q. What did he tell you that was?

A. The clear.

Q. And did he tell you exactly, like, what the clear actually was?

A. No, sir.

Q. How were you supposed to take the clear?

A. Under the tongue. He gave specific charts to say how much to take under the tongue through a syringe.

Q. Okay.

A. With no needle.

Page 15: lines 23-25 thru Page 16: lines 1-18

Q. Let's go ahead and ask about the cream. That was given with it and that was something you put on yourself?

A. Topical, yes. He said in the arm, which is a thinner area of the skin which it could penetrate. Because, you know, in your arm right here, I guess your skin is thinner or something. He said that's the best area to put it, or something.

Q. And he specifically told you that?

A. Yes.

Q. Did he tell you exactly what that cream was?

A. No, he didn't.

Q. Did he refer to either of these substances as altered or -- you know either chemically or molecularly altered steroids or alternatives to steroids?

A. Yes.

Q. Oh, he did say that, okay.

A. I think he said an alternative -- did he say an alternative or an undetectable alternative, I believe, was the phrase, something like that. In those words, yes, something alternative to steroids, yes.

Page 17: lines 14-20

But actually on the cream, did he tell you whether or not that was actually a steroid-based or testosterone-based cream? Did he ever say that to you?

A. No. He just said it was the clear and cream. He said it was, you know, an alternative to a steroid or alternative steroid, you know. And I believe he did say undetectable.

VII. Jason Giambi – 12/11/03

Page 15: lines 19-25 thru Page 16: lines 1-9

Q. This 501 is a canister, obviously, of the clear liquid and this syringe-type thing without a needle.

Do you recognize those in connection with working with Mr. Anderson?

A. Yes, I do.

Q. Did he suggest to you at some point taking these things?

A. We had talked about that it was alternative, it didn't show up, you know, on a test -- I'm sorry. Go ahead.

Q. No, actually, go ahead. I'm sorry.

A. It didn't show up on a test. And, like I said, it was an alternative to taking steroids.

Q. Did he tell you exactly what it was?

A. No. He just basically called it the clear and the cream.

Page 23: lines 10-18

Q. Okay, okay. And did you understand those to be basically like testosterone pills or steroid pills or what did you think those were?

A. I don't know. He didn't really explain them. He just had told me to take them. And it had -- he explained it had something to do with my system. That's what he explained. I don't -- he didn't go into depth about it, what they were for. But he just kind of said to take it in conjunction with all the stuff.

Page 47: lines 19-21

Q. Did Greg ever talk to you about where he got the clear and the cream from?

A. No.

VIII. Marvin Benard – 7/6/06

Page 24: lines 8-14

Q. All right. And in connection with that injury, you took steroids; is that correct?
A. Yes.
Q. And in -- in connection with taking steroids for that injury, you obtained them from Mr. Anderson.
A. No.

Page 42: lines 1-5

Q. Okay. Did he tell you what the clear substance was; what it was supposed to do for you?
A. No. I just remember him saying, you know, "They're gonna start testing and I have something that would not be detected."

Very truly yours,

ALLEN RUBY

AR:mg

ORIGINAL

GRAND JURY

NORTHERN DISTRICT OF CALIFORNIA

GJ INVESTIGATION NO. 2002R01596)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TESTIMONY OF

ROBERT BOBBY ESTALELLA

AT UNITED STATES DEPARTMENT OF JUSTICE

450 GOLDEN GATE AVENUE

SAN FRANCISCO, CALIFORNIA 94102

THURSDAY, NOVEMBER 20, 2003; 1:24 P.M.

FOR THE GOVERNMENT:

KEVIN V. RYAN, UNITED STATES ATTORNEY

BY: JEFF NEDROW, ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DEPARTMENT OF JUSTICE

280 SOUTH FIRST STREET, ROOM 371

SAN JOSE, CALIFORNIA 95113

13:36:16 having a torn ligament, torn bicep tendon, and the rotator cuff was torn also.

13:36:21 So I had a full shoulder reconstruction. So that's when we started basically inquiring about those things and he started telling me these things will help me recover faster and get you back out on the field quicker. And that's basically when I started inquiring about things.

Q. Okay.

13:36:38 And when you say things, I guess I want to be clear what we're talking about. But this was different than --

A. Supplements.

Q. Right.

13:36:43 A. What I talked about.

13:36:44 Q. Okay.

13:36:44 Then did he talk to you at this point? And just let me make sure. And if I say something and I'm wrong, correct me of course.

13:36:51 But when you talked about recovering specifically, did he bring up the issue of this clear, this liquid thing?

13:36:56 A. Yeah. It was a clear and a cream. I mean so what it was and to what extent it actually did I didn't know until he started explaining things to me.

13:37:02 Basically what my perception of it and what I think it
13:37:06 is, basically it's supposed to help your cells recover
13:37:09 faster and help them heal quicker.
13:37:11 What it does is it helps speed up the recovery
13:37:13 system so you can bounce back faster. Instead of it
13:37:14 being, let's just say, a six-month destination to come
13:37:19 back and play, you know, I might be back on the field in
13:37:20 two and a half months, which was great for me and my
family.
13:37:24 Of course, you know, I need to be back on the
13:37:25 field. I'm not going to make any money not being on the
field. So that's when I started inquiring things about
13:37:29 it.
Q. Okay.
13:37:29 Did he tell you what this clear liquid thing
13:37:33 was? What did he say this was or how did he describe
13:37:35 it?
13:37:36 A. Basically, it wasn't a steroid. How he
13:37:41 explained it to me. It's not a steroid. It's a
13:37:44 derivative of it, I guess. But in the sense it clicks
13:37:48 in a lot of the same things that it's supposed to do.
13:37:51 It helps your muscle memories. Helps everything recover
faster. That's what he was explaining to me.
13:37:56 Okay. That sounds good. What are the health
13:37:57 risks involved in it? I'm sure I asked that.

13:38:00 And he said unless you abuse basically any kind
13:38:04 of substance or you started abusing this one, of course,
13:38:07 then you were into a risk factor. But if you're doing
13:38:09 it at a low dosage to try and maintain health risks --
13:38:14 Actually, I'm sorry. I don't mean to -- I
13:38:16 talked to my doctor when I had surgery. And they said
13:38:19 they ran studies. Two years prior to me having surgery
13:38:22 they were allowed to prescribe these certain things to
13:38:26 people to recover and be able to do their physical
13:38:26 therapy. But two years before I guess for some reason
13:38:30 they banned it. And I was talking to my doctor about
it.
13:38:31 And he says, well, this is what we used to run
13:38:34 and this is how we used to do it. And they used to give
13:38:36 us the okay to do it. But ever since two years ago
13:38:39 we're not allowed to do it. He goes, but this is how we
13:38:40 did it. I can't tell you to do it or not do it. But
13:38:44 you're on your own. This is how we used to run it.
13:38:45 Q. I'm sorry. I got to make sure I understand
13:38:48 what you're talking about.
13:38:49 Are you talking about you talked to your doctor
13:38:51 about this clear liquid and that's what he said or --
13:38:53 A. We were talking about, I guess, steroids,
13:38:56 derivative of steroids, stuff like that, which could
13:38:58 enhance your muscle recovery and everything else faster.

