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COMMITTEE ON OVERSIGHT AND  
GOVERNMENT REFORM,  
U.S. HOUSE OF REPRESENTATIVES,  
WASHINGTON, D.C.

DEPOSITION OF: BRIAN JEROME MCNAMEE, SR.

Thursday, February 7, 2008

Washington, D.C.

The deposition in the above matter was held at 2157  
Lounge, Rayburn House Office Building, commencing at 9:43

a.m.

Appearances:

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Mr. Gordon. Good morning, Mr. McNamee.

Mr. McNamee. Good morning.

Mr. Gordon. This deposition is being conducted by the House Committee on Oversight and Government Reform. It is part of the committee's investigation into the illegal use of performance enhancing substances by Major League Baseball players.

Mr. McNamee, thank you for joining us today. Would you mind stating your full name for the record.

Mr. McNamee. Brian Jerome McNamee, Sr.

Mr. Gordon. The person transcribing this deposition is a House reporter and a notary republic authorized to administer oaths, and she will now place you under oath.

[Witness sworn.]

Mr. Gordon. My name is Michael Gordon, and I've been designated as majority counsel for this deposition. I'm accompanied by several members of the majority staff and I'll ask them to introduce themselves.

Mr. Barnett. Phil Barnett.

Mr. Schiliro. Phil Schiliro.

Mr. Glickman. Steve Glickman.

Mr. Gordon. And would minority staff please identify yourselves?

Mr. Castor. Steve Castor with the Republican staff. I'm also here with my colleague Jennifer Safavian, who stepped out of the room briefly, but she'll be back.

Mr. Ausbrook. And Keith Ausbrook.

Mr. Cohen. Brian Cohen with the majority staff of the Committee.

Mr. Gordon. Mr. McNamee, on behalf of the committee --

The Witness. Can you guys refer to me as Brian or Mac? I would feel more for comfortable instead of Mr. McNamee.

Mr. Gordon. I will try to do that. Brian, on behalf of the committee, thank you for appearing voluntarily for this deposition. We know it's not an easy thing to testify before Congress, but we want you to know that we appreciate all your efforts to cooperate with this committee. I'm assuming this is the first time you've ever appeared for a deposition before Congress, is that right?

The Witness. Yes.

Mr. Gordon. And I think before we begin with the questioning I'll review some of the standard procedures so you know what to expect. And after I do that you'll have an opportunity, if you want to take it, to make a statement before we begin with the questions.

The Witness. Okay.

Mr. Gordon. First, I would like to make a comment about note taking by attorneys who are present today.

Attorneys are of course free to take notes during the a deposition, but we request that no computers or electronic devices be used to record or transcribe the deposition.

The questioning will go as follows. I will ask you questions for up to an hour, maybe less. And when I'm finished minority counsel will have an opportunity to do the same thing. They will question you for up to an hour. And if there are any additional questions after that we'll just alternate back and forth until we're done. The reporter will be taking down everything that's said and will make a written record of the deposition, so you need to give verbal, audible answers rather than a nod or a gesture. Is that clear?

The Witness. Yes.

Mr. Gordon. Also, in order for the record to be clear I will try to wait to ask my question until you've answered the previous question and I would ask you to wait to answer until the question is complete.

The Witness. Okay.

Mr. Gordon. If you don't hear a question or don't understand a question, please say so and we'll rephrase it or repeat it.

The Witness. Okay.

Mr. Gordon. It's very important that you understand the question so let us know if you don't. If I ask you

about a conversation or event in the past and you can't recall the exact words or details, you should just testify to the substance of the conversation or the event to the best of your recollection. If you only recall part of the conversation or event you should give your best recollection about the part that you do recall. Is that fair?

The Witness. Sure.

Mr. Gordon. Because you've been placed under oath your testimony here today has the same force and effect as if you were testifying before the committee. If you knowingly provide false testimony, you could be subject to a criminal prosecution for perjury making false statements or other related offenses. Do you understand that?

The Witness. Yes.

Mr. Gordon. Is there any reason why you're unable to provide truthful answers during today's deposition?

The Witness. Is there any reason why I can't provide truthful --

Mr. Gordon. Yeah, why you cannot provide truthful answers?

The Witness. No, none whatsoever.

Mr. Gordon. Under the committee rules you're allowed to have an attorney present. And I see that you are accompanied by some attorneys. I'll ask your attorneys to identify themselves for the record.



Mr. Ward. Earl Ward. Good morning.

Mr. Emery. Richard Emery.

Mr. Paoletta. Mark Paoletta.

Ms. Greenberger. Debbie Greenberger.

Mr. Gordon. Brian, do you have any questions for us before we get started?

The Witness. No.

Mr. Gordon. Would you like the opportunity to make a statement before we begin?

The Witness. I'm just happy to be here and help with whatever you need.

#### EXAMINATION

BY MR. GORDON:

Q As you know, the Mitchell Report contains a number of allegations regarding your involvement with anabolic steroids and HGH. I'm going to hand you a portion of the Mitchell Report that pertains to you and to certain baseball players, specifically Roger Clemens, Andy Pettitte and Chuck Knobloch. I'll give one to the court reporter to mark as Exhibit 1.

[McNamee Exhibit No. 1

was marked for identification.]

BY MR. GORDON:

Q Exhibit 1 is specifically pages 167 through 177 of the Mitchell Report. Pages 167 to 175 relate to Roger

Clemens. Are you familiar with this section of the report?

A I'm familiar, yes, I am, to the point where I -- I mean I recall what I told the Federal investigators and Senator Mitchell, so nothing has changed.

Q Have you ever read these pages?

A Not really.

Q Well, let me ask you the question this way. Based on your understanding of what's in the Mitchell Report relating to your involvement with steroids and HGH and Roger Clemens, is the information in the report accurate?

A Yes.

Q Are you aware of anything -- at this point I would like to give you an opportunity to read these pages.

Mr. Ward. If I can just confer with my client?

Mr. Gordon. Sure.

[Discussion off the Record.]

The Witness. If I can go back to prior to the release of the report with the conference with Senator Mitchell and the Federal investigators, it was read to me what was my involvement and what was in the report. But they didn't tell me until after they said it was going to read just like that. I didn't really go back to the report and read it, so I was aware of it prior to release.

BY MR. GORDON:

Q I want to take a couple minutes then and let you

familiarize yourself with some of the key passages in this report.

A Sure.

Q If I could direct your attention to page 168.

Mr. Paoletta. I would suggest maybe just take a break and have him read it right now.

Mr. Emery. I would like it better if he directs him to sections of it. It works better.

Mr. Gordon. I think it makes sense at this point to take a break, go off the record, and give you some time to just read through the portion of the report I've handed you. So we can go off the record.

[Discussion off the Record.]

BY MR. GORDON:

Q Brian, have you had the chance to read Exhibit 1?

A Yes.

Q In a moment I'll ask you some more specific questions about particular statements in the exhibit, but for now I want to start with a more general question. Is the information in the Mitchell Report that you just read regarding your providing steroids and HGH to certain players accurate?

A It's accurate, but it's not as accurate as far as the amounts to a degree.

Q Do you mean --

A Like the amounts of injections I believe were more, as far as my memory at the time, and then as this got -- you know I remembered more. But I would say everything is 100 percent accurate other than probably it was more times.

Q So what's written is accurate, but it omits additional instances in which you provided these substances?

A Yes.

Q Could I ask you to point me to the sections in which those additional instances were omitted?

A Sure.

Q I believe the first reference to your providing a substance to Roger Clemens appears on --

A Winstrol.

Q Yeah. Page 169. And it states in the middle of the page, later that summer Clemens asked McNamee to inject him with Winstrol, which Clemens supplied. McNamee knew the substance was Winstrol because the vials Clemens gave him were so labeled. McNamee injected Clemens approximately four times in the buttocks over a several week period with needles that Clemens provided. Each incident took place in Clemens' apartment at the SkyDome. Is there anything inaccurate or incomplete about that statement?

A There is one omission of location and the amounts. Looking back, I thought it was July. But if it was June 8th or 10th I know those injections started right after that

party, pretty soon after. Maybe the day after we got back to Toronto. Winstrol I know -- what I started to remember about Winstrol was it was a water-based steroid that you use more often than you would use an oil base. So the numbers are inaccurate. Because it went on up until -- I'm trying to look for it. Where are the times of injection?

Q Brian, let me do it this way. Do you recall this episode -- do you recall injecting Roger Clemens with Winstrol in the summer of 1998?

A Yes. And then --

Q Do you recall when those injections began?

A Right after the 10th of June in Toronto.

Q So it would have been the next day, like June 11th?

A It could have been the next day or say 2 days. I'm not that exact on that. But it was definitely more than four times over a several-week period. It was probably no less than eight to 10, no more than maybe 14 or 15. Because he -- Winstrol was injected like I think every fifth day for him when he did the regimen. And then he -- I know up to him getting an abscess he started doing it every third day. And I know I just -- it was more than four times.

Q So your best recollection is that it was somewhere between --

A It had to be.

Q What's the range?

A More than eight or 10, so maybe 16 to 20.

Q And these injections began --

A In Toronto.

Q -- in Toronto after this road trip to Florida? You think it was June 11th or 12th, is that right?

A Yes. The party was June 8th to 10th, that road trip?

Q Uh-huh.

A Then it was right when we got back to Toronto.

Q In your initial answer you mentioned July, and I don't know where you picked that up from. Was July something you were remembering as the time frame for injections?

A I know when Senator Mitchell's panel of attorneys --

Q Do you recall whether there were -- whether it was more than one trip to Florida in this time frame, June, July of '98?

A Do you know what, Senator Mitchell did that back -- I said it was like maybe June or July. He did the research on it when we played. Florida Marlins were an interleague play so it had to be only one time because they were a National League team. I was vague on the time. As I said, it could have been June, it could have been July. So they came back to me when we spoke again and said oh, no, it was

June 8th to 10th. Are you sure that's not a typo, it's not July?

Q I'm not certain. But I just want to get your best recollection. Do you recall that the injections occurred soon after a road trip to play the Marlins?

A Yes.

Q Or could it have been to play another, Tampa Bay?

A No, because we had the party, the lunch.

Q You mentioned the statement in here about location of the injections is not complete or accurate, is that right?

A Yes. I missed -- it was 98 percent my recollection in the SkyDome mostly. But it was once, as I remembered later and told the investigators, Tampa Bay clubhouse.

Q One time in Tampa Bay clubhouse?

A Yes, when we were leaving. And it was in a -- like a pantry storage room. I can tell you exactly where it was. It was where they kept all the extra chips and cookies and stuff for the clubhouse. It was like narrow.

Q Was it part of the locker room?

A Yeah. But the clubbie's office was here. And then it was just like you can go out to the hallway there, which is like a runway, and the storage closet was right there on the way out to the righthand side.

Q It was in a storage closet in a hallway?

A No, no, no. It was part of the -- like when you come in the door you're in the clubhouse. If you look quick to the left there's a door. That's where he kept, I guess, his nonperishable items, like the extra stuff, the clubbie.

Q Who kept items?

A The clubhouse attendant for the Tampa Bay Devil Rays.

Q And this injection in the Tampa Bay clubhouse, do you remember when it occurred relative to a game, game time?

A It was after the game, it was a day game, we were getting out and I think, you know, the more I beat myself up thinking about this stuff, I think it might have been the time he got the abscess, because it was one of those -- and I didn't know really about how you get an abscess, but I injected him too quickly because it was like quick, go, get out, you know, who wants to see two guys getting out of the clubhouse -- I mean, out of the storage room. So it was done in a rush fashion. So if I could see when they played -- we played Toronto -- I mean not Toronto, played Tampa Bay that year, it might coincide with the time he got an abscess. Because we were leaving that day, we were rushed and you're not supposed to inject that stuff very quickly and that's how you get an abscess. It's one of the major side effects of it.

Q So it's your recollection that this particular



injection you gave him led to a complication of an abscess?

A Possibly. Because it was the first time it was ever in a rush situation. It was like two kids stealing something from a candy shop. I was, you know, uncomfortable to get out of this closet.

Q Had you ever injected Mr. Clemens in a team facility before?

A One other time in New York.

Q Later?

A Yes.

Q What year was that?

A I believe it was 2000 or 2001. I'm not really sure. It was in the back where the jacuzzi is.

Q In which facility?

A The Yankees clubhouse.

Q Returning to the Tampa Bay injection, was there some schedule you were following with the injections?

A Not me.

Q Was there some -- if you typically were providing him these injections in Toronto, why were you, why did you feel the need to do the injection in the Tampa Bay clubhouse that day?

A I just did what he asked.

Q Okay. So it was at his request?

A Yes.

Q And you said it was after a game?

A Yes.

Q Was it a game in which he pitched?

A I don't know. I don't think so. I don't know.

Q And is it fair to say that it was important to both of you that no one witness the injection being given?

A That's a fair statement.

Q Is that why you went behind a closed door in a closet?

A Yes.

Q For the injection?

A Yes.

Q Okay. I would like to move to -- you hold on one moment, please?

A Sure.

[Discussion off the record.]

BY MR. GORDON:

Q Okay. Brian, as you read through this exhibit a moment ago, were there any other examples where a statement was inaccurate or incomplete?

A Yes, I believe so.

Q Can you point me to the next section?

A Just bear with me a moment.

Q Sure.

A Can I write on this? No?

Q Sure.

A Can I borrow a pencil?

[Pause.]

The statement, 170, the "had a pretty good effect on me." I believe it could have been 2000, so I'm not 100 percent sure it was '98.

Q Do you recall him making that statement?

A Yeah, definitely.

Q In relation to the effect steroids had on his performance?

A Yes.

Q But perhaps it took place in 2000?

A Yes. And I think it was in reference to testosterone, which was the first time that I am aware of that he took testosterone. So that date I believe was in 2000, not '98.

Q Just to be clear for the record, the statement I think you're referring to is during this period of improved performance Clemens told McNamee that the steroids, quote, had a pretty good effect, unquote, on him, is that right?

A Right. But as I remembered later I believe it was because that was Winstrol and then he stopped. Because he got the abscess he stopped taking it. And when he requested that I get stuff for him he said no Winstrol, testosterone or whatever, and I got whatever Kirk said pitchers take.

And he took it -- it was his schedule -- he said I think he was taking it every 10 days, 7 to 10 days. And he said that that stuff has a really good, a pretty good effect on me. That's why -- he didn't take testosterone in '98, that I know of.

Q Are there any other statements as you read through this that you consider to be incomplete or inaccurate?

A Yes, I think so.

[Pause.]

Once again 171. 2000 season Clemens made it clear that he was ready to use steroids again. And then it's just the amounts again, four to six times. It was probably more like six to 10 times.

Q So to be clear, the statement reads during the latter part of the regular season McNamee injected Clemens in the buttocks four to six times with testosterone from a bottle labeled either Sustanon 250 or Deca-Durabolin that McNamee had obtained from Radomski. Is your testimony that this statement is accurate with the exception of the number of injections?

A Yes.

Q And what do you recall about the number of times you injected him with testosterone in the year 2000?

A I recall that it was more than four to six times over the course of 6 to 8 weeks, I believe.

Q Do you recall approximately how many times?

A It was more than six and less than 10.

Q Are there any other statements that are incomplete or inaccurate in any way?

A Yes.

[Pause.]

The next one is McNamee stated that during this time period he also injected Clemens four to six times with a human growth hormone. It's accurate, but if you know the -- it was more like four to six treatments, which was the way you injected the growth hormone to him was 2 days on, 1 day off, 2 days on, 1 day off, 2 days on, 1 day off, 2 days on. So --

Q And -- I'm sorry.

A -- it could be -- one could be 2 days. So four would have been eight and six would have been 12. That's more accurate to the times I might have injected him with -- well, I definitely injected him with the growth hormone, but that's more exact how many times he took it.

Q How many injections are in one treatment? Is a treatment a 2-day period?

A It's almost like a cycle. Like you're supposed to take it for performance enhancing benefits Monday, Tuesday, off Wednesday, Thursday, Friday, off Saturday, Sunday, and you're supposed to take it at night. This is Radomski's

program. And I think one bottle, like one treatment out of the kit would last two or four times. And I believe he took a little less than a kit, which I think there's seven or eight or six double vials in it. So one mixture I think is 2 to 4 days. And I think he either took one or two less than a full kit.

Q How many days total do you think he received HGH injections from you in 2000?

A Three to 4 weeks' worth maybe.

Q Three to 4 weeks with the pattern of 2 days on, 1 day off?

A Yes. I'm not sure how consistent he was with that.

Q And for each day how many injections?

A One day, one injection at night.

Q So the total number of injections it sounds like is significantly more than four to six. Can you give me a ballpark estimate of what you think the actual total was?

A It's just more than this. It's eight to 12 or eight to 20. It's just more than what's in there. All I know is he didn't finish the kit. And a kit could last up to, you know, 6 weeks. Depending on how you use it with taking time off, plus the availability to do it. You know, I know growth hormone, it was always -- that was always done at his apartment, you know, so.

Q Is there a statement after this section you just

identified that you think is incomplete or inaccurate?

A I think Radomski -- Kirk makes a statement that's not accurate.

Q Can you point us to that statement?

A Sure. I just want to make sure there's nothing else before Kirk.

Q Take your time.

A I'm trying find the one where he says they're on the program.

Q I believe that's page 174.

Mr. Emery. First full paragraph on 174.

The Witness. Yeah. You know, apples and oranges, but dropping hints such as he's on the program now, that's inaccurate because it was more -- I referred to supplements that I -- the three lines of supplements that I gave players and Kirk. I met Kirk and stayed in touch with him more for him to pick up these free vitamins I would get from the company I worked with. That was the program. I never referred to -- I don't know that, so that's inaccurate. I didn't drop doping hits.

Q Did you ever indicate to Mr. Radomski that Roger Clemens was using steroids or HGH?

A No.

Q Did you ever drop hints to that effect?

A No.

Q Do you think --

A He would ask me how I was doing. You know, obviously he knew I trained him in the off season, and you know I trained everybody.

Q Did you ever have any reason to suspect that Radomski knew that Clemens was taking these substances?

A No, not from me. It's kind of like most -- anyone that I trained that's involved with this, I mean, or knew about somebody -- anyone that I trained personally. Like he might have even thought Jose. It's just the affiliation.

Q But you're saying you never told him that Clemens was using these substances?

A Yes.

Q Did he ever say anything that made you think he did know from another source?

A No.

Q Is there anything else in this --

A I think that's good.

Q -- in this that is incomplete or inaccurate? Just for the sake of completeness though, on page 172 that first paragraph refers to four to five injections of steroids in 2001. And you mentioned that the number of injections for some other examples was low. Is that true here as well?

A Yes. I didn't see it, sorry.

Q Do you recall how many --



A Paragraph?

Q The top paragraph of 172. Just take a moment and read it and give me your best recollection of the number of injections.

A 2001. Six to 10 times prior. The substances are the same.

Q Let me ask you to turn to page 168 and look at the bottom paragraph where it reads, on or about June 8th to 10th, 1998, the Toronto Blue Jays played an away series with the Florida Marlins. McNamee attended a lunch party that Canseco hosted at his home in Miami. McNamee stated that during this luncheon he observed Clemens, Canseco and another person he did not know meeting inside Canseco's house, although McNamee did not personally attend that meeting.

Do you recall this party at Mr. Canseco's house?

A Yes.

Q How many people approximately were at the party?

A Mostly the whole team, the coaching staff.

Q The Blue Jays team?

A Canseco's, I believe -- yes, the Blue Jays.

Canseco's wife, his daughter, and there were two elderly people. One might have been his mother and/or his father or somebody helping out with the party. They set up a spread outside near the pool. I mean it was a -- it wasn't a great

party. It was a great house, a great setting with the pool and stuff, but we had a game that night. So it was, you know -- everyone just had sandwiches and hung out for an hour and went to the ballpark, so it wasn't a great party.

Q How many people approximately are we talking, 30, 50, 100?

A I would say about 30 because I'm sure one or two people didn't go, I'm sure. You know, but it wasn't -- Roger was there with his nannie and I think two of his kids, two of his youngest kids. Because the nannie was there. The child, his youngest child Kody was, Kody had to be two maybe, so the nannie was chasing him around. And maybe Kacy would have been about four. The oldest ones I don't believe were there. And Roger's wife was there, Debbie. She was the only other female besides the elderly woman helping with the food, Jose's wife, daughter and the two children and Debbie.

Q We've received evidence that there was a team party at Canseco's house, but that Mr. Clemens was golfing that day and wasn't at the party. It sound like you have a pretty clear recollection of seeing Mr. Clemens at this party along with some family members, is that right? Are you certain about that?

A Roger showed up after golf, I believe. Maybe he was golfing. I don't know if he was golfing. He might have

showed up a little bit later, but no, he was there the whole time for the most part. He was in the house. I could tell you a specific story about him being there, which was involving Jose, Jose's wife and Roger's wife when they went inside, when the guys showed up. I mean, they talked -- no disrespect, but they talked about how great Jose's wife's augmentation job was to Debbie and showed her. And then Debbie showed her her augmentation job.

Q And this was during this same party?

A In the house. Then the guy -- they came back out -- the nannie, you can get her. If you want to talk to her, her name was Lily. They left on bad terms. She worked for him for 14 years.

Q Worked for Canseco?

A No, for Roger.

Q The nannie?

A Yes.

Q Do you know what her last name is?

A She's a great girl. No.

Q How many times have you been in Mr. Canseco's home in Miami?

A That was it.

Q That was the only time?

A Yes.

Q And you're fairly certain about the time frame being

during this June 8th to 10th, 1998 period?

A I'm sure that it was against the Florida Marlins, which was a National League team. And we only interleague certain teams, so that's it. I don't know. Yeah, if that's what they came up with, then yes.

Q You've never been to Mr. Canseco's house another time, right? This is the only time you've ever been in that house?

A The only time. But you have to understand. In '98 was my first job as a strength coach and this house was unbelievable. I've never been to a Roger-type house, but they had a rock pool. I mean, the house -- I mean it's something you don't forget, you don't forget. And I could tell you the players that were there. I mean, as far as Pat Hentgen, Woody Williams, Chris Carpenter, Jose, and just -- you know, me. But those guys would -- they visibly saw Roger there, they visibly saw him go in the house and they visibly saw his nannie chase his kids.

Q If I could, I would like you to turn to another part of the report that you just reviewed, page 175 and 76. These are the pages that relate to Andy Pettitte. You're familiar with this part of the report, having just reviewed it, is that right?

A Yes.

Q Is the information regarding Mr. Pettitte accurate?

A It's not accurate in the beginning, the second paragraph.

Q Okay. Could you explain?

A According to McNamee, during the 2001-2002, it's 2000-2001, going into 2001 season, not the 2001-2002.

Q So --

A Pettitte asked him about human grown hormone. McNamee said that he discouraged Pettitte from using human growth hormone at that time. That is accurate. There is a statement that's missing as far as how Andy Pettitte found out about human growth hormone. And it was in, it was in Roger's gym when he -- I was cleaning up after one session. Then we do like an agility program, then we toss and then we go. They throw off the mound and then we do weight work. Roger was changing his shoes, tying his shoes on the side in his gym, Andy is long tossing in the corners of the gym diagonally to be the first -- I think C.J. Nitkowski was throwing first and then I'd catch. So it was cleaning up the area, then we did the cardiovascular and agility work. Andy Pettitte was having a conversation with Roger 5 feet away. I walked in between the middle. Andy started to back up, back up, back up. He was getting further away from Roger. And all he did was bark at me and say why didn't you tell me about that stuff.

Q That was Andy Pettitte speaking?

A Yes. And I said what stuff are you talking about? And I said -- he goes, growth hormone. And I said why. He goes, well, Roger is telling me that he's taking it and you know you get me all this protein and this recovery stuff and why don't I take it. And I said well, Andy, it's illegal and I know how you are. And he just looked at me and he says well, if it's illegal then never mind, never mind. That was pretty much the last time we spoke about it. And I'm sure I wasn't -- do you know what? This date is killing me. Did he go a whole year?

Q This episode you're describing now, do you know when that occurred?

A Where does it say -- because the information about the spring training -- no, his injury is accurate. So I just want to confirm 2000-2001 or 2001-2002.

Q At the top of page 176 it discusses the Pettitte injury.

Mr. Emery. April, June 2002.

The Witness. Do you know what? Then these dates aren't right. I'm sorry. I didn't -- there's no way we went a whole year. But then -- all right. So the conversation took place on the first workout, either late December early January, late December 2000, early January 2002. And then he went on the DL and he -- I guess because of our conversation and -- we didn't talk about it

again until he called me up and asked me. He told me he was doing it, can you get it.

Q Who are you speaking of now?

A I'm speaking of Andy Pettitte. So it went from that gym -- but I don't know this for sure, but I'm sure he found out more and more about it as time went on.

Q So he -- when -- first of all, were you saying that the incident in the gym was the winter of 2001-2002?

A Yes, I am.

Q And after that Mr. Pettitte called you?

A Yes.

Q And he said he's using it? Was he referring to himself or was he referring to Pettitte or who was he referring to?

A Andy Pettitte called me up. I was in my house in New York. And he was going -- about to go on the DL. And he made a statement to me that he wanted to go on human growth hormone and he was going to go on human growth hormone. Also can you come down and train me two times a day while I'm down here going through their stuff, so I said yes. He said can you get human growth hormone for me because I'm going to do it. And I said sure.

Q Did he --

A I did tell him I don't think you need to, but that doesn't matter.

Q Did he refer to Clemens' use of human growth hormone in that conversation?

A No.

Q Did he refer to Mr. Clemens' use of human growth hormone in any conversation other than the one you described in the gym?

A Not that I recall.

Q In that incident in the gym did you overhear what Clemens and Pettitte said to one another?

A Not really.

