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## Selecting Jury for Bonds Is Hard in Giants Country

By JULIET MACUR  
Published: March 16, 2011

When [Barry Bonds](#) broke [Hank Aaron's career home run record](#) in August 2007, he was cheered in San Francisco despite the suspicion of steroid use that clouded his achievement.

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David Paul Morris/Getty Images

Barry Bonds's perjury trial is set to begin next week in United States District Court in San Francisco.

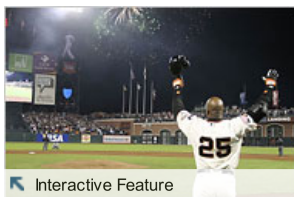
He played his final game for the Giants that September and was [indicted two months later](#) on charges that he lied in 2003 to a federal grand jury investigating the Bay Area Laboratory Co-operative steroids case.

Now Bonds is finally going to have his day in court. And fans who once cheered him may be among the 100 potential jurors for his perjury trial, which — after two years of delays — is set to begin next week in United States District Court in San Francisco.

As lawyers on both sides winnow the pool to 12 jurors and 4 alternates, they will no doubt be wondering how many still hold Bonds dear. “I don’t think you’ll see a lot of prospective jurors calling him a hero because all the publicity about Bonds since his retirement has been negative,” said Howard Varinsky, a jury consultant based in the Bay Area who worked on the trials of [Martha Stewart](#) and Michael Jackson. “I’m sure he still has fans, but a lot of people have grown very ambivalent. So things have changed. He’s disappointed a lot of people.”

As Bonds kept a low profile on his lawyers’ advice, the Giants, with a new crop of stars, won the World Series in 2010 for the first time in 56 years. Bonds made a rare appearance at AT&T Park to throw out a ceremonial first pitch during the playoffs and was wildly cheered. He was not, however, invited to participate in the World Series victory parade.

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The potential jurors will remain anonymous until they are dismissed, the judge ruled Monday, to shield them from being contacted and possibly tainting the trial.

The [questionnaire](#) touches upon an array of subjects: lawyers in the case want to know who is a professional baseball fan and the number of games those people attended in the past five years and whether they or immediate family members ever participated in or coached an organized sport. Have the prospective jurors ever had a problem with substance abuse or had any familiarity with Balco? Do they know about other accusations of steroid use among athletes or about the [Mitchell report](#), the [independent investigation](#) into doping in baseball?

A jury candidate's stance on government regulation of steroids use in professional sports could also be germane. Question No. 50 is "Do you have a favorable or unfavorable opinion of Barry Bonds?" "No opinion" is an option.

Chris St. Hilaire, president of Jury Impact, a jury consulting company based in Costa Mesa, Calif., said that finding a juror without a predisposition toward Bonds would be a challenge.

"Finding someone who doesn't have an opinion about Barry Bonds is like finding a cowboy who doesn't have an opinion about a horse," he said, adding that the ideal juror is likely to be a casual fan who has heard of Bonds, but does not know much about him.

"You'd think that the perfect juror would be someone who loves baseball, but I think the worst juror for them would be a hard-core fan," he said of what the defense might be looking for. "You want someone who can be swayed by the evidence, not by their agenda."

St. Hilaire estimated that 85 percent of the jurors chosen would have opinions about Bonds going in and would not change their minds. The lawyers will be vying for the two or three jurors who will swing the vote, he said, and the process of choosing the panel is complicated. He said that the jury would be selected not by demographics but by psychographics — meaning the jurors' personalities, values and interests — and that the information gathered by the questionnaires would be weighed as a whole.

From the prosecution's point of view, being a Giants fan might not be enough reason to strike a person from the jury, St. Hilaire said. Perhaps that person did not like the negative publicity Bonds brought to the team. Or maybe he or she is a recovering substance abuser, who, St. Hilaire said, tends to be less forgiving of drug users. Or maybe that potential juror has a child who looked up to Bonds as a role model.

"You want to know how they will apply their own personal experiences," St. Hilaire said. "It's more like a chess match than a checker game because you develop an opinion based on the totality of their answers."

His current situation was unthinkable when he was regularly splashing home runs into [McCovey Cove](#).

"It was a white-hot argument back then because people thought the government was going after our guy," Ray Ratto, a Bay Area sports columnist, said. "But our lives have moved on since then. Right now, finding an impartial jury is not the impossibility it would have been had the trial been a few years ago."

On Thursday, the potential jurors for the Bonds trial — drawn from San Francisco and 14 other counties — will be asked to complete a 19-page form with 63 questions and space for comments. During Monday's voir dire, the judge and the lawyers will initially question 50 of them in court.



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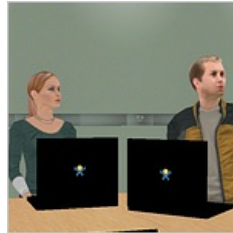
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