

Recorded Telephonic Conversation

<p style="text-align: center;">RECORDED TELEPHONIC CONVERSATION BETWEEN BRIAN McNAMEE AND JIMMY MURRAY</p> <p>TRANSCRIBED FOR:</p> <p>AMY DREHMEYER DEREK BOLLINGWORTH JUSTY BARDIN & ASSOCIATES, P.C. 1401 McKinney, Suite 2250 Houston, Texas 77019 (713) 652-9000</p>	<p>1 BRIAN McNAMEE: Because I got the federal 2 government -- um -- the guy Radomski, who said that 3 I picked up packages for players, and they tried to 4 use the fact that they were going to arrest me, if I 5 didn't tell them everything I knew about it. And 6 they're telling me if I didn't tell them the truth, 7 even though they knew -- they interviewed everybody 8 and they talked to -- they assumed -- they made the 9 assumption that they talked to Roger and Andy or 10 people with them and other players; and if I didn't 11 tell them the truth and I would lie, that I would get 12 locked up anyway.</p> <p>13 JIMMY MURRAY: Wait. Hold on a second. 14 So, you -- what -- I didn't -- you cut out when it 15 said about the federal government, when you first 16 started talking -- you got something about the 17 federal government?</p> <p>18 BRIAN McNAMEE: Yeah, the -- Novitzky with 19 the ADA and Matt Peralta, after they had locked up 20 that guy Radomski.</p> <p>21 JIMMY MURRAY: Uh-huh.</p> <p>22 BRIAN McNAMEE: -- uh -- I guess they 23 started and that's when they got Crumley and that's 24 when they got other guys and that's when he started 25 cooperating, so.</p>
<p>1 SPEAKER IDENTIFICATION: 2 BRIAN McNAMEE 3 JIMMY MURRAY</p> <p>4</p> <p>5 RECORDED TELEPHONIC CONVERSATION</p> <p>6</p> <p>7 BRIAN McNAMEE: Jimmy? 8 JIMMY MURRAY: Mack. 9 BRIAN McNAMEE: What's up? 10 JIMMY MURRAY: I got your text. What's 11 going on? 12 BRIAN McNAMEE: Well, I just wanted to 13 tell you that I'm sick to my stomach. Um -- I'm 14 just trying to alert Roger and Andy that they're 15 going to be in the Mitchell Report. 16 JIMMY MURRAY: How do you know that? 17 BRIAN McNAMEE: Um -- I don't know 18 how -- I can't use all the line. I had nothing to do 19 with Mitchell. It -- I don't know where to begin, 20 but what do you need to know? 21 JIMMY MURRAY: Uh -- well, I'm not -- I 22 don't really need to know anything, really. I don't 23 know anything about the report and what's going on. 24 But, how do you know that Roger and Andy are going to 25 be in it?</p>	<p>1 JIMMY MURRAY: Novitzky cooperating? 2 BRIAN McNAMEE: Radomski. 3 JIMMY MURRAY: Radomski, okay. 4 BRIAN McNAMEE: And Radomski -- um -- 5 guess they had enough information during the time 6 that they had Radomski already, that they knew that 7 they had enough information that I had picked up 8 stuff from Radomski for ball players. And I had to 9 meet with them twice. 10 JIMMY MURRAY: Who did you meet with? 11 BRIAN McNAMEE: Uh -- Novitzky, Peralta, 12 that's the -- Adam Peralta's the District Attorney, 13 the one that just locked up Marion Jones for lying -- 14 JIMMY MURRAY: Uh-huh. 15 BRIAN McNAMEE: -- and the three other FBI 16 guys. 17 JIMMY MURRAY: Okay. 18 BRIAN McNAMEE: And -- uh -- when -- when 19 they introduced themselves, I -- I mean, I had -- 20 you know, it was expressed to me I had to get an 21 attorney. And it was expressed to me that if I meet 22 with them and if I lie to them, that they're going to 23 lock me up, that I can't -- that the lawyer that I 24 had had federal -- um -- experience. So he says, 25 "You can't go in there and lie at all."</p>

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2 (Pages 5 to 8)

1 And, then, the way they presented it to me
2 was that they talked to every trainer, coach,
3 strength coach, athlete, everybody that was involved
4 or had been involved with Radomski.

