

June 4, 1987 was an off day for the Reds. Telephone records indicate Janszen called Pete Rose's home at 12:06 p.m. from his car phone. The call lasted two and a half minutes. Janszen called Ron Peters at 12:09 p.m. from his car phone. The call lasted one and a half minutes. Janszen called Pete Rose's home at 12:35 p.m. from his car phone. The call lasted one and a half minutes. Janszen called Pete Rose at the Reds' clubhouse at 12:47 p.m. from his car phone. The call lasted one minute. Janszen called Pete Rose's home at 2:44 p.m. from his car phone. The call lasted one minute. Janszen called Pete Rose's home at 2:45 p.m. from his car phone. The call lasted four minutes. Janszen called Pete Rose's home at 3:46 p.m. from his car phone. The call lasted two minutes. Two calls were placed from Pete Rose's home to Peters at 6:34 p.m. and at 6:40 p.m. The calls lasted three minutes and one minute. Two more calls were placed from Pete Rose's home to Peters at 8:12 p.m. and 8:13 p.m. Each call lasted one minute. Five calls were placed from Pete Rose's home to the sports line between 7:40 p.m. and 11:49 p.m. Janszen called the sports line at

1:04 a.m. and 9:33 p.m. Janszen called the sports line from his car at 4:31 p.m.

* * * * *

On June 5, 1987, the Reds played the Dodgers in Cincinnati at 7:35 p.m. and won 8-6. Pete Rose reserved two complimentary tickets for "Peters." Telephone records indicate Janszen called Peters from his car phone at 11:36 a.m. The call lasted one and a half minutes. Janszen called Rose's home twice at 12:08 p.m. from his car phone. The calls lasted one minute and one and a half minutes. Janszen called Pete Rose at the Reds' clubhouse at 12:56 p.m. from his car phone. The call lasted two minutes. A call was placed from Pete Rose's home to Peters at 3:40 p.m. The call lasted one minute. A call was placed from Pete Rose's home to Peters at 7:17 p.m. The call lasted three minutes. Two calls were placed from Pete Rose's home to the sports line at 12:16 a.m. and 11:28 p.m. Between 12:59 a.m. and 10:54 p.m., Janszen called the sports line twelve times. According to Peters' records, Rose bet \$2,000 each on Detroit,

Minnesota, the Yankees, Seattle and Oakland. He won three and lost two bets.

* * * * *

On June 6, 1987, the Reds played the Dodgers in Cincinnati at 7:05 p.m. and won 5-2. Pete Rose reserved four complimentary tickets for Mike Bertolini. Telephone records indicate a call was placed from Pete Rose's home to Peters at 11:59 a.m. The call lasted one minute. A call was placed from Pete Rose's home to Peters at 1:07 p.m. The call lasted one minute. A call was placed from Pete Rose's home to Peters at 1:30 p.m. The call lasted one minute. A call was placed from Pete Rose's home to Peters at 1:37 p.m. The call lasted one minute. Danita Marcum called Pete Rose at the clubhouse at 2:05 p.m. (The Reds' clubhouse telephone log reflects the call as being made by Danita Gray, Marcum's maiden name.) A call was placed from Pete Rose's home to Peters at 2:13 p.m. The call lasted two minutes. Ten calls were placed from Pete Rose's home to the sports line between 9:31 p.m. and 11:57 p.m. Between 12:13 a.m. and

8:14 p.m., Janszen called the sports line eight times. According to Peters' records, Rose bet \$2,000 each on the Reds, Houston, the Mets, the Cubs and San Diego. He won four and lost one bet.

* * * * *

On June 7, 1987, the Reds played the Dodgers in Cincinnati at 2:15 p.m. and lost 13-7. Telephone records indicate Marcum (Gray) called Pete Rose at the Reds' clubhouse at 12:05 p.m. Eight calls were placed from Pete Rose's home to the sports line between 12:04 a.m. and 12:13 a.m. Between 1:18 a.m. and 6:44 p.m., Janszen called the sports line eleven times. Between 3:28 p.m. and 4:50 p.m., Janszen called the sports line nine additional times from his car phone. According to Peters' records, Rose bet \$2,000 each on the Reds, Pittsburgh and Montreal. He lost all three bets.

* * * * *

On June 8, 1987, the Reds played the Giants in Cincinnati at 7:35 p.m. and won 7-6. Pete

Rose reserved two complimentary tickets for Mike Bertolini. Telephone records indicate Janszen called Pete Rose at the Reds' clubhouse at 12:13 p.m. The call lasted one and a half minutes. A call was placed from Pete Rose's home to Rene Longpre/Hotel Manoir Lemoyne at 1:11 p.m. The call lasted eleven minutes. Janszen called Peters at 2:10 p.m. The call lasted one minute. Janszen called Pete Rose's home at 2:36 p.m. from his car phone. The call lasted one minute. Janszen called Peters at 3:21 p.m. The call lasted one minute. Janszen called Pete Rose at the Reds' clubhouse at 4:12 p.m. from his car phone. The call lasted one minute. Janszen called Pete Rose at the Reds' clubhouse at 4:14 p.m. from his car phone. The call lasted one and a half minutes. The Reds' clubhouse phone records indicate a call from Janszen to Pete Rose at 4:15 p.m. Janszen called Pete Rose at the Reds' clubhouse at 7:28 p.m. from his car phone. The call lasted one and a half minutes. The Reds' clubhouse phone records indicate Janszen called Pete Rose at 7:30 p.m. Janszen called Pete Rose's home at 11:17 p.m. from his car phone. The call lasted three and a half

minutes. Janszen called Pete Rose's home at 11:49 p.m. from his car phone. The call lasted two minutes. Between 8:09 p.m. and 9:41 p.m., Janszen called the sports line four times. Between 4:24 p.m. and 11:38 p.m., Janszen made eight additional calls to the sports line from his car phone. According to Peters' records, Rose bet \$2,000 each on the Reds, the Cubs, St. Louis, Toronto, Minnesota, Seattle and the White Sox. He won six and lost one bet.

* * * * *

On June 9, 1987, the Reds played the Giants in Cincinnati at 7:35 p.m. and lost 10-2. Telephone records indicate Janszen called Pete Rose's home at 1:52 p.m. from his car phone. The call lasted one minute. A call was placed from Pete Rose's home to Peters at 2:49 p.m. The call lasted one minute. Janszen called Pete Rose's home at 6:34 p.m. from his car phone. The call lasted two minutes. Janszen called Peters from his car phone at 6:41 p.m. The call lasted one minute. Marcum called Pete Rose at the clubhouse at 7:00 p.m. Four calls were placed from Pete

Rose's home to the sports line between 12:12 a.m. and 11:45 p.m. Janszen called the sports line at 12:57 a.m., 7:40 p.m. and 11:39 p.m. According to Peters' records, Rose bet \$2,000 each on the Reds, the Phillies, Houston, California, Toronto, Minnesota, Oakland, Montreal, Atlanta and Seattle. He won six and lost four bets.