GRAND JURY 06-1

ORIGINAL

NORTHERN DISTRICT OF CALIFORNIA

GJ INVESTIGATION NO. 2004R00608

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TESTIMONY OF ROBERT ESTALELLA

AT 450 GOLDEN GATE AVENUE

SAN FRANCISCO, CALIFORNIA 94102

THURSDAY, OCTOBER 18, 2007

FOR THE GOVERNMENT:

SCOTT N. SCHOOLS,

UNITED STATES ATTORNEY

BY: MATTHEW A. PARRELLA, AUSA

JEFFREY D. NEDROW, AUSA

JEFFREY R. FINIGAN, AUSA

UNITED STATES DEPARTMENT OF JUSTICE

450 GOLDEN GATE AVENUE

SAN FRANCISCO, CALIFORNIA 94102

this year again, but I ended up hurting my elbow and having another surgery. So I don't know if it's gonna be possible.

Q. Okay. So, but just to be clear, you're not under contract to any...

A. No.

Q. ...Major League club at this point.

A. No, sir.

Q. And you're not receiving any pay from any...

A. No, sir.

Q. ...Major League club. Okay.

MR. PARRELLA: So I'm sorry. Go ahead.

GRAND JUROR: Just to clarify, I got a little bit mixed-up, do you know when you learned or found out or when you knew that The Clear and The Cream was steroids?

THE WITNESS: Um... I guess it would probably, um -- it would probably be at some point after all this came up, 'cause I knew it was a derivative of it. I mean as far as a regular like anabolic or a steroid that way, I don't know, I never considered it that.

I knew growth hormone was growth hormone and I was taking that, um, but The Clear and The Cream I

knew it was an enhancement; but as far as I knew, that was either pill form or injectable. I never knew of designer drug.

Q. BY MR. PARRELLA: So you -- you thought it might have been a -- a steroid derivative?

A. Uh-huh.

Q. Okay. What about Deca? You knew that was a steroid.

A. Yes. Deca's definitely a steroid. Yes.

MR. PARRELLA: Okay. There's another question. Go ahead.

GRAND JUROR: Mr. Estalella, when you were taking the Deca, was that under the prescription of a doctor as part of recovery or -- or not?

THE WITNESS: What turned me on to use the Deca, and this is what happened: Um, December of '98 I had shoulder surgery, and up until I want to say a year to two-year time frame prior to my surgery they used to prescribe it to the patients that would have muscular -- or any kind of steroid to enhance and recover faster. Unfortunately the program where I had my surgery, they had just banned it for that.

GRAND JUROR: Ah.

THE WITNESS: And so I was speaking with the

ORIGINAL

GRAND JURY

NORTHERN DISTRICT OF CALIFORNIA

GJ INVESTIGATION NO. 2002R01596)

CONFIDENTIAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TESTIMONY OF

BENITO SANTIAGO

AT UNITED STATES DEPARTMENT OF JUSTICE

450 GOLDEN GATE AVENUE

SAN FRANCISCO, CALIFORNIA 94102

THURSDAY, DECEMBER 4, 2003; 4:27 P.M.

FOR THE GOVERNMENT:

KEVIN V. RYAN, UNITED STATES ATTORNEY

BY: JEFF NEDROW, ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DEPARTMENT OF JUSTICE

450 GOLDEN GATE AVENUE

Mr. Anderson yourself?

A. At some point?

Q. Yes. Later, did you begin to have him as a coach or a trainer for you?

A. Never have him as a coach.

Q. Okay. Did he begin to provide items to you, things to you?

A. Correct.

Q. What did he provide you?

A. Well, I don't know, he was talking in -- you know, I'm a player and, you know, he just told me about him being a trainer and what workouts, you know, I can do to, you know, to --

(Reporter interrupts.)

BY MR. NEDROW:

Q. Could you pull the microphone?

A. Just work out, and that's about it.

Q. Did he ever give you any items -- any vitamins or things to take to make you in better health?

A. He give me vitamins, he give me supplements, yes.

Q. Let me ask you if he ever gave you something like this. We've marked this today as Exhibit 501. Did he ever give you a liquid to take that he called -- well, I don't know, whatever he called it. Does that

item look familiar to you in terms of him giving you something?

A. Yes.

Q. What did he tell you that was?

A. He told me it was supplement to -- to take for play the game, and basically, you know, you put it under the tongue. And I followed that.

Q. Did he tell you how often to take it?

A. No. I -- I don't think he told me when to take it.

Q. Okay. How did you know how often to take it? How did you know?

A. Well, the first -- the first time he give it to me, I can memorize the time and just to do it. And that time -- that particular time was one hour before the game time. So, that's why I requested that I was doing it that way.

Q. How often did you take it?

A. I don't take it for too long. I don't think I take that for a long, long time. So, I don't really remember about how long I take that.

Q. Do you recall when you started taking it?

A. I don't remember.

Q. Okay. Let me -- I have in front of you there a handout that we've prepared in connection with your

Q. And what did he tell you that sample -- the purpose of the testing was for? What did he tell you?

A. Say it again, please?

Q. What was the reason -- what did he want to test in the blood and the urine? What did he need the samples for?

A. Well, he didn't say anything. I believed it was for -- for check if the steroids was in the system or not.

Q. And why do you think that they were checking to see if steroids showed up in the system?

A. I have no idea.

Q. Did he ever tell you that the things he was giving you were steroids or had steroid-like effects?

A. No.

Q. Well, let me ask about some of these other items on here. Well, let me ask a couple things.

With the liquid, did he ever give you a cream to put on your arms that looked like this (indicating)? And this is Exhibit 502. Do you recognize that?

