

BALCO saga finally reaches trial of case's star: Bonds

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BURLINGAME, Calif. -- Ground zero for the biggest steroid scandal in sports history now houses a janitorial services company.

It's almost fitting, since the federal agent who linked major-league slugger Barry Bonds and dozens of other elite athletes to the use of illegal performance-enhancing drugs began his investigation by sifting through trash collected here eight years ago.



Barry Bonds is staring at 10 years in prison -- if convicted -- for each charge. (Getty Images)

A short time later, Bay Area Lab Co-Operative entered the sports lexicon.

"It became a tourist attraction like the Golden Gate Bridge," says BALCO co-founder Victor Conte, who still runs a supplement business nearby. "We had bodybuilders stand in front of the signs and do biceps poses. Tour buses were stopping out front. It got to the point where I decided to pull out the yellow pages and call some guys out to paint the signs."

Bonds received more than notoriety. Three months after he became baseball's all-time home run king 15 miles up the 101 freeway in August 2007, prosecutors unsealed an indictment that included perjury and obstruction charges. The trial -- delayed two years after a last-minute appeal by prosecutors -- begins with jury selection Monday.

The trial in San Francisco, expected to last two to three weeks, bookends the BALCO saga that began with raids on the now-defunct rogue facility in September 2003. But the legacy of what took place behind the walls of this building is now woven into sports lore and has changed how sports police performance-enhancing drugs.

That will continue whether Bonds is eventually acquitted on a single count of obstruction and four counts perjury related to his testimony in front of a grand jury in December 2003.

Minus the BALCO investigation, there may not have been hearings in front of Congress on steroids, likely no Mitchell Report detailing baseball's steroid era (released in December 2007) and definitely no news that Yankees third baseman Alex Rodriguez and Red Sox designated hitter David Ortiz tested positive for a banned substance in 2003.

"BALCO was a game-changer," says Travis Tygart, CEO of the U.S. Anti-Doping Agency who aided the feds in the early days of the investigation. "It showed how sophisticated and well-resourced athletes could find a way around testing programs -- if testing even existed in their sports at the time. The deterrent effect that BALCO has been a welcome relief to an overwhelming majority of clean athletes."

But for a couple weeks, Bonds' ties to BALCO will be about the former slugger's freedom, or at least the freedom to roam outside his home. While Bonds faces a maximum of about three years in jail, he's not likely to get much more than a year of home confinement, a fine and probation if the trial follows the pattern of previous BALCO cases.

Here's a rundown of the five major elements that will make (or break) the case:

The Federal Agent

At 6-feet-6 with a shaved head, Jeff Novitzky is hard to miss. The testimony by the lanky former IRS agent, who has been labeled as "America's top steroid cop" by some, was crucial to every indictment and trial related to BALCO -- from Olympic sprinter Marion Jones to former San Francisco 49ers tackle Dana Stubblefield.

But his credibility is about to be tested again.

The use of steroids by athletes "was his white whale," defense lawyer Ethan Balogh said during the trial of Tammy Thomas, a former elite cyclist who was convicted on charges similar to what Bonds faces.

Novitzky and his partner were subject to an internal investigation into \$600 in missing cash seized during the BALCO raids, although both were eventually cleared. He wasn't so fortunate in the 9th Circuit Court of Appeals, which admonished Novitzky for violating the Fourth Amendment rights of major leaguers when he seized test results in 2004 raid; several names -- including Rodriguez and Ortiz -- were eventually leaked.

Novitzky has since moved on to the Food and Drug Administration, where he continues to delve into steroids in sports. He's the lead investigator as the feds look into whether seven-time Tour de France champ Lance Armstrong was part of a conspiracy to purchase and use performance-enhancing drugs and Novitzky has also assisted prosecutors in building a case against seven-time Cy Young Award winner Roger Clemens, who will go to trial in July on charges similar to those facing Bonds.

"Clearly, Bonds' lawyers have laid out an outline on how they will approach him on the stand," says Peter Keane, former dean of the Golden Gate University School of Law in San Francisco. "He came across well in the first two [BALCO] cases. Those who cross-examined him never laid a glove on him."

The Friend

Greg Anderson, Barry Bonds' former personal trainer and longtime friend, has complicated the life of prosecutors -- and vice versa -- for years.

Anderson took a plea for distributing steroids and money laundering, an agreement that didn't require him to cooperate with investigators. Still, prosecutors pressed on and got Anderson jailed in July 2006 for not testifying in front of the grand jury investigating Bonds.