5 JIMMY MURRAY: Okay.

6 BRIAN McNAMEE: Uhm -- and they had
7 presented that to me, that when I -- when I
8 initially -- I mean, I got hospitalized that's how
9 much pressure -- I got hospitalized for two days.
10 That's how much this -- this stress on me -- and I
11 can't even tell you what's wrong with me right, the
12 stress that happened, what this did to me, and still
13 is doing.

14 JIMMY MURRAY: So, what did you tell them?

15 BRIAN McNAMEE: When I initially -- in the
16 first meeting, I told them -- and, you know, I told
17 them what -- what -- you know, as far as me knowing
18 Radomski and how that relationship started and how
19 the -- what -- when they were -- they were primarily
20 going after Andy and Roger. And when I told them --
21 I told them twice that Roger and Andy had nothing to
22 do with it.

23 JIMMY MURRAY: Uh-huh.

24 BRIAN McNAMEE: And in the second
25 interview, they made statements that made me believe

1 that they had information.

2 JIMMY MURRAY: Who's "they" made
3 statements? Oh, the people interviewing made you
4 believe --

5 BRIAN McNAMEE: What?

6 JIMMY MURRAY: -- the people
7 interviewing --

8 BRIAN McNAMEE: Yeah.

9 JIMMY MURRAY: -- made statements to make
10 you believe that they had -- say it again.

11 BRIAN McNAMEE: That are -- like, to me,
12 it was like they made certain statements that only
13 certain people would know, even the fact that they
14 had, maybe, even had talked to Roger and Andy
15 already.

16 JIMMY MURRAY: Okay.

17 BRIAN McNAMEE: That's how they presented
18 it to me. And they told me -- they told me that I
19 took two steps backwards towards getting arrested
20 because of -- of the -- the only thing that was hung
21 up, was knowing that Roger and Andy had anything to
22 do with any of it.

23 So, then, on the second -- the second and
24 last meeting with the FBI, I came through and I -- I
25 just told them as much as I remembered.

1 JIMMY MURRAY: And what was that?

2 BRIAN McNAMEE: It incriminates Roger and
3 Andy.

4 JIMMY MURRAY: It incriminates Roger and
5 Andy?

6 BRIAN McNAMEE: Yeah. They would -- I
7 mean, they kept telling me that they wanted to make
8 sure I was telling the truth, that they already knew
9 everything already. They wanted to see it -- first
10 of all, they were going to look me up if I lied.
11 They could look me up for distribution. And they
12 said that they wanted to see if I'd be a strong
13 witness for them. Those are the three things they
14 kept saying.

15 You know, "So if I lied, I wouldn't be a
16 good witness," and they'd look me up. And if I lied
17 and whatever, they would look me up for a package and
18 bringing it to a ball player. They just said that --
19 that was their hard evidence, that was the reason why
20 they wanted to talk to me.

21 JIMMY MURRAY: So, what exactly did you
22 tell them?

23 BRIAN McNAMEE: Well, I told them -- well,
24 I told them that you know, between -- you know, the
25 first time that Roger's involvement, he used steroids

1 a couple of times in London -- in Canada. And I said --
2 I mean, they even said that they -- the thing is,
3 they said they had video cameras, they had tapes from
4 clubhouses. They had tapes and stuff like that.

5 And I just told them -- I mean, word for
6 word, from what I remembered -- from what I think
7 they would know that I would remember. And the only
8 thing I would remember is when I helped Roger do
9 stuff.

10 JIMMY MURRAY: And what stuff was that?

11 BRIAN McNAMEE: That was just --
12 "steroids."

13 JIMMY MURRAY: Okay. What about Andy?

14 BRIAN McNAMEE: It was one time in
15 2001 seas -- or 2002 season, I believe, when he was
16 on the DL, down in Florida, he -- uh -- he used
17 growth hormone for two days.