* * * * *

On June 10, 1987, the Reds played the Giants in Cincinnati at 12:35 p.m. and lost 9-4. Telephone records indicate Janszen called Peters at 5:06 p.m. The call lasted one minute. Janszen called Pete Rose's home from his car phone at 6:27 p.m., 8:22 p.m., and 9:00 p.m. The calls lasted one minute, one and a half minutes, and two and a half minutes. Four calls were placed from Pete Rose's home to the sports line at 12:22 a.m., 10:31 p.m., 10:41 p.m. and 10:54 p.m. Between 7:43 p.m. and 11:39 p.m., Janszen called the sports line eleven times. According to Peters' records, Rose bet \$2,000 each on Atlanta, Montreal, St. Louis, California,

Toronto, Houston, Detroit, Baltimore, Kansas City and Seattle. He won five and lost five bets.

* * * * *

On June 11, 1987, the Reds played the Braves in Cincinnati at 7:35 p.m. and lost 6-4. Telephone records indicate Janszen called Pete Rose's home from his car phone at 12:18 p.m. The call lasted one minute. Janszen called Peters from his car phone at 12:37 p.m. The call lasted one minute. Janszen called Peters from his car phone at 12:37 p.m. The call lasted one minute. Janszen called Peters from his car phone at 12:58 p.m. The call lasted three minutes. Pete Rose called home from his car phone at 1:30 p.m. The call lasted two and a half minutes. Janszen called Pete Rose at the Reds' clubhouse at 5:52 p.m. from his car phone. The call lasted two and a half minutes. Janszen called Peters from his car phone at 6:02 p.m. The call lasted three and a half minutes. Janszen called Pete Rose's home at 6:07 p.m. from his car phone. The call lasted two minutes. Janszen called Pete Rose at the Reds' clubhouse at 6:09 p.m. from his

car phone. The call lasted two minutes. Janszen called Peters from his car phone at 6:11 p.m. The call lasted one minute. Janszen called Pete Rose at the Reds' clubhouse at 6:20 p.m. from his car phone. The call lasted three and a half minutes. Pete Rose called home from his car phone at 7:09 p.m. The call lasted three and a half minutes. Janszen called Pete Rose's home from his car phone at 8:50 p.m. and 8:55 p.m. The calls lasted three minutes and one and a half minutes. Two calls were placed from Rose's home to the sports line at 1:06 a.m. and 11:28 p.m. Between 12:22 a.m. and 11:25 p.m., Janszen called the sports line twelve times. According to Peters' records, Rose bet \$2,000 each on the Reds, the Dodgers, San Diego and Toronto. He lost three and won one bet.

* * * * *

On June 12, 1987, the Reds played the Braves in Cincinnati at 7:35 p.m. and lost 4-3. Telephone records indicate Janszen called Pete Rose at the Reds' clubhouse at 5:10 p.m. Janszen called Pete Rose at the Reds' clubhouse at

5:45 p.m. Pete Rose called his home from a mobile phone at 6:21 p.m. The call lasted one minute. A call was placed from Pete Rose's home to Peters at 7:19 p.m. The call lasted two minutes. A call was placed from Pete Rose's home to Peters at 7:25 p.m. The call lasted one minute. A call was placed from Pete Rose's home to Peters at 7:29 p.m. The call lasted three minutes. Between 12:20 a.m. and 11:39 p.m., Janszen called the sports line eighteen times. According to Peters' records, Rose bet \$2,000 each on the Reds, Los Angeles, Minnesota, Toronto, Oakland, the Cubs, San Diego, Pittsburgh and Seattle. He won four and lost five bets.

* * * * *

On June 13, 1987, the Reds played the Braves in Cincinnati at 7:05 p.m. and won 5-2. Telephone records indicate Janszen called Pete Rose's home at 1:49 p.m. from his car phone. The call lasted four minutes. Janszen called Peters from his car phone at 1:53 p.m. The call lasted one and a half minutes. Janszen called from his car phone at 1:55 p.m. to a golf course

frequented by Peters in Franklin, Ohio. The call lasted one minute. Janszen called Peters at 1:56 p.m. from his car phone. The call lasted one minute. Janszen called Peters at 2:12 p.m. The call lasted one minute. Janszen called Pete Rose's home at 2:00 p.m. from his car phone. The call lasted two and a half minutes. Janszen called Peters from his car phone at 5:56 p.m. The call lasted four and a half minutes. Four calls were placed from Pete Rose's home to the sports line at 12:03 a.m., 12:29 a.m., 1:04 a.m. and 10:37 p.m. Between 12:03 a.m. and 11:59 p.m., Janszen called the sports line eighteen times. Between 7:54 p.m. and 9:39 p.m., Janszen called the sports line seven additional times from his car phone. According to Peters' records, Rose bet \$2,000 each on the Reds, Los Angeles, the Yankees, Pittsburgh, Toronto, Oakland, California and Seattle. He won seven bets and lost one bet.

* * * * *

One June 14, 1987, the Reds played the Braves in Cincinnati at 2:15 p.m. and won 4-3.

Telephone records indicate Marcum called Rose at the Reds' clubhouse at 12:15 p.m. from Rose's home. Janszen called Pete Rose at the Reds' clubhouse at 12:46 p.m. from his car phone. The call lasted four minutes. Janszen called Pete Rose's home from his car phone at 3:36 p.m. and 5:18 p.m. The calls lasted one minute and a half and one minute. Pete Rose called the sports line twice from his car phone at 7:17 p.m. and 7:25 p.m. A call was placed from Pete Rose's home to the sports line at 8:16 p.m. Between 12:28 a.m. and 9:23 p.m., Janszen called the sports line seven times. According to Peters' records, Rose bet \$2,000 each on the Reds, Texas, Seattle, Pittsburgh, Los Angeles and Toronto. He won three and lost three bets. Rose also bet \$2,000 on the Celtics and lost.

* * * * *

On June 15, 1987, the Reds played the Astros in Houston at 8:35 p.m. and lost 4-0. Telephone records indicate a call was placed from Pete Rose's room at the Westin Hotel in Houston to his home. A call was placed from Pete Rose's hotel

room to Janszen's home. A call was placed from Pete Rose's home to Peters at 3:09 p.m. The call lasted one minute. A call was placed from Pete Rose's home to the Westin Hotel in Houston at 4:03 p.m. The call lasted one minute. Four calls were placed from Pete Rose's home to Peters at 4:15 p.m., 6:06 p.m., 6:33 p.m. and 7:08 p.m. The calls lasted two minutes, three minutes, one minute and one minute. A call was placed from Pete Rose's home to the Westin Hotel in Houston at 7:21 p.m. The call lasted two minutes. A call was placed from Pete Rose's home to the sports line at 6:05 p.m. The call lasted one minute. Between 8:25 p.m. and 11:59 p.m., Janszen called the sports line nine times. According to Peters' records, Rose did not bet on this day.