Q Did you hear anything?

A I was annoyed. I was annoyed. And I think Roger just shut up because he knew I was annoyed. But no, I didn't really hear what they were talking about.

Q And why were you annoyed?

A Because it makes me look stupid when a guy, you know, does that, undermines me where you know I don't feel comfortable about doing something and then he tells somebody that. I have a confidentiality thing where why would I go talking about this. And I'm telling you that C.J. Nitkowski, I just got done telling him he doesn't need to take Winstrol. And then he's telling Andy that he's taking growth hormone and I don't even know what else. And I was like why would you do that to me because then Andy thinks -- you know, I didn't want to break a trust. And that's how



Andy was going about it. He's like, what are you talking about, you don't tell me about this. And you know it just put me in an awkward situation. So I looked at Roger, and I mean that was the end of the conversation. So no, I didn't hear what they said or what they were talking about other than what Andy said.

Q Just to complete this line of questions about the statements in here about Mr. Pettitte, are there any other statements in here about Mr. Pettitte and his use of human growth hormone that are inaccurate or incomplete?

A Well, where it says -- I mean there's a conversation omitted from the Mitchell Report that happened in around July with Andy Pettitte.

Q July of which year?

A July of last summer, '07.

Q '07, okay. Can you --

A He called me to train him at his Westchester house. And obviously there was something bothering him. And he got around to asking me the question about Kirk Radomski. And I was already involved with cooperating with the Federal investigators regarding Kirk Radomski. And I also was aware that I shouldn't be telling these guys or talking to them about it, and we really didn't know what the direction was. We spent more time talking about the situation than we did working out. And he just said to me, he goes I'm not

concerned about you -- I mean, he goes I'm not concerned about me, I have enough money, I'm loaded. He goes, what I'm doing is I'm concerned about you. Because when the leak about the Grimsley affidavit with me being in it, he knew how much that hurt me as far as jobs and work and so on. And he goes, I know, you know, I would immediately tell him that you know you told me not to do it and that I heard about it from Roger. And he reiterated this to me without me -- it was unsolicited. And that's pretty much how he orchestrated how he was going to answer when he had to. And that's -- I should have told him about that conversation because it should be in here. And I had opportunity to change it or tell Senator Mitchell because we met a couple of times, right?

Mr. Ward. [Nonverbal gesture.]

BY MR. GORDON:

Q I want to change topics. I may follow up with other questions later about that conversation. But when you came here this morning your counsel provided the committee with some photographs. And I would like to give you a copy of these.

A Should we mark these?

Q Yeah, we can have the reporter mark them. As she's doing that, are you generally familiar with these photographs? I'm sorry, let's take a moment for the

reporter to mark the exhibits.

RPTS KESTERSON

DCMN ROSEN

[10:42 a.m.]

[McNamee Exhibits Nos. 2-10

were marked for identification.]

BY MR. GORDON:

Q So the court reporter has marked as Exhibits 2 through 10 a series of photographs. Are you -- do you know what these photographs are? Have you seen them before?

A Yes.

Q Can you explain to me generally what the significance of these photos is? What do they depict?

A Steroid and growth hormone use in baseball by professional athletes, mainly Roger Clemens.

Q Are these photographs of items that belong to you?

A They were in my possession, yes.

Q And when were these photos taken?

A I believe -- was it January 8th?

Mr. Emery. He doesn't really know when they were taken. They were taken the 9th or 10th of January in my office.

Mr. Gordon. Who took the photos?

Mr. Emery. In my office, my assistant took the photos with me present.

BY MR. GORDON:

Q So the material depicted on these photos, is it correct that you provided this to your attorney and then he took care of making photographs?

A Yes. And it.

Mr. Emery. And it was entered over to the early Federal government. It was turned over to the Federal prosecutors.

BY MR. GORDON:

Q If I could draw your attention to the first photo which is exhibit 2. Can you briefly describe what is depicted in this photo?

A Left over stuff that was in Roger Clemens's possession at his New York apartment prior to him leaving for the off season.

Q I think we're looking at two different photos. The first photo -- if you look at the back there is an exhibit number. That first photo should be Exhibit 2.

A This is 2.

Q Yeah. Good. That is the one I was asking about.

A I thought this was 1.

Q Yeah. So Exhibit 2, can you describe what is depicted on that photograph?

A A Miller Lite can that was used to store hazardous material, the open wrapper to a used 22-1/2 gauge syringe.

In the upper somewhat left corner, you'll see the tail end of a broken ampule, the body of a broken ampule of that stored testosterone. The white napkin, the length of the white napkin was used -- was toilet paper from Roger Clemens' apartment that I wrapped the syringe in that was used. The syringe -- the needle part of the syringe is a needle from the end of the syringe that injected Roger Clemens. The bottom part of the tissue paper, you'll see like a little bit -- like lettering or black marks. Do you see that? Do you want me to stand up and point to it as I'm talking?

Q Sure. That would be helpful.

A You see right there?

Q Yes.

A That is the body of the syringe where the testosterone was drawn into. That is the needle that belongs to it.

Q Okay.

A I believe these cotton balls were used to apply alcohol to the area prior to the injection. This is gauze pad, that was used because of blood on it. It was used, I believe, to clean the area after the injection. That piece of cardboard has nothing to do with anything that I can recall. Upper left, that is, I think, -- I believe that to be alcohol pads, I think, the tear ones. As you can see,

that red circle, that is the head of that body of testosterone.

Q From the container --

A From the ampule that you break off.

Q Are all of these items -- were all of these items used by you in connection with providing steroids to Mr. Clemens?

A Yes.

Q And when did that -- when did you use them?

A 2001.

Q And what is the substance that was injected?

A I think it is --

Mr. Emery. Looking at 2 -- looking at Exhibit 2, the first one you were looking at, he is asking you what the substance was in that photograph.

The Witness. I've got it. I was looking here because it is the same bottle. I was trying to read it. I don't recall. But it is that bottle.

BY MR. GORDON:

Q So it was definitely a steroid, an anabolic steroid; is that right?

A Sustanon 250 -- yes, it was definitely a steroid, a testosterone-based -- a for-testosterone-based steroid.

Q And -- are these -- these items depicted here, you've kept them since 2001 when you injected Roger Clemens

with the steroids?

A Yes.

Q Why did you keep them?

A I kept them -- well, because throughout my time with Roger Clemens, it was -- there was always somewhat in the back of my mind I distrusted him to a degree, and my gut feeling and my -- the fact that I was an ex-cop, I just felt -- and I think there were like bits and pieces coming out in the paper. I just felt that if I was going down, I wasn't going to go down alone because I never felt good about this. I never felt comfortable about it. I didn't promote it and I felt bad about it and I kept it.

Q What was going through your mind when you decided to deep? Did you anticipate some way in which you might need to use it in the future?

A I didn't anticipate it. And I didn't feel even good about keeping it. But I just had a gut feeling, I had a gut feeling about it. I can't explain that.

Q And what was your concern exactly? And how would retaining this stuff address that concern?

A My track record for trying to do the right thing for people and getting hurt and my family getting hurt and my gut feeling told me that I needed to protect myself.

Q Did you ever tell anyone else that you had kept this material?



A My wife knew. She kept referring to it. Not this exact stuff, maybe references to having something to cover myself if anything happened.

Q You told your wife you were retaining iteming similar to this that had been used in connection with providing steroids to Mr. Clemens; is that right?

A Yes, I did.

Q Did you tell anybody else that you were doing that or just your wife?

A I don't really -- not that I can really pinpoint down -- you know, I don't think I would have. But -- other than generalization, I don't think I did.

Q Did you ever let Clemens know that you had retained these kinds of items?

A No.

Q Did you ever retain items like this that related to injections you provided to anyone other than Mr. Clemens?

A I believe -- I'm not 100 percent sure, but I believe -- can I take a second to talk to my attorneys real quick?

Mr. Gordon. Sure.

[Discussion off the record.]

The Witness. I know that in that can there is another syringe and that is Clemens' and I think there is a GH, a growth hormone syringe in there that could be Clemens' or

Knoblauch's. I'm not certain. But I might have kept Knoblauch's, just one, maybe. So I was thinking -- Knoblauch was with the Yankees in 2001 -- maybe one of Knoblauch's, or it could all be Roger's, or there is a diabetic type syringe in there that might be Knoblauch's.

BY MR. GORDON:

Q Do you recall intending to save material related to Knoblauch? Is that what you were trying to do?

A Yeah, I kind of was thinking like -- I think there was an article written by -- there was an article in the paper -- see, I would have to check. But my thought pattern was, I think this stuff was coming out in baseball, like, it was getting more exposure and I just thought that I should cover myself. I had a gut feeling about it. I can't explain the gut thing, but yeah, I didn't -- you know what, I could have had a hundred of these things, I just did it towards the tail end of 2001 and that's it, it happened.

Q So with respect to Knoblauch, do you remember wanting to save material relating to him as well?

A Kind of.

Q Any other players?

A That's all I really know. Those guys are the only ones that I -- you know, Andy, it was in 2002, but how was I going to get the syringe back to -- I don't know. I don't think so.

Q Did you have a similar suspicion about Chuck Knoblauch that you said you felt about Roger Clemens?

A No, not similar, but --

Q So was there a different reason for saving Knoblauch's material?

A Yeah. I mean, it wasn't similar, but I didn't trust Knoblauch either. But he had other problems. He had other issues which could have blown up in his face.

Q Why did you save his stuff?

A I think because I could.

Q You said earlier it was to protect yourself.

A Yes.

Q Can you elaborate on that? You saved this material relating to Clemens because you figured you might need it to protect yourself. Is that essentially what you said?

A Yes, protect -- I was coming from my family and the career that I had built.

Q And can you just elaborate what you mean by that? How this material would help you protect yourself?

A Well, I shouldn't have been doing what I was doing. And to protect myself was -- I didn't -- there was no good relationship with agents. They are looking out for number one, their player. No one is going to look out for a trainer and my gut feeling so I could go on for maybe hours -- I don't know. My gut feeling is it is and --

Q Do you know -- other than the items depicted in this series of photographs, have you retained any other material relating to providing steroids or HGH to major league players?

A No.

Q Did you provide these materials to the Mitchell Commission?

A No, I didn't.

Q Did they ask for materials like this or corroborating evidence?

A I believe -- I don't think they did. I think they just elaborated on other player also in what I gave the Federal investigators.

Q When did you provide this to the Federal government?

A January 8th.

Q And --

A 2:00.

Q That is January 8th of this year?

A Yes.

Q Had they ever asked for material like this relating to steroid use prior to January 8th?

A Yes.

Q Why didn't you provide this to the government sooner?

A I was trying not hurt the guy.

Q The guy is Roger Clemens?

A Roger Clemens.

Q Can you explain that?

A I felt awful for being in the situation I put myself into and I didn't want to be there, there was a feeling of betrayal and I guess as a police term ratting out somebody and holding on to this and not to giving it up to them is something I shouldn't have done but it made me at least feel good about it, it was the only thing I felt good about.

Q You had told the Federal investigators about Clemens' use; is that right?

A Yes.

Q But you withheld this physical evidence, but that distinction -- why did you draw the distinction there?

A My assumption was he was going to either -- he was going to deny it and it would go away with time post Mitchell release when he -- and I felt good about this because I thought this would have been more damning, and I tried to help him post release by talking to his private investigators and this is something that would have been damning and I was trying to be as honest with the Federal investigators and Senator Mitchell, but I didn't want to hurt him as bad as I could.

Q What made you change your mind? What prompted you to --

A He came after my family.

Q How did he do that?

A He released a tape about my son's medical condition on national TV.

Q So it was after seeing his press conference in January that you decided to --

A It was the very next day.

Q Release this evidence to the government?

A Yes.

Q I'm going to turn over the questioning to minority counsel. Would you like to take a break at this point?

A 2 seconds?

Mr. Gordon. Sure.

[Recess.]

BY MR. CASTOR:

Q We are back on the record, Mr. McNamee. I'm Steve Castor, I'm with the Republican staff. I want to run through these pictures real quick just so we understand the universe of what the photographs were. Your counsel has advised that essentially there is three piles of pictures from 2 years. There is one pile from 2001 and there is two piles of the pictures from 2002. The photograph that we were talking about before we went off the record was Exhibit 2, and that is from the 2001 pile. The other photographs in the 2001 universe are Exhibit 5, Exhibit 9, Exhibit 6 and

Exhibit 8.

Mr. Emery. Can I see those for a second? I want to write down the -- do you need them back right now?

Mr. Castor. Take your time. I just don't want to get them -- I don't want to add any further confusion to this.

Mr. Emery. Right. I agree. Thank you very much.

BY MR. CASTOR:

Q Okay. Moving to the 2002 universe, there is a total of 4 photographs. The first set are Exhibits 3 and 7.

Mr. Castor. Mr. Emery, there you go.

Mr. Emery. Thank you.

BY MR. CASTOR:

Q And the second -- the second part of the 2002 universe is Exhibits 4 and 10. And 4 and 10 are the little pill bottles.

Mr. Castor. Are we all set?

Mr. Emery. Yep.

BY MR. CASTOR:

Q Going back to the 2001 universe. Okay? Earlier you walked us through Exhibit 2 with gauze pads, cotton, syringes and this is from injections you said you administered to Mr. Clemens?

A Yes.

Q To the best of your knowledge, was that a Sustanon product?

A I believe so, to the best of my knowledge.

Q Okay. What is in the beer can? Or why is the beer can in the picture?

A The beer can was taken out of Roger Clemens' recycling can and I usually would put the hazardous materials such as the needle in a can and bend it over to protect anyone from getting injured in the garbage and/or where I dispose of it. In the beer can, there is a way with the 22 gauged needle, 22-1/2 gauged needle that you can untwist and then -- and then put in the needle and then when you unzip it, it has a plastic cap on that that just clicks off, clicks on.

So what I did was I unscrewed it, put -- I put the plastic cap back in, unscrewed it after use, threw that in there with the body of the syringe, the 22 gauge. There is also, I believe, the broken ampule that was used for that injection. I believe there is a growth hormone needle in there with no -- maybe a cap on it. I'm not sure and maybe -- maybe one or two used growth hormone bottles, like the mixtures, the water and the pill thing or the powder stuff. That is probably in there.

Q Okay. Clemens didn't use growth hormone in 2001, though, right?

A No.

Q So where is the growth hormone coming from? Which



player? Is that Knoblauch, or don't you know?

A I think it is Knoblauch, yes.

Q You believe it is Knoblauch?

A It can only be Knoblauch.

Q Flip through the rest of the pictures and see if there is anything else you need to tell us or we haven't discussed?

A Inside the beer can looks like a brown bottle, not a clear one because it has got a blue -- a darker blue -- it looks like a brown one. Do you see that? This is Exhibit 6.

Q And what is the brown bottle to the best of your recollection?

A The brown bottle might be Sustanon.

Q I get worried when you start going into the 2002 pile because I don't --

A I know, but the 2002 could have been left over from 2001. That was in his possession in 2002 when he cleaned out. I was just trying to get a reference to what that bottle is.

Q Okay. Fair enough.

A Did I mention -- well, there is -- in Exhibit 5 there looks -- there is another bottle, it is not an ampule. I don't know what that is. That might have fallen out of the can. I don't know. I have no recollection -- I don't

know what type of product that is, that blue thing in Exhibit 5.

Q In the Mitchell Report it says you administered four to five injections of Sustanon 250 or Deca-Durabolin?

A Yes.

Q Over a 4- to 6-week period in August. These photographs here in the 2001 universe, is that all from what you told the Mitchell Report people about, plus the Chuck Knoblauch materials and the growth hormone?

A That's -- I'm not sure if I understand. All I told them about is --

Q In the Mitchell Report you talk about 2001.

A Yes.

Q And in the Mitchell Report, you talked about 4 to 5 injections of Sustanon 250 or Deca-Durabolin?

A Yes.

Q Do you remember any other injections on Mr. Clemens in 2001?

A Are you talking about any other product injections or more times of the injections?

Q I'm just better trying to understand the universe of injections you administered to Mr. Clemens in his apartment in 2001. And then after you get done telling me about that, I'd like to bounce that up to the pictures and see what we're missing, see what you didn't keep, ask you why you

didn't keep it and so forth. Do you understand where I'm going here?

A Yes. I think the -- you know, everything in the Mitchell Report is 100 percent accurate other than me just not downplaying a little bit of the use. But that is -- that was his program. It was probably July to the end of August, you know, mid-July to August as far as the use and frequency.

Q How many injections total, maximum?

A In 2001? It could have been 8. 8 to 14, 14 being the max. I'm thinking because -- if he was going 10 days or 7 days, that's all that would do it.

Q So what is the max?

A Probably 8 to 14. 14 maybe.

Q And the minimum is 4 to 5?

A Well, the minimum -- the minimum probably would be closer to 8.

Q Okay. So you have a recollection of 8 to 14 injections on Mr. Clemens in 2001?

A Yes.

Q Now is that all the injections you administered to Mr. Clemens in 2001?

A Yes.

Q And can you tell us whether it was Sustanon 250 and Deca-Durabolin or was it Sustanon 250 and -- I mean, how --

how did the Deca-Durabolin get in there?

A To my recollection, they were alternated. They weren't put together.

Q Okay. So it was part of their -- I guess they call that stacking?

A Yeah -- no. Is it stacking? No, no. They were -- like, he would do one and then the other the next time. I don't know what stacking is all at once, isn't it?

Q You tell me. To the best of your understanding.

A No, I mean -- I -- it wasn't my regimen, it wasn't my thing. So they told me. If they didn't ask for, I wouldn't have got it. So I don't know about stacking or cycle.

Q So you describe 8 to 14 injections in 2001.

A Yes.

Q You have got Sustanon 250. Is that fair to say?

A Yes.

Q You got Deca-Durabolin, is that fair to say?

A Sure.

Q Anything else that you injected?

A No.

Q And these pictures here there is no Deca-Durabolin in the mix, is there?

A That blue bottle could be Deca. I can't see it.

Q Or brown?

A No. It is -- you know, you see it better in Exhibit 6. You got a better -- the picture is a little furry -- fuzzy.

Q So I guess what you're trying to say here is that you can't be sure as you sit here today looking at the photographs whether there is Deca-Durabolin and Sustanon pictured here?

A I know they are anabolic steroids. I would need to -- I can't read it. I'm not sure.

[Discussion off the record.]

The Witness. No, I'm not sure.

BY MR. CASTOR:

Q Okay.

A I just know they are anabolic steroids.

Q Can you walk me through the process of collecting all of this evidence?

A From start to finish?

Q You're at Mr. Clemens' house. I understand it is at [REDACTED]?

A Yes.

Q After baseball games?

A The majority.

Q The majority of the times? How many -- how many appearances did you make at the [REDACTED] residence in 2001 to inject steroids in Mr. Clemens?

A Probably 8 to 13 times.

Q So when you said that there were 8 to 14 injections, there is one injection per visit?

A Yes. I believe one of the injections was at the clubhouse.

Q Okay. And when you completed the process, you gathered the materials?

A Yes.

Q And you did what with them? Did you put them in a carrier?

A It was usually a water bottle or an empty can, beer can, soda can, whatever was in the garbage. A lot of times -- my son is a type 1 diabetic, and we have HAZMAT at the house. So being in New York, we'd put it in there. And then on the -- was it too many times in a row? It wasn't that many times in a row as far as Pettite and Knoblauch, So I threw it out in the garbage. That is where the canning system came into effect.

Q Pettite was in 2002, right?

A Yes.

Q We're only talking about 2001 right now.

A Sorry.

Q And I'm not trying to give you a hard time here. I'm just trying to --

A I'm jumping because I had a system and it would

include Knoblauch and Pettite in how I would dispose of it. So I'm trying to give you more information on how I disposed of it. It is hazardous material. You know, [REDACTED] [REDACTED] -- I have to take to the hospital. Now we don't have a HAZMAT container. We have a Tide bottle, which is fine, you tape it. And really that is it. When I -- would you like me to finish how I came into possession of this?

Q Yes.

A It was just -- as accurate as possible I believe it was like August when I started having these feelings and I just towards probably the last two injections I just took the material and I saved them in the same fashion I used to dispose of it.

Q So of the 8 to 14 visits of the 8 to 14 injections, the photographs depict materials from the last two?

A Probably, yes, exactly.

Q And for all the other visits, what did you do with the materials?

A I would either protect them in that fashion, dispose of them in the trash or I would take them home to my house and dispose of them in a HAZMAT container with other syringes.

Q And which trash would you dispose of them in at Clemens' house, Clemens' residence?

A I would leave it -- I would throw it, I believe, in the garbage of the hallway on the 23rd floor.

Q And did you do that for all of the materials, gauze, cotton, syringes, everything?

A [Nonverbal response.]

Q So at the end of the injection, the end of your visit, you would collect what I just described and you had them in a water bottle?

A Mainly it -- it was mainly the syringe and/or the broken ampule. The gauze and stuff might have been thrown in the trash at his house. But it was -- mainly to get rid of the needle and the broken ampule and it was -- yes, I always took that. I always took it.

Q Now, walk me through a visit. Obviously we don't have to go through every visit, but just generally?

A Typical visit?

Q Walk me through a typical visit.

A Do you have time tonight, follow me home, yeah, wait for him in the parking lot. He was always the first one out of the shower. I would finish up my work. Not always follow him home because I had to train guys afterwards, so he wouldn't wait around for that. So not immediately.

So I would take the 3rd Avenue Bridge, get on 2nd Avenue, 2nd Avenue I'd park outside the fire hydrant. He would call down to mainly Carlos the doorman. He parks my



car at the fire hydrant. I'd go up. He'd have the stuff out. Boom. Break the ampule. Draw it, inject it. All right, take care, have a nice day, downstairs, see you later, Carlos, thanks.

Q So you weren't spending a lot of time there?

A No. We didn't really socialize. We maybe took 5 minutes to do the injection, but may 10 minutes of chatter. He'd be getting calls because Houston was always an hour behind. Maybe his kid would call and say he got two hits in a game, ah, that is great, whatever. But that's it, no --

Q And where in the residence did the injections take place, typically?

A They were in the kitchen and then he had a spare bedroom off -- as you went in off to the left.

Q Was there ever anybody else in the residence beside you and Mr. Clemens when this occurred?

A Never.

Q And during the time period you described in 2001 where there were eight to four visits/injections, do you know if Mr. Clemens was engaged in the use of anabolic steroids outside of what you were also participating in?

A I had no knowledge of that.

Q He didn't tell you?

A No. He never -- we never really spoke about it.

Q And do you have any information whether there was

another individual that may have been also involved with injecting him with anabolic steroids during 2001 season?

A No.

Q He never told you about it?

A No.

Q Do you know if he kept records about what was to be injected when?

A I don't know, but I think he did. He was methodical about his -- doing stuff on his computer or whatever. The guy had a program from the time he woke up to the time he went to bed, a schedule. So I couldn't tell you when he needed an injection, he did. So I would have to -- I'm assuming, but I don't know for sure.

Q And to the best of your recollection, you can remember either Sustanon 250, the testosterone combination and you can remember Deca-Durabolin? Anything else?

A There was another one too. What the heck was the name of it? There was definitely another one. Testosterone-like Sustanon 250. It was -- if I hear it, I'll know it. It was definitely -- there is another one. But they are all -- they're all similar, I think. So it was just another one that was similar to those.

Q So there is a total of 3 max?

A Yes.

Q To the best of your recollection?

A Yes. No. Yes. Parabolán.

Q What is that?

A Parabolán.

Q What is that? Is it a testosterone?

A It is like Sustanon 250.

Q Okay. Now, was there any difference in the application of these three?

A No.

Q Who drew the liquid into the syringe, you or him?

A I did.

Q And did he give you a tutorial on how to do that?

A In the -- in the first time -- back to '98, he made a reference that he knew what he was doing about drawing it, about not getting bubbles or something in it. And then other than that, no, he never --

Q Were these injections going in his upper left buttocks or upper right buttocks?

A Both.

Q And how would -- how would he make the decision where the injection was going to go?

A I alternated it. He just said this time left, this one right, this one left, this one right. I said which one was the last time, left or right. He would go left. All right, so it's the right.

Q So it had nothing to do with when he was pitching or

anything to do with that to the best of your knowledge?

A I'm sure it did because I wouldn't inject him on the day he'd pitch or the day before, so I'm sure it did.

Q Which days would these typically happen? I understand the day you pitch is often called day one. Is that fair to say?

A No, no, no.

Q Okay. Walk me through the 5 days.

A Day one is the day after. The day pitcher is the day off. Day 5 would be the day pitch.

Q Day pitch. So the day after you pitch is day one?

A Yes. Good time to take it. I just don't know.

Q So was it day one, was it day two, day three, day four, day five? Could you --

A No, I don't know. I just --

Q But it wasn't day five, though?

A No.

Q After he pitched?

A No. If you were to ask me my advice or my opinion, I would tell you, yeah, probably day one would be the best time to take it.

Q Yeah. I'm asking you just to the best of your recollection.

A No, I don't know.

Q Do you not know or you just don't have a

recollection?

A I didn't know because he called it and I don't have a recollection. So I -- he told me when.

Q And the difference --

A It was never on the day pitch.

Q Then the difference on my question is whether he had a system down that you knew that he never injected of him the day he pitched?

A I don't know. I'm sure if I asked him, but I didn't.

Q There was also in the 5 days a side day and a bullpen day, or is the bullpen and the side the same thing?

A Bullpen is -- it's not -- everyone throws a bullpen on day two, usually. All of the guys might go on day three. Roger had two sessions, called it a bullpen and a downhill day. A downhill day was like a mock bullpen where a bullpen is almost like at 70 percent and at full length. A mock -- a downhill day is at, like, 60 feet and it is just a slot technique. It is a drill that he has stuck with. Andy picked it up. Some guys use it, but not everybody does.