18 JIMMY MURRAY: And that's -- that's what
19 you told them?

20 BRIAN McNAMEE: Yeah. I -- really, this
21 is -- this is a disaster. For me to have to say this
22 was unbelievable.

23 And they said something about Andy -- they
24 said something about Andy to the fact that, when I
25 denied it, they said something about [REDACTED]

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3 (Pages 9 to 12)

1 [redacted] and I had -- and
 2 that's what -- that was one of the things they said
 3 to me, after I lied to them the first time that
 4 triggered it, that they knew more than -- they knew
 5 more of what I knew and that I was lying.
 6 And, you know, I -- I had no idea who they
 7 talked to -- well, I had no idea who Roger and Andy
 8 would have talked to about it. I doubt Andy would
 9 have talked to anybody about it, but I don't know. I
 10 didn't know.
 11 And they really -- they were going to take
 12 my house. They were going to do -- they were going
 13 to -- they were going to do all sorts of crap, with
 14 taxes -- I mean, I can't even tell you what I've been
 15 through, Jimmy. I lost 25 pounds and I didn't have
 16 25 pounds to lose.
 17 I shouldn't be calling you right now.
 18 They told me if I told somebody I'd get locked up. I
 19 can't -- this is the least I can do. Word for word,
 20 if I tell anybody, both deals are off, and they're
 21 going to come to my house and get me. That's word
 22 for word from my attorney and to me.
 23 JIMMY MURRAY: Okay.
 24 BRIAN McNAMEE: I can -- I mean, I can go
 25 into -- I just -- I think it's -- I mean -- but they

10
 1 really harped on Roger and it was a joke, because --
 2 I mean.
 3 But what happened was, now, I get done
 4 with the second interview, after they told me I was
 5 going to jail because I was lying -- um -- after
 6 that, I -- they -- Adam Peralta tells me -- he goes,
 7 "All right -- um -- You're not a target," he told
 8 me. His exact words were "You're not a target."
 9 after we concluded the second interview, which was,
 10 basically, because I lied in the first interview.
 11 He said, "We have Senator Mitchell" -- he
 12 asked me if I was familiar with Senator Mitchell, if
 13 we knew he had an interest in speaking with me.
 14 JIMMY MURRAY: Wait -- say that again,
 15 Mack. He goes -- they know --
 16 BRIAN McNAMEE: Senator Mitchell has an
 17 interest in speaking with me.
 18 JIMMY MURRAY: Okay.
 19 BRIAN McNAMEE: Senator Mitchell -- now
 20 this is important -- Senator -- and I said -- and I
 21 said, "I would prefer not -- just stay out of that."
 22 JIMMY MURRAY: Uh-huh.
 23 BRIAN McNAMEE: And Adam Peralta looked me
 24 in the eye and he said, "If you don't speak to
 25 Senator Mitchell, you're going to get locked up."

11
 1 JIMMY MURRAY: So you spoke with Mitchell?
 2 BRIAN McNAMEE: So that there -- like
 3 three weeks went by after -- you know, I didn't know
 4 what to do. The attorney was telling me -- telling
 5 me I couldn't talk to Roger and I couldn't say
 6 anything to anybody, because we didn't know -- they
 7 didn't -- they didn't know what they were going to do
 8 with the information.
 9 So I ended up getting hospitalized.
 10 That's that whole two weeks -- between -- they
 11 thought I had [redacted] I
 12 have all this crap going on that was brought out
 13 through the stress of this.
 14 And then, I tried to get out of the
 15 Mitchell thing. So I'm, basically, telling them
 16 "I can't, I have a doc -- I'm going to the
 17 hospital. I can't go."
 18 And they're like, "No. If you don't get
 19 here at 1:00 o'clock in the city, you're going to
 20 jail." This is Novitzky.
 21 So I picked up my bags. I canceled my
 22 appointments. I go to the city. I interviewed --
 23 now, I didn't interview with Mitchell. All I did was
 24 sit there, and Novitzky had -- Mitchell had his whole
 25 team of people there, right?