* * * * *

On June 16, 1987, the Reds played the Astros in Houston at 8:35 p.m. and lost 4-1. Telephone records indicate Janszen called Pete Rose from Pete Rose's home through the Astros' switchboard at 4:30 p.m. Janszen called the Houston

Astrodome from his car phone at 5:12 p.m. The call lasted one minute. Janszen called the Houston Astrodome from his car phone at 5:28 p.m. The call lasted two minutes. Janszen called Peters at 5:43 p.m. from his car phone. The call lasted two minutes. A call was placed from Pete Rose's home to the Reds' hotel in Houston at 5:57 p.m. The call lasted one minute. Janszen called the Houston Astrodome from his car phone at 6:31 p.m. The call lasted two minutes. Janszen called Peters from his car phone at 6:39 p.m. The call lasted five and a half minutes. A call was placed from Pete Rose's home to the Reds' hotel in Houston at 6:54 p.m. The call lasted two minutes. Two calls were placed from Pete Rose's hotel room at the Westin to his home, and one call was placed to Janszen's home. A call was placed from Pete Rose's home to the sports line at 4:30 p.m. The call lasted one minute. Between 8:19 p.m. and 11:35 p.m., Janszen called the sports line fifteen times. According to Peters' records, Rose bet \$2,000 each on the Reds, the Cubs, San Diego, the Mets, Atlanta, California, the Yankees and Milwaukee. He won five and lost three bets.

* * * * *

On June 17, 1987, the Reds played the Astros in Houston at 8:35 p.m. and won 9-1. Telephone records indicate Pete Rose called home from his hotel room in Houston three times. A call was placed from Pete Rose's home to Peters at 1:50 p.m. The call lasted four minutes. A call was placed from Pete Rose's home to the Westin Hotel in Houston at 4:07 p.m. The call lasted three minutes. A call was placed from Pete Rose's home to Peters at 4:26 p.m. The calls lasted one minute. Two calls were placed from Pete Rose's home to the Houston Astrodome at 6:41 p.m. and 6:43 p.m. The calls lasted one minute and three minutes. A call was placed from Pete Rose's home to Peters at 6:53 p.m. The call lasted five minutes. Between 3:44 p.m. and 10:23 p.m., seventeen calls were placed to the sports line from Pete Rose's home and mobile phone. Between 12:05 a.m. and 9:25 a.m., Janszen called the sports line three times. According to Peters' records, Rose bet \$2,000 each on the Reds, the Phillies, San Francisco, the Mets, Baltimore,

Boston and California. He won three and lost four bets.

* * * * *

On June 18, 1987, the Reds played the Braves in Atlanta at 7:40 p.m. and won 8-4. Telephone records indicate a call was placed from Pete Rose's home to Peters at 4:11 p.m. The call lasted two minutes. A call was placed from Pete Rose's home to Peters at 6:04 p.m. The call lasted one minute. A call was placed from Pete Rose's home to the Brave's Ticket Office in Atlanta at 6:15 p.m. The call lasted one minute. Two calls were placed from Pete Rose's home to Atlanta/Fulton County Stadium at 6:16 p.m. and 6:49 p.m. Each call lasted two minutes. A call was placed from Pete Rose's home to Peters at 7:08 p.m. The call lasted two minutes. Three calls were placed from Pete Rose's home to Peters at 10:11 p.m., 11:24 p.m. and 11:25 p.m. The calls lasted one minute, one minute and two minutes. Twenty-two calls were placed from Pete Rose's home to the sports line between 8:52 a.m. and 11:55 p.m. Janszen called

the sports line at 7:36 p.m. and 8:22 p.m.
According to Peters' records, Rose bet \$2,000 on
the Reds and won.

* * * * *

On June 19, 1987, the Reds played the Braves
in Atlanta at 7:40 p.m. and lost 16-5. Telephone
records indicate Janszen called Peters from his
car phone at 3:46 p.m. The call lasted one and a
half minutes. Janszen called Pete Rose's home at
4:20 p.m. from his car phone. The call lasted
one and a half minutes. Janszen called Pete
Rose's home at 4:47 p.m. from his car phone. The
call lasted seven minutes. Janszen called
Atlanta/Fulton County Stadium from his car phone
at 4:55 p.m. The call lasted one and a half
minutes. Janszen called Pete Rose's home at
5:01 p.m. from his car phone. The call lasted
two minutes. Janszen called Peters from his car
phone at 6:45 p.m. The call lasted one and a
half minutes. A call was placed from Pete Rose's
home to the Atlanta stadium at 6:54 p.m. The
call lasted four minutes. A call was placed from
Pete Rose's home to Peters at 7:07 p.m. The call

lasted one minute. Janszen called Pete Rose's home at 10:54 p.m. from his car phone. The call lasted one minute. Eighteen calls were placed from Pete Rose's home to the sports line between 12:09 a.m. and 11:52 p.m. According to Peters' records, Rose bet \$2,000 each on the Reds, the Mets, Los Angeles, San Diego, Toronto and Boston. He won two and lost four bets.

* * * * *

On June 20, 1987, the Reds played the Braves in Atlanta at 1:20 p.m. and lost 8-6. Telephone records indicate a call was placed from Pete Rose's home to Atlanta/Fulton County Stadium at 12:58 p.m. The call lasted three minutes. Three calls were placed from Pete Rose's home to Peters at 1:13 p.m., 1:16 p.m. and 1:18 p.m. Each call lasted one minute. A call was placed from Pete Rose's home at 1:17 p.m. to the golf course in Franklin, Ohio, that Peters frequented. The call lasted one minute. Two more calls were placed from Pete Rose's home to Peters at 7:21 p.m. and 7:46 p.m. The calls lasted two minutes and one minute. Nineteen calls were placed from Pete

Rose's home to the sports line between 12:10 a.m. and 11:42 p.m. According to Peters' records, Rose bet \$2,000 each on the Reds, Toronto, Minnesota, Boston, Houston, the Mets, St. Louis and San Diego. He won four and lost four bets.

* * * * *

On June 21, 1987, the Reds played the Braves in Atlanta at 2:10 p.m. and won 6-5 in ten innings. Telephone records indicated a call was placed from Pete Rose's home to Peters at 11:47 a.m. The call lasted one minute. A call was placed from Pete Rose's home to Atlanta/Fulton County Stadium at 1:21 p.m. The call lasted three minutes. A call was placed from Pete Rose's home to Peters at 1:25 p.m. The call lasted three minutes. Four calls were placed from Pete Rose's home to Atlanta at 1:45 p.m., 2:02 p.m., 2:36 p.m. and 10:23 p.m. Janszen called the Marriott Marquis in Atlanta at 9:21 p.m. from his car phone. The call lasted two and a half minutes. Fourteen calls were placed from Pete Rose's home to the sports line between 5:21 a.m. and 4:52 p.m. Janszen called

the sports line at 6:45 p.m. and 8:00 p.m. According to Peters' records, Rose bet \$2,000 each on the Reds, Toronto, Minnesota, St. Louis, the Cubs and San Francisco. He won all six bets.