Q So those 2 days, was that days 2, 3 or 4? Somewhere in there?

A Two and three.

Q It was always day two and three pretty much?

A [Nonverbal response.]

Q And do you remember whether any injections occurred on those days?

A I don't know.

Q Okay. You said -- going back to the universe of photos for 2001, you said there may have been some syringes from Knoblauch?

A Yes.

Q And some growth hormone?

A It would only be the growth hormone stuff because he didn't to my knowledge -- my thing, he didn't do steroids. So it is either Roger' or Chuck's. It's got to be Chuck's. Roger didn't do growth hormone.

Q How many times did you take materials from a Knoblauch injection home with you, to the best of your recollection?

A I don't even know. Home to my house to throw out?

Q Sorry. To retain for further purposes?

A If I did, it was only one time.

Q Okay.

A You know, I don't even know why I did that. I don't know. I guess the same reason I did it to Clemens, I guess.

Q And where in your house did you keep these 2001 materials?

A It was in a Fed Ex box, the hard type box, in a Ziploc bag. And it was marked "Clem" on it. And I

believe -- it was all over the place. Like, it just was nicely in my closet, and then it was nicely up in my closet upstairs and then in the basement. And, like, I would forget about it for a long time, clean up the basement and find it and say, oh, there's that box.

Q So it was always in the same box pretty much?

A Until I brought it in. I brought it in in another box.

Q So there was only one container at your house --

A Yes.

Q -- that you kept these materials in?

A Yes. And prior -- I mean, I don't want to jump around on you. But prior to receiving the 2002 bag, I never opened that box -- I mean, I never went into that box again. So --

Q Okay. Just real quick, you said something with Knoblauch made you want to retain this evidence for future use. Do you have any idea as you're sitting here today, you know, you probably said it about 45 minutes ago. Do you have any idea what those motivations were that you decided to keep the Knoblauch materials?

A Can I just talk to Earl one second?

Q Sure.

[Discussion off the record.]

The Witness. Sorry about that.

Mr. Castor. Feel free to consult with your lawyers as you need to.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Gordon. Can we go off the record a moment?

[Discussion off the record.]

BY MR. CASTOR:

Q So can you tell us your motivations for retaining the materials relating to Knoblauch? Did you think that he was going to hurt you with something?

A I go back to my statement with Roger Clemens. I had a gut feeling and I had had a feeling that Chuck Knoblauch -- if I got in trouble because of something I didn't feel comfortable about it, didn't want to do that they only asked me to do and I wouldn't have been involved if they didn't ask me, he wasn't going to help me and he was going -- I wanted him to come down with me to protect myself and my family.

Q Okay.

A All right?

Q Did you ever communicate to Mr. Knoblauch that you had this evidence against him?

A No.

Q So you never had to use it; is that correct, until



now?

A That is correct, yes.

Q Revisiting the 2001 visits to Mr. Clemens' apartment, his residence at [REDACTED] you stated that when you -- when you came to the residence, it was all ready for injection. You stated that you drew the needle, but other than that, it was all sitting out for you?

A Can I -- now I'm visualizing it. I don't think I said -- it was in his bedroom mainly and I remember, yeah, he had a chair like this next to his night stand and his bed and his bathroom. He kept the stuff in the bathroom. And then would be out on a towel with the ampule, the needle, the gauze, the -- this, alcohol, ready. I still had to -- I mean, I only remember Clemens drawing it once, I think or twice and they were the ones in the clubhouse. So I just wanted to add that because now I see the bedroom now. It was primarily in his master bedroom in his apartment at [REDACTED]

Q Where did he keep it or store it in his restroom?

A It was -- you know what?

Q To the best of your recollection, I mean, we're going back a number of years here.

A I think he -- 50/50. It was in the bathroom in his -- in, like, this kit in a Ziploc bag, but also right next to the bathroom he had a walk-in closet with shelves on

the other side. So --

Q So it was either in the closet or the bathroom?

A Right, sorry about that.

Q It wasn't refrigerated?

A The growth was.

Q But that wasn't 2001. That was 2000?

A He kept it in his fridge in 2000, but it was left over.

Q So in 2001, there were 8 to 14 injection, you said one happened in the Yankee clubhouse?

A Yes.

Q Near the Jacuzzi?

A Yes.

Q Tell us as much as you can remember about that incident.

A It was -- it was tough. I guess he couldn't -- oh, yeah.

Q And first of all, let me ask you this. Injection 1 through 14 -- potential injections, where did the Jacuzzi injection occur? What number, roughly?

A I think -- I can't say for sure, but I would have to -- I would -- I think it happened early because if it was late in the amounts, he would have just skipped it or waited. But for him to do that, it had to be when he was probably starting. And I think it was a ghetto-wy day and

those issues with traveling with the stuff or whatever. But I think that is also the time that I -- when I injected him in the Jacuzzi -- I'm not sure I remember. I'm not -- I'm trying -- I'm trying to tell you that he bled through his designer pants when we left and a player noticed it. And that's when he bought Band-Aids. There wasn't a lot of blood a lot of times. But since he was wearing his dress pants, he bled through and Mike Stanton had noticed it, and made a comment. So he then -- he always traveled now with those little Band-Aids for his butt if it bled.

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BY MR. CASTOR:

Q What did Stanton say to him?

A This is also how I think Stanton kind of duped him, because like you know how, as I referred to in the earlier conversations that I was uncomfortable and angry at Roger for telling Andy stuff that I wasn't forth -- like I wouldn't talk about another player. Stanton used that like Stanton was a wise guy, but he's the one that said something to Roger about his butt, and Roger got all bent out of shape. But I don't know exactly what Stanton said. Later on Stanton had mentioned that -- Mike Stanton always sat behind Clemens. They always had a row in the middle of the planes on the lefthand side if you're walking towards the back. And I'm walking back from talking to the head strength coach, and I know Stanton was sneaky. He said something to Roger about growth hormone. I think it was when Stanton started taking growth hormone. And he said something knowing that. And I walked right into Roger just turned around to Stanton and said, hey, man, whatever I can do to get an edge. And Stanton was asking him thinking I told him that he was taking steroids or growth hormone. And it was the same day or on the same trip that Stanton duped him, because I never talked to Stanton about it. So Roger

turned around and kind of confirmed that, yeah, I'll take anything to get an edge these days. And Stanton -- and then he continued to talk. But that's another thing that made me upset.

The next day I went to Roger and I said, listen, I never said anything to Stanton about you or what you do. I said, he duped you. And that's another time I was upset at the fact that he allowed a guy like Stanton to do that.

Q Do you have any idea where Clemens was getting the steroids from in '01?

A All the ones he got were from Kirk Radomski, that I know of.

Q And how was he getting them from Kirk?

A I was getting them.

Q So you would get them from Kirk, and you would give them to him, and he would take them home to store?

A For the most part. I might have had some or -- yeah, I'm pretty sure that's how it was. I'm pretty sure that's exactly, but --

Q And then how much were you paying Kirk per transaction?

A The growth, the growth he had to pay for.

Q No, no, just 2001.

A Gees, I have no idea.

Q To the best of your recollection. I'm not asking

you to --

A It was a one-time shot. I think it was probably just -- I don't think he charged me for the ampules because he thought they were for me. And he either charged me \$800 or \$1,600 for the kits.

Q The kits, that's in reference to growth hormone?

A Oh, yeah, I'm sorry. The growth hormone for Roger was --

Q I would like to if we can just keep this discussion about 2001.

A All right. I don't think Roger paid. I don't think Roger -- he didn't pay. I didn't have to pay for those, the ones that I got for Roger from Kirk. Kirk would give me like a bag of stuff or I would ask him, what's good for pitchers? And he'd just -- Kirk made a reference to, like, hey you take care of me; we do favors for each other.

Q What do you mean by that? Did he mean, get me other clients?

A Probably, maybe. No, the vitamins, it was all the vitamins. And he -- I used to give him like hundreds of dollars worth of free vitamins. And did I get him clients? No. I would refer people to call him if I didn't want to deal with something or whatever. But he would call me to ask about training some guys, some other players, stuff like that.

Q So he was getting vitamins from you?

A Yeah.

Q From the InVite Health outfit?

A Yes.

Q And you were trading essentially, you were giving him the InVite Health vitamins, and he was giving you anabolic steroids?

A Yeah, but I -- I got those as comp to me because I worked for the company so it wasn't costing me anything. I don't know what he was doing with them. He might have been selling them, I don't know. I didn't ask not to pay for the steroids. I didn't -- you know, he -- and it wasn't very long. It was just 2000, 2001, you know. That I'm just fuzzy a little bit on.

Q Fair enough. Stepping outside of 2001, looking at the total universe of anabolic steroid use by Mr. Clemens, did he ever pay or give you money, something of value for anabolic steroids?

A Not directly.

Q Okay. Would he do it indirectly?

A It was never like, here you go and then he would be like whip it out. He would just -- I was always ahead with him. You know, he would give me some money extra cash outside my salary. So I believe other than the kits, I mean, you're only talking about \$100 worth of stuff. I

wasn't going to hit him up -- if I needed money, I never went to him anyway. I went to one of his agent people.

Q Miss Shahi?

A Yes. And you know, if you're five grand short or something like that, she would wire the money. Because I never -- checks I stopped getting because it takes ten or 15 days, something like that, to clear. So I started getting the money wired into my account, my business account. But you know, for stuff like this, it wasn't that big an expense. If I didn't have the money I would ask him for it. But I was always ahead for Roger.

Q Were there any transactions where he paid cash specifically for anabolic steroid?

A No, that's what I was trying to articulate. No not really, but probably, probably giving me some extra money but not related to that. I mean, he has given me some cash.

Q You also said, in helping us understand your motivations for retaining this evidence --

A Yes.

Q -- you said something to the effect of that there were, you know, rumblings coming out. I took it to mean in the media. But maybe you could help us understand what those events were in 2001 that were part of the undercurrent that made you want to save this stuff?

A I don't think it was one main thing outside of what



we already spoke about as far as like a gut feeling.

Q Uh-huh.

A It was several little things like I believe that -- and once again, the dates '01, 2001, the dates regarding an article released by a GM, Towers from San Diego, or Padres Towers. Then that led into further inquiries by the media. And then, 2000, I was approached by a players rep, David Cone, where I was learning more and more about the chemical make-up of this stuff.

Q Hold on a second. David Cone's rep?

A No, he was a player rep; he was the player rep for the Yankees.

Q How do you spell that, C-O-N-E, just like the pitcher?

A Yes. That's who it is. David Cone, the pitcher.

Q Okay. He was an agent?

A He was like the delegate for the team.

Q Okay. I'm sorry, so the Yankees' team rep?

A Yes.

Q For the Players Union?

A Yes.

Q Okay.

A He approached me and told me that he made a statement stating that the owners don't want to test. I think they were getting heat in 2000 or late 2000 season

about testing. And the players, the owners, went to the union and said, we don't want to test, but you got to give us some valid excuse to go to the media and say, listen, it's not -- why are we going to test? It doesn't help performance. They were going with hand-eye, that steroids don't help hand-eye coordination. My input to that was, good luck. I didn't have any input to him. He approached me about it. It was on the plane. So, once again, that's a little piece. I don't know, maybe was there a -- anything released.

Q So is it fair to say you had a hunch that maybe the use of anabolic steroids in baseball could become a big time scandal?

A No, I didn't have that. I just had a gut feeling. I mean, but I'm trying to give you more input into all this.

Q Okay. I'm going to look at the 2002 pictures now. Let's look at the pills, pictures 10 -- I'm sorry exhibits 4 and 10. Help me understand what's going on here in this photograph or these two photographs?

A That is -- those pills were associated with the other photos in a bag given to me by Roger at the end of the 2002 season regarding not taking these --

Q What season, sorry?

A 2002.

Q Okay.

A Not taking these home with him to use. I was helping him pack up. And the reason why I helped him pack up is because I got a lot of stuff; clothes and stuff and shoes, that he didn't want anymore. And the stuff that he doesn't want is brand new, you know.

Q So, as I understand it, he's leaving town, end of the season, 2002?

A [Nonverbal response.]

Q He gives you a bunch of stuff?

A We worked out, back to his apartment, and I just get a ziplock bag full of this stuff.

Q And in the ziplock bag is what?

A Everything in these photos.

Q Okay. So we're also bringing into the mix Exhibits 3 and 7?

A Yes.

Q Okay. And so tell me everything you can as quickly as you can about these four pictures here?

A The ampules, the unbroken ampules are types of testosterone. The plastic, those are 22-gauge needle heads sealed in plastic. The white pills are either Anadrol-50 or Clenbuterol. Jeff Novinsky assumed they were Clenbuterol. I didn't know. I've never asked -- this stuff I can say I got from Kirk in 2001 probably most likely. I've never gotten those from Kirk for Roger, so I don't know where

those came from.

Q What do you know about Mr. Clemens' use of anabolic steroids during the 2002 season?

A I don't really know anything, you know. I might have -- I don't know. I might have injected them, but I don't think so. That's why I couldn't for sure say that, you know; 2002, you know, is a fuzzy year for me.

Q So you leave the Yankees at the end of the '01 season?

A Right.

Q And during the '02 season, what was your overall working relationship with Mr. Clemens?

A I could go out in public and say I was his trainer, his strength coach. I trained him -- like, in the winter, I would train him like nothing changed as far as being associated with the team. Then, during the season, it was sporadic. It was nothing I can guarantee or you know bank on. But, you know, he did pay me. He did keep me on. But, you know, I didn't travel. Like I would drive to Philadelphia I think, I drove there. I drove to Baltimore to train him a couple days.

Q Did you do the training at team facilities?

A No. The only good thing about me not coming back was we never really did that with him. We always trained outside, at gyms.

Q So you would find a gym for him in Philadelphia?

A Yes.

Q And train him?

A Yes. Or the hotel. The Baltimore hotel, actually, the one we were staying at had a great one, a great gym.

Q And how would he pay you during 2002?

A Money wires.

Q How much in each wire, and how many wires, to the best your recollection?

A I think there were six to eight, five grand.

Q Five grand total, or five grand per wire?

A Five grand per wire, give or take. No, it was always five grand, but it -- I don't know if it was five wires or ten wires, five or six wires, seven wires. It wasn't a whole year.

Q And what services did that cover other than working out with him?

A I was his trainer.

Q You got him vitamins?

A I got him some vitamins, yeah.

Q And did you have a regular workout routine with him? Did you meet him?

A I have -- my methodology in my programs were the first starting pitcher were days one through five. You know, for him they would add, subtract, depending on the

time of the season and depending on how much, you know, how he felt.

Q But, again, in '02, you had no participation, to the best of your recollection as we sit here today, of injecting anabolic steroids into Mr. Clemens?

A No.

Q Do you remember any conversations with him after 2001 about what's he doing on the anabolic steroids front?

A No.

Q Did you have any -- what was your best guess at that time as to why he either stopped or didn't stop but stopped telling you?

A Off the record?

Mr. Emery. It's a best guess. He's asking you for a best guess. Do you want it on the record or off the record?

Mr. Castor. I don't know what you're going to say.

The Witness. I want it off the record.

Mr. Emery. Off the record for me. He can put it back on if you want --

Mr. Castor. Sure. Let's go off the record.

Mr. Ward. Because he's going with his opinion, and he may be wrong.

Mr. Castor. Sure.

[Discussion off the record.]

BY MR. CASTOR:

Q I asked you before we went off the record if you had a best guess as to why either Mr. Clemens stopped using steroids, or if he did continue to use anabolic steroids, why he stopped telling you about it. Is it fair to say that you had a hunch that he didn't want to trust you anymore with that information?

A Possible. The best guess.

Q I want to go back to 2000. To the extent I can do this in my allotted time, I want to cover the universe of anabolic steroid use by Mr. Clemens that you have knowledge about as well as HGH.

Mr. Emery. Are you talking about 2000?

Mr. Castor. Yes. I'm trying to wall off the discussions about different years. And I think we've had a discussion about 2002, 2001, so now I'm going to hit 2000, okay? The Mitchell Report, and we had a little bit of this discussion earlier today about, there was both HGH injections, and there was, the Sustanon/Deca-Durabolin injections in the year 2000; is that fair to say?

A Yes.

Q And I think in the Mitchell Report, it talks about that he made a determination that he didn't like the HGH injections anymore, and he stopped?

A Yes.

Q Was the HGH section, did that come before the

Sustanon/Deca-Durabolin or after?

A He started using both products at the same time.

Q Okay. Why don't you walk us through what your recollections are of 2000, how many injections, so we can capture that universe?

A Once he asked me if I could get this stuff from Kirk, I mentioned to him that the guys were using growth, did he want to try it. He said, yeah, and that he didn't want the Winstrol anymore. Then I got the stuff from Kirk. I think I asked Kirk, what do pitchers use, and he put a bag together with a kit. And that has to be around the time of mid July-ish maybe, I think, I believe. And we started right after that with the growth and the first injection of testosterone. The growth had lasted probably give or take 8, maybe, 8 to 12 times. And the testosterone -- which he stopped taking the growth. He didn't finish a 6-week supply of it. Then he stopped the growth because he said he never -- do you want me to stop?

Q No.

A So he wanted me to stop -- he stopped the growth on his call and continued to the testosterone. The Deca or the Sustanon or the Parabolin, maybe. That lasted around either the last, towards the very end of August into maybe the very beginning of September. And that's it.

Q You said there were 8 to 12 treatments of HGH?



A Yeah.

Q Is that your best guess?

A Yes.

Mr. Ward. Let me just, one second please.

[Discussion off the record.]

The Witness. Excuse me, Roger didn't say, can you get it from that guy Kirk? He said, you know, you know a guy, can you get that stuff for me, around those terms. He didn't say Kirk or Radomski.

BY MR. CASTOR:

Q He had no awareness of Radomski?

A He had awareness within the way he phrased the question that I knew a guy that got stuff.

Q He knew you had a source?

A Yes.

Q But he didn't know who the source was?

A Yes.

Q Did he know the source was on the Mets?

A No.

Q Or used to be with the Mets?

A No. I believe -- I'm pretty sure that he found out from Grimsley that. Because I already started -- I started a relationship with Radomski not involving steroids. But Grimsley, I guess word got around pitchers-wise that I was friendly with this guy, so -- that's how I assumed he would

come -- because why, after Toronto, why would he come to me and say, hey, can you get stuff?

Q So you said there were 8 to 12 treatments of HGH, and you also said as many as 20 shots? Was that, just to clarify --

A I was --

Q -- the number of shots given in 2000, or was that the potential universe of HGH shots in 2000?

A That was the universe of HGH shots in 2000.

Q Okay. Now, how many, to the best of your recollection, other shots of anabolic steroids, whether it be the Sustanon, the Deca-Durabolin, the Parabolin, was that six to ten I think is what the number you gave us earlier?

A Yes. And it was more than I told Mitchell, Senator Mitchell. I'm just, because of I've been living this, it had to be, if he was doing it 7 to 10 days, that's all he would do it. So unless he did it earlier than I recall, it has to be like 6 to 10. Six weeks, that's 60 days, that's 2 months, you know. That's where I'm going with that. But it's more --

Q You did some big time minimization potentially with the HGH injections, okay, and the Mitchell Report says 4 to 6, now we're talking about as many as 20 shots?

A Yes.

Q But you didn't do as much minimization when we get

to the Sustanon/Deca-Durabolin. The Mitchell Report said 4 to 6, now we're talking about 6 to 10. What's up with that?

A The minimization was there, but I really don't remember.

Q Okay.

A You know, you're talking about something where I've been living this every day, and you sort of -- I just -- it starts to become clearer when I got brought in.

Q Okay. Fair enough. That's exactly what I'm looking for, just your best recollection. Now, is there anything different? You described to us generally the process in 2001. You said you would meet him at his residence. He had the anabolic steroids, or in 2000, it would also include HGH ready for you. Is there anything different about the year 2000 for those injections generally speaking?

A Anything different regarding?

Q Well, earlier, I asked you to just walk us through what was a general visit like.

A Oh, okay.

Q And you explained to us how you would meet him after the game.

A The same scenario except he had the growth, he would keep the extra growth in his fridge.

Q Okay.

A But, yeah, basically the same thing. Carlos watched

the car.

Q Okay. Now, looking at the year 2000 and the year 2001, those are the two seasons you were with the Yankees, right?

A Yes.

Q You described in 2001, you know, 8 to 14 visits. We know one happened at, you know, the jacuzzi, so it's 8 to 13 visits to his place. And in the year prior to that, the year 2000, we had how many visits total where you injected him with HGH or anabolic steroids?

A The HGH was, I would say a lot of times the HGH, he got the shot of testosterone and the HGH at the same time.

Q Right. That's why I'm asking you how many visits to the best of your recollection ballpark did you have in the year 2000 to his residence at 98th and First?

A I don't know. It would have to be -- it would have to be more because the growth was involved, you know, and you do that more frequently. You know, the tests, you're talking --

Q Are we looking at something around 20, maybe a little bit less?

A Fifteen to 20, I mean.

Q Okay. I'm just looking for a ballpark, unless you kept account of them like records?

A Now that I know more, it's got to make sense.

Q Where were the HGH injections given on his person?

A Left to right of his belly button. You go right, left, right, left.

Q Each shot you would switch it up?

A Yes.

Q Did you ever give him any shots anywhere else other than what you described? The anabolic steroids were always in the buttocks?

A Yes.

Q And the HGH was always around the abdomen? No other place on the person?

A No.

Q You never injected him in the arm?

A [Nonverbal response.]

Q In the foot?

A [Nonverbal response.]

Q Anywhere else?

A No.

Q During those visits that we just talked about, you know, as many as 13 in 2001, and then, in the year 2000, you couldn't come up with a number, but we picked the number 20. Okay. Of all those visits, you had around 20 in 2000, around 13 in 2001, do you remember any interesting events that occurred on any of these visits that stand out that are particularly memorable?

A Yeah. I got into a car accident.

Q Okay.

A On the way home after I injected him twice.

Q Okay.

A From leaving his apartment.

Q Two separate car accidents or two separate injections and then a car accident?

A It was a belly button shot and a butt shot.

Q Because you had a car accident in the year 2000, is that right?

A Yeah.

Q And what time of the day was the car accident?

A 12 at night.

Q 12 midnight?

A I was going home from his place.

Q Okay. And can you remember any other events just like that that would help, you know, jog your memory, corroborate these events?

A I have a scar on my chin from that accident.

Q Okay. We got the accident. Any other events you can think of?

A We had a big game the next day. That's why I was boogying home.

Q I'm asking you this just because we try to reconstruct these events.

A No, it's important. Probably like my track record is maybe by next week I'll probably have something for you.

Q Okay.

A All right. I remember he brought the stuff on the road, and he had to get an injection or something. And he had to -- the gift shop was closed, so he called the manager to bring him up a bottle of alcohol.

Q And where was that?

A Wow. I remember it, too. I mean, he traveled -- he used to like bring a bag the size of like a trunk and he had CD equipment to burn CDs. That's all he was doing that night was burning CDs.

Q On the road?

A Yeah, it was on the road. I don't know. That was a Parabolin shot I think.

Q Where was the shot administered, in the hotel room?

A It was in his room yeah. Yeah, that was --

Q Did you ever go to his house? I'm going to switch questions here on you. Did you ever go to his house and not inject anabolic steroids or HGH into him? Did you ever have a social visit, or did you go to his house for another reason ever during those two years?

A I was at his house during Christmastime because he asked me -- somebody was coming to stay there. I think it was -- he asked me to buy groceries for him.

Q How many times?

A Just once. And then just in the mornings and to wait for him to work out --

Q Did you --

A -- during the season, there might have been a time, but I don't think so. But just to work him out in the mornings, but I didn't hang out.

Q Did you go into his residence, or did he meet you out front when you went to pick him up to work out?

A A lot of times, I would go in and wait for him, you know, to get ready. I would go up.

Mr. Castor. I think my time is up.

[Recess.]

BY MR. GORDON:

Q Brian, I wanted to return to one question about the Mitchell Report that I meant to ask you, but I'm not sure if I reached it. Do you still have Exhibit Number 1? The final page of that exhibit relates to essentially the use by Chuck Knoblauch of HGH. And I wanted to confirm with you whether you believe that the information regarding Mr. Knoblauch's use of HGH here is accurate.

A All right. The accuracy in the report, my fault, I minimized to probably a large degree in Knoblauch's case where he was injected more. And I think he used it maybe a little bit longer towards the three-quarter mark of the



season I believe. But he didn't take a lot of breaks with it. He -- from maybe the middle to the end of spring training, he was getting it pretty regularly through the midpoint through the two-third part of the season.

Q So here it states that you injected Knoblauch at least seven to nine times. Is your recollection that the number is larger than that?

A Yes.

Q Can you approximate the number of times you injected Knoblauch?

A Yes.

[Discussion off the record.]

BY MR. GORDON:

Q So, Brian, do you think the number was greater than seven to nine times perhaps?

A It was probably closer to 50.

Q Fifty times?

A Because of the frequency.

Q I want to return to your relationship with Roger Clemens and sort of start at the beginning. When did you first meet Mr. Clemens?

A Spring training, 1998.

Q Do you remember what you thought of him at the time when you met him?

A I thought of him as the starring pitcher on the

Toronto Blue Jays and another player I needed to train and get on the program.

Q Were you impressed by him? Did you admire him?

A Not in the beginning.

Q And then can you tell me a little bit how your relationship developed in that first year that you knew him?

A It took him -- our relationship started to develop when he started to get on my program with the pitchers.

Q When was that?