12
 1 JIMMY MURRAY: Uh-huh.
 2 BRIAN McNAMEE: -- his lawyers and Senator
 3 Mitchell and then all the FBI people. And all of --
 4 Novitzky sat next to me, and all he did was read two
 5 pages of statements that I made. And he would say
 6 "Did you say that?" And I'd just say "Yeah."
 7 And he'd read another sentence, "Did you
 8 say that?" And I'd say "Yeah." And that was it.
 9 And he -- um -- Mitchell -- they --
 10 "The FBI called me last week and they said they want
 11 to meet with you one more time."
 12 And then I -- they just read -- all they
 13 did was read two pages of stuff about what I said.
 14 And they just said, "Are you going to add anything to
 15 that?" It was a 20-minute phone conversation with
 16 20 people on the phone; and I just said "No" and I
 17 hung up.
 18 And then when I just said "I can't, I
 19 don't know, um, I'm not."
 20 And they're going to say, "That's what
 21 going to happen."
 22 And I thought the whole time -- they
 23 gave -- and this is important, also. The federal
 24 government gave Mitchell my bank records. They knew
 25 Roger -- how much Roger and Andy were paying me for

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4 (Pages 13 to 16)

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1 the year. They knew how much money I had in my bank
 2 account. They knew that I had an apartment. They
 3 knew that I had credit cards. They knew -- Mitchell
 4 had this -- this private investigation firm -- the
 5 law firm had all like security-type stuff you would
 6 need a warrant for. They had my phone records. They
 7 had everything, "everything."
 8 And I'm like -- the attorney wasn't a
 9 great attorney, because he was doing it for --
 10 "pro bono." But he just sat there. He didn't help
 11 me. I'm like, "Listen. This is illegal. They can't
 12 do this."
 13 And he goes, "Well, yeah, yeah, it's
 14 messed up." That's all he would say, "Yeah, that's
 15 messed up."
 16 JIMMY MURRAY: Your attorney would say
 17 that?
 18 BRIAN McNAMEE: Yeah. I called Kecker
 19 (phonetic) in -- in San Diego -- I called
 20 San Francisco. He's getting back to me.
 21 But all the information they got me from
 22 me was coerced and they -- they hammered me. I mean,
 23 that's all -- I actually thought a gun was on me. I
 24 was -- I was truthful under the fear that they were
 25 going to lock me up, if I didn't tell them what they

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1 wanted to hear.
 2 And, basically, I was assuming that they
 3 had all the information, anyway, other than the fact
 4 that they had me to confirm it. They had me to
 5 "confirm" it with Roger and Andy. They really harped
 6 on Roger. They wanted to bury -- they wanted to
 7 Roger.
 8 And I feel -- Jim, I feel right now that
 9 I've been violated. I feel like a victim of a crime.
 10 I mean, I feel I was -- I feel horrible for getting
 11 involved, that it was my fault. It's my -- it's my
 12 fault for getting -- having to be involved in this
 13 crap. As miniscule -- it's about -- as much as is
 14 going in baseball, Jim, I'm about maybe an eighth of
 15 it, not even a tenth of a tenth of what they have;
 16 because I did some people some favors.
 17 And there is -- you know, other than Andy
 18 and Roger, the only -- the only thing that they have
 19 with Radomski is the fact that I got the stuff from
 20 him because he -- he would get legitimate, good
 21 stuff; and guys were taking crack, like garbage, like
 22 horse shit and cow you shit and -- whatever.
 23 But, you know, bottom line is -- the wrong
 24 thing is: It was a mess because, you know, it's
 25 not -- it's a federal fine, I guess, when the federal