A. Yes.

Q. Did he give that to you to put on?

A. Yes.

Q. And did you use it?

A. Yes.

Q. What did he tell you that was?
A. Basically, those three items that you have in there, it basically give me the same result, you know, it was basically for the same activity.
Q. Did they work?
A. Hmmm... No, no.
Q. Now, this calendar here appears to start on November 2001. Does that seem about right, when you started getting items from Greg?
A. Where -- where are you at?
Q. On that page we're still talking about, November 2001. It's indicated here "BS." It has -- actually, it doesn't have the clear and the cream, but actually has "G" and "T" on here. So, actually let me ask a different question.
Did you ever get, besides those items, something called human growth hormone from Mr. Anderson?
A. Don't remember.
Q. Okay. Did you ever get anything that you had to inject in your body from Mr. Anderson?
A. Say it again, please?
Q. Did you ever get anything to inject, anything to actually inject into your body with a syringe from Mr. Anderson?
A. Yes.

body?

A. Yes.

Q. Okay. And --

A. The G -- what's the G mean and what's the T mean?

Q. Well, other witnesses have testified that the G referred to human growth hormone.

Does human growth hormone, or growth -- is that something that sounds familiar to you?

A. Yes, yes.

Q. And who gave that to you?

A. Greg.

Q. And then what about the T? And actually I have a sample of that, which I think we referred to before. I think it's 504. Does this look familiar to you at all, this vial?

A. The bottle, yes. But it had no label on it.

Q. Had no label on it. But the bottle looks familiar?

A. Yes.

Q. What about the substance inside, does that look familiar?

A. The liquid?

Q. Yes.

A. Yes.

Q. Okay. Did he also give you that to inject into your body?
A. Yes.
Q. And what do you call that?
A. Me?
Q. No, he, Anderson. What did he, Anderson, call that?
A. I don't know. I don't know.
Q. So, just so we're clear, he gave you something he called G -- you remember that; correct?
A. Yes.
Q. And then he also gave you another thing, but you don't know what it was called?
A. No.
Q. Did he tell you that -- did he ever tell you that was a steroid, that it was testosterone?
A. No.
Q. So, I'm sorry but I have to ask, you injected these items into your body, but didn't know exactly what they were? Is that correct?
A. Believe it or not.
Q. All right. You trusted Mr. Anderson.
A. At some point, you know, the whole thing was a nightmare for me, you know. I don't really remember things, and that's -- I'm being honest with you.

Q. And I appreciate that.

What do you mean it was a nightmare for you? What do you mean?

A. You know, nightmare, looking at all these papers, you know, and all that. That's what I mean.

Q. You mean now, having to go through it?

A. Yes, yes, yes.

Q. Okay, all right. How often did he give you G to inject in your system?

A. Oh, I don't remember.

Q. How would he get it to you? Would he send it, or would he give it to you in person, or how would you get it?

A. Give it to me in person.

Q. Did he show you how to inject it?

A. No.

Q. How did you know how to inject it?

A. I find out myself.

Q. How did you do it? Did you do it in the arm or the rump, or how did you do it?

A. In the butt.

Q. Okay. Yourself?

A. Yes.

Q. And is that also true -- did he talk to you about the other thing, that thing there (indicating)?

GRAND JURY 04-1

NORTHERN DISTRICT OF CALIFORNIA

ORIGINAL

GJ INVESTIGATION NO. 2004R00608

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TESTIMONY OF BENITO SANTIAGO

AT 450 GOLDEN GATE AVENUE

SAN FRANCISCO, CALIFORNIA 94102

THURSDAY, JUNE 22, 2006

FOR THE GOVERNMENT:

KEVIN V. RYAN,

UNITED STATES ATTORNEY

BY: JEFF FINIGAN, AUSA

MATT A. PARRELLA, AUSA

JEFF NEDROW, AUSA

UNITED STATES DEPARTMENT OF JUSTICE

450 GOLDEN GATE AVENUE

SAN FRANCISCO, CALIFORNIA 94102

that's what I recall as saying. I don't -- we weren't talking about anything else if I did -- if I did spoke to the man.

Q. Okay. Since -- since you were afraid about the substances that you were taking from Mr. Anderson, wouldn't it have -- wouldn't it have helped you to know whether or not those substances were going to show up positive to talk to somebody else who was taking those substances from Mr. Anderson?

A. Oh, no, because the -- the -- the first thing, the first day I start using that I know it was bad things; it was illegal things. So I know that.

Q. Had Mr. Anderson ever told you about whether or not those things would show up on a test?

A. Never.

(Mr. Finigan, Mr. Parrella and Mr. Nedrow confer.)

Q. BY MR. FINIGAN: Okay. Mr. Santiago, just a few other things.

A. Uh-huh.

Q. The -- the substance that we were talking about earlier, the one that you put in your mouth

from Mr. Anderson, what did he call that?

A. You know what? I have no idea. There are names on that, but I don't --

Q. Do you recall did he call it "the clear"?

A. They call "the clear" and -- yeah.

Q. Okay. Did you -- did you have to pay him for those substances; both the clear and the cream?

A. Yes.

Q. Do you remember how much by any chance?

A. No, I don't remember.

Q. How did you pay him? By cash or check or --

A. Um... Don't remember. Sometime -- probably sometime I give money, sometime I give checks probably.

Q. Okay. Did Mr. Anderson ever tell you that that clear, the one that you put in your mouth, did he ever say that it was an undetectable steroid?

A. Never told me that.

Q. Nothing like that? Okay. Did he ever refer to that substance, the clear one that you put in your mouth as "flaxseed oil"?

A. Say it again?

Q. Did Mr. Anderson ever refer to that substance as flaxseed oil?
A. No.
Q. Okay. Now, the -- the cream, the one that you rubbed on your arm, first of all let me ask, did -- did you ever rub it anywhere else or were you told just to rub it on your arm?
A. Just rub it on my arm.
Q. And was it on the inside of your elbow?
A. That's correct.
Q. And was that because Mr. Anderson told you to rub it there?
A. Yes.
Q. All right. Did he ever tell you exactly what that cream was?
A. No.
Q. Okay. Did he ever tell you that it had something to do with testosterone?
A. No.
MR. FINIGAN: Okay. Do any of the grand jurors have any questions?
THE WITNESS: Waiting, huh?
MR. FINIGAN: Yeah, why don't we start from the left.
GRAND JUROR: You say he did -- Mr. Anderson

ORIGINAL

GRAND JURY

NORTHERN DISTRICT OF CALIFORNIA

GJ INVESTIGATION NO. 2003R01596)

CONFIDENTIAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TESTIMONY OF

ARMANDO RIOS

AT UNITED STATES DEPARTMENT OF JUSTICE

450 GOLDEN GATE AVENUE

SAN FRANCISCO, CALIFORNIA 94102

THURSDAY, NOVEMBER 20, 2003; 2:36 P.M.