A It was in spring training. But he was slow to start. He came in very overweight. It didn't look like he did much in the off season. You know, not like -- he wasn't much different. He was cordial to me. And he made a statement I think when he -- because pitchers -- he just made a statement to me that -- when I went over there, I introduced myself, and he said, yeah, give me some time, I'll get with you. That was a statement he made to me in spring training. And slowly he started jumping in with the pitchers' work and doing it. He said he liked it. Then he started working with us more and more, working with me more and more. I mean, it was a good relationship, you know. It was -- I think he showed respect and he did start to work harder and harder towards the end of spring training.

Q It was -- if I got the time line correct it was some time in June when he approached you for help injecting him

with steroids, is that about right?

A Yes.

Q So, by that time, you had known him just for a few months?

A Yes.

Q And why do you think he came to you? I mean, was there some reason that you think he would have been comfortable talking to you about that subject?

A I think he trusted me. I can't really pinpoint why.

Q What was your reaction?

Mr. Ward. If you can just --

[Off the Record.]

BY MR. GORDON:

Q Did you want to add something, Brian?

A I want to answer your question about why he came to me.

Q Sure. Go ahead.

A In April of that season, my son was diagnosed with juvenile diabetes. And in April -- it was like in late April. And then I had to fly home. And then for, I want to say 4 or 5 days, maybe 7 days, I had to go and be in the hospital with my son and get educated by the diabetic educator on how to draw different types of long-acting and short-acting insulin, and my son was just one. And we had to stay in the hospital for 3 days. While I was -- they

felt comfortable with me leaving with Brian. And when I joined the team, I waited for them. They came in to play New York, the Yankees. So May-Ish, early May, I rejoined the team, and then we were leaving -- I think it was the tail end -- to go back to Toronto. So when I rejoined the team, I started -- you know, everyone was asking, how's your son? How's your son? How's your son? [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] I said, yeah, I had to learn how to do these draws and these things with these needles. And up until then, I had no experience with needles, other than getting them in me from doctors. So, you know, mixing it and doing it five times a day or whatever. So everyone pretty much had a general concern for my son. But that was the story.

And I believe that that's why he came to me to think that I was able to do that. I had no -- there was no conversation. I didn't talk about steroids other than to some players about the harmful effects of them. It was only two people, so it wasn't rampant or talked about often. And really that's what I believe what led him to just come to me and ask me, that he couldn't do a shot in his butt, if I would facilitate that. And I made the mistake of saying yes.

Q It was your understanding that Roger knew about your new-found experience with --

A Yes.

Q -- injections?

A Yes.

Q And that's what prompted him to come to you?

A I believe so. That wasn't discussed.

Q Did you ever, while you were in Toronto, give shots to other players?

A No.

Q Were you authorized by the team to do that?

A No.

Q Who on the training and medical and coaching staff was authorized in Toronto to give injections to players?

A Dr. Taylor.

Q Dr. Taylor was the team doctor at the time?

A Yes.

Q Anyone else?

A Not to my knowledge, but I didn't see anybody else. I know when somebody needed an injection, they had to wait for Dr. Taylor. There was like three or four other doctors associated, too, so it wasn't just Dr. Taylor. He never traveled with us. But to my knowledge, no, no one else other than a doctor.

Q You're not aware of any trainers giving injections?

A Monahan from the Yankees gives injections.

Q Sticking with the Blue Jays.

A Sorry.

Q In that organization, when you were there, it was just a doctor giving injections, no one else?

A Yes.

Q Going back to when Mr. Clemens approached you with the request for your help injecting steroids. Can you explain the circumstances of that conversation, where you were, how it came up?

A We got back from the Florida trip, Florida Marlins trip. And within the course of a day or so, he asked me if I could help him inject because he can't inject in his bootie; that's his words. And I said, yeah, I think I can handle that. And he goes, all right, I'll let you know. And that was it. Nothing more, nothing less. I didn't elaborate, he didn't elaborate.

Q Where were you when this conversation happened?

A I think I was in my -- I believe I was in my, sitting in my locker.

Q Why did you say yes?

A Because I believed that he was -- with prior knowledge of the stuff that he gave me that was bad, I figured that he was going to hurt himself and I wanted to help him.

Q You had prior knowledge about --

A The stuff that he gave me that I got rid of that he had in his possession to begin with.

Q I don't think we've talked about that yet today, have we?

A No, we haven't.

Q That topic? So did there come a time in 1998 when Roger Clemens gave some steroids to you?

A Yes.

Q And when did that happen?

A Right after the trip.

Q And which trip?

A The Florida Marlins trip.

Q This is a trip in June that we discussed earlier?

A Yes.

Q How soon after that trip, do you remember?

A Immediately, within a day or two.

Q And where were you when he gave it to you?

A I was sitting in my locker.

Q And what did he tell you?

A He asked me about this jar of white pills, which I -- it wasn't labeled. It was in a white nonsee-through container that wasn't labeled a specific drug. I forget what the label said. And I believed it to be oral testosterone that was highly toxic. And Canseco kind of

confirmed it. And I just turned around, and I gave the stuff to Canseco, because his locker was -- my locker was here, and he was like right here along the wall. He looked at it, and he said he thought it was Anadrol-50. And then he popped one or two in his mouth.

Q So this was occurring --

A I'm sorry, I said, don't take that, that's really bad for you, and I turned around, and I gave it to Canseco.

Q So this was in the locker room?

A Yes.

Q And you had a locker there?

A Yes.

Q Next to where the players had lockers?

A Yes. I was in the general players' locker room.

Q And Clemens approached you when you were at your own locker?

A Yes.

Q And Mr. Canseco was there with you at the time?

A Yes.

Q Was there anyone else?

A No.

Q Just the three of you?

A Yes. No, there were people in the locker room. I just don't remember who was around.

Q Do you remember anyone else witnessing it or



commenting on what was happening?

A No.

Q So when Mr. Clemens gave you these drugs, was it in the plain view of Mr. Canseco?

A No. I think Canseco had his back to us at his locker. I mean, he might have saw it. I don't know. I didn't see it. Because I was here. Clemens was here standing. My locker was here just like this, and he just leaned over and handed me that stuff and asked me those questions. And then I turned around. I knew Canseco was here, but he was like reaching up. His back was kind of -- I don't know.

Q So you don't think he saw you receive the bottle --

A I don't think so.

Q -- from Roger Clemens? It was just one bottle?

A Yes.

Q And just so we're clear, what did Mr. Clemens tell you when he gave it to you, or what did he ask you?

A He asked me, what do you think of these? And my comment was like, what is it? I opened it up. I don't remember what his response was. I looked at it. I looked at the bottle. Don't remember what the bottle said. It was white pills, and I assumed it -- I assumed without him saying anything, it was testosterone pills.

Q Why did you make that assumption that it was steroid

pills?

A I have no idea.

Q Had you talked at any time before then with Mr. Clemens about steroids?

A I might have. It's just -- I don't know if we talked prior about helping him inject himself, during the Florida trip or right after it. And then I knew that he had stuff for me to inject, and then he gave me the pills. It was something with that that led me to believe that it was Anadrol-50, especially when -- and I don't even know if I said that. But I turned around to Canseco, and that's what he said it was, and he took it.

Q Earlier, just to get the time line here, you had the trip to Florida, I think it was June 8th to 10th?

A Yes.

Q You said that -- I think earlier you said Clemens approached you to ask for your assistance with steroids very soon thereafter, right? Am I right about that?

A Can we back up to spring training real quick?

Q Okay.

A He made a comment when we were working about not playing tail back or full back for Texas University. And it was just a comment about -- and at this time, I had no prior knowledge of steroid use in baseball other than speculation. Until they wanted me to stick a needle of some kind of

testosterone in his thigh, that's when he didn't want to play. Like he was kind of like -- for some reason he offered this information, and no one was talking about it, but he was going on. And that kind of remained in my head a little bit. Then going fast forward to June 8th, 10th it might have been, a conversation prior to that trip, it might have been, you know, I would bet my house that some guy showed up and sold him and Canseco drugs at his house. He might have -- he made a lot of off-color like cagey comments. I don't know if -- like hints, comments. There was no direct conversation. So I'm not exact on it. But my mindset was I kind of knew that -- somehow I knew. I just don't know if he asked me to help him before the trip, right during the trip or right after the trip, but I had the knowledge, and it was safe to say that I knew that he had gotten steroids at Canseco's house during that party. And then, right after, it might have been prior to that trip, he asked me if I would assist him in shooting him in his butt. Or right after the trip, he asked me if I would shoot him in the butt. And then he lived at the SkyDome, and he came down, and he had that stuff with him, made the assumption it was Anadrol-50 or testosterone and turned around and gave it to Canseco. I don't think I mentioned it to Clemens. I just said my mind was, if it is what I think it is, then they're very toxic; they're no good for you; you shouldn't

be taking this, and I gave it to Canseco.

RPTS KESTERSON

DCMN NORMAN

[12:55 p.m.]

BY MR. GORDON:

Q Well, as you put the time line together now, does it refresh your recollection any more in terms of the sequence; the fact that he has given you the bottle and you make an assumption about steroids, does that refresh your recollection as to when you had that conversation with Clemens when he asked for your assistance regarding steroids?

A No. And I beat myself up over it. I guess I've been in this -- and things have come up after I talked to Senator Mitchell and had to revisit -- and things have changed, you know, the number of injections, things that I thought about, and I was constantly letting the government know, hey, I just remembered this, hey, I just remembered this. And that is the one thing that I can't -- only that I can guarantee you without saying factually that I know -- I would bet that he got that stuff -- I know he got it from Canseco's house. I just don't know about how the conversations took place.

Q Did you learn that from Canseco?

A No.

Q It would only have been from Clemens that you

learned where he -- that he got steroids at Canseco's house?

A Yes.

Q But you don't remember him saying it as such?

A He had to -- he had to have led me to believe that somehow.

Q And when he -- when he handed you this bottle, was it your impression that this is a bottle he had gotten at Canseco's house?

A No. The impression was it was something that he had prior to getting what he got.

Q How did you know that oral testosterone was dangerous?

A Just from doing -- looking up the research. It was -- If you looked at the stuff on line, which was becoming more popular, Anadrol-50 was a popular drug, but it was very, very dangerous. But it was also a sought-after drug because people didn't like injecting themselves.

Q What occasion did you have to do research about anabolic steroids?

A Because questions were being answered. Godash in spring training had asked me about steroid use with a particular player. And my thing was, you know, I'm the head strength and conditioning coach and I really -- he wanted to know if this player took steroids because his bat swing was slow, his swing was slower than it was the year before. And

I just slowly but surely started looking at stuff.

Q I see. So by that time. When Clemens handed you that, you had educated yourself somewhat about anabolic steroids?

A Very little. But, yeah.

Q But did you know, looking at the bottle, you said that you then had a suspicion as to what particular drug that was, Anadrol-50?

A Just a suspicion. I couldn't look -- unless the bottle -- and the bottle didn't say Anadrol-50. I just -- that is the only -- it could have been Anavar. I don't know.

Q Did Mr. Clemens ever develop any medical problem or complication as a result of the injections you were giving him in 1998?

A Yes, he did.

Q What was the problem?

A He developed an abscess on his left butt cheek, gluteus maximus, from injecting Winstrol, stanozolol too quickly.

Q How did you learn about the problem? How did you know that he had that?

A The rapport as a strength coach is with the trainers. The strength coach reports to the head trainer, the trainer reports to -- I'd get a list every day of who

was injured and what the injury was, to prevent anyone from getting into the weight room without having prior knowledge to an injury, and then doing something to further that injury.

I walked -- as far as I knew, Mr. Roger Clemens was not on the list. I walked in from the clubhouse into the training room pre-game, and Roger Clemens was on the training table. It was the first training table of a series of three. The middle one -- the first two being training tables, the other one being a chiropractic table. And then behind that was the trainers' office. The head trainer had this thing where, you know, he always worked on the veterans. The assistant trainer, Scott Shannon, would be the one that did all the medical records. That was the pecking order of the trainers. The assistant did all the medical logs for the day. Everything that was done treatment-wise was logged for the day and then put on a list, and then I received the list at night so I knew the next day who was injured.

But when I saw Roger, Clemens who had no prior injury, on the table, I said to the head trainer, Tommy Craig, who was doing ultrasound on the area, What is wrong? He developed an abscess. I said, Is he all right? Yeah, he'll be fine. I turned around, I walked out.

I never had further conversations with Tommy Craig but



was aware that one of the major side effects of the stanozolol injection was developing abscesses because, first of all, you inject them intramuscularly. It is a water base and they form pools. You're not supposed to inject it quickly and you're not supposed to do it at the same site. It was probably my fault he developed the abscess because I was new to doing those types of injections and I probably injected him too quickly.

So what happens is a pool forms and that is when an infection gets caused. And then when the infection gets worse, you have to surgically go in and remove it. His was a minor infection that he got ultrasound on, causing more muscle tissue damage than anything else.

Q You said -- you identified the area that he had this complication as the left buttocks; is that right?

A Yes.

Q How did you know that?

A Because as I walked in, the ultrasound machine -- well, other than observation, remembering the -- observing the head trainer over him giving the ultrasound treatment -- I mean it could only -- it was because the machine was set up between the two tables. And I just remember that the trainer was on his right side administering ultrasound to his left buttocks cheek. It was mid -- it wasn't upper, it wasn't lower -- it was mid.

Q And you say it was Tommy Craig who was providing treatment at that time?

A Yes. I remember those details a little better because it was something I thought I caused.

Q Could it have been the right side and not the left? Are you sure it was the left?

A I'm pretty sure it was -- yeah. I stood over him.

Q And so you -- just so I have it straight, you asked Tommy Craig what the problem was because you were surprised Clemens had not shown up on the injury report?

A Yes.

Q Which you would have seen. And he is the one who said -- who used the word "abscess" to describe --

A He diagnosed it. I didn't.

Q Do you -- can you place this in time for me? Do you have a sense of when that occurred?

A It had to be -- I believe it was late August, early September of '98.

Q And why do you say that?

A Because he immediately stopped the injections, and he threw the stuff in my locker and said get rid of it, the rest of the Winstrol, and I gave it to Canseco. I believe he was -- I don't -- I don't -- I don't know. I think that is my recollection.

Q It is because your recollection is that soon after

he developed this problem, he told you he wanted to stop with the Winstrol injections? Is that what you are saying?

A That is what I'm saying. But I remember vividly, he threw the stuff in my locker and said get rid of it. It was in a brown plastic bag.

Q And -- do you know if he got any other treatment for that problem?

A No.

Q Did you ever discuss it again with any of the other trainers or medical staff?

A [Nonverbal response.]

Q Do you know if Clemens ever explained to the trainers or the medical staff how he thought the injury came about?

A I have no idea.

Q Did you ever mention to anyone your suspicion that you had caused this complication?

A I don't think so.

Q I want to review the time line, if I could, for the Winstrol injections. Am I right that those began fairly soon after the Florida trip in June?

A Yes.

Q And can you recollect how long a time period you were providing Clemens with Winstrol injections?

A It would be from that period of time to, let's say,

the middle of August or the first week of September.

[Discussion off the record.]

BY MR. GORDON:

Q We've seen some records that indicate that Clemens had a condition or a problem on his buttocks and that it was -- had developed some time in late July. We don't know for sure what caused it, and it sounds like you're saying you're not sure what caused it either but you had a suspicion that it was you; is that right?

A Well, if you have a record that it was in late July, that is the only problem he had, and it was caused by injecting stanozolol too quickly.

Q A moment ago your recollection was that you thought it would be late August when he developed this problem and you saw him on the training table. Does knowing what I told you from the medical records refresh or change your recollection in any way?

A Well, what changed my recollection was the fact that it said June 8th and 10th. I thought I said mid-July to September. So if you just back it up, then it makes sense.

Q That's what I was trying to get at, for the overall time frame of the injections. Like, how many weeks do you think you were providing him with Winstrol injections? Maybe that would help with the time line here.

A It had to be 6 to 8 weeks, maybe. It's just -- like I said, I didn't document this stuff. I mean --

Q No, I mean -- I realize this is a long time ago. It is hard to get it right. We're just trying to understand the time line the best you can give it to us. So as you sit here today, do you have any better recollection about when this episode occurred where you noticed Clemens with the complication?

A I would go, based on those facts that -- I -- I -- the only thing that comes to mind is that it was -- there was still a good part of the season left when he stopped. So I don't -- that's it. I can't -- you know --

Q That would tend to push it more towards July than August/September, is that what you are saying?

A Yeah. And I've questioned why he would want to stop or -- I don't know. There was a good part of the season left, but still August and September. Then it was -- then it would have to be late July because that is the only thing I know of -- I would know if he -- I would have gotten it on the piece of paper the next day if he had an abscess problem or an injury to his butt. I would have known about it prior. And other than me seeing him on the table, it getting documented, there was no other recollection or mention of him having an abscess, pre- or post-July.

Q That is the only injury of that type that you're

aware of that he had in that year?

A As far as an abscess.

Q Is that the only injury like that to that part of his body that you recall him having in 1998?

A Yeah, that is the only one.

Q What did it look like? Did you get a look at it?

A It didn't look bad, it looked -- it just looked a little like discolored, but it wasn't -- to give ultrasound to that area, it didn't look like -- plus, he didn't miss a start. So it couldn't have been that bad.

Q Did it look like there was blood underneath the skin? Or when you say discolored, what color?

A It was discolored like a bruise, maybe a little bit of a bruise. But it was not -- if he didn't direct himself to it, you wouldn't notice it, I don't think.

Q It wasn't large?

A No.

Q As you may know, Mr. Clemens has stated publicly that you never injected him with steroids or HGH and he did say, however, that he did receive injections from you and he identified two substances -- Vitamin B-12 and lidocaine.

Did you ever inject Mr. Clemens with Vitamin B-12?

A No.

Q Did he ever ask you to inject him with Vitamin B-12?

A No.

Q Did you ever inject anyone with Vitamin B-12?

A Never.

Q Did you ever inject Mr. Clemens with lidocaine?

A Never.

Q Did he ever ask you to do that?

A No.

Q Have you ever injected anyone with lidocaine?

A Never.

Q Aside from the steroid and HGH injections that we've discussed today, did you ever inject Roger Clemens with any other substance?

A Never.

Q Do you know -- I'll take you back to 1998 when you were with the Blue Jays. Do you know whether Clemens received B-12 shots that year?

A Not at all.

Mr. Emery. The answer is do you know -- the question is, do you know?

The Witness. I don't know at all.

BY MR. GORDON:

Q Did you -- you never had any awareness of whether he was getting B-12 shots that year?

A No.

Q Do you know whether he got B-12 shots when the two of you were with the Yankees?

A No.

Q You're not aware of any?

A No.

Q If he were getting B-12 shots, would you have probably known about it?

A Yes.

Q Why do you say that?

A Because he -- I would figure my relationship with him, he would have told me.

Q It was pretty common with him to discuss with you any kind of medical treatments he was getting?

A He discussed pain injections that he would get from Hershon, Dr. Hershon.

Q With the Yankees?

A Yes.

Q But he never discussed with you that he got a B-12 shot?

A No, he never did that.

Mr. Emery. Can I take one second?

Mr. Gordon. Uh-huh.

[Discussion off the record.]

Mr. Emery. Sorry for the interruption.

BY MR. GORDON:

Q Earlier I asked you about the practice or policy when you were at the Blue Jays of who gave injections, and



you said just the doctor; is that right?

A That I'm aware of, yes.

Q Then when you were with the Yankees in 2000 and 2001, who gave injections to players from that medical or training staff?

A I -- I believe it to be the doctor, Hershon. But I've heard -- Paul O'Neill told me that he did get an injection from Gene Monahan.

Q What kind of injection?

A It was a B-12 injection.

Q Is that the only knowledge you have about injections that Monahan gave?

A Yes.

Q You -- do you have any knowledge of whether Monahan ever gave Clemens a B-12 injection?

A No idea.

Q Did you have any sense of whether it was team policy that the head trainer could give injections or couldn't, one way or the other?

A I don't have knowledge of that.

Q You don't have a sense of whether that was appropriate or not in that organization?

A Not in that organization, no.

Q Do you have any knowledge about the recordkeeping for injuries and medical treatments at the Yankees?

A Just that they -- they were -- they were -- they had a computerized system and they would supposedly document everything that went on in the training room, whether it was pill dispensing, injections and treatments.

Q And as part of your job as the assistant strength and conditioning coach, would you have access to those records, would you review them?

A I did not have access to those records.

Q And in Toronto, you said you'd get certain reports because you needed to know that for the weight room workout; is that right?

A [Nonverbal response.]

Q Did you get access to any similar reports when you were with the Yankees?

A It just went to the -- if he -- but it wasn't discussed or divulged to me.

Q Do you have any knowledge about whether the Yankees would create records for B-12 injections?

A No, I don't have any knowledge of that.

Q But based on what you were saying before, it sounds like your understanding, although you didn't have access to the records?

A It should be documented.

Q That it was documented?

A It should be documented.

Q It was common for players to get B-12 injections, in your experience?

A I've heard of it. I was aware of it. But I don't -- it wasn't common for me to hear about it. Like, I didn't -- no, I can't honestly say that I knew that these guys were getting them on a regular basis and it was a common practice.

Q Do you know why players got B-12 injections?

A It is kind of like a placebo thought on the brain, that it increases endurance and recovery. But, you know, the scientific data, it is useless. And I think players, you know, that was their mindset.

Q I want to switch topics and take you back to the Toronto days and ask you a couple of questions about your office and where you did your work when you weren't on the field. Did you have a specific area in the key facilities that was your office?

A They allowed me to share Dr. Taylor's office because he wasn't in all the time. But I didn't feel comfortable because he had a lot of medical stuff in there. And what I did was I got a desk and a chair and I worked out of the gym, which was the equivalent to about 100 yards or 50 yards removed from the clubhouse, right down the corridor.

Q So you worked out of a desk in the gym, but the desk was out in the open, it was not in an enclosed office?

A No. Right next to the leg press machine.

Q And where in relation to your -- to where you put your desk, was the doctor's -- Dr. Taylor's office?

A His office was right adjoined with the head trainer's office, just a little smaller, inside the training --

Q So the training room is separate from the gym; is that correct?

A Yeah. The gym is -- you have to leave the clubhouse, make a right, walk about 50 yards, give or take, and it is the last door on the left, right before the batting cages.

Q So the doctor's office was nowhere near where your desk was in the gym; is that right?

A No.

Q So did players ever receive injections from Dr. Taylor in the gym where you had your desk?

A No.

Q Did you ever give any steroid or HGH injections to Roger Clemens in the gym on or near your desk?

A I don't think so. I might have. I might have. I don't know. But we lived three floors up. So I don't know why I would do that. It was Winstrol only, but --

Q Where were injectable medications that the team had? Like pain shots or B-12, where were they kept?

A In the doctor's office.

Q And were they locked up? Do you remember?

A At the time that I spent there, there was -- I think he kept cortisone in the fridge. He kept stuff -- he had a little portable fridge in there.

Q Was medication that wasn't in a refrigerator in a locked cabinet?

A I think there was stuff out. I don't know what it was. I think there was like -- he might have had some ampules or something out that didn't need to be refrigerated. But he had -- the fridge, there was stuff in there. But in 2 years, if I was in there more than 10 times, that is a lot.

Q Where would players go to get injections from the team doctor?

A In the doctor's office. He had a little -- his office was like almost half the size of the trainers', because they had two people, back-to-back desks, and his desk was against the wall. He had a little treatment table in there.

Q Did you ever provide any injections to Mr. Clemens in the -- Dr. Taylor's office?

A No.

Q Did you ever provide HGH to any member of Roger Clemens' family?

A Yes. No. I'm sorry. I provided -- I didn't provide it for them, but I injected one of them.

Q Who is that?

A Debbie Clemens.

Q That is Mr. Clemens' wife?

A Yes.

Q When did that happen?

A It was in the winter, '03, '04, maybe. No, it wasn't '04; '02 into '03. It is probably '02 into '03. The winter of '02 into '03.

Q Where were you when you injected her?

A He called me from where I stayed on his property into his bathroom.

Q So you were in Mr. Clemens' residence?

A Yes, I was on the property.

Q Which residence is this, Houston?

A The Houston residence.

Q And what were you -- you were there to train Roger?

A Yes.

Q And you stayed there for multiple days?

A Yeah, five on, seven out, five --

Q Okay. And I think you were about to get to this, but I was going to ask you sort of how that came about. How did it come that you gave an injection of HGH to Debbie Clemens?

A There might have been a prior conversation, but I don't recall. He called me into -- what I do remember is he called me when I was out in the pool house and he asked me to come into the residence. And I don't know if he met me at the door or the kitchen, but I ended up going into his wife's bedroom; and in the bathroom there was -- he had two mixtures, the mixture of water and the mixture of powder, of growth hormone and a syringe.

But I also did notice in one of his travel bags he had other bottles of growth hormone in there, and I know his wife was asking him a lot of questions. This is probably, like, the most we ever outwardly talked about performance-enhancing drugs, even more so because he wasn't getting injected at the time. And he said his wife wanted to do it. He had it and he wanted me to teach her how to do it. And I walked in and I actually taught her how to draw it, the water, and then put it into the bottle, and then you have to turn it upside down. But I told her, You have to clean both heads with an alcohol swab and then you have to draw it once it is mixed.

And I -- I don't know if I called Kirk and asked him how much women take or I guessed. But I gave her -- I showed her how to draw it, and it was, I think, a half of what a man would take, I believe. And then he was standing there, she is standing there. And she -- he looked at him

and said, I can't believe you're going to let him do this.

[REDACTED]

[REDACTED] I didn't know that. And he just looked at her and said, He injects me why, can't he inject you? And she is a short woman and I really felt uncomfortable of bending down in front of her. So I reached around with my left hand and I grabbed the fat tissue from her right belly button side, which was above the scar, and I showed her that you have to inject it, and I injected it diagonally. And that was it.

