

OBSTRUCTION OF JUSTICE

(18 U.S.C. § 1503)

The defendant is charged in Count Five with obstruction of justice in violation of 18 U.S.C. § 1503. In order for the defendant to be found guilty of Count 5, the government must prove each of the following elements beyond a reasonable doubt:

1. The defendant corruptly, that is, for the purpose of obstructing justice,
2. obstructed, influenced, or impeded, or endeavored to obstruct, influence, or impede the grand jury proceeding in which defendant testified,
3. by knowingly giving material testimony that was intentionally evasive, false, or misleading.

A statement was material if it had a natural tendency to influence, or was capable of influencing, the decision of the grand jury.

The government alleges that the underlined portion of the following statements constitute material testimony that was intentionally evasive, false or misleading. In order for the defendant to be found guilty of Count 5, you must all agree that one or more of the following statements was material and intentionally evasive, false or misleading, with all of you unanimously agreeing as to which statement or statements so qualify:

1. The Statement Contained in Count One
2. The Statement Contained in Count Two
3. The Statement Contained in Count Three
4. Statement A:

Q: Let me move on to a different topic. And I think you've testified to this. But I want to make sure it's crystal clear. Every time you got the flax seed oil and the cream, did you get it in person from Greg?

A: Yes.

Q: Is that fair?

A: Yes.

Q: And where would you typically get it? Where would you guys be when he would hand

1 it to you generally?

2 A In front of my locker, sitting in my chair.

3 Q: Did he ever come to your home and give it to you?

4 A: Oh, no, no, no. It was always at the ballpark.

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6 5. Statement B:

7 Q: ...Do you remember how often he recommended to you about, approximately, that you take
8 this cream, this lotion?

9 A: I can't recall. I don't – I wish I could. I just can't . . . I just know it wasn't often. I just think
10 it was more when I was exhausted or tired than like a regular regimen. You know, it was like
11 if I was really sore or something, really tired...that's – that's --- that's all I can remember about
12 that.

13 Q: ... would you say it was more or less often or about the same as the amount of times you took
14 the liquid, the flax seed oil, the thing you understood to be flax seed oil?

15 A: I don't know. I never kept track of that stuff. I'm sorry. I didn't sit there and monitor that
16 stuff.

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18 6. Statement C:

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

20 A: I've only had one doctor touch me. And that's my only personal doctor. Greg, like I said, we
21 don't get into each others' personal lives. We're friends, but I don't – we don't sit around and
22 talk baseball, because he knows I don't want – don't come to my house talking baseball. If you
23 want to come to my house and talk about fishing, some other stuff, we'll be good friends, you
24 come around talking about baseball, you go on. I don't talk about his business. You know what
25 I mean? ...

26 Q: Right.

27 A: That's what keeps our friendship. You know, I am sorry, but that – you know, that – I was
28 a celebrity child, not just in baseball by my own instincts. I became a celebrity child with a
famous father. I just don't get into other people's business because of my father's situation, you
see...

7. Statement D:

Q: Did Greg ever give you testosterone in injectable form for you to take?

A: No.

Q: Would you have taken it if he gave it to you?

A: He wouldn't jeopardize our friendship that way.

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Q: And why would that – you’re very clear that that would jeopardize your friendship. Why would that jeopardize your friendship?

A: Greg is a good guy. You know, this kid is a great kid. He has a child.

Q: Mm-hmm.

A: Greg is – Greg has nothing, man. You know what I mean? Guy lives in his car half the time, he lives with his girlfriend, rents a room so he can be with his kid, you know? His ex takes his kid away from him every single five minutes. He’s not that type of person. This is the same guy that goes over to our friend’s mom’s house and massages her leg because she has cancer and she swells up every night for months. Spends time next to my dad rubbing his feet every night. Our friendship is a little bit different.