FOR THE GOVERNMENT:

KEVIN V. RYAN, UNITED STATES ATTORNEY

BY: JEFF NEDROW, ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DEPARTMENT OF JUSTICE

280 SOUTH FIRST STREET, ROOM 371

SAN JOSE, CALIFORNIA 95113

14:49:21 A. No.
14:49:22 Q. What were you supposed to do with it then?
14:49:24 A. Well, if I remember correct, when I got some
14:49:28 stuff from Greg, I got some stuff. And then if I was
14:49:37 going to use it, he would tell me what should I do or
14:49:42 when to use it or whatever. But this, this was
14:49:45 something that I never used.
14:49:48 Q. Okay.
14:49:51 So you got this cream but you never actually
14:49:54 put it on yourself; is that fair?
14:49:57 A. That's correct.
14:49:58 Q. How many times do you think you got those
14:50:02 bottles like that approximately?
14:50:03 A. I believe once.
14:50:04 Q. So just one bottle like that?
14:50:06 A. Yes.
14:50:07 Q. All right.
14:50:10 Did Mr. Anderson, Greg, ever talk to you about
14:50:15 steroids?
14:50:15 A. Not really. I don't remember specifically
14:50:19 about steroids. No.
14:50:21 Q. Okay. Let me use a couple other names of these
14:50:26 substances and tell me if he talked about them. Did he
14:50:31 talk to you about something called norbolethone?
14:50:32 A. I don't believe so.

14:50:33 Q. Do you recognize from him the name trenbolone?
14:50:36 Did he ever talk about that with you?
14:50:37 A. I don't believe so. No.
Q. Okay.
14:50:39 What about something called human growth
14:50:44 hormone also known as growth also known as G?
14:50:48 A. Yes. If I remember correct, yes.
Q. Okay.
14:50:50 Tell me about how that came up and what he
14:50:54 talked to you about regarding human growth hormone.
14:50:58 A. Well, I believe that I have read about it. And
14:51:02 I approached him and I asked him, after I had my knee
14:51:08 surgery, and I approached him asking about having
14:51:13 something to help me recover. And I asked him. And he
14:51:17 said, yes, that he knew about it.
14:51:21 Q. And after that conversation, did he talk to you
14:51:26 about actually giving you some of it or how did that
14:51:29 come about?
14:51:29 A. Well, I approached him and asked him if it
14:51:33 would help me if there is a way that I could get it from
14:51:36 him.
Q. Okay.
14:51:37 And what did he say?
14:51:39 A. Exactly I don't know what he said. But I'm --
14:51:44 probably said, yes, I can get it.

14:54:27 And that would be, like, in a vial basically to
14:54:31 inject into your body, correct?
14:54:33 A. I believe so.
14:54:34 Q. How many times did he give you testosterone?
14:54:38 A. Specifically, I don't know. Probably two
14:54:41 times.
14:54:42 Q. Okay.
14:54:42 And you would inject that into yourself,
14:54:46 correct?
14:54:46 A. Yes.
14:54:47 Q. And the same with the human growth hormone?
14:54:51 A. Yes.
14:54:51 Q. Did he tell you or provide you with any
14:54:54 instructions on how to inject it into yourself?
14:54:58 A. I believe so, yes.
14:54:59 Q. What did he tell you?
14:55:01 A. Well, one you use in the stomach and one you
14:55:05 use it in your butt.
14:55:06 Q. And did you get some help to do that or would
14:55:07 you do it yourself?
14:55:08 A. No. I'll do it myself.
14:55:10 Q. And specifically the stomach and maybe the butt
14:55:13 as well, but you pinch a little skin and just inject it,
14:55:17 correct?
14:55:18 A. I believe that's what I did.

14:55:19 Q. Did he tell you that or did you just figure
14:55:23 that out yourself?
14:55:24 A. I did figure that out myself. I mean I've done
14:55:29 shots before so --
14:55:30 Q. Did he ever give you an actual shot?
14:55:32 A. No.
14:55:35 Q. Besides growth and the testosterone that we
14:55:38 talked about --
14:55:39 And the testosterone is a steroid, correct?
14:55:42 A. I don't know. From what I read it is a
14:55:48 steroid.
14:55:49 Q. Did Greg ever tell you, like, this is a
14:55:52 steroid? Did he ever tell you that?
14:55:53 A. I don't think so.
14:55:54 Q. But you're not sure one way or the other?
14:55:59 A. It's not like we talk about it, he would tell
14:56:04 me that's a steroid. I mean when I asked him about
14:56:10 getting something to help me, I was really clear myself
14:56:14 of what it was. I mean I asked him about it. And he
14:56:19 would tell me, yes, and you could use it or not. And
14:56:23 so --
14:56:23 Q. Okay.
14:56:24 And when you asked for -- what did you call or
14:56:29 what term did you use when we're talking about the
14:56:32 testosterone? What did you call it?

15:28:15 Q. Right. And actually I think you answered that
15:28:17 question. But I asked you basically what happened in
15:28:19 the conversation. But the answer, just so we're clear,
is --
15:28:21 A. Well, if I remember correct, I mean I called
15:28:25 him because I got a subpoena. And the agent told me
15:28:29 what it was about. And I called him to see if it was
15:28:32 okay and what happened and why am I being subpoenaed.
15:28:35 And pretty much it was a conversation of right
15:28:41 now I'm getting on an investigation. And we didn't talk
15:28:46 much. You know, I didn't want to talk much about
15:28:50 anything with him.
15:28:51 Q. Okay. Fair enough.
15:28:51 But did Mr. Anderson say anything about, you
15:28:54 know, the things that he had provided you, about whether
15:28:58 they were legal or not or illegal or anything like that?
15:29:01 A. I don't believe so.
15:29:03 Q. Did he ever before say, you know, the
15:29:05 testosterone -- I mean it's steroids. Did you ever
15:29:10 discuss that it wasn't legal for him to distribute that
15:29:11 to help you with sports? Did you ever talk about that?
15:29:14 A. I don't think so. I don't remember a specific
15:29:18 conversation talking about whether it was illegal or
15:29:20 not.
15:29:21 Q. Did you know it wasn't legal?