He remained there until Bonds was charged.

Judge Susan Illston ordered Anderson to appear Tuesday in court, where he could be jailed for the duration of the trial unless he agrees to testify, something that again appears highly unlikely.

"Greg remains resolute," Mark Geragos, one of Anderson's lawyers, says in an e-mail.

Anderson is the cog prosecutors say links Bonds to positive tests for steroids conducted by BALCO in 2000-01 and doping calendars that allegedly laid out how Bonds was supposed to use the banned substances. Illston ruled that the evidence cannot be introduced, a decision that was upheld on appeal.

The Witnesses

Without Anderson, the most damaging testimony will come from three witnesses: former Bonds girlfriend Kim Bell, former Giants teammate Bobby Estalella and Bonds' former business manager, Steve Hoskins.

According to the prosecution's witness list, all are expected to tell jurors that Bonds admitted to using performance-enhancing drugs -- a vital part of the case since most charges go to whether Bonds knowingly used steroids.

The most damaging testimony could come from Estalella. Unlike slugger Jason Giambi and the half-dozen former pro athletes on the witness list who can only testify about their connections to BALCO, Assistant U.S. Attorney Matthew Parrella

wrote in a filing that Bonds "admitted using performance-enhancing drugs and that had several discussions regarding that topic" to Estalella.

Regardless, any of the witnesses won't have an easy time on the stand.

Cristina Arguedas, one Bonds' lawyers, is expected to handle the cross-examination of at least some these witnesses. Known for her aggressiveness, Arguedas was part of the "Dream Team" that won an acquittal for O.J. Simpson on double-murder charges. She conducted a mock cross-examination of Simpson, who performed so terribly that he decided to forgo the stand.

"He has some of the best lawyers in the nation, but Cristina Arguedas could be the most formidable," Keane says. "She'll be the one going after Bell and Hoskins in a way only she can, and juries like her."

The Defendant

It's unlikely Bonds will take the stand, but that doesn't mean he won't be examined closely.

In the trial of Thomas, prosecutors showed photos of her with male-pattern baldness and called witnesses who testified to other physical changes that are a consequence of steroid use. Legal analysts expect the same in Bonds case.

"That could be the most dramatic evidence against Bonds," Keane says. "His body may be the most powerful witness against him."

Prosecutors also aim to show jurors that Bonds suffered from acromegaly, a disorder where a person's skull, jaw, feet and hands grow due to an excess amount of human growth hormone in the body. Bonds denied to the grand jury he ever used HGH, an injectable drug that can help build muscle and aid in recovery from strenuous workouts.

"Looking at somebody who has undergone a sudden change in their body can raise questions," says Gary Wadler, an anti-doping expert and New York internist. "It doesn't necessarily prove somebody has used drugs to get that change in appearance. You still need to validate it with some sort of testing."

And prosecutors are only allowed to present one positive test. That came from Major League Baseball's 2003 testing program, where a sample taken from Bonds was retested and turned up positive for the steroid THG, also known as "the clear."

Illston ruled Thursday that prosecutors will be unable to introduce any of the voicemails Bonds left with Bell during their nearly 10-year secret relationship. Prosecutors wanted to use the often graphic messages to show Bonds was in the midst of "roid rage" when he left them.

The Jury

Already a two-time MVP, Bonds signed with the Giants before the 1993 season in what was the most lucrative deal at the time. He's responsible as just about anybody for getting a ballot measure passed that cleared the way for AT&T Park, allowing the Giants to abandon Candlestick Park -- the outdated field he once shagged balls hit by father, Bobby, and godfather Willie Mays.

The fact he continually altered the record books both in the single-season mark in 2001 (73 home runs) and the all-time home run record (762) in 2007 seemingly outweighed his link to BALCO. Question No. 41 of the questionnaire prospective jurors will fill out asks if they have attended a Giants game within the last five years and No. 50 asks if they have a favorable or unfavorable opinion of Bonds.

And then there's that little thing the Giants accomplished in a five-game series against the Texas Rangers a few months back, even though Bonds was kept at a distance after throwing out the ceremonial first pitch earlier in the playoffs.

"The weakest part of the case is the fact the Giants won the World Series," Keane says. "The Bay Area is still in a state of euphoria. It will be interesting to see how that might carry over. It could be the biggest negative for the prosecution."