15

1 government's coming after you, especially with all
 2 the other crap I've been messing with, dealing with,
 3 or had to deal with.
 4 But then, when they -- you know, with
 5 that outside -- that, aside from it, I feel like the
 6 federal government came in and raped my whole family,
 7 if that -- if that can analyze it enough. You just
 8 don't understand the fact that -- how I feel like
 9 I've been violated.
 10 So, all I'm doing is trying to give Roger
 11 and Andy a "heads up"; and I don't know where this is
 12 going to go. I don't -- I mean, it's terrible.
 13 It's -- it's terrible. You know, they're going to
 14 make me out to be a rat; and I don't know what
 15 they're going to make Roger and Andy to be -- out to
 16 be, because all I know is they're looking to hammer
 17 them.
 18 If you want -- if you want to just try
 19 to --
 20 JIMMY MURRAY: If you want to just what?
 21 BRIAN McNAMEE: -- get the ball rolling on
 22 that or what you think you should do with it.
 23 JIMMY MURRAY: Well, I don't know what to
 24 say, Mack, so...
 25 BRIAN McNAMEE: You don't think Alan and

16

1 Randy are going to want to hear this?
 2 JIMMY MURRAY: Well, I just -- I don't
 3 know what to say, so...
 4 BRIAN McNAMEE: Well, are you glad I
 5 called?
 6 JIMMY MURRAY: Well, it's certainly not
 7 good news, but, "yeah." All right. I'm sorry for
 8 what you've been going through.
 9 BRIAN McNAMEE: Well, I know it's not good
 10 news; but I would rather -- I'm trying to do the best
 11 I can with what I'm allowed to do legally.
 12 JIMMY MURRAY: This comes as a -- a
 13 complete shock, so... All right.
 14 BRIAN McNAMEE: Well, what -- what do you
 15 want to do?
 16 JIMMY MURRAY: I'm not sure. You know,
 17 let me think about it.
 18 BRIAN McNAMEE: Oh, but you'd notify Randy
 19 first?
 20 JIMMY MURRAY: Uh -- yeah, I guess, I'll
 21 probably -- I'll talk to -- I'm with him today,
 22 so...
 23 BRIAN McNAMEE: Where are you at?
 24 JIMMY MURRAY: I'm in Nashville --
 25 BRIAN McNAMEE: Oh, uh-huh.

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1 JIMMY MURRAY: - so... All right.
2 BRIAN McNAMEE: Oh, the best thing to do
3 with this, I don't - like I said, they said if I
4 told anybody or talked to anybody about it, they
5 would lock me up. I would prefer you call me on this
6 line, if you can get back with me right away. This
7 isn't my house line and - you know, I'm in and out;
8 but I'll stay by and I'll have it with me. I'm not
9 going anywhere far, if you want to just clarify
10 anything.
11 JIMMY MURRAY: Okay.
12 BRIAN McNAMEE: All right?
13 JIMMY MURRAY: All right. Thanks, man.
14 BRIAN McNAMEE: Should I - should I wait?
15 Because, I mean, I really want to talk to Andy and
16 Roger about it. Should I just wait?
17 JIMMY MURRAY: I - I don't know what to
18 tell you, Mack. I'm not a lawyer and I - I have no
19 idea what to tell you -
20 BRIAN McNAMEE: All right.
21 JIMMY MURRAY: - so... All right?
22 BRIAN McNAMEE: All right, Jim.
23 JIMMY MURRAY: All right. Thanks.
24 (End of phone conversation.)
25

18

1 THE STATE OF TEXAS :
2 COUNTY OF HARRIS :
3 I, Lori A. Belvin, a Certified Shorthand Reporter
4 in and for the State of Texas, do hereby certify that
5 I have transcribed, to the best of my ability, the
6 recorded telephonic conversation between Brian
7 McNamee and Jimmy Murray, as transcribed herein.
8 I further certify that I am neither attorney nor
9 counsel, related to, nor employed by any of the
10 parties to the action in which this testimony was
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12 I, also, further certify I am not a relative or
13 employee of any attorney of record in this cause, nor
14 do I have a financial interest in the action.
15 Certified to on this, the _____ day of
16 _____, 2008.
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