15:29:22 A. Me?
15:29:23 Q. Yes.
15:29:24 A. I think so. Yes.
15:29:25 Q. But did you know that from anything
15:29:29 Mr. Anderson said or just from what you knew?
15:29:30 A. No. I guess from what I've read and know about
15:29:34 steroids.
15:29:34 Q. What about human growth hormones?
15:29:37 A. About that, I never really heard much about
15:29:40 that. And I don't still -- well, I really haven't found
15:29:43 that much that it is a steroid. I guess now I find out
15:29:49 that it's illegal.
Q. Right. Exactly. And I'm not saying it's a
15:29:50 steroid. But whether it's legal or not, I should be
15:29:54 clear whether or not it's legal.
15:29:54 A. I don't know still much about it, whether it's
15:29:58 illegal. I guess maybe it is. If I'm here it's
15:30:01 probably because it's illegal. But the other one, yes,
15:30:05 I guess I knew it was a steroid. This one I did not
15:30:08 know it was a steroid. Illegal wise, I guess, it is.
15:30:13 Q. Okay. All right. Good. Okay.
15:30:17 All right. I don't think I have any other
15:30:20 questions actually for Mr. Rios.
15:30:21 Any other questions for Mr. Rios before we move
on?

GRAND JURY

NORTHERN DISTRICT OF CALIFORNIA

ORIGINAL

GJ INVESTIGATION NO. 2002R01596)

CONFIDENTIAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TESTIMONY OF

LARRY IZZO

AT UNITED STATES DEPARTMENT OF JUSTICE

450 GOLDEN GATE AVENUE

SAN FRANCISCO, CALIFORNIA 94102

THURSDAY, DECEMBER 11, 2003; 1:38 P.M.

FOR THE GOVERNMENT:

KEVIN V. RYAN, UNITED STATES ATTORNEY

BY: JEFF NEDROW, ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DEPARTMENT OF JUSTICE

450 GOLDEN GATE AVENUE

SAN FRANCISCO, CALIFORNIA 94102

A. Yes.
Q. And where did you meet with him?
A. I met him at the offices of the BALCO Company.
Q. Okay, okay. Did he make any statement to you as to, like, whether or not that was where he worked or he knew the guys there? Or what was the situation with the meeting at BALCO?
A. No, he -- he told me that he didn't work there. You know, I was obviously familiar that that was not his place of work. But I had sent checks to that address for the supplements before.
Q. Okay.
A. And so that was just a meeting point. And then we had to pick up the supplements from that location.
Q. Okay. Did you actually go into the BALCO building there?
A. Yes.
Q. Did Greg have, like, an office or a meetings room or anything?
A. (Shakes head.)
Q. You just kind of talked in the --
A. Just in the hallway.
Q. In addition to the supplements that you talked about, did you ever get any kind of a clear liquid or a clear substance from Mr. Anderson that he referred to as

the clear or liquid of some sort?

A. Yes.

Q. When did that happen? When did you first get that from him?

A. At some point in January, February.

Q. Okay. And what did he tell you that was? What did he say about that?

A. He didn't say much about it. There wasn't -- he didn't tell me what it was specifically.

Q. And what did it look like?

A. Like you described it.

Q. Like a clear, yellow-ish liquid in like a little vial basically?

A. Similar.

Q. Did he tell you how to take this liquid or how to administer it to yourself?

A. Essentially.

Q. Okay. And what did he tell you?

A. He spoke of the protocol of taking it, like, every other day during the course of the week.

Q. How were you supposed to take it? In other words, did you inject it into yourself?

A. No. It's just a drop.

Q. And you put it in your mouth?

A. Yes.

Q. Okay. How many times a week were you supposed to take it?

A. About twice a week, just for a short period of time.

Q. Did he tell you specifically what effect this would have on your body? In other words, what it was supposed to do for you?

A. Not too specifically, other than it would make you feel better, overall well-being, better.

Q. How long, approximately, did you take it for, you know, if you started in February 2003 until whenever you stopped taking it, I mean, how long approximately on and off did you use it?

A. Two, I think, separate three-week periods throughout the spring and summer.

Q. How many of those little bottles did you get from him?

A. Just two.

Q. Okay.

A. As far as I can remember. Two.

Q. Two you remember.

In connection with that, did he also give you a little vial of a white topical cream to put on your skin?

A. Some form of a white vial, yes.

Q. And did he tell you what that was?
A. He said that was a cream, you know, that -- to be -- to use with the clear liquid.
Q. And did he specifically tell that you that was actually a steroid cream or testosterone-based steroid cream?
A. No, I didn't -- the cream?
Q. Yes, the cream, right.
A. No, no.
Q. Okay. You didn't know that.
A. No.
Q. All right. What about -- going back to the liquid. Did he ever talk to you about that being a derivative or a slightly altered steroid that would have steroid-like effects, but wasn't actually a steroid? Did he ever talk to you about that?
A. Well, the word "steroid" I don't recall. It was described to me as something that really would give you benefits similar to that, but it wasn't described to me as a steroid.
Q. Was it discussed whether or not it was something that was detectable or would come up with a positive result on a test?
A. Yes. He said that it was not detectable because it wasn't -- it wasn't detectable for whatever

reasons.

Q. How did this stuff work for you? Did it work? Was it good stuff?

A. You know, I only took, like I said, a short amount, small amount of it over the course of just a few separate weeks, you know? So, I can't really say that I gained an enormous amount of benefit from it, no.

Q. Okay.

A. It -- you felt more cosmetic, you know, more -- you felt better cosmetically, but the performance enhancing I don't think it -- it was that beneficial.

Q. Let me try and understand you when you say felt better cosmetically.

Do you mean you actually felt like you looked better or you felt better like it was maybe more psychological than physical?

A. Probably both.

Q. Both, all right.

Did he ever talk to you about actual anabolic steroids?

A. At one point, yes.

Q. Please tell us about that conversation.

A. Well, I don't know if this falls into that category, but early on in our phone conversations, he sent -- we described a testosterone.

GRAND JURY

NORTHERN DISTRICT OF CALIFORNIA

ORIGINAL

GJ INVESTIGATION NO. 2002R01596)

CONFIDENTIAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TESTIMONY OF

GARY SHEFFIELD

AT UNITED STATES DEPARTMENT OF JUSTICE

450 GOLDEN GATE AVENUE

SAN FRANCISCO, CALIFORNIA 94102

THURSDAY, DECEMBER 11, 2003; 2:41 P.M.

FOR THE GOVERNMENT:

KEVIN V. RYAN, UNITED STATES ATTORNEY

BY: JEFF NEDROW, ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DEPARTMENT OF JUSTICE

450 GOLDEN GATE AVENUE

SAN FRANCISCO, CALIFORNIA 94102

Did Mr. Anderson ever provide to you something that looked like this (indicating)? Some kind of substance along with a little dropper or syringe like that?