And she didn't complain, she didn't say anything. But we had a conversation -- whether it was the next time in -- I asked her if she -- she continued to take it. And then he just said to me that she lowered her doses because she got a tingling sensation feeling in her fingers. And that was the end.

Q Why did she want HGH?

A I think we had a conversation about -- [REDACTED]

[REDACTED]

[REDACTED]. She was reading the -- very into the Hollywood scene. And I'm not -- I'm not assuming this. I just can't pinpoint -- I think she was finding out that people in Hollywood were taking growth hormone and how great it was for women and body fat and youthful appearances and such. So that's it.



Q How did you get -- did she tell you, or did Roger tell you anything about why she wanted it?

A I think she -- I think she asked me about it prior to Roger asking me to show her how to do it, and I think we did have a conversation in the kitchen. It was a brief conversation about growth hormone.

Q That same day or at a different time?

A It was a different time. And then that's -- it was the lead-up to show her how to do it. I didn't know Roger had it. I didn't know how he got it. I don't know if it was -- I don't know.

Q So the first time of giving HGH to her came up -- or the first conversation you had about HGH in relation to her was when she brought it up with you?

A I believe it happened that she brought it up to me, and then Roger brought it up to me, I believe, about showing her, or that she was going to do it. And then the phone call to come into the bathroom to show her how to do it. And then there was one post conversation that she lowered the dose; like my next trip in could have been 2 weeks, and then he never talked about it again.

Q So you only injected her that one time; is that right?

A Yes.

Q And Mr. Clemens was in the room, but no one else was

in the room, right?

A No.

Q And you say you noticed other HGH in the bedroom somewhere; is that right?

A It was -- it was close to where he left the two mixtures out, maybe where that tape recorder is, and I saw some extra stuff in there.

Q It was in a bag or out in the open?

A It was a vanity shaving kit.

Q In the bathroom?

A Yes.

Q Did it look like it was hers, or did you recognize it as his?

A It was his. It was a male vanity bag or shaving kit bag.

Q And how much HGH did you see in there?

A It just looked like 2 -- it was more than 2, maybe, 4, 3. The bag wasn't all the way open. It was just open and I just --

Q Do you have an idea where that came from, where he got the HGH?

A I have no idea. But it was the same stuff that Kirk supplied.

Q Did you ever ask Mr. Clemens about where he got that HGH? Did you ever ask Kirk Radomski whether he supplied HGH

to Mr. Clemens?

A I never spoke about Roger to Kirk.

Q Did you ever, after that time, mention to anyone that you had injected Mrs. Clemens with HGH?

A I'm pretty sure I told Andy. My wife.

Q Andy is Andy Pettite?

A Yes, Andy Pettite. I'm sorry.

Q In what context did that come up with Mr. Pettite?

A Just in a conversation we were having about Roger and --

Q Was the conversation about Roger's use of HGH, and then you mentioned his wife as well, or was it only about his wife's use?

A I think it was more like -- I said a lot of women take it, it has a good effect on women, and Debbie had tried it, Debbie Clemens had tried it.

Q Do you recall when you had that conversation with Mr. Pettite?

A '04.

Q And where were you when you --

A Upstairs in his gym.

Q Was it in the off season? Do you remember?

A I'm not really sure.

Q Do you happen to know whether Roger Clemens ever discussed the fact that his wife got an HGH shot with

someone else?

A I don't know anything about that.

Q I wanted to change subjects. You mentioned that in 2000 you went to Roger Clemens' New York apartment to inject him on several occasions; 15 to 20, I think, was an estimate. Does that sound about right?

A Give or take.

Q And did you also go to his apartment in 2001 to inject him with steroids or --

A Yes.

Q And when you would go, was it typical that you'd leave your car out front and the doorman would look after it?

A Yes, it was.

Q And what -- who was the doorman? Do you remember his name?

A Carlos was the main guy.

Q Carlos --

A Carlos was the main guy.

Q Carlos?

A Yes.

Q Do you remember his last name?

A [Nonverbal replay.]

█ [REDACTED]

[REDACTED]

[REDACTED]

BY MR. GORDON:

Q Earlier when you were describing providing steroids to Mr. Clemens, I think you indicated that it was Mr. Clemens who dictated the schedule; is that right?

A Yes.

Q He told you when?

A Yes.

Q Did you ever have any discussions with him about the best way to schedule these injections of steroids?

A I might have, but based on his -- it was his scheduling.

Q How do you think he knew about scheduling steroid injections?

A I don't know. I have no idea.

Q Did you ever get the sense from him where he was getting his information about that?

A No.

Mr. Gordon. Let's go off the record.

[Recess.]

BY MR. CASTOR:

Q I want to revisit the injury that you described to the left buttocks to Mr. Clemens during the 1998 season. You've described it as an abscess. And then as we had some further discussion with you, you described it in such a way that -- and correct me if I'm wrong -- that it was maybe even hard to notice.

Could you just walk us through, again, what you did know about the injury to the buttocks?

A My -- my knowledge of that injury was based on a diagnosis by the head trainer, Tommy Craig. As far as he had ultrasound gel and a machine over the area. And I did see the area only on the table, and it just had a little discolor. And it wasn't -- it didn't even look like anything.

Q And when you saw it, was it in the location where you had administered an injection of Winstrol?

A It was in the exact same location that I would give that injection.

Q And the terminology "abscess," you heard that term first from Mr. Craig?

A Yes.

Q So you don't have independent medical knowledge of what the abscess means, do you?

A After that, I guess I do. After I saw that and

through further researching it, I found out that that was a direct, or if not one of the main side effects of injecting stanozolol. And that was within the day, if not the same day.

Q How do you know it was an abscess?

A It was diagnosed by the head trainer as an abscess. He told me directly, as I was standing over Roger Clemens.

Q When he described it as an abscess, the injury that is, did he simply say it was an abscess or they were concerned about it being -- having to look into it to see if it was an abscess?

A Plainly, he just said he developed an abscess and he is treating for an abscess.

Q During the break, we took a look at the schedule for '98. You were traveling with the team. So maybe this will refresh your recollection. Back in that season, the Blue Jays visited Tampa twice. And I think, if my memory of baseball serves correctly, that is before they went into these three visits a year for teams in the same division schedule. But they were in Tampa, the Blue Jays, June 15th through 17th and September 18th through 20th.

Does that refresh your recollection or can you confirm any of what I just said?

A The June -- was what dates?

Q 15, 16, 17.

A Yeah, that refreshes the date, to be more accurate, on when I injected him in the clubhouse with Tampa Bay, because like I told you about the testosterone, it had to be early to inject in a clubhouse where he was probably just starting the regimen. For him to risk that and do it in a clubhouse like that, it had to be earlier in his regimen.

Q I thought you had said earlier -- and correct me if I'm wrong -- that the injury to his buttocks, which you've called an abscess, and I think -- I think we can't be certain from a medical standpoint until we see some evidence that it is an abscess -- but what you thought was an abscess, I'll call an injury -- you said occurred towards the end of a cycle, to the point where Mr. Clemens had suggested to you that he didn't want to use Winstrol any more because of the injury.

A That's correct. But I didn't call it an abscess, the trainer did. And I just reiterated his diagnosis.

Q Right. I just wanted to -- rather than call it an injury --

A Right. That ended his taking of Winstrol.

Q And that was towards -- I thought you had said earlier this morning, towards the end of his dabbling in Winstrol for the '98 season?

A Yeah.

Q But a couple of seconds ago, you said it was at the



beginning of the cycle that you did it in a clubhouse?

A Well, it would have been in the beginning, because the party at Canseco's house was June 8th to June 10th. So he would have started it immediately after purchasing it there, if that is a fact. And the fact that it is June -- that's why I asked you the dates -- June something, the 18th --

Q 15, 16, 17.

A All right. So he would have done it in Tampa Bay as opposed to towards the end.

Q I guess what I'm confused about is that we've had this discussion that the injection in Tampa Bay -- the Tampa Bay Clubhouse -- was at the beginning of the cycle now is what you are saying; is that correct?

A Yes.

Q And I thought I recollected from what you said earlier, that when you were in the clubhouse in Tampa Bay, you may have injected the substance too quickly, which caused the abscess. Do you remember that?

A Yes.

Q And I thought I understood your testimony to say that the injury that resulted from the injection that happened too quickly was towards the end of the cycle.

A That's what I said.

Q Can you help reconcile those two? I know going back

to 1998 is a long time ago, 10 years ago. Can you help sort of reconcile that in your --

A Yeah, I was adding to -- I was trying to give more information based on my recollection of -- I said check those dates when they played, because it might have been then. I can't honestly or correct -- or exactly say. But I just know that was a rush-rush thing.

Q Okay.

A And equate that to rushing that shot causes abscesses.

Q Okay. So you can't be sure that the injection that occurred in the Tampa clubhouse resulted in the injury that we spoke about?

A No, I'm not sure.

Q So it is fair to say that the injury we spoke of did occur, in fact, towards the end of the cycle, for the lack of a better term?

A It ended the cycle.

Q Okay. It did end the cycle?

A Yes.

Q And you said the cycle ended at a part of the season where you recall that there was at least a good chunk of the season left?

A That I recall. But also going back to giving information based on how quick the injection was, I do

remember him moving the injection time frame quick -- sooner. So it also could have been caused by too many -- too frequently injecting himself.

Q Okay.

A He went from 5 days to 3 days towards the end and that also could have, you know, been part of the abscess or why the abscess happened.

Q Okay. You said earlier that you felt that you were the cause of the injury to the buttocks.

A Yes.

Q That you believe Tommy Craig had told you was an abscess. Did you ever have any communications with Clemens about the injury to the buttocks?

A No.

Q So you didn't have a conversation when you saw him on the training table?

A No.

Q When he returned the Winstrol to you and he mentioned something along the lines of get rid of this stuff --

A I'm done with that stuff.

Q You didn't have a conversation that the reason he was done with it is because of the injury to the buttocks?

A No. It was just too easy to assume.

Q Before we adjourned for sandwiches, we were talking

about an incident with Debbie Clemens.

A Yes.

Q In the residence. And you had testified that you were in the pool house?

A Yes.

Q Is that correct?

A Yes.

Q And you received a -- it was a call on the cell phone, or did someone come knocking on your door? How did you get the word you needed to come to the main house?

A Intercom. The intercom, he used it all the time.

Q And was it Mr. Clemens that called you on the intercom?

A Yes.

Q So you show up at the main house. Do you ring the doorbell, or how do you --

A No, I just walked in.

Q And it was through a back entrance?

A Uh-huh. Back of the house.

Q And who met you at the door?

A No one met me at the door. But Roger might have been in the kitchen waiting for me to walk to the back, or I just walked back to the bathroom.

Q And do you remember any of the background discussion about why Debbie Clemens had decided to go down the HGH

injection path?

A The background to that was me and Debbie were in the kitchen, Debbie Clemens -- and I believe she prior to that, she was asking me about it, not -- but she hadn't led me to believe she was going to do it. She asked me about the body fat in women and youthfulness. I know -- I think we had that conversation prior to Roger then telling me she is going to try it. And this was either the same day or maybe a day before.

And then Roger asked me -- I'm not sure in that conversation if he said Can you help her, or that she is thinking of trying it, and then said can you show her how to do it; or he just called me to the pool house and said, hey, man, can you come to the bathroom, and then he said can you show her how to do it? But I had prior knowledge of her wanting to try it. Just a little hazy on what was said when.

Q Do you remember when you had the initial conversation with Debbie Clemens, whether there were any of her girlfriends around at the time?

A No, I don't remember. I don't think -- maybe. There might have been.

Q Do you have any recollection of conversations that you may have had with Debbie Clemens and other women about HGH?

A No.

Q So getting back to the day of the injection, Roger calls you on the intercom, you come in the house; you don't remember whether he answered the door or not, but you come in, he may have been in the kitchen, and you proceeded to the master bedroom?

A Yes.

Q And the bathroom that is in the master bedroom suite?

A Yes.

Q And was Ms. Clemens already in the bathroom?

A Uh-huh. Yes.

Q So you enter their master bedroom with Roger, correct?

A Yes.

Q And Mrs. Clemens is already in the bathroom?

A Well, Roger could have been in there too. Either --

Q To the extent you don't remember, please feel free to --

A Right.

Q Help me understand that. Was this the first time you had been in the Clemens' master bedroom?

A No. I've been in there a couple of times.

Q How many times, ballpark?

A Like -- that is hard -- I've been in the bathroom

once or twice before. The bathroom also has -- it is a walk-in closet. Like I've helped him move stuff out of his closet before, and it is a spiral staircase. A couple of times in the bathroom I sat there. I sat there once, watched him shave his kids' heads before they jumped in the shower. That was the summertime. A couple of times. But mostly the bedroom was -- because he was getting changed, I was waiting for him in the kitchen, and he yelled for me. And it is a straight turn to the opening of his bedroom, and I'd just be outside and he'd be talking to me.

Q Is the master bedroom suite on the same floor as the kitchen?

A Yeah, the first floor.

Q Of the times that you recall being in the master bedroom suite, how many involve Debbie, Roger, and yourself? Was that the only one?

A Maybe one other.

Q Have you ever been alone with Mrs. Clemens in the master bedroom suite?

A No.

Q Have you ever been alone with Mrs. Clemens in the bathroom, or any bathroom in the Clemens' household?

A No.

Q Have you ever been alone with Mrs. Clemens generally in house where it was just you and her?

A A lot of times -- a lot of times, she would get -- she'd come into the kitchen, and they had an island where you could sit, and I would be sitting there and she'd come in to get her tea before she woke the kids up for school and we'd chat, you know. But it wasn't -- it was just in that situation, you know, 6:30, 7:00 in the morning, you know.

Q Did you socialize at all with Roger and Debbie on your visits? Like, did you go out to dinner with them or --

A A couple of lunches. We'd go to lunch occasionally. That was a big deal for them after a workout. One or two big events. But, no.

Q So you said earlier you had come into town for 5 to 7 days. You'd work out Roger during the day, but you wouldn't necessarily hang out with them in the evenings?

A [Nonverbal response.] I would go to -- hang out in a social sense, no. Hang out in a kids' practice, baseball practice, basketball game, yes. Work the kids out, you know, stuff like that. Watch TV after we got done working maybe, in his kitchen, but not social.

Q So is it fair to say that you were an employee of his?

A I was an employee of his.

Q As opposed to a colleague or a buddy?

A I was an employee that -- we were buddies at an arm's distance.



Q But it was buddies in the sense of being friendly with the folks you work with; is that correct?

A Yes, yes.

Q This morning we walked through your best recollections for some of the years. We talked about '98 certainly in Toronto, and then we jumped over '99. We talked about 2000 and 2001, and you helped me understand a little bit about 2002.

I'd like to go back a little bit to '99 when you're still up in Toronto, okay? What interactions did you have with him when you were on the Blue Jay staff and he is on the Yankees?

A Phone conversations mainly, one interaction during the year, which was when Toronto went to play the Yankees. It was the first time in so it was maybe, I don't know, June -- April, May, June. And I was bringing Tony Fernandez down to the gym.

So you have to walk by the Yankee clubhouse. Roger came up the ramp. And he was talking to me like in code about getting me over to the Yankees by the All Star Break, because he wanted me there. And I was all for it. But I didn't want to be with the Yankees. I wanted to be a private trainer.

And I told him that -- I said I can't leave, I'm under contract, I have a player's contract, uniform contract. And

I said, they'll ban me for 7 years if I jump ship. So I faxed over my contract to the Hendricks brothers, they read it and they said, yeah, he is right, he'll be out of baseball for 7 years, that is their right.

And he came to Toronto, we went to dinner with -- I had a couple visiting, and he brought some staff members that I knew and David Cohen and we had dinner at a restaurant there. And they went out afterwards. I was with my friends.

Q Where were you living in '99?

A SkyDome.

Q Is that the same place you lived in '98?

A Yes.

Q What floor?

A In '99 I was all over the place. Whatever -- fifth floor, third floor, whatever room they had available for me when I got back from a road trip. They'd keep my stuff in storage and I'd just take the cheapest room available.

Q Who was paying those room rates?

A I was paying them.

Q And you had some sort of deal, I guess?

A Yeah, we got a deal. It was no deal, but it was a deal.

Q So after the '99 season, your contract with Toronto was up.

A Yes, it expired October 1st or October 31st.

Q What happened then? How did you get the job with the Yankees?

A We went back -- the Toronto Blue Jays continued to pay me because I wasn't under contract, because they just didn't get to me. But I had called Roger up. We were talking infrequently about me not going back. And then he said -- I said, Roger, am I going back to the Toronto Blue Jays? And he said, no, you're not going back. I said okay.

I called up in November. I called several times and then I got the GM and then I just left them a message saying, Listen, you know, I can't have a family in New York and pay -- and then be in Toronto at the same time -- and pay all this money that I'm paying to live there to support them. And kind of worked that out, and then Roger brought me down to -- in December. I was done in November with the Blue Jays.

December, Roger brought me down to start training him but, invited Andy Pettite, Jason Grimsley. I don't know who else was there, but it seemed like there was always more than two people.

Q Was that the first time you met Pettite?

A No, I knew Andy from '95 when I was with the Yankees.

Q How much money were you making on the Blue Jays, if

you don't mind me asking?

A It was like [REDACTED]

Q Were you running like a net loss if you're paying --

A My wife was a public school teacher.

Q Because, you know, if you're paying nightly hotel room rates even with a deal?

A They gave us a little bit. They gave us \$600 a month as a per diem towards a room.

Q But it wasn't a great financial situation for you; is that fair to say?

A It was okay. It was a lot to be asking, you know, for me to get established. But it was okay. I didn't have much anyway, so --

Q Your relationship or contacts with Andy Pettite during your first Yankee stint, how well did you know him or --

A Not at all.

Q You don't know him very well?

A I caught him; that's it.

Q So after the '99 to 2000 off season, is that when you first started working out with Andy?

A Yes.

Q Primarily at Roger's house?

A Yes.

Q In the off season?

A Uh-huh.

Q And at what point did you develop a relationship with Andy where you were training him, you know, as much as you were Roger?

A Just over time when I got -- when they went to spring training in 2000 -- in 2000, Roger brought me down there and I was continuing to train Roger and Andy, even though they went to pitchers' and catchers' practice every day.

But that whole time, the Hendricks Brothers and Roger were trying to get me on board. And I think after the first week, I had to go meet with the Minor League coordinator, then Cash Ventori, and then Monahan. And they brought me on board as the assistant strength coach. So now I showed up the next day and started training -- I mean, I knew still a lot of players there from '95 and just continued to train Andy with Roger. And we had morning workouts where I'd have Roger and Andy, and then we did it outside prior to stretch. And then I'd have six guy, seven guys, eight guys, and it just started a rapport of my profession and what I do for a living.

Q What were the years of your first Yankee stint?

A '93 to '95.

Q And Andy was a rookie in '95?

A Yes.

Q Was he with the club the full year?

A I don't think so. I think he got brought up and then he stayed. I don't think he made it out of spring training. I could be wrong. But if he didn't make it out of spring training, it was soon after that.

Q So how was your salary range when you became assistant strength coach with the Yankees? Was Roger paying it? Were the Yankees paying you?

A Roger was paying all of it.

Q Do you remember what that figure was?

A No. It was like [REDACTED]. Well, the Yankees were paying me some of it.

Q How did that work?

A They took money out of Roger's salary.

Q How do you know that?

A Because that is what I was told by Roger and Brian Cashman.

Q Did you get any other payments from the Yankees?

A I got health insurance and meal money.

Q And did Roger give you any other side payments at all?

A Occasionally, yes.

Q Was that just in the off season or during the year too?

A It was frequently throughout the year. I mean,

infrequently throughout the year.

Q Is it fair to say everyone talks about you, you were the personal trainer for Roger and Andy. Are there any other guys that you worked out with that sort of belong in that category of guys that you worked with a whole lot, other than Roger and Andy?

A I worked during the season -- I worked with a lot of guys.

Q You know, outside of your official duties as the Yankees and Blue Jays.

A C.J. Nitkowski. A lot of guys would call for advice. But, no. When I came to Houston, a lot of the guys would show up. You know, I'd come down here to train -- I'd go to Houston to train Roger and Andy but, you know, any given day I would be training four, five, six guys that just -- I had no problems with.

Q So you said this morning that you had no knowledge of Clemens' use of anabolic steroids or HGH after the '01 season? Is that fair to say?

A That is pretty fair to say.

Q So you have no knowledge whether he was using anabolic steroids, HGH, in the years 2002, 2003?

A No.

Q 2004?

A [Nonverbal response.]

Q 2005?

A No.

Mr. Emery. He has already testified about seeing the human growth hormone in the bathroom in 2003.

Mr. Gordon. Okay.

The Witness. I didn't talk about using those.

Mr. Emery. I understand. But one could assume that there is some connection.

Mr. Castor. That is a good point.

BY MR. CASTOR:

Q Any other overt evidence that gave you a hunch that maybe he was still utilizing?

A If that was '03, then nothing after '03.

Q Was that the only incident. I'm not trying to --

A No. I'm just trying to concentrate. I don't think I injected him in '02, but he gave me the bag in '02. So I don't know if he was using.

Q Did you have any concerns -- and there has been some media reports that maybe you did -- that the 2003 survey test that they, that all Major Leaguers took, was supposed to be anonymous?

A Yes.

Q Did you have any fears or concerns that Roger might test positive?

A Yes.



Q And what were those concerns based on?

A Just the stories about people that took all of this testosterone for either once, or even infrequently over time, would test positive up to 18 months later.

Q Okay. Do you remember when the 2003 survey tests were administered?

A I think it was in spring training.

Q Spring training. So if he was using deca-durabolin, that certainly could have still have been in his system; is that what you are thinking?

A Yeah. Excuse me. We had a famous story about the Hofstra quarterback who tested positive from almost 2 years -- it was more than a year ago he got tested, but he took it for spring break to look good, and then a year went by and he made it to the NCAA or whatever, and he tested positive. So that always stuck in my head too.

Q You said the survey test -- they are supposed to be anonymous. They happened in 2003. And then in April of '04, the BALCO folks seized that evidence. Were you aware of that when the BALCO, -- the Federal agents --

A When they ran in there, into BALCO?

Q Yes.

A Oh, no. I mean I'm aware of that happening. I don't know anything about BALCO prior to that.

Q Because you had a conversation with Jim Murray at

Hendricks Sports Management; is that correct?

A Yes.

Q About the 2003 survey test?

A Yes.

Q And your fear that Mr. Clemens would test positive if there ever was -- if it ever became something other than anonymous?

A Yes.

Q And --

A Excuse me. I think they -- it was in the paper that it wouldn't be anonymous; that, yeah, sure, wink, wink, it is not anonymous, we'll find out. So, I mean, I didn't just think of that. That is what gave me the fear.

Q So it wasn't the BALCO raid?

A No.

Q Okay. I thought maybe it was the BALCO raid because the Federal agents working the BALCO case --

Mr. Ward. I'm sorry. I think the BALCO raid -- you refer to it as the BALCO raid. You're talking about the government coming in and taking the results from --

Mr. Castor. Correct.

Mr. Ward. I think there is a --

[Discussion off the record.]

BY MR. CASTOR:

Q So I wondered if the --

A When was the raid, now that we're talking about something else?

Q Earl brings up a good point. There was a raid when --

A I know of the raid.

Q When the investigation sort of kicked off. Then in 2004, a year after the '03 survey test, the Federal agents obtained, according to news reports, the test results, you know, specifically of the athletes.

A That was '04.

Q It was '04 when they took the test results.

A Yeah, I know. The meeting was primarily based on what was given -- what I was reading in the paper and feared that he might test positive due to the fact that he had taken oral-based prior, and it was mainly just about MLB's test.

Q Okay. Great. That's exactly what I'm trying to do. I'm trying to rule in or out this BALCO piece.

A The Feds from BALCO went in and grabbed the MLB tests, yeah. No, that had nothing to do with it.

Q That had nothing to do with your motivation for contacting Jim Murray?

A None.

Q What do you remember about the Jim Murray conversation?

A We spoke on the phone. We -- I saw a lot of him through -- because he was kind of thrust upon the scenes of Roger during the '03 season because of his final year and he was doing, like, the grand finale final, everything videoed and movied and -- so Jimmy was like --

Q So that was 2003?

A So he was like his private secretary for all these meetings and appearances and autograph shows. So I spent some time with him in spring training. He was there every day with us. In the winter workouts he was there every day with us. That is when he did that 60 Minutes piece.

So it wouldn't -- it wasn't unusual for me to call him. So I called him after contemplating this for about a week. I said, Listen, can we meet and talk? He said, Sure. And he said, Let's meet at the Starbucks on the corner of Roger's house. And I -- the Yankees were not in town at the time of the talk. He showed up in Starbucks. I sat at my normal table.

Q Where is the table?

A My table is -- it is off the corner of [REDACTED], next to the SuperCuts. You go in -- if you go to the counter and then -- you know how you order it and then you've got to go to that little isle to wait for it? There is a little table right there. And I always sit there.

So Murray -- I was there already, he came in. I was

reading the papers. He sat down. He had his -- like a yellow pad like this, but it was a little mini; and he sits there and he writes real small, and he just took note after note and asked question after question about Roger's steroid use.

And one of the comments -- he wasn't shocked by it. I just -- you know, he appreciated my effort to give them information prior to them being surprised, or if they were going to be surprised, which is not what I was looking to do. But he just said -- I know his comment was, Oh, yeah, I don't know how to take it. But he just said, yeah, you know, it doesn't surprise me or something like that.

And, you know, Giambi tells me -- you know, he takes a lot of shit referring to the steroids I was talking about. And I know he was going out with Giambi quite a bit, mainly as an agent though, at night.

Q Jimmy Murray was?

A He was -- you know, Giambi was running around like a rock star.