* * * * *

June 22, 1987 was an off day for the Reds. Telephone records indicate a call was placed from Pete Rose's home to Atlanta at 1:18 p.m. The call lasted two minutes. Janszen called Pete Rose's home from his car phone at 11:57 a.m., 1:53 p.m. and 2:58 p.m. The calls lasted one minute, one and a half minutes and two and a half minutes. A call was placed from Pete Rose's home to Peters at 5:18 p.m. The call lasted two minutes. Four calls were placed from Pete Rose's home to the sports line at 5:52 p.m., 7:43 p.m., 8:43 p.m. and 9:04 p.m. According to Peters' records, Rose did not bet on this day.

* * * * *

On June 23, 1987, the Reds played the Giants in San Francisco at 7:35 p.m. (Pacific Coast

time) and won 4-1. Telephone records indicate nine calls were placed from Pete Rose's home to Peters at 11:28 a.m., 12:44 p.m., 1:16 p.m., 1:56 p.m., 2:28 p.m., 3:30 p.m., 4:37 p.m. and 5:36 p.m. Each call lasted between one and four minutes. Janszen called Peters at 6:45 p.m. The call lasted one minute. A call from Pete Rose's home was placed at 6:45 p.m. to the Ramada Renaissance in San Francisco, where the Reds stayed during this road trip. The call lasted two minutes. A call was placed from Pete Rose's home to Candlestick Park at 6:57 p.m. The call lasted four minutes. Janszen called Peters at 7:05 p.m. The call lasted three minutes. Two calls were placed from Pete Rose's home to the sports line at 11:13 p.m. and 11:28 p.m. According to Peters' records, Rose did not bet on this day.

* * * * *

On June 24, 1987, the Reds played the Giants in San Francisco at 1:05 p.m. (Pacific Coast time) and won 5-4 in ten innings. Paul Janszen was in Los Angeles. Telephone records indicate

Janszen called the Reds' hotel in San Francisco from Santa Monica at 12:43 p.m. and 12:56 p.m. The calls lasted three minutes and five minutes. Janszen called Candlestick Park at 12:49 p.m. from Santa Monica. The call lasted four minutes. Janszen called Candlestick Park from Los Angeles at 4:11 p.m. The call lasted one minute. Janszen called Peters from Los Angeles at 4:13 p.m. The call lasted six minutes. Janszen called Candlestick Park from Los Angeles at 4:31 p.m. The call lasted three minutes. Janszen called Candlestick Park from Los Angeles at 4:35 p.m. The call lasted three minutes. Janszen called Peters from Los Angeles at 4:38 p.m. The call lasted four minutes. Janszen called the Reds' hotel in San Francisco from Santa Monica at 7:59 p.m. and 10:49 p.m. The calls lasted one minute and five minutes. Janszen called the sports line six times between 1:37 p.m. and 10:44 p.m. According to Peters' records, Rose bet \$2,000 each on Los Angeles, the Mets, Houston, Baltimore and California. He won all five bets.

* * * * *

On June 25, 1987, the Reds played the Giants at San Francisco at 7:35 p.m. (Pacific Coast time) and lost 7-6. Telephone records indicate Janszen called Peters from Santa Monica at 9:22 a.m. The call lasted three minutes. Janszen called the Reds' hotel in San Francisco from Santa Monica at 10:49 a.m. The call lasted six minutes. Janszen called Peters from Los Angeles at 12:44 p.m. The call lasted two minutes. Between 2:27 p.m. and 10:48 p.m., Janszen called the sports line from Los Angeles seven times. According to Peters' records, Rose bet \$2,000 on the Mets and won.

* * * * *

On June 26, 1987, the Reds played the Dodgers in Los Angeles at 7:35 p.m. (Pacific Coast time) and won 6-0. Janszen was in Los Angeles and stayed at the same hotel as the Reds. Telephone records indicate Janszen called Peters from Los Angeles at 9:11 a.m. The call lasted one minute. Janszen called Peters from Beverly Hills at 12:43 p.m. The call lasted two

minutes. Janszen called Peters from North Hollywood at 4:07 p.m. The call lasted five minutes. Janszen called the sports line from Los Angeles at 5:42 p.m., 8:58 p.m. and 11:58 p.m. According to Peters' records, Rose bet \$2,000 each on the Reds, St. Louis, the Cubs, the Giants, Toronto, Texas, Kansas City and the Yankees. He won three and lost five bets.

* * * * *

On June 27, 1987, the Reds played the Dodgers in Los Angeles at 7:05 p.m. (Pacific Coast time) and lost 4-3 in ten innings. Telephone records indicate Janszen called Peters from Los Angeles at 9:25 a.m. The call lasted one minute. Janszen called Peters from Los Angeles at 10:22 a.m. The call lasted six minutes. Janszen called Peters from Los Angeles at 6:15 p.m. The call lasted one minute. Between 12:31 p.m. and 10:38 p.m., Janszen called the sports line from Pasadena and Los Angeles sixteen times. According to Peters' records, Rose bet \$2,000 each on the Reds, Pittsburgh, the

Mets, San Francisco, San Diego, Kansas City and Toronto. He won five and lost two bets.

* * * * *

On June 28, 1987, the Reds played the Dodgers in Los Angeles at 1:05 p.m. (Pacific Coast time) and lost 4-2. Telephone records indicate Janszen called Peters at 8:48 a.m., 9:23 a.m. and 10:00 a.m. The calls lasted two minutes, four minutes and eight minutes. Between 11:51 a.m. and 10:23 p.m., Janszen called the sports line seven times from Los Angeles, Burbank and Inglewood. According to Peters' records, Rose bet \$2,000 each on the Reds, St. Louis, Philadelphia, the Cubs, San Francisco, Minnesota and Detroit. He won four and lost three bets.

* * * * *

June 29, 1987 was an off day for the Reds. Telephone records indicate Janszen called Peters at 4:41 p.m. and 4:48 p.m. The calls lasted one minute each. Four calls were placed from Pete Rose's home to Peters at 6:28 p.m., 6:33 p.m. and

7:09 p.m. The calls lasted two minutes, one minute, one minute and five minutes. A called was placed from Janszen's home to the sports line at 11:49 p.m. According to Peters' records, Rose bet \$2,000 each on Montreal, the Mets, Atlanta, Los Angeles, California, Detroit, Minneapolis, Toronto, Boston and Texas. He won five and lost five bets.

* * * * *

On June 30, 1987, the Reds played the Astros in Cincinnati at 7:35 p.m. and won 5-4 in ten innings. Telephone records indicate Marcum called Pete Rose at the Reds' clubhouse at 6:40 p.m. Between 12:11 a.m. and 11:12 p.m., Janszen made eighteen calls to the sports line. According to Peters' records, Rose bet \$2,000 each on the Reds, Pittsburgh, San Diego, Cleveland, Texas and Minnesota. He won three and lost three bets.