A. Yes, sir.

Q. And in connection with that did he also give you a cream that looked like that?

A. Yeah, that's the cream, yes.

Q. Is that the cream you were just talking about?

A. It was a lot more than that. But that's it.

Q. Did he give you, like, a big thing of it or did he --

A. Well, this -- I mean, it was up to about halfway full, yes.

Q. And what did he tell you was in that cream?

A. He didn't tell me anything was in it. He just told me it was a massage cream you put on arthritic joints and it soothes you.

Q. Did he tell you it was a steroid or testosterone-based cream?

A. No, sir.

Q. Would you have rubbed it on you or taken if you knew that?

A. No, sir.

I'm -- I'm the type of person where if you ever

looked at my interviews, I'm big on testing players.

Q. Okay. Right. And that's a new thing coming for baseball that actually hasn't been a thing for a long time; correct?

A. Right.

Q. Now, about this other substance, how did you refer to that? Do you remember what he called that?

A. This stuff here was supposed to have been for my liver. Because at that time I was getting life insurance for my family, just on my own. And I just got with a new team, the Atlanta Braves. And they was taking out -- they was doing the life insurance in excess of $60 million. So, I had to get this life insurance. And something came back -- my liver was off a little bit, it was a little high.

And I went to Greg and I was, like: "There's something going on with my liver, I need to get this life insurance." And they go, well -- I said: "They're declining my claim." And I went to the ball club and I told them what's going on. So, they retested me and they said: "Everything is fine, you should be okay."

But then that's when Greg gave me these red pills. And he said: "Take these red pills because it's -- it will help you with this cream that you stick under your tongue. It will go right to your liver and

when I kind of got less worried and things like that. So, I really wasn't -- really -- I really backed off pretty much everything. The only thing I kept is this cream, putting it on my joints.

Q. Do you think you took the clear over a year? Was it that long a period of time?

A. It's possible, yes.

Q. It could have been over a year.

A. It's possible.

Q. I'm sorry. But the whole insurance issue was there was a problem -- they weren't sure they were going to be able to write you a policy because of your liver?

A. Yeah, because my valves -- one was high and one was low -- they were showing me on the chart or something, on the insurance, where your levels have to be similar. But one was here (indicating) and one was down there (indicating).

Q. What was your experience from taking both the liquid and the cream, were they positive experiences? Did it make you feel better, do a good job on your body? Was it negative? Or how would you describe it?

A. To me, it didn't really do much for me. It didn't really do anything. I mean, I know that the cream -- I don't know when guys take -- like our team would say, you know, put ice on your shoulder or do this

or do that, and psychologically you think it's working. And probably that's probably what I was thinking.

Q. All right. And I got to ask some of these questions. But regarding this, I mean, did he ever tell you that that clear liquid was actually a derivative or an altered version of a steroid, did he ever tell you that?

A. No, sir.

Q. Again, would you have taken it if you had known that?

A. No, sir.

Q. Did he ever talk to you about steroids?

A. No, sir.

Q. Did he ever talk to you about something called human growth hormone?

A. No, sir.

Q. Let's -- let's look at that packet that I have -- did I give you a packet up there? Yes, I did, all right.

That first page, let's just look at it right here. Prior to today, have you ever seen this page before?

A. No, sir.

Q. It says: "Gary 11-27 --" I'm just going to read from it, "Pee." And then 11-20 --

Q. So, you were in town with whatever team you were on, you were traveling?

A. Yes.

Q. Okay. I get it.

And at the bottom of this invoice there is an entry for "clear 18 days" and a charge of $300. Is that consistent with this clear substance he gave you that you were talking about?

A. Yes.

Q. And is that consistent with the kind of money you'd pay him for these vials?

A. That's the thing with this money here. It varies with Greg.

Q. Right.

A. Sometimes he'd say: "Pay me this" or he'll say: "Pay me that." And I'd just pay him. It wasn't like I was keeping tabs on him or anything. I trusted him because of Barry. And the deal just varied at times, so I never knew what I was paying.

Q. Okay. Let's go on to the next page.

Now, on the next page, this actually is dated the same day, but it's a slightly different invoice. And there's an indication of something called beans, b-e-a-n-s, on this invoice.

Do you see that?

A. Yes, sir.

Q. And I think maybe you were asked this or shown this, but did you receive little, like, pills from him that look kind of like this? Tell me one way or the other, is that familiar to you as one of the things you got from him?

A. Yes, yes, sir.

Q. And are these the things that Greg would call beans?

A. Yes, sir.

Q. Did they come in this -- this vial that says Andriol on it? Do you recognize, actually, the label on it?

A. No, that never came with that. It came with this clear in a plastic bag, and he just, you know -- you know, like one of those plastic sealers, like a sandwich bag.

Q. Like a sandwich bag, but without a label on it?

A. Right.

Q. Did he tell you that these were, like, little testosterone or steroid pills? Did he say anything to you about that?

A. No, sir.

Q. I don't think we've actually shown this to people before. So, let's call this Exhibit 603. And

I'd like to pass this around. And I'm just going to read from it. It's actually not in English, but it says Andriol, A-n-d-r-i-o-l, and it's in Spanish, apparently, but it says u-n-d-e-c-a-n-o-a-t-o, d-e, and then it says t-e-s-t-o-s-t-e-r-o-n-a, testosterona.

Let me pass this around so the grand jurors can look at it.

So, what did he tell you these beans would be?

A. It was going to help my liver.

Q. Did they actually provide a benefit to you, do you think, when you were taking them?

A. No. Not that I know of. I know when I took them, it was consistent with this (indicating). I would always -- that's how I knew it so well, because I was taking that (indicating) at the same time.

Q. Okay. All right. All right. And again, I mean, would you have taken that if you had known it had a testosterone component to it or a steroid component to it?

A. Definitely not steroids, no.

Q. Okay. All right. Let's move on to these calendars. There's a calendar here -- so skip the next page. There's an invoice. And then there's a calendar that starts December 2001. And there's actually quite a few calendars in here. I'm not going to ask you about

GRAND JURY

NORTHERN DISTRICT OF CALIFORNIA

ORIGINAL

GJ INVESTIGATION NO. 2002R01596)

CONFIDENTIAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TESTIMONY OF

JEREMY GIAMBI

AT UNITED STATES DEPARTMENT OF JUSTICE

450 GOLDEN GATE AVENUE

SAN FRANCISCO, CALIFORNIA 94102

THURSDAY, DECEMBER 11, 2003; 12:07 A.M.