Q Do you know why Jim Murray was hanging out with Giambi? Was Roger there too?

A I don't know.

Q Now, is there any way we can pin down when this meeting may have occurred? You know at least the Yankees

were out of town in '03. Do you remember whether it was the summer, the spring, or the fall?

A It was in season.

Q Right. So do you know whether it was spring, meaning April, May?

A I'm sorry?

Q The summer, you know, the hot months -- June, July, August -- or towards the end, September?

A I know it was an overcast day, slightly rainy, if not like on and off.

Q Do you remember what you were wearing maybe?

A Yeah. I was wearing black sweats. I was wearing a Cardillo shirt with a Cardillo baseball hat. I had a Cardillo bag full of my workout gear in it. Murray was wearing like black pants, blue shirt, and a blazer or an overcoat with an umbrella, maybe. Or he had that -- or it was a black blazer.

I would think that the best way to do that was maybe go through my phone records because it is not like I called him every day from the end of spring training to the end of the season.

RPTS MERCHANT

DCMN HERZFELD

[2:40 p.m.]

BY MR. CASTOR:

Q To the extent -- I'll make that request. To the extent you can pin that down, that will be very helpful.

A I have two numbers it could have been.

Mr. Emery. I don't know if you can get numbers that far back, 5 years.

Mr. Castor. Well, I'm not asking you to go get them, but to the extent you have the records in your possession.

BY MR. CASTOR:

Q Now, how many times have you met with Murray at that Starbucks?

A That was it.

Q That was the only time?

A [Nonverbal response.]

Q Now, had you ever seen Murray at the Starbucks when both of you were there, you know, on Clemens-related business?

A No.

Q So you're sure in your mind you had one visit to that Starbucks with Jim Murray?

A I was there all the time. I was training people uptown, downtown, so that was my hang-out place. But I've

never seen Jim Murray there other than that one time.

Q Just that one time?

A Yes.

Q And do you remember any other aspects of the conversation with Mr. Murray?

A Huh-uh.

Q Was the purpose of the conversation simply to convey your concern about the drug test, or did you have other potential agenda items?

A It was almost like it turned into a more personal meeting like this. I just wanted to express my concerns, and he was just -- you know, he was asking me the questions about this guy. And I didn't know Radomski's last name at the time. I just knew it as Kirk. I said it's this guy Kirk, and he gets the stuff from Long Island from doctors and stuff like that.

But he was asking me the questions. I mean, he had, it looked like -- once again, he had four or eight pages of those little yellow notes that if he wrote normal would have fit on these big pads, so -- and I said to him, other than my concern why, and then answering his questions about use with Roger only, was I said to him, I said, listen, if you feel a need that you need to tell Roger, I want to be the one to tell him, you know, because I didn't want to -- it was the first time I ever did something like that. So I



didn't want to feel uneasy, like, say, wait a second, this guy is going to my agent, he's not coming to me, because we didn't talk about this stuff, you know, about anything. And he said, yeah, we'll do it.

And then I started to get a little like self-conscious about, hey, you know, Roger is acting strange today after this conversation. And I might have called Murray once. And I know I said it to him. Maybe once I called him, but I definitely said it to his face. I said, you went to the Hendricks with that stuff? Yeah. Did you tell Roger? And then like on the phone maybe he said no. And then when I got him, like, say, even -- I think this was like 2 months later, and I was talking to him and I said, I know you guys told Roger. And he said, Mac, I'm telling you 100 percent that there's no way the Hendricks told Roger about that conversation we had. I said, okay.

Q How come you didn't just tell Clemens directly?

A Because I didn't want to mess up his season. It's not that I had a problem with telling him, but it was in season. You know, it's kind of like -- it's kind of like the time a little bit like when I was talking to Andy in his gym in July. I didn't want to tell him about the investigation because he was pitching poorly, and, you know, I didn't want to mess up his year. Obviously I told him later on, but I didn't want to tell him then.

Q So you never found out whether Jimmy Murray or the Hendricks brought it to Roger's attention, the concern you had?

A The last time I brought that up was to Jim Murray to say, I know you told him. And he said, Mac, I'm telling you right now we did not tell him. And that was the end of it. I never talked to him about it again, and I don't know if they did.

Q Because earlier, you know, you told us about how private the business of using anabolic steroids was. You expressed concern to Clemens that there's no need for him to bring it up to Stanton because you hadn't, correct?

A Yes.

Q And you had the conversation with Andy where Andy had brought up the use of growth hormone, and you had admonished Andy, for lack of a better term, not to bring this stuff up in front of other people, correct?

A Yes.

Q So by going to Jim Murray, that was a pretty big step for you because you were breaking out of that, you know, zone of confidentiality; is that a fair statement?

A Yeah, but I felt pretty good with it. I felt okay with it because I put Jim Murray and the agents in the same realm as me.

Q Did you ever have any conversations with Murray

about whether the sports agency might be able to help you out as a trainer and set up relationships with other players and maybe work a business arrangement where you get a percentage of percentage-based pay?

A We definitely talked about that. It was going on. But the Hendricks was sending guys to me for nothing, you know.

Q Okay.

A So, yeah, I talked about it, because one of the guys that was before me, this guy Steve Ogers, was, you know, considered a very good strength coach; he was very established in the business and in the outside world of the business in strength conditioning. And he got hired by Bross. And I expressed that to Jimmy, I think, that it would be a great idea, you know, because at that time, I mean, obviously before this happened, it would have been advantageous for to have a guy like me who was training Roger and Andy. You know, everybody wanted me to train them; nobody wanted to pay me. So it would have been great.

And they're not the only ones I talked to. I talked to Terry Bross and his agency about it. I went to school with Terry. I actually have -- I'm a New York State-licensed agent, because now I wanted to start training high school and college kids, to represent them.

So, yeah, we definitely had that. We didn't talk

percentages or anything. I might have said to Jimmy -- I might have said one time that -- you know, they wanted -- the Hendricks wanted me to talk to Rocker and get him off the crap stuff he was taking.

Q What was he taking?

A I don't know what he was taking. But Roger --

Q Anabolic steroids are you talking about?

A They made a reference to it because he was losing his mind. And like I said, Hendricks had no problem asking me to work with somebody. They sent me Justin Thompson, you know, Doc Halladay was a client. And so I just figured it was smart business sense, you know. But I might have said to Jimmy, you know, it would work out for you guys, and, you know, I get some money out of it or something like that. But there was no -- nothing more than that.

Q You said before that if you had ready access to your phone records, you might be able to figure out when that meeting was. Do you remember back in '03 how you were communicating with Jimmy Murray? Did you ever send him e-mails?

A It might have been primarily. It might have been BlackBerry.

Q So this meeting may have come about via BlackBerry?

A Maybe.

Q Did you exchange e-mails with Roger Clemens on

BlackBerry devices?

A Yes.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Okay. Anything beginning with the letter C, one word?

A I would be guessing, but Clem, I don't know. I don't remember that.

Q How about Corso?

A Corso? Anthony Corso?

Q Just Corso.

A I don't know, no. He doesn't use Corso.

Q He doesn't? Okay. Who is Corso, Anthony Corso, I guess?

A He's a client of mine in Manhattan.

Q Switching topics a little bit, I want to talk about your interactions with the Mitchell staff. Maybe the

logical background discussion is your interactions with the Federal agents that presumably was a precursor to your communications with the Mitchell folks.

A Yes.

Q So maybe you just want to walk us through how many meetings you had with those guys, what the interactions were like?

A I got -- do you want it from the start?

Q Yeah.

A I got a phone call from Jeff Novinsky on my cell phone. He then followed it up with an e-mail identifying himself. I think this is in May.

Q What year?

A Of '07.

A day went by. I think I had my attorney call Jeff Novinsky, and they said they wanted to meet with me. So I think it was like June, June 18th I think, around that time, I met with Jeff Novinsky, Matt Parrella and two other Federal agents from the IRS in an office in midtown Manhattan. They came in, I was sitting there, they introduced themselves. And then Matt Parrella had gone over the scope of the proffer agreement and also why we were here; to ask questions about Kirk Radomski, distribution and baseball players and drug use.

They asked, I answered. They were professional, they

were courteous, they were respectful, they were to the point, and there were times where they pushed to get -- and, I mean, I was never uneasy at any time throughout the whole first meeting.

Q You didn't feel threatened?

A I did not feel threatened.

Q You didn't feel that you would be hauled off to jail if you didn't answer questions a certain way or spoke about a certain professional baseball player?

A I didn't feel pressured to talk about a certain baseball player, and I didn't feel threatened by them. I was angry to be there and that I put myself in that situation. I was kind of uptight not knowing -- like I didn't know what was going on as far as, you know, how much trouble I was going to be in. Like, you know, I didn't have a lot of time to get used to this.

So the first meeting was tough. It was tough really for me, not on them, because their mannerisms and their professionalism transpired and just transcended into the next meeting. Then we finished that meeting, you know, shaking hands, thank you, thank you, thank you. I didn't know where this was going. All I know is they were going to ask me a series of questions, and I was not to lie to them.

Then they called I think it was a month later, July 20th something maybe, and they said, we just want to --

oh, wait, no, no, sorry. The next day. Just got to talk to you --

Q The next day --

A -- for a couple hours the next day.

Q -- being June 19th?

A Something like that. June something.

Mr. Ward. Just to be clear, it was earlier June, June 8th.

Mr. Castor. Okay. I'm just trying to --

Mr. Ward. Right.

Mr. Castor. But we'll get it.

The Witness. So the next day I don't think they were too happy with me not being honest, but not being -- like holding back. They kind of knew that, that I was holding back. And they wanted to just say -- you know, they definitely explained the proffer agreement again and said that they would like me to be -- you know, just tell us everything as if you were taking a lie detector test.

I felt a lot better the next day as far as me personally, and they did their deal as far as asking me questions, sometimes leading, to get more information. And I was probably still with -- I was honest, and everything is true, but I was still probably a little withholding, and I couldn't help it. But they were happy, and at the end of the meeting, they said, we're very happy, you're not a



target, and we would like you to talk to Senator Mitchell. And I said, well, I would really like not to do that, you know, because I felt terrible about what I just did. And they said, well, really you should talk to Senator Mitchell.

So they set it up. And I think -- they told us -- they told me that it was going to be -- the fashion that it was going to happen was they wanted to control the information that Senator Mitchell got. And the information was based on the facts that I had told them, but they wanted to read it to Senator Mitchell. And I read it, and they read it.

When I met with Senator Mitchell and his panel, with also the Federal people that were there during the first two meetings, and I think an extra guy or two, Senator Mitchell sat across the table, and I just was -- Jeff Novinsky sat on my right. And they started out, I was still under the proffer agreement, and I still had to tell the truth. And it was basically here are the facts, and I would okay it. I would say, yes, I said that. And if they had an additional question or another question, like if they wanted me to elaborate on that fact, or if there was anything else I can add, or if they had an additional question, that's how we proceeded. I think it was 2 hours.

Q And do you remember roughly when that was?

A It was always a month later. July 20 something. July 18th, maybe that's when it was.

Q So the first meeting with the Mitchell staff --

A Yes.

Q -- was that your third in-person interaction with the Federal agent folks, Parrella that you mentioned?

A Yes.

Q And Novinsky?

A Yes.

Q And when you met with the Mitchell staff, did they interview you like we are here today, or was the information presented to them first?

A It was both.

Q Could you walk us through just --

A It was just like a list of -- it was a time-line list of facts that Jeff would start it off. And then I would say, yes, I said that. And then if they had a question about that fact, they would say, Brian, what do you mean by that, can you just elaborate a little bit on that? And then maybe, was there anybody else involved in that, you know?

All and all, from my recollection, which it's not that great about that day, but they would ask a question -- if they had a question, they asked it, and I answered it. But, you know, that was the setting of it. That was the format, that's what they did. And they -- you know, and then once the Mitchell panel would say, we're comfortable with that,

Jeff would read off another fact. And if I said something, if I said something -- like Jeff would recheck the facts. If Senator Mitchell asked me a question about something that I already told the Feds, Jeff would say, wait a second, that's not what you said. And then I would have to tell him why differently. There was never a problem with that, but Jeff was just going to -- he was just cross-checking the facts; you said it was four times, now it's eight times, and it was probably the opposite. And then I would just have to explain that. And that might lead someone on the panel to ask me another question. That's pretty much how it ran.

Q I guess on December 2nd, investigators came to your residence?

A Yes.

Q And you supplied them with 2-hour -- a 2-hour-and-a-half interview that, as we now know, was recorded?

A Yes.

Q Did you have any idea when you met with those folks that they were recording you?

A I asked them two or three times. They said no, but I had an idea in the back of my head, but didn't really care if they were.

Q And do you remember asking them during the course of the interview or before they got there?

A I asked them once on the phone, once when they got there, and one more time like after I went to the bathroom, I think.

Q And what did they tell you?

A No.

Q During the course of that interview, you articulated to those two gentlemen, I believe their names are Jimmy Yarbrough and Billy Belk --

A Yep.

Q -- some concerns that you had with your interactions with the Federal agents. And maybe you could just -- what's your best recollection about the concerns you raised with Yarbrough and Belk?

A My best concern, my best recollection about the concerns that I raised was I was a person and a man that was for the first time speaking to somebody else besides my attorney and the Federal Government and the Mitchell panel about what was going on. I couldn't talk to anybody. And being as upset with myself to have to tell on my two clients, I was enraged. And, yeah, I was not happy with the way I had -- you know, I was not happy that I had to speak to Mitchell, I was not happy I had to talk to Federal investigators, I was not happy for putting myself in that situation. So, if anything, I exaggerated every part of the truth. But I never, ever veered from the truth in that

conversation other than exaggerating and making up -- you know, trying to plead my case.

When I saw those two detectives, it was like I was talking to Roger and Andy. I really felt I need you guys to tell these guys this, because, first of all, my job was through them, my livelihood. Everything I worked for over the last 6 months with this company was on the line here. So I went off and I did everything I could to make them, the Federal investigators and Mitchell, look like I was browbeaten to do this and made to do this. And through that I went into telling them what I told Senator Mitchell and that what I told Senator Mitchell was the truth, but also wanted them to hear me saying that I could have made it worse, I downplayed everything, and I'm sorry, but also take it into consideration.

The Murray phone call to me was like, well, you know, Roger and Andy really appreciate what you're doing, thanks for calling, you know why they can't talk to you. The two detectives came into my house and said, you know, Roger and Andy really appreciate what you're doing, thank you, you know, and you know why they can't call you. Yeah.

So also in the back of my mind was that I was still going to maybe have a career that I built over the last how many years that was still going to continue. I had a BlackBerry from Andy, you know, 5 days prior that I was

going to be at his house January 2nd to train him, you know. And I make more money saying I'm Andy's trainer than I do training him, but that's what my mind-set was.

Q So you have a recollection of sharing with these two gentlemen facts about your meetings with the Federal agent folks that weren't entirely true, but perhaps exaggerated?

A Pretty good, pretty good recollection.

Q And did you exaggerate the manner and the techniques used by the Federal agents?

A Everything was exaggerated.

Q So did the Federal agents ever threaten that they were going to haul you off to jail?

A No. They just used it as a tactic for me to be forthcoming as far as taking two steps back towards the proffer agreement, that's all.

Q So was the discussion of being incarcerated, was that only related to truth-telling, or was that also related to your handling of anabolic steroids and growth hormone?

A I think both. I'm not sure what you're saying.

Q Well, you said at the end of the second meeting before you met with the Mitchell folks --

A Yes.

Q -- they told you that you were not a target?

A Yes.

Q Up until that point did you have some question

whether you were a suspect in a criminal investigation?

A I mean, not really, but I think I could have been.

Q All the interactions that you --

A If I lied.

Q Sorry?

A If I lied.

Q But not for your handling of anabolic steroids and growth hormone?

A I think if I lied, that could have been a problem for me criminally, yes.

Q But if you told the truth?

A I think I was okay.

Q So to the extent you told the truth about handling anabolic steroids and growth hormone, you were going to be okay?

A Yes.

Q And you had legal counsel with you for all of your --

A Yes.

Q -- interactions with the Federal agents?

A Yes.

Q So to the extent anybody says that you were pressured to provide information, there's a number of other individuals other than yourself and a Federal agent that were there to help corroborate that?

A That I wasn't pressured?

Q Right.

A Yes, yes, there is. I wasn't pressured to give information. I put pressure on myself not to.

Q Help me understand a little bit about your discussion with the Federal agents about not talking with Senator Mitchell. Like, what did you do to try to convince them that you didn't want to go down that path?

A As far as the government is concerned, I just told -- I told them I really didn't want to do that. I don't think it was really more than that, as far as a conversation with the Feds.

Q Did they make you?

A They made me aware that it would be in my best interest to talk to Senator Mitchell. And after, you know, talking with my attorney, he said that, you know, that's the process, and you're going to have to talk to him. So I talked to him.

Q Was that part of your agreement that you had with the Federal agents at the outset?

A It was an agreement after I was done with the second meeting with them that I would talk to Senator Mitchell.

Q Was that conditioned on you not being a target of a criminal investigation? Like, how did that -- how did that come to be that you sort of had to go talk to Senator



Mitchell?

A I'm pretty sure that if I didn't talk to Senator Mitchell, I would become a target again. That was my understanding.

Q And so it was your understanding that you pretty much had to go talk to Senator Mitchell or go back to being a suspect in a criminal matter?

A Yes.

Q So in your own mind, you really had no option; you had to sit down with the Mitchell staff?

A No option.

Q Sorry?

A I had no option. Again, going back to the conversation as far as how I ended it with Federal investigators, I talked to -- and I did say this -- that I talked to my attorney, and he said -- he did tell me that -- I didn't have to go in front of Mitchell. My attorney advised me that it would be in my best interest to do that. And, you know, but as far as me personally, I sat there, and I thought that if I didn't, I would be in trouble.

Q And then how many interactions did you have with Senator Mitchell's staff?

A The one in person and two by phone.

Q And the second phone interview or conversation, is that the one where they read the content of what became the

Mitchell Report relating to you?

A Yes. No, well, we talked, what, three times on the phone?

[Discussion off the record.]

The Witness. The first time over the phone was -- I believe it was to read back what I said and then to see if I could add anything. And then I think they might have had a couple of questions that they found out, or I don't know, but I think that's how the whole thing was going anyway. Every time I talked to them on the phone was just to just recheck and for me to reaffirm that's what I agreed, and that's what I said, and that's what I believe to be true or know to be true. That's basically every conversation.

BY MR. CASTOR:

Q And did -- at some conversation you had with the Mitchell people, they read the report to you, correct?

A The last time. I didn't know that's what they were doing, though, until I asked.

Q Did you ever have an opportunity to make suggestions that they take certain things out?

A Oh absolutely.

Q And did they?

A Yes.

Q Did they take out everything you asked them to take out?

A I believe so. I'm pretty sure they did, yeah.

Q And then after the Mitchell Report came out and all the well-documented facts about the January 4th telephone conversation, the January 7th press conference where it was played, was your next interaction with the Federal agents on January 8th, or had you spoken to the Federal agents in between the time the Mitchell Report came out and January 8th?

A I haven't spoke -- I did not speak to them. And then -- I did not speak to them. And then we met on the 8th at 2:00 in midtown.

Q And is that where you sort of had an opportunity to tell them even more information that you had held back before?

A Yes.

Mr. Emery. That date is not right.

The Witness. It is right.

Mr. Emery. It is right?

The Witness. Yes.

Mr. Emery. I think it's the 10th or the 11th. It is the 10th. We met in my office on the 10th.

The Witness. I thought we met on Tuesday.

Mr. Emery. No, no, it was the 10th.

The Witness. But we met --

Mr. Emery. We met earlier. We met, you came -- you

brought the stuff in 2 days earlier.

The Witness. On the 8th.

Mr. Emery. That's right. And then we met 2 days later with them.

The Witness. But they're asking me the next time I had contact with them was on the 8th when I brought the stuff in.

Mr. Ward. No, no, it came with us.

Mr. Emery. It came with us. And then 2 days later, it was with them.

The Witness. Right. But we were in contact with them on the 8th.

Mr. Emery. Yes. We called them and told them we had stuff to give them.

The Witness. And then we met on the 10th, Thursday.

BY MR. CASTOR:

Q And you sort of filled them in with some of the facts that we now know that you shared with us today that augment the information that's in the Mitchell Report?

A Yes.

Q Did you ever have -- did they ever take you back to the Mitchell people? Have you had any interactions with Charlie, Sheila or anybody associated with the Mitchell staff?

A No.

Q And your interactions with the Federal agents in January, whether it's the 10th or --

Mr. Emery. It was the 10th.

BY MR. CASTOR:

Q Have you had any other interactions with them, or was that it?

A From the 10th?

Q Yes.

A Infrequent contact via phone or e-mail.

Q But you didn't have an in-person meeting where you exchanged more information?

A No. A conference, we had a conference, right? Yeah, we had a conference after the 10th.

Q And at that conference did you supply even more information, or was your information -- you know, the additional information that you transmitted to them, was that pretty much exclusively done on the 10th?

A The evidence itself, the physical evidence, was submitted on the 10th. [REDACTED]

[REDACTED] What other new information was that?

[Discussion off the record.]

The Witness. I just provided them with -- I clarified some things I said or -- clarified some -- things that I already said I just clarified.

BY MR. CASTOR:

Q Okay. My time is up here. I was just trying to get my arms around the times that you met with the Federal agents to supply them with additional information, whether it was just January 10th, or whether it was subsequent to that. But it sounds like you gave them most of the information January 10th, and then subsequent to that you've had telephone conferences; is that fair to say?

A Yes. But the thing is the way we left off was I -- things were coming to me as this was playing out.

Q Okay.

A Things that I didn't remember. Not that -- I mean, I didn't -- I held back on the injection times, but this was just new information that I just remembered that would come to me. And they just said, any time you remember anything, no matter how small it is, let us know.

Q At the January 10th meeting, did you tell them about like the 50 injections of Knoblauch?

A I don't think so.

Q Okay. Did that just come to you today, or is that --

A Yeah, that came -- I don't even know if -- it was always about Roger, because of the information of the stuff, so we never really talked about Knoblauch.

Mr. Castor. Okay. My time is up.

[Pause.]

EXAMINATION

BY MR. SCHILIRO:

Q Brian, you spent some time as a New York City police officer, didn't you?

A Yes.

Q How many years?

A Three years, four months.

Q And I'm guessing that in your time doing that, you interrogated a number of witnesses?

A A fair share.

Q Suspects came in, you tried to figure out what the truth was with them?

A Yes.

Q You tried to figure out if somebody was telling the truth or whether they were lying when you questioned them?

A Yes.

Q I say that because sometimes it's difficult to figure out what the truth is, and if you put yourself in our situation where we sit, we have your story, and then we have a story that's just as different as it could be from Roger Clemens. And these aren't things of interpretation. Either you injected him, or you didn't inject him. It's hard to have a misunderstanding about that?

A Right.

Q So we're trying to sort through this and find the truth. In your case, and counsel was just doing this with you, there are things you know you didn't share with Federal agents, you withheld some information, and it sounds as if you did that knowingly; is that right?

A Yes.

Q And you've told us things today that are different than are in the Mitchell Report. Thinking of the Knoblauch injections, for instance, there's a great difference in the number of injections?

A Yes.

Q So if you put yourself in our place, why should we think you're telling the truth?

A You don't have to think I'm telling the truth, because I am. I mean, that's all I got to do. I mean, it's up to your interpretation. And if you don't believe me, I can't do anything about that.

Q But you can understand how difficult it is when we have such a different story from Mr. Clemens. He's saying absolutely none of this ever happened.

A I think it's extremely difficult, but if you look at my past record, you look at the fact that I've only lied about things to protect other people, that's a track record.

Q Is there anything else you would look at if you were us as we try to sort this through?



A As far as me?

Q In figuring it out. I mean, I'm sure you can understand how confusing this is when we have two people saying things that are just so completely opposite?

A Sometimes you just got to go with your gut.

Q Well, one issue that came up today, earlier today, is the party at Jose Canseco's house. And as you talked about it, you seem to have a very clear recollection on the party; is that right?

A I have a clear about certain instances at the party.

Q At the party?

A Yes.

Q We've been told that Roger Clemens wasn't at that party at all, that he was never there, and there may be evidence to suggest he wasn't there at all. Does that change your recollection at all?

A No. He showed up. Why was his nanny there chasing his baby?

Q So even if there's evidence that would suggest he's not there, you still believe he was there?

A Yes.

Q And could you think of other eyewitnesses that day that would also say he's there? You mentioned some before. I think you said --

A Pat Hencken, Reed Williams, Chris Carpenter, Jose

Canseco.

Q And you said Lilly?

A Lili was the nanny.

Q And can you remember her last name?

A No. She was Spanish. She was older. I mean, she wasn't that old. But, I mean, at the time she was -- she might be 50 now.

Q Could you think of any way we would be able to find her?

A Go look at his business taxes. He paid her salary. She was on full time as an employee.

Q And other than the players you just said, is there anybody else that you could think of who would corroborate that he was there?

A His wife. I mean, every player there.

Q You said originally that you thought there were about 30 people there, and it was most of the team, and you just rattled off some people. Are there other people you can remember being there?

A Most of the team was there. Tommy Craig and Scott Shannon. I mean, they were the trainer and the assistant trainer. They might have had to leave a little bit early to set up the training room, I'm not sure.

Q How long do you remember the party being?

A I'm thinking it was like maybe 12:00 to 2:00, 12:00

to 3:00. We had to be at the ballpark by 4:00, I think, or 3:30.

Q Do you remember any photographs being taken at the party?

A No.

Q It wasn't a team function or anything like that?

A No.

Do you know who else was there? Do you know who showed up? Benito Santiago showed up. He was on the DL. He showed up later with his girlfriend. So maybe he remembers Roger being there.