* * * * *

On July 1, 1987, the Reds played the Astros in Cincinnati at 7:35 p.m. and won 6-4. Telephone records indicate Janszen called Peters at 7:07 p.m. The call lasted one minute. Between 10:15 p.m. and 10:22 p.m., Janszen called the sports line six times. According to Peters' records, Rose bet \$2,000 each on the Reds, Pittsburgh, San Diego, Cleveland, Texas and Minnesota. He won three and lost three bets.

* * * * *

On July 2, 1987, the Reds played the Mets in Cincinnati at 7:35 p.m. and lost 5-0. Telephone records indicate Janszen called Franklin, Ohio, at 6:53 p.m. and 7:08 p.m. The calls lasted one minute and four minutes. Between 12:41 a.m. and 11:41 p.m., Janszen called the sports line seven times. According to Peters' records, Rose bet \$2,000 each on the Reds, California, Seattle, Oakland, Philadelphia and Kansas City. He won four and lost two bets.

* * * * *

On July 3, 1987, the Reds played the Mets in Cincinnati at 7:35 p.m. and won 8-3. Between 12:24 a.m. and 7:17 p.m., Janszen called the sports line ten times. According to Peters' records, Rose bet \$2,000 each on the Reds, the Yankees, Minnesota, Oakland, California, Detroit, Montreal, Philadelphia, Pittsburgh and Atlanta. He won seven and lost three bets.

* * * * *

On July 4, 1987, the Reds played the Mets in Cincinnati at 7:05 p.m. and won 7-3. Telephone records indicate Janszen called Peters at 1:52 p.m. The call lasted one minute. Janszen call Peters at 2:27 p.m. The call lasted one minute. Marcum called Pete Rose at the Reds' clubhouse at 5:20 p.m. Janszen called Pete Rose at the Reds' clubhouse at 5:25 p.m. Marcum called Pete Rose at the Reds' clubhouse at 5:56 p.m. Between 2:11 a.m. and 9:05 p.m., Janszen called the sports line four times. According to Peters' records, Rose did not bet on this day.

* * * * *

On July 5, 1987, the Reds played the Mets in Cincinnati at 2:15 p.m. and won 7-5. Telephone records indicate Marcum called Pete Rose at the Reds' clubhouse at 12:11 p.m. Janszen called Franklin, Ohio, at 1:08 p.m. The call lasted two minutes. Between 2:18 p.m. and 7:17 p.m., Janszen called the sports line six times. According to Peters' records, Rose did not bet on this day.

VI. GUIDING LEGAL PRINCIPLES

This is not a criminal case, but rather a private, administrative matter. You have asked for guidance on the questions of circumstantial evidence; credibility of witnesses who have been convicted of a crime; credibility of witnesses who may have an interest in the outcome; or credibility of witnesses who may be biased in some way.

Set forth below are jury instructions to guide you as the ultimate trier of fact. These instructions have been approved for juries in criminal trials in the United States District Courts by the United States Court of Appeals for the Second Circuit in New York. While counsel may debate certain portions of these instructions, our experience teaches that they fairly state the law.

A. Circumstantial Evidence

If a party in court is trying to prove an event and an eye-witness testifies that he saw the event happen, that is direct evidence and, of course, there are many other types of direct evidence that I could mention. But one clear example is the eye-witness testimony of a particular event.

Circumstantial evidence, on the other hand, is where one fact or chain of events gives rise to a reasonable inference of another fact. If one fact or group of facts on the basis of common sense and common experience leads you to logically and reasonably infer other facts, then this is circumstantial evidence. Circumstantial evidence is no less valid and no less weighty than direct evidence provided that the inferences drawn are logical and reasonable. In a case

where a defendant's state of mind is at issue, where there are questions of what the defendant intended or what his purpose was, circumstantial evidence is often an important means of proving what the state of mind was at the time of the events in question. Sometimes it is the only means of proving state of mind.

Supplemental charge:

... [Y]ou must consider all the circumstances and see whether the circumstances, taking into consideration everything known to you, everything in the evidence, to see whether from all those circumstances an inference can logically and reasonably be drawn towards a particular fact.

Putting it another way, what, if any, are the logical and reasonable inferences that can be drawn from a set of circumstances. Sometimes none can. Sometimes it is even-Stephen, one way or the other, and you just can't draw any particular inferences one way or the other. Sometimes the inferences tend to go in a particular direction quite logically and reasonably and if it does go in that direction, then that is what the jury is entitled to consider.

United States v. Dizdar, 581 F.2d 1031 (2d Cir. 1978).

B. Witness Credibility

1. Personal Interest of the Defendant in the Outcome of the Trial

Now the law permits but does not require the defendant to testify on his own behalf. Obviously a defendant has a deep personal interest as a result of his prosecution, indeed it is fair to say, he has the greatest interest in its outcome.

Interest creates a motive for false testimony and a defendant's interest in the result of his trial is of a character possessed by no other witness.

In appraising his credibility, you may take that fact into consideration.

However, I want to say this with equal force to you -- however, it by no means follows that simply because a person has a vital interest in the end result, that he is not capable of telling a truthful and straightforward story.

It is for you to decide to what extent, if at all, defendant's interest has affected or colored his testimony.

United States v. Martin, 525 F.2d 703 (2d Cir.), cert. denied, 423 U.S. 1035 (1975).

2. Testimony of Informant

In considering [the testimony of an informant] you may take into account that in certain types of crime the government, of necessity, is compelled to rely upon those who are willing to consort with criminals or persons suspected of crime for the very purpose of obtaining information and evidence needed to maintain a prosecution. Indeed, it would be most difficult to detect or prosecute some wrongdoers, and this is particularly true in conspiracy cases. Informers are themselves often in trouble with the law or have prior records, which makes it possible for them to be accepted by persons engaged in crime as one of their own . . .

The testimony of an informer who provides evidence against a defendant for pay, or for personal advantage or vindication, or for immunity from punishment for his own acts, must be examined and weighed by the jury with greater care than the testimony of an ordinary witness. You must determine whether the informer's testimony has been affected by interest or by prejudice against a defendant.

If you find [the informer's] testimony was deliberately untruthful, you should unhesitatingly reject it.

On the other hand, if upon a cautious and careful examination, you are satisfied that he has given a truthful version of the events which occurred, there is no reason why you should not accept it.

United States v. Corcione, 592 F.2d 111 (2d Cir.), cert. denied, 440 U.S. 985 (1979).

3. Testimony of a Witness Convicted of a Crime

The testimony of [a witness convicted of a crime or who has engaged in any immoral or dishonest act] must also be considered with great care and caution....Nevertheless, it does not follow that because [he has] acknowledged participation in a crime or is an accomplice that he is not capable of giving a truthful version of what occurred.

You should ask yourselves these questions:

Did [the witness] give false testimony or color his testimony contrary to fact, because he has not been prosecuted in the remaining charges or believes that his cooperation may result in more lenient treatment?

If you find his testimony was deliberately untruthful, you should unhesitantly reject it.

On the other hand, if, upon a cautious and careful examination, you are satisfied that he has given a truthful version of essential events, there is no reason why you should not accept it.