FOR THE GOVERNMENT:

KEVIN V. RYAN, UNITED STATES ATTORNEY

BY: JEFF NEDROW, ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DEPARTMENT OF JUSTICE

450 GOLDEN GATE AVENUE

SAN FRANCISCO, CALIFORNIA 94102

Q. SNAC Systems?
A. Yes.
Q. Yes.
A. Is that connected with BALCO?
Q. There's been some testimony that SNAC is actually associated with BALCO.
A. Okay.
Q. Is that familiar to you, does that seem correct?
A. Well, yeah, because he sent me the bottles of the vitamin C and stuff, and they actually said "SNAC" on it. But then when all this stuff was going on, I read the bottle and I think it does say "BALCO" on it.
Q. Okay. And then in addition to those vitamins, you have some items here before you which we've marked with some exhibit names. We call this 501, a liquid substance. This is 502, which is a cream-type substance. And this bottle 602 which is a kind of brown bottle. Let me go through each one of these. Let's start with this.

Is that familiar to you, 501, the liquid, as similar to something you would have gotten from Anderson?
A. Yes, sir.
Q. What did he tell you that was?

A. The clear.

Q. And did he tell you exactly, like, what the clear actually was?

A. No, sir.

Q. How were you supposed to take the clear?

A. Under the tongue. He gave specific charts to say how much to take under the tongue through a syringe.

Q. Okay.

A. With no needle.

Q. And approximately how many times a week, you know, two or three times a week or --

A. I believe it's three.

Q. Three?

A. Yeah.

Q. And approximately how long in terms of weeks or months did you end up actually taking it?

A. I took only one sample of it. And I didn't even finish it. I just wasn't really enthused about it with the -- well, I don't want to get into it, but the other exhibit, the cream that was supposed to go with it, it just didn't do anything to me. So, I kind of just tossed it away.

Q. Let's go ahead and ask about the cream. That was given with it and that was something you put on yourself?

A. Topical, yes. He said in the arm, which is a thinner area of the skin which it could penetrate. Because, you know, in your arm right here, I guess your skin is thinner or something. He said that's the best area to put it, or something.

Q. And he specifically told you that?

A. Yes.

Q. Did he tell you exactly what that cream was?

A. No, he didn't.

Q. Did he refer to either of these substances as altered or -- you know either chemically or molecularly altered steroids or alternatives to steroids?

A. Yes.

Q. Oh, he did say that, okay.

A. I think he said an alternative -- did he say an alternative or an undetectable alternative, I believe, was the phrase, something like that. In those words, yes, something alternative to steroids, yes.

Q. So, he clearly said it was undetectable? I mean, you just said that. You're confident he said something about it being undetectable?

A. Yeah, undetectable, I don't know. Something in those lines, yes, sir.

Q. And when he said "alternative," was the idea that it was a steroid that couldn't be detected as a

alternative, or it would have steroid-like effects but not exactly be a steroid, or how did he describe it?

A. I kind of took it like as steroid-like effects as I thought something that of -- something like Androstene or something, as to that effect. From what I thought, something that you put in your arm or under your tongue I didn't think would be very good. But obviously, you know, it has been called a steroid now; correct?

Q. Well, there's some dispute about that.

A. Yeah.

Q. As a matter of law, as a legal matter, there's a dispute about that, at least on the clear.

But actually on the cream, did he tell you whether or not that was actually a steroid-based or testosterone-based cream? Did he ever say that to you?

A. No. He just said it was the clear and cream. He said it was, you know, an alternative to a steroid or alternative steroid, you know. And I believe he did say undetectable.

Q. Okay. Did he say where he was getting it from or where it came from?

A. He just said, I believe the word was "a chemist."

Q. All right. But he never gave you the name of

GRAND JURY

NORTHERN DISTRICT OF CALIFORNIA

ORIGINAL

GJ INVESTIGATION NO. 2002R01596)

CONFIDENTIAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TESTIMONY OF

JASON GIAMBI

AT UNITED STATES DEPARTMENT OF JUSTICE

450 GOLDEN GATE AVENUE

SAN FRANCISCO, CALIFORNIA 94102

THURSDAY, DECEMBER 11, 2003; 11:09 A.M.

FOR THE GOVERNMENT:

KEVIN V. RYAN, UNITED STATES ATTORNEY

BY: JEFF NEDROW, ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DEPARTMENT OF JUSTICE

450 GOLDEN GATE AVENUE

SAN FRANCISCO, CALIFORNIA 94102

A. It was either in that meeting, or it was when I got my results back on the phone, which was maybe within a few days that I talked to him on the phone. I'm not really sure where it first started. But within those, like -- between going there and getting a phone call, in between that time, yeah, that's when we started to talk about it.

Q. And overall how often or how many times did you come up either to the gym or to BALCO and actually meet with him?

A. I think I only went one time.

Q. Only one time?

A. Yes, yes, just that one time.

Q. You brought it up, and of course we have it up here, and have kind of marked it for today's proceedings.

We'll start with this, No. 501, for the record.

A. Okay.

Q. This 501 is a canister, obviously, of the clear liquid and this syringe-type thing without a needle.

Do you recognize those in connection with working with Mr. Anderson?

A. Yes, I do.

Q. Did he suggest to you at some point taking these things?

A. We had talked about that it was alternative, it didn't show up, you know, on a test -- I'm sorry. Go ahead.

Q. No, actually, go ahead. I'm sorry.

A. It didn't show up on a test. And, like I said, it was an alternative to taking steroids.

Q. Did he tell you exactly what it was?

A. No. He just basically called it the clear and the cream.

Q. And how did he tell you to take it?

A. He would say take the plunger, the syringe, and fill it up to a certain level, shoot it under your tongue, hold it under your tongue, and usually, I think it was like a day later, you would take the cream and rub it on the inside of your arm.

Q. And the cream, we'll call that 502, this other thing, does this also look consistent with this cream thing he gave you?

A. Yes, it does.

Q. What was it supposed to do for you?

A. He said it would elevate testosterone levels.

Q. The cream or the clear?

A. You know, he never really got into detail about what each one did. But he had talked about that it would raise your testosterone level but also raise

A. Yes.

Q. That's the T, but then you also get these yellow and orange containers that are separate?

A. No, yellow and orange pills.

Q. I'm sorry.

A. It's okay.

Q. Yellow and orange pills. Little round pills, basically?

A. Yes.

Q. Okay, okay. And did you understand those to be basically like testosterone pills or steroid pills or what did you think those were?

A. I don't know. He didn't really explain them. He just had told me to take them. And it had -- he explained it had something to do with my system. That's what he explained. I don't -- he didn't go into depth about it, what they were for. But he just kind of said to take it in conjunction with all the stuff.