Q Would he have been there at the same time?

A Yes.

Q If it turns out --

A Benny Cortroger -- no, it was Charlie Brian.

No, I'm telling you Roger Clemens was there.

Q If it turns out that there is solid documentary evidence suggesting he was at a different place, the thing I would ask you is to think very hard at whether you have any other evidence that would suggest he's there. But --

A His wife. Get Jose's wife, she hates him.

Q Telling you that there may be evidence doesn't change your recollection at all, you're absolutely certain?

A Oh, yeah.

Q I'm sure you have some sense of this right now, but

some people think it's a little bit strange that you or anyone would keep syringes, needles, gauze pads for 7 years in your house. You have some sense of that. And we asked you before why you did it. And I think you said that you just had a gut feeling, you had an instinct. I won't put words in your mouth. You can just say it again, why you held on to that.

A The gut feeling along with just certain little things that I can't really pinpoint to give you a great answer, but it was a gut feeling that -- and being an ex-New York City cop, and I did not want -- I knew if things went bad, I wasn't going down alone.

Q And people are raising questions whether those materials, if they're authentic, could have been tampered with. And I think you answered to counsel before that you took them home, put them in a Fed Express box and basically kept them there. You moved them from different parts of your house. Did you ever take them out; did you ever tamper them in any way?

A No.

Q Did you ever add anything?

A No.

Q You didn't add any substance to any of the materials that were there?

A No.

Q And you're absolutely sure these were materials that you used with Roger Clemens?

A Yes.

Q No doubt in your mind?

A No doubt.

Q You were asked also before when you first met Mr. Clemens in Toronto and what your view of him was. And I think -- I hate doing this from my own recollection, but I think you said, well, he was another pitcher, and you didn't admire him yet; is that about right?

A I treated him as another pitcher on the staff that I had to train, yes.

Q Did there come a time during your relationship where you really started to admire him?

A I admired him for his work ethic and his -- and the way he was with his kids, with his family.

Q As a person?

A As a father and as a Major League Baseball player.

Q Anything more than that?

A No.

Q Did you have any resentment to him?

A None whatsoever.

Q No reason to?

A I could have been, but I wasn't through -- you know, the only issues I had with Roger were between scheduling

conflicts and, you know, telling me things that never came through and me -- he would do a schedule. Time and time again I canceled family plans, I canceled this, I canceled that. And then he would just go, sorry, man, I got to do something else. You know, just stuff like that. He made everyone else upset, but I didn't get upset about it.

Q You remember the phone call you had with him on January 4th?

A Oh, yeah.

Q And that conversation was taped?

A Yep.

Q Did you know it was being taped at the time?

A Within 30 seconds.

Q So you knew the whole time during the call?

A Yes.

Q And what made you suspect you were being taped?

A It crossed my mind when he asked me to call him at a location that I never called him before, which was his office line, and I heard it in his voice. He never talked like that to me before like that.

Q So did you talk differently than you normally would on the conversation?

A Yeah. To the point where I didn't bury him. I bit my tongue quite a bit, because I could have buried him, but I didn't. And in the back of my mind I thought maybe you

guys were listening in.

Q In that phone call there are two things that I want to read to you. One is when he said, I didn't do it, this, you know, all this stuff. And most people would think if he's saying that, the natural reaction from you would be, you did, you know you did, I know you did?

A Right. That's why I was biting my tongue.

Q So that's why you didn't say it?

A Yes.

Q And why would you do that if you thought he was taping you?

A Because I didn't want to bury him. I can't explain it.

Q The Mitchell Report has already come out, it's public. You reach out to him, he calls you back, and you feel as if you're still holding back at that point even with him?

A I wanted them to call my son. I didn't need to speak to him, no chance.

Q In the conversation as well you said to him, no, you treated me better, you treated me like family?

A Oh, yeah, because I wanted to make him feel like crap.

Q You wanted to make him --

A Feel like garbage. He's out hunting, he just got

back from the Bahamas, I'm sitting in this one-bedroom shack trying to shield and protect my family, lost my job, you know. I'm just telling you my instincts. Those are my instincts.

Q That's what I'm interested in.

A Right.

Q But at this point he obviously is going through something, too, because he's been named in the Mitchell Report, the Mitchell Report is already out there?

A Obviously not if he's going hunting with his kids and going to the Bahamas and going to golf outings.

Q So you felt as if you were in completely different situations?

A I felt he wasn't going to call my son, and he was using me.

Q Let me go back just to that point about family. Did you genuinely feel that, or is it what you said, you were giving it to him a little?

A No, I genuinely felt like that.

Q That he treated you like family?

A Yeah. He treated me well in the part of bringing me into his home, which wasn't done often. He's had how many trainers before me? And when I got hungry, I opened up his door and I went in his freezer and I got something to eat, you know. You know, when I wanted to -- you know, I played



with his kids. I watched his kids grow. So, I mean, that's a long time.

Q You didn't feel as much as it was an employer-employee relationship, it was more of a closeness?

A No. I'm telling you that's -- there was a loyalty, there was a loyalty and a trust. Friendship; it might have been heading in that direction, but it never got there once he got to New York. But he was my employee, and I knew that.

Q Employer.

A Employer, I'm sorry, and I knew that.

Q The last injection I think you said you gave was 2001?

A Yes.

Q And your relationship continued?

A Yes.

Q Until January, I suppose, 2008 or December 2007 when the Mitchell Report came out?

A Yes.

Q And you said to counsel earlier that you even gave Mrs. Clemens an injection --

A Yes.

Q -- in 2003? And was he upset about that when that happened?

A The injection?

Q Yes.

A He asked me to do it.

Q So it didn't cause any rift between the two of you?

A None whatsoever.

Q From that point until 2007, in addition to the other things you would do for Mr. Clemens, did you continue to spend time with his family?

A I'm sorry?

Q Did you continue to spend time with his family?

A During what time?

Q From 2003 to 2007.

A I've done things with his family.

Q Do you have any clear recollections? Do you have things you can be specific about? Did you spend time with his wife, did you spend time with his children?

A I went to -- I went to some kind of big gala. I don't know if it was a -- I went to the Players of the Century in Houston, the Players of Houston thing.

Q When was that?

A '04. I sat with his mother-in-law and his family at that table. The Pettittes sat behind me. That was a pretty neat thing. Some maybe kids basketball games, practices, just when I was in there working.

Q Did you do any workouts with his children? Did they follow your exercise regime at all?

A I trained them infrequently. I ran them around occasionally.

Q Would you remember the last time you did that?

A I believe -- I know it was in Houston. I think it was -- it was probably after this, too, but I know in Houston when his son Colby, the minor leaguer, was on the DL, I worked him out a little bit in Houston with Roger.

RPTS KESTERSON

DCMN ROSEN

[3:39 p.m.]

BY MR. SCHILIRO:

Q So this is 2004?

A I'm not sure. 2005 maybe.

Q You can't recollect anything --

A When did Kobe -- he has been in 5, 6, 7 -- he played two years in the minor colleagues. It was his first year in the minor leagues. Probably '05, maybe.

Q Can you remember anything in 2007?

A With his family? I know -- I hung out with -- I saw his two kids, Casey and Kobe -- Kobe for, like, 20 minutes outside his house in Westchester. They were fooling around with a football. But I didn't -- that's about it. I don't know. That's the last time I remember seeing them.

Q There was an e-mail that you sent which I'll offer as an exhibit.

[McNamee Exhibit No. 11

was marked for identification.]

BY MR. SCHILIRO:

Q This is January 3, 2007. And just wanted to direct your to the bottom of it. This is an e-mail from you to Jim Murray. You say "my point is to fill you in because the players you represent, and like last night with Andy, you do

not know about the Quinn thing. Also" -- and then in capital letters -- "I was not officially talked to and will never be. I'll never betray my clients and I want them not to worry about being around me." Can you just tell us a little bit about what you were thinking there?

A Yeah, I think I was -- this was after, I think, Clemens did that St. John's thing. I'm trying to think what date that was. Clemens came in and did a thing for St. Johns. I believe it was December, January. Either January 31st or -- no, it couldn't have --

Mr. Paoletta. Of what year?

The Witness. I think it was '07.

Mr. Emery. It says January 3rd, '07.

The Witness. I know. I know. The mindset behind this was trying to make sure that I can keep my clients without Murray or them trying to tell them to stay away from me because of what came out in The L.A. Times regarding Grimsley. And as far as I would never betray them, that was prior to me getting called in to be talked to by Federal investigators. I didn't see that coming. So to me that was just a nice end to the fact that I really -- I wouldn't have betrayed them if I didn't have to. I mean, betray them as far as going to you and saying, hey, I've got this stuff on Clemens. I was brought to and I was asked to by the investigators to talk to them. So it is not like I betrayed

them and was looking to rat them out per se. You know, I was in a situation that I had to tell the truth when I was confronted with the questions that they asked. I mean, I'll stand by that statement. If, you know, they were possibly police officers, I probably would have lied to them.

BY MR. SCHILIRO:

Q If they were --

A Police officers. Someone that didn't have the Federal power to prosecute me for lying, I probably -- in my history, and the way I am, I probably would have lied to the police officers asking me about Roger and Andy. So therefore I wouldn't have betrayed them. But betrayal is -- you know, it is a pretty more definitive word than rat. I still didn't betray them to the Mitchell people. I didn't betray them to the Federal investigators. I didn't use private information and go public with it.

Q I think in Mr. Clemens' version, he thinks you've made all this up. It is a figment of your imagination?

A He might very well think that is true. You know, he is the one that was nicknamed Eli because every time he moves his lips he is lying, he is lying. And he uses it on Wells and stuff like that. He was the one that was called Eli.

Q Who called him that?

A Other players.

Q I missed the reference you say.

A Every time he moves his lips, he is lying.

Q But you said a things about Wells.

A He used it on Wells in the paper once, David Wells.

Q Called him Eli?

A Eli. Call him Eli.

Q And what is he -- I just don't understand that reference.

A If his lips are moving he is lying, he is lying. It is a play on words.

Q I see. And did he have that reputation?

A For the people that knew him.

Q When I asked you before whether or not you admired him, whether you respected him and you said as a father and it sounds like you respected how he raised his children and as a professional athlete. Is one of the reasons you didn't admire him as a person is because of that? I don't want to put words in your mouth, but you didn't say you admired him for his personal qualities and I'm just trying to understand.

A Excuse me. I just forgot to turn this off. I'm sorry.

Q That's all right.

A Well, your evaluation of my words are correct. But I'll say it again, I didn't believe the things that he'd

tell me to be true most of the time. And most of the time, the things that he would tell me weren't true. And it wasn't like I ever confronted him on these things. I just wrote it off as him just liking to hear himself speak.

Q Do you want to provide any specific examples of that, any you remember?

A Just -- yeah, particularly about doing things with him, getting things from him, providing things for me, all general things, like, he just would say things out of nowhere, he would show me -- you know, he'd show me an ad he did and say he was getting 10 of those, I'm going to give you 5, like, watches. Okay, great. If I won the Cy Young this year, I'm going to take care of you and your family the rest of your lives. Okay. I think he still goes -- was his wife ever a Dallas Cowgirl cheerleader? He goes with that one all the time. I mean, I go -- you know what? I would be better at this probably a year ago because I saw more of him. But for me to think about it now, I could -- give me an hour, I could probably write down a hundred things. But it was to the point where I didn't listen to what he was saying anymore about stuff like that.

Q So there is a contradiction between that, how you felt he treated you and that piece, not being honest. But then also as you said in the phone call, he treated you very well in other ways.



A Yeah.

Q And I suppose financially --

A Yeah, brought me into his house, fed me. There was a fine line. There was a very fine line between employer/employee, loyalty and trust and then you have that friendship thing. You know, I don't think I couldn't count on him for things.

Q You could or couldn't?

A I couldn't.

Q Was he good with your son?

A He would go out of his way to say hello. He did -- you know, I had to hound them to do this thing at Shea Stadium. There is a couple of other things. I mean, that was a mutual -- like, I did a ton of things for his family, a ton of things for his kids. That was just a mutual -- we did things for each other, especially since we were around each other.

Q The relationship he had with Andy Pettite was described in the papers as big brother, little brother. In your experience, was that essentially right?

A No. I think Andy kept him at an arm's distance too because of the way he lived his life.

Q So not as close as it was described in the newspapers?

A No.

Q In your relationship with Mr. Clemens or any other player, did you ever hold yourself out to be a doctor?

A My relationship with Clemens? No.

Q Or any other player?

A Not as a doctor, as I obtained a Ph.D. Columbus University when I finished my masters and that -- I never told anyone to call me doctor, but it was a credential that I earned, but it later on turned out to be one of those paper mill places.

Q That you took courses?

A Correspondent. Yeah, I did all the work. I did the dissertation. I'm proud of that work. I learned a lot about nutrition. But I was a strength coach. There was -- like the vitamin doctor used that Ph.D. doctor thing -- I wasn't comfortable about it. But when I found out in '01 or '02 that it was a paper mill, I stopped all of that.

Q Is it possible, though -- I mean, it is a dream for a lot of people to be working with a major league ball club, to be part of the club. When you received the job in Toronto, it must have been a great thing given your background?

A It was my goal.

Q You're now part of a major league ball club. There is a lot of excitement around there. And I would think the employees of the team want to please the players do what the

players want. So is it possible at some point, Mr. Clemens would want a B12 shot and he would come to you for that? Is there any scenario where could have happened?

A None.

Q And why are you so adamant about it?

A Because I would have done it.

Q You would have done it or you wouldn't have done it?

A If I was doing Winstrol, why wouldn't I have done that? I don't know.

Q Well, I'm talking about in the clubhouse as part of your terms of employment with the team.

A No chance.

Q You would have done it outside but not inside?

A Probably.

Q You don't have any recollection of that?

A It didn't happen.

Q Would any of the players in the clubhouse think you had medical training to do it, though?

A I doubt it.

Q You're the strength and fitness coach. Could there be some confusion?

A No. No one else ever asked me to inject them.

Q Over the last 5 or 6 years, have you been in situations where you threatened to sue people?

A I told Clemens I'd sue him -- no, I would sue the

Hendricks.

Q You told Roger Clemens that you'd sue the Hendricks or you told the Hendricks you would sue them?

A I told Roger because Roger was the intermediary. He used to use the Hendricks as a threatening thing. I don't even know if the Hendricks knew about this. But -- I forget -- what is that? There was an article written in Newsday about -- I think it was '04. It was '04. I believe Roger started to play again. Maybe '05. '04. He signed with Houston and there was an article about Roger would -- Houston sources said that Roger would go to the Yankees in a heartbeat if Houston didn't start to win. That was when Canseco's book came out. And then he, out of nowhere -- he e-mails me something about Canseco's book being -- the Hendricks are very upset with it. And I just -- BlackBerrys -- I just BlackBerry'd him back and I said I don't know -- what are you talking about.

And then I think that same day he goes, oh, no, the Hendricks found out that you're the one that told John Hayman, the writer for Newsday, that he'd leave the Yankees -- Houston if Houston didn't start to win. And that's when I talked to Tom. And he just said that is ludicrous, you can't -- and I'm like -- I just got home from, I think, training him and I was out of my mind that I would get accused of that.

Q Had you done it?

A No, I didn't do that. Hayman -- he -- I called Hayman and he said I didn't get that from him. He might have got it from Rick Down.

Q You and John Hayman have a good relationship?

A Yes, now we do, yeah. But Hayman -- I don't know where he got that from.

Q Were you upset that there is a Clemens' rehab center and you're not part of it, didn't have any role in it?

A Clemens e-mailed me out of the blue and he said, hey, doing a fitness center down here, you know, you're going to be part of it -- oh, no, it was over the phone -- you're going to be part of it, you're going to be on the payroll. And I was, like -- I forget. I think I was teaching at St. John's and I had really wanted to, like, retire and just teach. And I just was setting that up and then he calls me with this. I didn't really pay no mind. And then I didn't get hired back by St. John's, but then I got this really good job traveling with one of his associates in Mexico paying me some decent money. So everything was good. Then I lost that job. All of a sudden, I had no money coming in 2 months, 3 months. And I just reached out to him and said, hey, Roger, anything with that stuff in Houston, hire me, put me on the payroll. He shot me an e-mail back and I have these e-mails.

Q Would you provide them to us?

A Absolutely. He said -- he goes, well, it is going to be '07, '08. So this was probably '06, maybe. And he goes the walls aren't even up yet, but I'll keep you posted. And I didn't have a job 4 months, 5 months. And then I think I called him or e-mailed him and said, Roger, is anything going to come of that and he goes -- this is like two examples of him saying stuff. The e-mail back to me kind of like rescinded the offer to, like, be on the payroll, almost exaggerating that my name was going to be on the wall or something like that.

So then I just wrote that off as he just -- I don't know why he called me and told me that but all right I can't. I thought I could fall back on that, you know. And then spring -- I was down in Florida last year -- I was down in Florida training him in Kissimmee. He wants -- then he brought up the topic again saying, you know, we already got the guys, but you know what, they're going to give you a kickback because we're going to use your programs.

So you're going to get a royalty or something. And I'm like, okay, whatever. That's the whole story about his -- was I annoyed at him? No. But I'm also --

Q No anger about that?

A I'm answering your two questions. You're asking for examples of -- and that's exactly how it happened.

Q In your phone call with him, you made a reference to a book deal that you were turning down offers, I think.

A It was a book and movie. No. It was TV and book .

Q Are you currently working on a book now?

A No.

Q There is no plans to do that?

A No.

Q Are you planning on making money off this in any way?

A I might have to.

Q Your experience?

A There might be some stuff that fall back to us through this process where I might have to pursue some financial gain from it.

Q What would that be?

A I don't know.

[Discussion off the record.]

The Witness. The only thing -- I don't want my name in the paper. I don't want any of this. I don't want to write a book, but there might be several countersuits that I have to -- with the defamation thing and there might be some civil liability towards my family. I would rather everything go back to the way it was before the Mitchell Report was released. If that's what you're asking.

BY MR. SCHILIRO:

Q I think one of the other things that puzzles people is that you have such detailed knowledge of Roger Clemens using steroids and human growth hormone, it doesn't seem as if anyone else in baseball does and what counts the last two questions before, I think you said it was in Toronto where he came to you and he -- this was after the Florida trip and he gave you a Ziploc bag, it had some substances in it, you turned around and gave some to Mr. Canseco. Do remember that? That seems as if it was in the open of the clubhouse, that there wasn't any shame to it. It was just done completely open. And --

A Not really, though, not really.

Q Okay.

A It wasn't --

Q Just say it then so I understand it.

A Yeah. I didn't mean to mislead you with that. There was nobody around really and it was done on the -- my locker was the first locker as soon as you walked in and it was a little bit away from the players. It wasn't in the open. It was in the open but it was nobody around and it wasn't done, hey, oh, here you go. He tossed it at me. It was in the open but to the point where no one else was around to see it.

Q Except in this case Mr. Canseco was there?

A Yeah, but he was behind me four lockers deep.



Q I understand. Right. But do you have any explanation why no one else in baseball would know that Mr. Clemens was involved in this type of activity?

A I believe other people know. In my heart of hearts, I believe other people know. I just don't think you have anybody standing in line to tell you.

Q Do you think they know from first-hand knowledge?

A I can give you a 100 players -- not a 100 maybe. 30 players that I helped not take steroids and said I never offered them or recommended steroids to them. They're not going to come forward. This is baseball.

Q Well, if you want to submit any of those names for the record, you're welcome to.

A I believe I did.

Q We're not interested in getting other players, but just trying to understand why out of all the people around him, so few people would seem to know about this.

A Yeah, I would like to see -- I would like to know why his 24 years of giving to baseball, so few people have come forward to back him.

Q I had one area of confusion I want to make sure I understood from the pictures you brought in today. These are the pictures from 2002. This is 7 and 3.

A Yes, sir.

Q Could you just repeat how you came to be in

possession of this, of the materials in these pictures?

A Worked out in the morning.

Q With?

A Roger Clemens.

Q Where?

A

[REDACTED] Cleaning up, putting stuff away in boxes. He was cleaning out his bedroom. I was filling up a bag -- a duffel bag that I still have that he gave me with stuff he didn't want, some kids games, some clothing, some sneaker, some shirt, some athletic wear. And he just walked out of his bedroom and he says, listen, I'm not going to travel on the plane with these, can you either hold on to them or get rid of them.

Q So what did he physically hand you?

A A Ziploc bag full of that stuff.

Q So this was all in the bag?

A Absolutely.

Q So he would have touched the bag as he handed it to you?

Mr. Emery. Because the Ziploc bag was part of --

The Witness. He touched the bag, yeah.

Mr. Emery. The Ziploc bag was in there. We gave him the Ziploc bag. Sorry. It must be in one of the other pictures.

Mr. Schiliro. Isn't it that one?

Mr. Emery. That is the bag that we just used so we wouldn't touch it.

The Witness. The Ziploc bag is in there.

Mr. Emery. Yeah, there must be a Ziploc bag picture.

Mr. Schiliro. I'm confused because we have pictures from two different years; isn't that correct?

Mr. Emery. Right. But we gave the Federal Government --

The Witness. Wait. No. No.

Mr. Ward. Let's --

The Witness. No, no, I've got it. No. I emptied that -- I emptied that stuff in another -- in the box.

Mr. Emery. Right. The Ziploc bag was with the other stuff.

The Witness. Yeah. I physically removed the unused -- I took the pills out and the testosterone bottles, the seven or eight bottles, put them in the can bag and threw all of those single wrapper needle heads in the bottom of the box. I didn't keep that bag.

Mr. Emery. Right. You're right.

BY MR. SCHILIRO:

Q You didn't keep the Ziploc bag?

A That Roger gave me. No, I -- because we were looking at that. We knew there wouldn't be fingerprints on

the bag.

Mr. Emery. Right. The bag that was in there was a different bag.

The Witness. That was my bag. It might have been his bag, but I only kept one bag. And it was the bag that the can was in, the can I had. The other stuff I emptied in.

BY MR. SCHILIRO:

Q So you have no expectation his fingerprints would be on any of these substances?

A Possibly, but, no, I ain't counting on that. I'm counting on the blood and the needles and the stuff in the needles.

Q And when you brought -- in the first group of syringes and needles from 2001 that you had put in the Federal Express bag, right?

A With the can.

Q Box and the can, right? That was 2001. This is 2002?

A Yeah.

Q So then what did you do? You brought that home and put it in the same box?

A I opened the bag and I dumped -- I took out the unused ampules and I put them in a bag where it had the can in it. It was a big Ziploc bag. And then I just dumped all the single loose needle heads into the bottom of the box, of

Fed Ex box with the pills, with the pills.

[Discussion off the record.]

BY MR. SCHILIRO:

Q I'm sorry. Last question I have for you is you seem like a man who is pretty devoted to his family, have a special relationship with your son. What do you want your son to take out from all of this?

A Well, I'm not going -- going back to the book thing, the reason why I knew that the money was like that because in the beginning it was crazy, you know, with people wanting to talk to me and the book thing and the TV thing and whatever. I started to investigate the process of how that is done through, like, an agent, this is the guy -- I mean, you know, it was just for informative purposes, plus I had nothing better to do with my time.

And I said if I do a book deal, it would have to be on the purpose of two books, because I think that the people who write this that read the book that would sell money and they'd pay for isn't a book that my son can read. But the second book, which no one would want to pay for, is the book that my son can read and that would be, you know, you've got to learn from your mistake, you've got -- if you make a mistake, own up to it and, you know, she -- he has got some issues. You know, I've got some issues to start the healing process with this, with my family. And, you know, I also

have another son and a daughter.

So what do I want my son to take out of it? I guess just to be a man and, you know, be a human being and try not to make mistakes. But if you do the wrong thing, tell the truth.

Mr. Schiliro. Okay. That's all we have.

[Discussion off the record.]

BY MR. CASTOR:

Q Going back to the 1998 incident in the clubhouse that I think we just talked about the Ziploc bag that Mr. Clemens handed you.

A Pills -- the Ziploc bag was after the 2002 season where he handed me the stuff.

Q Okay. So in 1998 in the Toronto clubhouse, the discussion with Clemens and then Canseco, was that just limited to the pills?

A Canseco -- the discussion with Canseco?

Q Yeah.

A Yeah. I just had the pills.

Q It was just the pills. There was no Ziploc bag?

A Not that I remember. If there was a Ziploc bag, you know, the Ziploc bag from Clemens, he threw the Winstrol in my locker and then the pills, the Anadrol.

Q Was the Winstrol in a Ziploc bag?

A I don't know if he had something in his other hand,

but -- if he had something in his other hand, I don't know what it was.

Q On the -- during the interview with Messrs. Yarborough and Belk, if I'm not mistaken, you told them that the Federal agents had your bank records, had videotapes of things going on in the clubhouse, had your credit card record, had your phone records. Can you maybe help -- whether that was part of the embellishment or --

A It was embellished, but, no, they did lead me to believe -- a lot of the questions led me to believe they had other stuff from trainers and they did have my bank records and what else --

Q So they did have your bank records without you assenting to it with the use of subpoena? Not assenting to it, but your knowledge?

A Mitchell, Mitchell's guys or the Feds.

Q Starting with the Feds and then I'll ask whether that was -- let's start with just the Federal agents.

Mr. Ward. If I could just --

Mr. Castor. Sure.

[Discussion off the record.]

The Witness. The bank records were -- they showed me checks that I had written to Radomski. Like, they were asking me about -- they were just asking me about Kirk and then they showed me the bank -- the checks that were

written.

BY MR. CASTOR:

Q So it is fair to say, to your knowledge, they did not have your bank records, like a complete collection of your banking records?

A At that -- with the -- with the Federal government, I didn't -- I was not under the impression that they had my bank records.