United States v. Corcione, 592 F.2d 111 (2d Cir.), cert. denied, 440 U.S. 985 (1979).

VII. SUMMARY OF THE EVIDENCE

Pete Rose denied under oath placing bets or causing others to place bets on the Cincinnati Reds and other ball games of Major League Baseball. Indeed, Rose denied under oath ever associating with anyone placing bets on his behalf on the Cincinnati Reds or the games of Major League Baseball. He admitted placing bets with Tommy Gioiosa on other sports activity, but denied knowing the Ohio bookmaker or other bookmakers in New York. He denied being delinquent in paying his gambling losses or having borrowed from his associates and friends to pay his gambling losses.

A. The Key Evidence

The evidence should be viewed as a whole in order to obtain a clear picture. Nevertheless, it is important to note the following five distinct pieces of evidence pointing to Pete Rose's betting on the Reds and baseball:

First, the three page document in Rose's handwriting recording baseball games and the results. Pete Rose's explanation that he does not recognize the document or the handwriting is perhaps the only answer he can render given his posture in this case.

Second, the notebook of Paul Janszen recording the betting action of Pete Rose from April 7, 1987 to May 3, 1987, on Reds games as well as other games. To those who might

suggest the notebook was fabricated by an unpaid creditor, the next piece of evidence should be closely examined.

Third, the telephone traffic in the collective telephone records bears remarkable witness to the betting action before game time of the Cincinnati Reds -- home or away, night or day -- particularly the unexplained calls from Rose's home and hotel rooms to Chevashore, Val and Peters during the baseball season. Rose offered no explanation for these telephone calls.

Fourth, the betting records of Ron Peters which show baseball betting action on the Reds and other Major League Baseball games in 1987 by one customer.

Fifth, the unguarded statements of Steve Chevashore on tape contradicted Rose's statement that Janszen, Chevashore and Val were not involved in the sports betting action on the Cincinnati Reds or Major League Baseball for Pete Rose.

Sixth, the Bertolini tape reveals not only serious questions as to Rose's testimony about his gambling habit, but the modus operandi employed by Rose to disguise and conceal his enormous gambling indebtedness, the identity of his bookmakers and his betting on baseball. The generating of funds through loans to Bertolini, the remission of checks to fictitious payees, and the delay in the production of bank records from Star Bank and Oak Hills Savings and Loan all raise serious

questions whether Pete Rose is trying to conceal his gambling on baseball and the Reds.

B. Summary Of The Testimony Of Ron Peters

The sworn, voluntary, corroborated testimony of Ron Peters, the bookmaker from Franklin, Ohio, establishes that he took bets at \$2,000 per game on the Reds and other Major League baseball teams from Pete Rose, and from Tommy Gioiosa, Paul Janszen and Danita Marcum on behalf of Pete Rose. Peters testified that he would not extend credit of \$2,000 per game to Gioiosa, Janszen and Marcum personally, but did so because the bets were for Pete Rose. He testified that he received telephone calls from Rose, and from Gioiosa, Janszen and Marcum to place bets for Rose, and that he collected Rose's betting losses from, and paid Rose's winnings to, Gioiosa and Janszen. Peters testified that Rose, through Gioiosa and Janszen, provided tickets to him for the Reds games in 1986 and 1987. He received a Mizuno bat autographed by Pete Rose when Rose visited Jonathan's Cafe, Peters' restaurant, with Gioiosa and Fry. During that visit, Peters gave Gioiosa \$37,000 in winnings for Pete Rose in a back room of the restaurant. Peters recalled Gioiosa attempted to pay him in 1986 with three \$8,000 checks signed by Pete Rose. Peters stopped taking bets from Rose in the fall of 1986, after the baseball season, because Rose refused to pay him \$34,000 from past betting.

Peters testified Gioiosa told Peters that Rose was unable to pay Peters because Rose owed money to a bookmaker in New York.

Peters testified that in mid-May 1987, he resumed taking Rose's bets from Janszen after Janszen gave him a copy of Rose's \$34,000 check, dated March 12, 1987, payable to Gioiosa and signed by Reuven Katz, the attorney for Pete Rose. Peters testified that Rose was his only baseball betting customer in 1987. He testified that Rose won \$27,000 in May 1987 and \$40,000 in June 1987 on baseball games including the Reds. He testified that he refused to pay Rose because Rose still owed him \$34,000. Peters testified that as a result, Rose stopped betting with him in mid-July 1987. Peters recalled that Janszen tried to collect the \$40,000, because Rose was also indebted to Janszen for \$40,000. Peters refused to pay Janszen the \$40,000 but later gave Janszen three checks totaling \$6,000 -- the difference between what Peters owed Rose and what Rose owed Peters.

Peters recorded a telephone conversation with Robert Pitcairn, Rose's attorney, on his own initiative after being contacted by your investigators. Pitcairn was returning a call Peters made to Reuven Katz to find Pete Rose to inform him of your inquiry. During their conversation, Peters was surprised that Pitcairn did not question who Peters was or dispute Peters' statement that he took bets from Rose.

1. Summary of Corroboration of Peters' Testimony

- Ron Peters' testimony is corroborated by the testimony of James Eveslage who voluntarily told us that he arranged for Peters to accept Pete Rose's betting through Gioiosa.

- Ron Peters' testimony is also corroborated by Mike Fry. Fry observed Gioiosa placing bets for Pete Rose while Gioiosa was the Manager of Gold's Gym, which Fry owned. Fry voluntarily admitted loaning Pete Rose \$17,000 and \$30,000 in the fall of 1985, after the baseball season, to pay Rose's gambling losses. Fry admitted cashing checks for Gioiosa in February 1986 in order for Gioiosa to pay Peters. Fry's endorsement appears on the checks. Fry further stated Gioiosa and Janszen could not have afforded to bet \$2,000 per game with Peters. Fry stated that he went with Pete Rose and Gioiosa to visit Jonathan's Cafe.

- Ron Peters' testimony is also corroborated by Lance Humphrey, the daytime manager of Gold's Gym. Humphrey testified that Gioiosa told him that he was betting for Rose on baseball, basketball and football with Ron Peters at \$1,000 to \$5,000 per game. Humphrey testified that Gioiosa could not afford to place bets of that size.