Q. Okay. But as far as the bottle of T is concerned, that is that bottle (indicating)?

A. Correct.

Q. Okay. All right. That explains, I think, many of the things in these invoices.

Let me ask, actually, a couple more general questions.

A. Sure.

Q. And we'll get back to these.

Starting with the clear itself, did he call it the clear? What term did he use it for?

A. Clear and the cream.

Q. He called it the clear?

A. Yeah.

Q. Actually, how long -- what would be the time frame that you took it under, to the best of your recollection?

A. I would go exactly off the chart. So, whatever the charts would say, that's how I would take it.

Q. Okay. And they appear to reflect, frankly, most of the year 2003 leading up to about August 2003, up to that time frame?

A. I think originally when I started -- I think I started -- I think I started November, December -- yeah, I think I started in January. No. I started in the end of -- yeah, the end of January, according to this chart.

Q. Okay.

A. Yeah, I started the end of January.

Q. And when did you last take it?

A. And then I would take it -- I want to say all the month of January -- like, I think -- I think what he did was he messed up on the January, and he had to --

take any more of it because you are being tested this year." And that's kind of where it went.

Q. Okay. Did he ever -- it sounds like, and please correct me if I'm wrong -- he appeared knowledgeable about these things?

A. Yes.

Q. Did he ever talk to you about what his involvement was or exactly what his relationship was with this guy Victor Conte?

A. Not at all. I just had known the name because he said he ran -- I think he runs BALCO. I'm not sure what position he even holds.

Q. Okay.

A. But I mean, just assuming what I've read in the paper -- I've heard of the name, but I've never met him. And he just had said that we take all our -- take that stuff to BALCO and they do all our work. That's basically what he said.

Q. Did Greg ever talk to you about where he got the clear and the cream from?

A. No.

Q. Let me throw a few names out, see if you've met or know these people -- a person named James Valente?

A. No.

Q. Ever met him, know him?

A. If I had, I'd have to see his face. I really don't know that name.

Q. What about a guy named Dr. Goldman or Dr. Brian Goldman? As a doctor, specifically, like a doctor who Greg talked to or who he knew?

A. No. He never mentioned that name. I don't -- and I don't -- no.

Q. What about Patrick Arnold?

A. No.

Q. Let's see, what else? Let's go -- right, after the tests, to the FedExes. I'm going to ask you about a couple of FedExes.

A. Sure.

Q. It's right after the test. So, that first FedEx, 1-24-03, actually has no return name -- let me make sure you're on the same one there. You got it? Okay. No return name, sent to Jason G. at Tullio Way, in Henderson, Nevada?

A. Correct.

Q. Is that your address in Nevada?

A. Correct.

Q. Did he ever tell you why he wouldn't, like, put who he was sending it from?

A. No. He would just tell me when I talked to him on the phone that, you know: "Expect a package at this

GRAND JURY 04-1

NORTHERN DISTRICT OF CALIFORNIA

ORIGINAL

GJ INVESTIGATION NO. 2004R00608

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TESTIMONY OF MARVIN BENARD

AT 450 GOLDEN GATE AVENUE

SAN FRANCISCO, CALIFORNIA 94102

THURSDAY, JULY 6, 2006

FOR THE GOVERNMENT:

KEVIN V. RYAN,

UNITED STATES ATTORNEY

BY: JEFF FINIGAN, AUSA

MATT A. PARRELLA, AUSA

UNITED STATES DEPARTMENT OF JUSTICE

450 GOLDEN GATE AVENUE

SAN FRANCISCO, CALIFORNIA 94102

the old ballpark, the new ballpark, spring training, everything just circling around.

Q. Okay. Okay. Well, let's not focus so much on where you met him, but just more the time. Okay? And your injury you're sure happened in '98?

A. In '98.

Q. All right. And in connection with that injury, you took steroids; is that correct?

A. Yes.

Q. And in -- in connection with taking steroids for that injury, you obtained them from Mr. Anderson.

A. No.

Q. Okay. Let's clarify that, then.

A. No. No. My injury happened in Mexico while playing winter ball.

Q. In '98?

A. Winter baseball. Yeah. The winter of nineteen ninety... ...'97. So go down there, get hurt, guys, you know, they trying to push it on me the whole time. I said, "No. No. No. No."

Q. Tried to push what on you?

A. Steroids on me.

Q. Who was trying to push steroids?

A. Players down in Mexico.
Q. All right.
A. I kept say, "No. No. No. No"; but I remember them saying that if, you know, you get hurt, this stuff will make you bounce back faster. I remember getting hurt. I remember coming back to the United States, get tripped up by the doctors. I remember them telling me to go back, pick your stuff up because this is worse than what it seems.
Q. What do you mean by "pick your stuff up"?
A. Meaning, okay, after I got hurt down in Mexico, I flew back to the United States to go get checked out by the Giants doctors...
Q. All right.
A. ...but I left all my stuff down there...
Q. What stuff?
A. My baseball stuff. ...with the assumption that it was not that -- not a big deal.
Q. I see.
A. I would get cured, go back and keep playing.
Q. Okay.
A. When I got back, the trainers told me that this was worse than what it is, "You need to

A. Yeah.
Q. Did you obtain anything else from Mr. Anderson?
A. There was a white substance that looked like hand lotion.
Q. Okay.
A. Told me to put it on my arm. I thought it was kind of weird. I mean, you know, didn't see how this was gonna help, but I tried it. Didn't see anything, didn't feel anything, so gave it back.
Q. When did he give you that in relation to these other things?
A. They're all together.
Q. Okay.
A. They're all tied in there somewhere, somehow.
Q. Did he tell you whether or not any of the substances were supposed to be used together? For example, the clear and the -- the lotion that you've described?
A. Those two went together.
Q. All right. Did he tell you why they needed to go together?
A. No.

Q. Okay. Did he tell you what the clear substance was; what it was supposed to do for you?
A. No. I just remember him saying, you know, "They're gonna start testing and I have something that would not be detected."
Q. Okay.
A. So...
Q. And was -- and was the idea of this clear, undetectable stuff, the idea that it would take the place of your Deca...
A. Yes.
Q. ...because the Deca would be detectable?
A. Yes.
Q. All right. So was it your understanding that this clear stuff should do the same thing that the Deca was doing?
A. Yes.
Q. And exactly... Other than the recovery that you described for your leg, were you taking the Deca for any other reason?
A. No. That was it. Strictly because of that.
Q. Okay. Did you find any benefits of either the Deca... Well, let's start with just the Deca. Did you find any benefits of the Deca