Q Okay. Just my listening of the tape, I thought I understand you to tell the investigators that it was your understanding that the Mitchell folks through the Feds had your bank records, your credit card records, your house, your mortgage information, your phone records. So maybe you can help demystify that?

A You're talking about -- now we're still with the Feds.

Q With the Feds and then what was your understanding the Mitchell staff had.

A Okay. Because the Mitchell staff stuff, I think the bank records did, the bank records came from the Mitchell staff.

Mr. Emery. You're misunderstanding the question. He is asking you what you said on the tape which indicated to him that they had the records, not what in fact happened. So if you can try and figure out what you said if you can



remember. He thought that the tape indicated that you thought --

The Witness. Well, I didn't hear the tape. So what I'm saying is -- I'm trying to be -- I'm trying to give you the facts to where I got the information that I said, but with that little bit of information embellished and exaggerated and maybe even made up --

BY MR. CASTOR:

Q I'm just trying to sort out what you meant.

A Do you want me to -- because I think -- I hope you understand --

Q Yeah.

A Talking about the tape regarding the Federal investigation and the Mitchell panel.

Q What I'm really interested in is what was your understanding of what the Federal agents had. The bank records, the phone records --

A It is a tough question because I talked to those guys, the private investigator guys in regards to both the investigators and Mitchell. So the stuff I was saying, I -- I don't -- I gave them -- I don't know. All I know is the Federal investigators -- they told me that they had phone records of my -- of calls. They told me that they -- they showed me that they had checks. Okay? That's what I remember talking to the Federal investigators alone. Then

fast forward to I think the first conference call with Mitchell after the first meeting in person with Mitchell and the Federal investigators. They asked me, I believe, about, like, places I lived, where Clemens lived outside of our residence. They asked me about direct deposits into my bank accounts. And what else was there?

Q Bank record, phone records, credit card receipts. Or credit card records.

A No. I threw that in there. Neither one of them led me to believe that.

Q Okay. Because you had a colloquy, a back and forth with Jimmy Yarbrough and Billy Belk, okay, about whether the Federal Government, and then subsequently the Mitchell people, had obtained information that you really need a subpoena for. And Billy Belk and Jimmy Yarbrough as my recollection is, I guess they are former detectives. So they understand how subpoenas work. And correct me if I'm wrong, you led them to believe that information that you ordinarily subpoena for was obtained somehow without a subpoena. So I'm just trying to clear that up.

A I probably definitely did that. And I was also trying to tell them with -- when I told you about how the process went with the meetings with the Federal investigators, they did their job. They were leading me to give them -- trying to get more out of me. They knew I was

withholding and it was like pulling it out of my mouth, the information. So the things that I told you leading up with Mitchell, I do -- I thought -- they led me to believe that they had.

But in turn, with the conversation to the PIs, I definitely -- I threw in the credit card -- I was trying to also tell them that because of them leading me -- they led me to believe that they had more information on Roger and Andy outside of me and it could be from these sources. Because I was led to believe that they did have my bank records, that they did have stuff. I don't know if I said subpoena. I doubt that. But I don't know why I said credit card, you know. That could -- I could have been on a roll. I don't know.

Q But as you sit here today, do you believe that the Federal Government improperly obtained your banking records without a subpoena?

A Do I believe that?

Q Yes.

A I don't know what the rules are. I don't know what those are. I know what you are saying about subpoena. I didn't know they needed a subpoena. I think they need that to tap your phones or something. But if you tell me those are the rule, then I'll tell you what I think. I mean --

Q I'd also like to revisit the number of conversations

you had with Andy Pettite where the topic was Roger Clemens's use of anabolic steroids or HGH. Did you say you needed to confer with your counsel?

A No. I wanted to go back to '98, being in the clubhouse with that Vasoline and envelope thing. Clemens had a bag -- and I'm not even -- I don't know if I gave it to Canseco or he gave it to me with the pills or right after the pills. All I remember with the pills -- but -- but I believe -- it is a fact that he had a Ziploc bag with like -- it looked like to me a lot of those ampule things. And I'm not sure if he gave it directly to Canseco or I did. But I knew enough that what was in there was an ampule of something. I didn't read it. I think it was testosterone. I believe it to be testosterone.

Q Was this at the same time as the pills' incident?

A It was the same instant. I don't know why my focus is on that stupid bottle.

Q Okay. Is there anything else you want to share about -- so as I understand the clubhouse interactions in '98?

A I think someone could have saw that bag because it was see-through. But I don't -- I didn't see anybody around and I can't even tell you who was there besides Canseco. What made me remind me of Canseco was the fact that he threw two pills in his mouth, or one pill. Whatever. He opened

them up, took them and that was it.

Q Okay. So there were two incidents in the Toronto clubhouse involving anabolic steroids?

A Right. It was the same instant to me --

Q You said he gave you the Winstrol back when he injured his buttocks.

A So that would be the second one, yes.

Q So there were two total?

A Yes.

Q And so the first one involved the pills and it also involved something else that you just described. You saw some ampules or --

A There were -- if you put the ampules together with the pills, that being one.

Q Okay.

A You put the time he threw stuff in my locker, that is two. There was a third time with Canseco where he had stuff in the fridge and I saw that to be loaded syringes with tin foil on them covered in -- it was in -- like a Toronto Ziploc bag -- it looked like a pencil case.

Q Okay.

A And that was the same time -- because my locker -- if I'm sitting in my locker like this, they'd put the coffee out right here and then there was a Coke machine with beer and soda in it. And he had the stuff in the back of the --

the back right hand underneath -- there was, like, snuff there too.

Q How do you know it was Canseco's?

A He took it out and he went through his locker and he opened it up and I saw what it was.

Q You said it was loaded syringe?

A It was loaded syringes with tin foil on it. I don't know what it was. Tin foil around the -- like where the cap would be on the pen.

Q You saw him do what with it?

A I think there was like four.

Q And you saw him do what with it?

A He put it in a -- it was almost like a purse, a big thing like you wear around your -- a big thing like his bag. That was after a game. So I believe he was going home or something like that to take it home. That was after the Tampa -- Florida Marlin trip.

Q This has nothing to do with Roger Clemens, this is exclusively Jose Canseco information?

A Specifically Jose Canseco and it -- I believe that is some of the stuff that he got with Roger at his house.

Q Okay. Turning back to the Andy Pettite topic. I had tried to raise before. Conversations with Andy, you and Andy about Roger's use of HGH or anabolic steroids, how many conversations total?

A I couldn't even guess. It wasn't something -- it was brought up --

Q How many conversations that are sort of in the universe of facts that we've been discussing. We have the -- the one with -- where you think C.J. Nitkowski was in -- on the property and Andy had said to you something to the effect of --

A All right. I can give you -- I can just give you specifics of conversations that I remember having about it and then maybe guesstimate on maybe how many more times we would have talked about it.

Q So it is fair to say that is one conversation?

A That is one.

Q You talked about another conversation with Andy --

A On the phone.

Q In 2007, I think. At his Westchester Place? Or what year was that?

A You're talking about when Radomski got arrested?

Q Yeah.

A I think it was July because he was, like, 0 for his last 4 starts.

Q July '07?

A I believe -- yes.

Q And during that conversation?

A He had 14 more starts left. So if you go from the

end -- end of September and back date every 5th day, that's exactly when it was. He had 14 starts left.

Q Okay.

A Because he had to go a certain amount of wins to get his 200 win. That was part of the conversation.

Q Okay. And in that discussion, did you have a talk about Roger's use of performance enhancing substances?

A No. It was mainly about him.

Q Okay. So there was no mention whatsoever of Roger Clemens?

A If it was, it wasn't part -- he was really concerned about me and it was bothered him about this Radomski thing.

Q But during the course of that discussion, didn't it come out that, you know, you were being identified as a supplier of --

A Never.

Q Never?

A No. I felt miserable.

Q Okay. It was just simply -- the fallout from The L.A. Times article --

A That he was concerned about.

Q Yeah.

A He wasn't concerned about himself supposedly. But I think that is the only reason he called me in because we barely worked out. We worked out -- it was more we stopped



and he'd ask me again about it. There is no way, is -- is he in your phone, like --

Q Okay. You think he was more talking about your well-being than trying to gather information --

A In the beginning, he went out of his way sitting on his bench. I sat on the physio ball and he went out of his way to say, listen, I'm set for life, if -- the thing is I know how hard you got hit up when the thing came out with The L.A. Times and Grimsley, that -- and I know -- he might have mentioned Roger, but it wasn't part of what he was trying to address to me. He said I know that, you know, you told me not to do it and I said that -- part of what -- he was actually giving me what he'd say. That I told him not to do it and he was going to do it anyway.

Q Is your recollection that Andy's use of HGH was limited to the 2 days described in the Mitchell report?

A Yeah. It was two, maybe three.

Q But the incident described in the Mitchell report?

A Is true.

Q Is that your understanding that is the extent of Mr. Pettite's use of HGH?

A To my knowledge, that's it.

Q There was a dispute, for lack of a better word, between yourself and the Hendricks people and maybe Roger about the use of Roger and Andy's likeness in an Invite

Health advertisement. Do you remember that?

A Oh, yeah. It was brutal.

Q Okay. Do you remember a discussion with Mr. Pettite about that dispute? And about Mr. Clemens being upset with you?

A Yeah, we discussed it quite a bit.

Q And what is your recollection of that discussion?

A Andy -- Andy couldn't believe Roger's -- it was coming from his wife, his wife got the catalog at the house. And I didn't know that was coming out and I didn't tell him to use doctor. You know, they had the whole information about that Ph.D. But Roger -- I mean, he treated -- that was pretty bad. And he wanted 300 grand. Jim Murray said that there is a -- there is an assumption -- a 5-year assumption to a product. He says even though it didn't say Roger Clemens used -- because the Invite box was on the page. Did you see it?

Q Yeah.

A Yeah. It was on the page. But it was a Q&A with me and their head guy, Rob Martin. And it was to sell a vitamin. But it had a picture of me in between Roger and Andy on exercise bikes. I didn't know there was anything wrong with that. I thought it was nice. I thought it was great, you know, because those are my clients. And big stink. Jim Murray calls me up, you know, Roger is fuming

about this picture and I later find out it came from Debbie because Debbie was fuming that they didn't get paid for it.

So now they're in talks -- I have Jim Murray talking to Steve Hornblatt, who is the CEO of Invite, stating that they got to pay, they had no right, they are going to sue, they want 300 grand. And I think even Murray felt some remorse about it because he -- I said, listen, I'm trying to -- you know, I used to be a spokesperson for EAS Metrics. This company was a ground floor company that was just up and coming and they had two great doctors behind their product in Gary Wiles and Sam Benjamin.

You know, you can't get better than that as far as nutrition. And I was going to get an opportunity to help design a sports line. And Roger was going to ruin it. And he -- I think he got -- I spoke through Murray about it and Murray had, like, some remorse, but he goes do you think they'd make some donation to his charity and I said I think they would. And then it just -- I e-mailed Roger and I said, listen, you know, it was unintentional. If they made -- they made a mistake. It was unintentional. And just getting back so I forget. Murray said that there is a 5-year attachment to the vitamin just because he is pictured with it. So he can't get another contract with another vitamin company now for 5 years. That is their spiel. Make a donation to charity -- Murray -- kind of and then I

e-mailed Roger. I said, Rog, come on.

Oh, wait, wait. Before that e-mail, he goes -- he texts me, and this was typical of him. He goes, you know, the Hendricks are pissed and, you know, trying to deflect his personality towards the Hendricks. See, they're mad, not him. He goes what is this doctor crap. And I said, well, I got a Ph.D. from Columbia and I guess they used it in this article. I never told -- just to show you I didn't tell anyone to call me a doctor. And he goes, you went to Columbia, that's not -- so what, you're a doctor now?

So then -- I said, well, I think that if the Ph.D. is legit, I think they call those people doctors. And he goes, well, the Hendricks want to see your transcripts. I said from what. From your -- this is what he doing to me. This is, like, at 9:30 at night. He goes we want to see your transcripts from Columbia, Columbus, we want to see your masters and we want to see your undergrad.

So I faxed him over every certification I had, every transcript, everything. And then he just -- he said, all right, got it, good. Never heard another word about it. Oh, until I did -- like, say 5 days or a week away -- and I just said Roger, listen, this is a company that I plan on working after, you know, baseball. You know, this is a good thing for me to advise and, you know, get involved with. And I don't think he responded. I don't remember what his

response was. But it was never -- I never was -- I never heard back about it. And that's just -- that is basically that whole thing. I never was upset about it.

Q Do you have any recollections of discussing this situation with Andy Pettite and expressing your frustration to Andy about what Roger was doing?

A Andy was upset and wanted nothing to do with it. His picture was in there. He had the same agents and he told them leave me out of it. He was on the plane back to Houston with Roger, him, his private plane and his agents. And they were addressing the article and the picture. And Andy just sat in the back of the plane and said leave me out of it, I don't want anything to do with it. Andy, in turn, came to me and said, you know what, they give me free vitamins, they are the best vitamins in the world, I've got no issues with it.

Q So do you remember any conversations with Andy, specifically about how upset you were with Roger?

A I'm sure I brought it up at later date, later times just to refer to it as why would he do stuff like that.

Q But you don't remember anything specific, just generally?

A It was a dead issue. It was just probably lumped into other things that he did that were upsetting. Andy had the same amount -- Andy had the same stories.

Q Do you remember a New York Daily News article where Gary Sheffield was quoted talking about somebody ought to check Roger's water in connection with the BALCO case? Do you ever remember a discussion where you wondered if Sheffield's comments were based on personal knowledge rather than just simply conjecture?

A No. I remember -- I remember that conversation specifically to the point where I just raised it to Andy in the morning before our workout and I said why would he go and say something like that. And Andy's comment was, well -- because he already read it. And he said I have got to figure and believe that Roger had talked to Giambi about his use and Giambi and Sheffield are tight. And then maybe some banter after that, but nothing I remember. But I remember Andy offered that information to me. I didn't offer it to him. I was like -- I knew it was probably a bold statement but why come out and say that. You know, that's all. And he was right.

Q So you and Andy talked about Roger's use of antibiotic steroids and the connection with that article?

A Yes.

Q Because I was trying to get my arms around the conversations that you --

A I understand.

Q -- had with Andy about Roger's use. And we had the

HGH incident with C.J. Nitkowski -- you know, that is before Andy went on the DL. And I had wondered when you raised it, the heart to heart that you had with Andy in Westchester in July '07 when he had 14 starts left, it sounds like you didn't talk about Roger's use of anabolic steroids there. Is that fair to say?

A In the summer -- in July?

Q In '07.

A In '07?

Q I'm just trying to get a list of --

A I'm going to say that it is a good shot -- a chance that his name came up, but I don't recall it being -- it wasn't really the heart of the conversation. But that is -- you're asking me to pinpoint the specific conversations that I had with Andy about Roger.

Q Was it generally understood between you and Andy that Roger was using anabolic steroids?

A 100 percent understood, yeah. And it was generalizations.

Q And why do you -- what is your -- why do you have that belief? And I only ask that because in the Mitchell Report, it seems to be that the only conversation was the C.J. Nitkowski -- when C.J. Nitkowski was in the complex so to speak.

A Right. But Andy asked -- he did specifically -- I

had an issue with Andy on -- he knew more about Roger but would talk generally about it and I wouldn't really elaborate on -- I had a conversation with Andy in 2004 when he -- when I was working for him specifically. And it was Andy talking about Roger and the stuff that he takes. Build up to that conversation, I don't know if I had led on to him to confirm that.

Q What was Andy talking about?

A I'm going to get to that specifically because I -- I got involved in it with this -- I said to him, it was obvious that appeared throughout 2004 from 2001 into 2002 that he had a lot of -- that he was confident and knew that Roger was taking steroids and growth hormones. I said to him, listen, I don't want you to think that -- I don't want it to devalue my product and think now that I'm training you, but don't think that it is not my work that I do that is the steroids that he took. That was my point. And he goes, no. You're the best trainer I've had, I want you to train me because I love the way my body feels which is a great thing to say. But that was on my mind for a while. Because if he knows this stuff, I don't want him to think that the only reason Roger was so good while I had him was because he was getting injected. And it wasn't a service that I offered. And Andy -- during that course of that conversation, he did ask how many times did you inject him



or did you inject him, like because I injected him and I said a couple of times. That's all I said to him.

Q And when was that conversation?

A '04, probably the -- it had to be in the winter of '04 going into spring training because maybe a couple of weeks in because it just -- the more we talked on one-on-one personally and Roger's name -- he did talk about Roger a lot, not just about drug use, but -- that is when I started getting concerned that I hope he is not starting to think -- because if he did talk about it, I didn't deny. I might not have said -- obviously I didn't say what I did and how many times I had been doing it. But I did say -- I did acknowledge his thinking and his thoughts on it, but I said to him -- it started to bother me, whether it was that week or the week before where I went back home and I said I hope this guy isn't starting to think that the only reason Roger did so well is not my program and not my work.

Q You were Andy's trainer full-time 2004 season, right?

A Yes.

Q Did you sign on with Andy before Roger decided to come back?

A Yes.

Q And what was the relationship with Roger during the 2004 season when you were pretty much dedicated to Andy?

Andy paid you a salary, right?

A Yeah. It was a problem. I think it was a problem because I think Andy went to Roger after he retired and said would you mind? Because Roger still had plans for me to still train him and to still -- he did bring up steroids to me again. He acted -- he talked to me which is unusual if you want to get to that next.

[Discussion off the record.]

The Witness. I'm sorry. Where was I?

BY MR. CASTOR:

Q Well, you were full-time with Andy in '04, and I was just trying to understand what the relationship was with Clemens.

A Right. He went to Roger and he said, listen, do you mind, he did it like the man -- respectful thing. I've been on your back and Roger said, yeah, I've been taking care of him for years now, why don't you take care of him. And it was done. And then all the sudden Roger unretired and he just shows up. But it just made more work for me. I had to go to Roger's house and train him. He ended up hiring a masseuse to take my place as far as having somebody with him. And then I -- I would go down to spring training and I'd stay with Andy, and then I'd train Andy and then Roger was playing and then I'd go train Roger or go somewhere else and wait for Roger to get done. And I think there might

have been some friction there.

Q And what happened -- how come you didn't work for Andy full-time in '05?

A Because he didn't want to commit -- it was a problem with his family committing to me half a month and he said you're still my trainer I still want to use you, but he called me up -- it wasn't really working out that great. I mean, it was just -- he would -- I know, I know.

[Discussion off the record.]

BY MR. CASTOR:

Q And then there was one more conversation, I guess, you intimated about --

A Andy called me?

Q About Andy's knowledge of Roger's use of anabolic steroids or growth hormone? You just said a minute ago, no, there is one more.

A That was in '03, the winter of '03, when I used his house to train younger guys.

Q Whose house?

A Clemens' house. I used his house. He started -- he would work with us, the younger guys. I would use his house and then he asked me from -- I was going back to the gym. He was walking to house. Some of the guys were still in the gym.

Q Who is he?

A Roger.

Q Okay.

A You've got to go right to the gym. You go a little bit left and then straight to go into the house and he just said -- he was already telling stories about bodybuilding, he is going to be a body builder and then he just made a reference and then we're going to change up the workout, body build and put on some more weight. Can you still get some stuff from that cat.

Q That's what Roger said to you?

A Yeah.

Q And Andy was there?

A No, it was just me and Roger.

Q Okay. I thought we were talking about conversations between you and Andy Pettite concerning Andy's knowledge of Roger's use of performance enhancing substances, specifically growth hormone and anabolic steroids.

A Okay. Sorry about that.

Q Is there anything else that you can add? If not, I'm going to turn the floor back over to my colleagues here. Any closing thoughts?

A I'm good.

Q And if -- you know, I will say this. If as you go home today -- and I know we're going to have an off-the-record get together. But if there is anything after

we're done talking today that you think you need to help us, you know, enhance or augment your answers, you know, please get with your attorneys and have them get the information to us. You know, don't hesitate to be as complete and truthful as possible.

A Okay.

RPTS MERCHANT

DCMN HERZFELD

[4:40 p.m.]

Mr. Schiliro. Jennifer, can I have just one last question.

Ms. Safavian. Yes. Go for it.

BY MR. SCHILIRO:

Q Hi.

A Hi.

Q We're not going to change seats. I want to take you back to the issue of Jose Canseco's house.

A Okay.

Q I'm looking now at the transcript when the investigators came out to your house.

A Okay.

Q And they talked to you and tape-recorded you. There was an exchange where it says, they read back everything that was in the report. I'll just read exactly from the transcript. I think -- this is you talking -- they read back everything that I told you other than we haven't talked about Andy yet. Um, they talked about, they just said that kind of like Brian McNamee states that in 1998 that he injected Roger Clemens maybe four or five times with Winstrol. Brian McNamee also states that -- oh, they said like in their hotel room at the SkyDome. Brian McNamee also

states that he witnessed a party at Canseco's house where -- that Roger and Canseco and some other guests went into a room where possibly that's where the drugs were, possibly where the Winstrol-5 was obtained around that time in June of 1998.

Then again -- this is continuing you speaking -- I -- I wanted them to take that out because I had no idea. That's what -- the government presented that to me, and they said, Brian, you have to understand that you did, you said you noticed that, but we also talked to a lot of other people.

So my question is when you say, I wanted them to take that out, what exactly did you want them to take out?

Mr. Ward. Can I just confer with him for just a moment?

Mr. Schiliro. Sure.

[Discussion off the record.]

The Witness. When I called back with Earl, Earl Ward was with me on the teleconference, there were things that we discussed to go back to Charlie, the guy that was the -- almost like the foreman of the meeting with Senator Mitchell. I thought that would be a -- like once again I was trying to minimize and protect. I wanted them to take that out because they were willing to take out other things that I couldn't guarantee, and the fact that maybe they would listen to me about that because I didn't eyewitness

the sale end of the exchange of drugs. So I thought maybe I had a chance.

And then, yes, Charlie did say, Brian, listen, we can't tell you what other people have told us, but we left that in there because it leads into something else. I'm like, oh, all right, well, if you got -- that's exactly what I said. I said, well, all right, if you got something that confirms that, then leave it.

BY MR. SCHILIRO:

Q The Mitchell Report as written doesn't say anything about the sale of drugs at the house. The Mitchell Report is focused on you were at the party, Mr. Canseco was at the party, it was his house, and Mr. Clemens was at the party. When you were saying, I tried to get them out, did you have some question in your mind about the accuracy of the fact that Roger Clemens was there that day?

A No, none whatsoever.

Q There's no question there?

A I was trying to get some leeway that, hey, why put that in there if I didn't have a fact on it.

Q We want to thank you for your cooperation today. You've met with Mr. Castor before. You were talking about some e-mails you sent to Roger Clemens about the dispute over the advertisement, and if you have those and could produce them to us, we would like to get that.



A Is that InVite?

Q Yes.

A That's BlackBerry. I still have the BlackBerrys.  
Can you get it off that? They were old accounts.

Mr. Paoletta. Yeah. Just forward it.

Mr. Emery. We'll take a look at it.

Mr. Schiliro. We would like to get that from you.

Mr. Emery. Bring it in to us, and we'll give it to  
them.

Mr. Schiliro. We've kept you here a long time today,  
and we really do appreciate your cooperation. Thank you.

The Witness. Thank you.

[Whereupon, at 4:45 p.m., the deposition was  
concluded.]

**ERRATA SHEET**

**FOR DEPOSITION OF BRIAN GERARD MCNAMEE, SR.**

<b><u>PAGE</u></b>	<b><u>LINE</u></b>	<b><u>CORRECTION</u></b>
5	10	Change "Jerome" to "Gerard." Change made by witness.
25	22	Change "olderly" to "elderly." Change made by witness.
26	15	Change "olderly" to "elderly." Change made by witness.
37	6	Change "entered over to the early" to "turned over early to the." Change made by witness.
41	4	Change "iteming" to "items." Change made by witness.
41	12	Change "generalization" to "generalizations." Change made by witness.
41	24	Change "a GH" to "an HGH." Change made by witness.
44	25	Change "not hurt" to "not to hurt." Change made by witness.
51	5	Delete "not." Change made by witness.
57	7	Change "may" to "maybe." Change made by witness.
57	19	Change "four" to "fourteen." Change made by witness.
60	9	Change "pitcher is" to "pitcher has." Change made by witness.
66	25	Change "ghetto-wy" to "get-away." Change made by witness.
83	1	Add a space between "said" and "4." Change made by Committee staff.
83	2	Add a space between "to" and "10." Change made by witness.
89	25	Change "starring" to "starting." Change made by witness.
92	3	Change "Ish" to "ish." Change made by witness.
103	19	Change "stanazolol" to "stanzanol." Change made by Committee staff.

105	2	Change "stanozolol" to "stanzanol." Change made by witness.
108	13	Change "stanozolol" to "stanzanol." Change made by witness.
138	7	Change "Cohen" to "Cone." Change made by witness.
158	10	Change "Novinsky" to "Novitzky." Change made by Committee staff.
158	16	Change "Novinsky" to "Novitzky." Change made by Committee staff.
158	18	Change "Novinsky" to "Novitzky." Change made by Committee staff.
158	18	Change "Parrella" to "Parella." Change made by Committee staff.
158	21	Change "Parrella" to "Parella." Change made by Committee staff.
161	14	Change "Novinsky" to "Novitzky." Change made by Committee staff.
162	4	Change "Parrella" to "Parella." Change made by Committee staff.
162	6	Change "Novinsky" to "Novitzky." Change made by Committee staff.
187	6	Change "Colby" to "Koby." Change made by witness.
192	15	Change "Cowgirl" to "Cowboy." Change made by witness.
194	11	Change "Correspondent" to "Correspondence." Change made by witness.