- Ron Peters' testimony is corroborated by the telephone records of Gold's Gym for 1986 which show sixty-five telephone calls from Gold's Gym to Ron Peters during the 1986 baseball season, when Tommy Gioiosa was manager of Gold's Gym.
- Ron Peters' testimony is corroborated by the three \$8,000 checks signed by Pete Rose on February 5, 1986, endorsed by Fry and cashed by Gioiosa.
- Ron Peters' testimony is corroborated by Rose's \$34,000 check, dated March 12, 1987, signed by Reuven Katz, and endorsed and cashed by Tommy Gioiosa.
- Ron Peters' testimony is corroborated by the phone records of Rose, Janszen and the Cincinnati Reds, and by the hotel bills of Pete Rose during May, June and July 1987. These records show a pattern of telephone traffic prior to the beginning of each Reds game -- home or away, night or day -- between Janszen, Marcum, Rose and Peters.
- Ron Peters' testimony is corroborated by the sworn admissions of Pete Rose during his deposition. Rose testified that he gave his bets to Gioiosa to place with a bookmaker; that he had Gioiosa pay his gambling losses

and collect his winnings; that he signed the three \$8,000 checks on February 5, 1986 for Gioiosa to pay his gambling losses; that he directed his attorney, Reuven Katz, to give a \$34,000 check to Gioiosa to pay his gambling losses; that he cannot explain how a copy of the \$34,000 check was in the possession of Ron Peters and Paul Janszen in May 1987; that he did send Mike Bertolini eleven checks totalling \$88,000 in October, November and December 1986, which is the time when Gioiosa told Peters that Pete Rose was unable to pay Rose's \$34,000 debt to Peters due to Rose's indebtedness to a mafia bookmaker in New York; that he visited Jonathan's Cafe with Gioiosa, where he gave an autographed bat to Ron Peters for his restaurant and Gioiosa met with Peters in a back room; and that he ordered tickets to Reds games for Peters in 1986 and 1987, which he explained by saying that someone else must have asked him for the tickets.

- Ron Peters' testimony is corroborated by the transcript of his conversation with Rose's counsel, Robert Pitcairn, on March 13, 1989, prior to any publicity about Peters. Pitcairn returned Peters' call to Katz and made inquiries about the Commissioner's investigation without asking Peters who he was and without disputing Peters' statement that Pete Rose bet with him.

- Ron Peters' testimony is corroborated by the voluntary sworn testimony of Paul Janszen and Danita Marcum who testified that they placed bets of \$2,000 per game at the request of Pete Rose with Ron Peters on the Reds and other baseball games during May, June and July 1987.
- Ron Peters' testimony is corroborated by betting sheets obtained from Rose's home and found by an expert to be in Rose's handwriting. The betting sheets contain a listing of Major League Baseball games, including the games of the Cincinnati Reds, with the results.
- Ron Peters' testimony is corroborated by the voluntary sworn testimony of Jim Procter and Dave Bernstein. Procter overheard Rose betting on baseball games with Paul Janszen, and Bernstein was advised by Janszen in the spring of 1987 that Rose was betting on baseball and the Reds with Ron Peters.
- Ron Peters' testimony is corroborated by his own betting records, which show bets on the Reds and other baseball games. The records also indicate that Peters had only one baseball betting customer in 1987. These records

also bear the names of "Pete" and Janszen in Peters' handwriting.

- Ron Peters' testimony is corroborated by the report of the gambling expert who authenticated and verified Peters' betting records for 1987. His report states that Peters had only one customer during that season.
- Ron Peters' testimony is corroborated by the telephone toll records from Pete Rose's home and hotel room during May and June 1987. The records reveal telephone calls to Ron Peters' telephone number before the start of the games of the Cincinnati Reds.

It should be noted that Ron Peters bears no animus toward Pete Rose -- Peters recovered his 1986 losses on baseball betting by not paying Rose the \$34,000 in 1987. Ron Peters gained nothing by his voluntary sworn statements against Rose. Ron Peters gave this testimony about Pete Rose against Peters' penal interest, that is, Peters' statements were incriminating and exposed him to prosecution for conducting an illegal bookmaking operation. Admissions against penal interest are considered trustworthy under the Federal Rules of Evidence. His testimony and his voluntary pleas of guilty to federal offenses are acts of integrity.

I find Ron Peters worthy of belief in view of the independent corroboration of his testimony.

C. Summary Of The Testimony Of Paul Janszen

Paul Janszen has given voluntary, sworn testimony, without promise of reward, that in April, May, June and July 1987 he placed bets of \$2,000 per game on the Cincinnati Reds and other Major League Baseball teams for Pete Rose with Steve Chevashore, a runner of bets in Florida; with Val, a clerk for a bookmaking operation in New York; and with Ron Peters, a bookmaker in Franklin, Ohio. Janszen testified that Rose gave him the bets in person and on the telephone and that he or his girlfriend, Danita Marcum, called in the bets to Chevashore, Val or Peters. Janszen testified that he paid Rose's gambling losses with cash from Rose, and from his own cash when Rose was short of cash. He testified that he gave the status of bets on baseball games by hand signals to Pete Rose while the Cincinnati Reds were playing, during the time period when the scoreboard at Riverfront Stadium reporting the scores of other ball games was not working.

Janszen testified that Rose refused to repay him the \$40,000 of his own money which he used to pay Rose's gambling losses. Janszen testified that Rose told him to collect his money from Peters, who owed Rose \$40,000 in winnings. Janszen testified that he arranged for tickets with Pete Rose for

Peters to attend a Reds game in 1987. He testified that he accompanied Rose on card shows and that he would count and hold the cash paid to Rose, which Rose used to pay his gambling debts.

Janszen testified that Rose bet with Ron Peters through Gioiosa in the fall of 1986 on the National League baseball playoffs and other sports events. He recalled Peters refusing to take any more bets from Rose in 1986 because Rose was delinquent in his gambling debts.

Janszen testified that he and Marcum were invited and stayed with Rose and Rose's family in Florida for Spring training in 1987. He testified that while in Florida, Pete Rose introduced him to Steve Chevashore and asked Janszen to place bets on sports events with Chevashore. Janszen testified that in April 1987, at the beginning of the baseball season, Rose asked him to continue placing bets on sports events, including the Reds games and other Major League games. Janszen testified that Rose would often write down the teams on which he wanted Janszen to place bets. He testified that he bet on the Reds and other baseball teams for Rose from April 6 to April 17, 1987 with Steve Chevashore; from April 17 to May 13, 1987 with Val in New York; and from May 17 to mid-July 1987 with Ron Peters -- all at \$2,000 per game and all at the request of Pete Rose. Janszen testified that he could not

afford to bet \$2,000 a game, and that the bookmakers would not extend credit to him for that amount.

Janszen testified that in mid-May 1987, Val refused to accept any more bets from Rose because Rose failed to pay his gambling losses. Janszen testified that Chevashore called Rose to collect the gambling losses and Rose told Chevashore that Janszen was betting in Rose's name. Janszen testified that Rose turned to him after the call from Chevashore and told Janszen not to worry because Chevashore was afraid of Janszen.

Janszen testified that Mike Bertolini was a photographer, card show promoter and memorabilia salesman, as well as a runner of bets for Pete Rose to another New York bookmaker. Bertolini told Janszen that Pete Rose bet on baseball and was indebted to New York bookmakers.

Janszen testified that Rose asked him to contact Ron Peters about taking bets from Rose. Janszen testified that Peters would not take Rose's bets because Rose owed him \$34,000. Janszen testified that when he told Rose about Peters' response, Rose gave Janszen a copy of the \$34,000 check dated March 12, 1987, payable to Tommy Gioiosa and signed by Reuven Katz, to give to Peters. Janszen testified that Peters told Janszen he never received any of the money from Gioiosa. Janszen testified that he gave a copy of the \$34,000 check to Peters and Peters agreed to resume taking Rose's bets, which included bets on the Reds and Major League Baseball.

