

1 KEVIN V. RYAN (CASBN 118321)
United States Attorney

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
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12 UNITED STATES OF AMERICA,)	No.
13 Plaintiff,)	VIOLATIONS: 18 U.S.C. § 1623(a) –
14 v.)	Perjury; 18 U.S.C. § 1503 – Obstruction of
15 TAMMY A. THOMAS,)	Justice
16 Defendant.)	SAN FRANCISCO VENUE
17)	

18
19 INDICTMENT

20 The Grand Jury charges :

21 Background

22 At all times relevant to this Indictment:

23 1. The defendant, TAMMY A. THOMAS (“Thomas”), was a world-class cyclist
24 who competed in the United States and internationally until she was suspended for life from
25 competition for doping violations.

26 2. Balco Laboratories, Inc. (“Balco”), was a California corporation performing
27 blood-testing, among other functions. Balco was located in Burlingame, California.

28 3. Patrick Arnold (“Arnold”) was a chemist based in Champaign, Illinois, who

INDICTMENT

1 manufactured and distributed performance-enhancing drugs and steroids to athletes and Balco.
2 Arnold synthesized and distributed such drugs as norbolethone and tetrahydrogestrinone, or
3 THG.

4 4. A federal criminal investigation (“the criminal investigation”), led by the Internal
5 Revenue Service-Criminal Investigation Division (“IRS-CID”), commenced in the Northern
6 District of California concerning Balco’s distribution of anabolic steroids and other illegal
7 performance-enhancing drugs and the related money laundering of proceeds from the drug
8 distributions.

9 5. One focus of the criminal investigation, among others, concerned whether Balco
10 and others were engaged in illegal drug distribution and money laundering arising from
11 distributions of illegal drugs to professional athletes and others.

12 6. As part of the criminal investigation, on or about September 3, 2003, a federal
13 search warrant, issued in the Northern District of California, was executed at the Balco premises
14 in Burlingame, California. Among other things, investigators obtained evidence concerning
15 Thomas and her relationship with Arnold and Balco.

16 7. As part of the criminal investigation, several professional and Olympic athletes,
17 including Thomas, along with other witnesses, were subpoenaed before the Federal Grand Jury to
18 provide, among other things, testimony about their knowledge and involvement with Balco and
19 its employees, including Victor Conte and James Valente, as well as any relationship with
20 Arnold.

21 8. On or about October 30, 2003, Thomas testified before the Grand Jury. Thomas
22 requested and received an Order of Immunity for her Grand Jury testimony, pursuant to 18 U.S.C.
23 § 6003 and 28 C.F.R. § 0.175, and was informed that any information directly or indirectly
24 derived from her testimony could not be used against her in any criminal case except a
25 prosecution for perjury, false declaration, or otherwise failing to comply with the Court’s order.

26 9. During the criminal investigation, evidence was obtained indicating positive tests
27 for the presence of anabolic steroids, and other performance-enhancing substances, for Thomas
28 and other professional and Olympic athletes.

1 Northern District of California, knowingly made a false material declaration, that is, she gave the
2 following underlined false testimony:

3 Q: Did you take anything that Patrick Arnold gave you?

4 (a) A: No.

5 All in violation of Title 18, United States Code, Section 1623(a).

6 COUNT THREE: (18 U.S.C. § 1623(a) – Perjury)

7 ___ 15. The factual allegations contained in paragraphs one through ten above are
8 incorporated herein as if set forth in full.

9 ___ 16. ___ On or about October 30, 2003, in the Northern District of California, the
10 defendant

11 TAMMY A. THOMAS,

12 having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the
13 Northern District of California, knowingly made a false material declaration, that is, she gave the
14 following underlined false testimony:

15 Q: Now, let me ask, as you sit here now, and before this grand jury today, have you
16 ever taken anabolic steroids?

17 (a) A: No.

18 Q: Okay. Either before or after you were suspended?

19 (b) A: No.

20 *****

21 Q: All right. I just want to ask you again, you know, Ms. Thomas, and again,
22 mindful that everything has got to be truthful here, did you ever get an anabolic
23 steroid from anybody in connection with your training up to the time of March
24 2002?

25 (c) A: No.

26 All in violation of Title 18, United States Code, Section 1623(a).

27 COUNT FOUR: (18 U.S.C. § 1503 – Obstruction of Justice)

28 17. The factual allegations contained in paragraphs one through sixteen above are

1 incorporated herein as if set forth in full.

2 18. On or about October 30, 2003, in the Northern District of California, and
3 elsewhere, the defendant

4 TAMMY A. THOMAS

5 did corruptly influence, obstruct, and impede, and endeavor to corruptly influence, obstruct, and
6 impede, the due administration of justice, by knowingly giving Grand Jury testimony that was
7 intentionally evasive, false, and misleading, including but not limited to the false statements
8 made by the defendant as charged in Counts One, Two, and Three of this indictment.

9 All in violation of Title 18, United States Code, Section 1503.

10 DATED: A TRUE BILL.

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12 FOREPERSON

13 KEVIN V. RYAN
14 United States Attorney

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16 MARK L. KROTOSKI
17 Chief, Criminal Division

18 (Approved as to form: AUSA PARRELLA)

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