Janszen testified that Rose won \$27,000 from Peters in the first week of betting, which Janszen collected and gave to Rose in cash. He testified that Rose lost \$20,000 the second week, and that he collected cash from Rose and paid Peters for the losses. Janszen testified that Rose won \$40,000 from Peters during June and early July, but that Peters refused to pay Rose. As a result, Rose stopped betting with Peters.

Janszen testified that Rose told him to collect from Peters the \$40,000 Rose owed Janszen. He testified that he tried to collect the \$40,000 from Peters and Peters refused to pay Janszen because Rose owed Peters \$34,000. Janszen testified that eventually Peters paid Janszen three checks for \$2,000 each, representing the difference between the amount Rose owed Peters and the amount Peters owed Rose. Janszen testified that those checks are now in the possession of the FBI in Cincinnati. Janszen testified that he placed no more bets for Rose because Rose refused to pay Janszen the money Janszen had expended on Rose's behalf.

Janszen testified that he visited Reuven Katz, counsel for Rose, early in 1988 seeking payment of the money from Rose because he needed it to hire an attorney for his criminal case. Janszen told Katz that Rose had bet on baseball. Janszen testified that Katz replied that it was "over" for Pete Rose. Shortly thereafter Katz arranged for a \$10,000 check on Rose's account to be paid to Janszen. Katz

told Janszen he wanted the check to appear as a loan. Janszen testified that Katz did not ask Janszen to sign a promissory note to Rose and Rose has never sought repayment of the \$10,000 from Janszen.

Janszen provided copies of letters to Katz and Pitcairn, Rose's counsel, which demand payment by Rose of the outstanding money owed to Janszen by Rose. Janszen admitted trying to collect the debt from Rose, and being upset with Rose for using him and failing to pay the debt, all of which is reflected in the correspondence he voluntarily furnished to us.

Janszen admitted tape recording the conversations with Michael Bertolini on April 4, 1988 and with Steve Chevashore on December 27, 1988. Janszen provided copies of Rose's betting sheets in Rose's handwriting which he obtained from Rose's home, and copies of his own notebook recording the bets for Pete Rose from April 8, 1987 through May 13, 1987.

1. Summary of Corroboration of Janszen's Testimony

- Paul Janszen's testimony is corroborated by the voluntary sworn testimony of Danita Marcum, Ron Peters, Jim Procter, David Bernstein, the unguarded statements of Steve Chevashore on the tape of December 27, 1988, the unguarded statements of Mike Bertolini on the tape of April 4, 1988, and the statements of Mike Fry.

- Paul Janszen's testimony is corroborated by the betting sheets he obtained from the home of Pete Rose, which record the results of the Reds and other baseball games. The handwriting expert has established from the handwriting exemplars of Rose and the 1987 handwriting samples of Rose that the three sheets are in the handwriting of Pete Rose. Another handwriting expert has established that the three sheets are not in the handwriting of Paul Janszen or Danita Marcum.
- Paul Janszen's testimony is corroborated by his own notebook in which he recorded the betting results of Reds games. The bets in Janszen's notebook match the games and results of the three sheets in Rose's handwriting. The handwriting expert has established that the writing in the notebook is that of Janszen and Marcum.
- Paul Janszen's testimony is corroborated by the betting records of Ron Peters. Peters betting records show betting on the Reds and other baseball teams by one customer in 1987. These records bear the names of Janszen and "Pete."

- Paul Janszen's testimony is corroborated by the gambling expert who has found all of the betting records to be authentic and correct based upon a comparison with the schedules, betting lines and results of Major League Baseball in 1987.
- Paul Janszen's testimony is corroborated by the collective telephone traffic which shows continuous contact between Janszen and Rose and (1) between Janszen and Chevashore from April 8 to 17; (2) between Janszen and Val from April 17 to May 13; and (3) between Janszen and Peters from May 17 to July 5, 1987 -- just before game time for the Reds -- home or away -- night or day.
- Paul Janszen's testimony is corroborated by the taped conversation with Steve Chevashore in which Chevashore acknowledged that Janszen was betting for Rose with Val; that Rose was delinquent in paying his gambling losses; that Danita Marcum placed bets on the Cincinnati-Montreal game for Rose; that Chevashore called Rose to collect Rose's debts; that Rose denied betting after the Reds-Mets series and that Rose said Janszen was betting in Rose's name; that "the bosses" in New York held Rose responsible; that Janszen could not afford to bet \$2,000

per game; and that Bertolini was in trouble with people in New York.

- Paul Janszen's testimony concerning the debt owed to him by Rose is corroborated by Bertolini's remark in the April 4, 1988 conversation with Janszen, when after Janszen told Bertolini that Rose owed him \$12,000, Bertolini asked whether Rose had paid Janszen \$38,000; by the testimony of Ron Peters that Janszen tried to collect the debt from Rose's winnings; by Peters' testimony that he paid Janszen the difference between what Peters owed Rose and what Rose owed Peters; by the \$10,000 check -- "for loan" -- given to Janszen by Rose's counsel in March 1988 to pay Janszen's attorney's fees for Janszen's criminal case for which neither Katz nor Rose has ever sought repayment; by the correspondence between Janszen, his attorney and Rose's counsel in which Janszen asserted his claim for monies due, which Rose's counsel did not dispute; and by the statement of Mark Stowe, the Assistant Clubhouse Manager of the Cincinnati Reds, who asked Rose, in the spring of 1989, why he had a falling out with Paul Janszen and Rose told him it was over betting losses owed to Janszen which Rose told Janszen to collect from someone else who owed money to Rose.

- Paul Janszen's testimony that Pete Rose bet on the Reds and baseball with another bookmaker in New York, through Mike Bertolini, and that Pete Rose used the cash from card shows, memorabilia sales, and loans arranged for Bertolini and Bertolini's company, Hit King Marketing, Inc., to pay gambling losses is corroborated by the unguarded taped conversation of April 4, 1988 in which Bertolini acknowledged the following: the indebtedness to the New York bookmakers by Rose; Rose's conversations with the bookmakers; the enormous indebtedness of Rose for gambling losses; the payment of \$150-\$200,000 in betting losses; the outstanding debt of \$200,000; the indebtedness of Rose to Bertolini; and the gambling habit of Pete Rose. During the conversation, Bertolini said that he was the only proof of Rose's betting and he would "die" before he told on Pete Rose.
- Paul Janszen's testimony that Bertolini was betting on baseball for Pete Rose is corroborated by Rose's bank records for an account at Oak Hills Savings and Loan in Cincinnati. The account was used to funnel checks in the fall of 1986, after the baseball season ended, to Bertolini in amounts under \$10,000 and made payable to fictitious payees. The checks were cashed by Bertolini

at a check cashing service in New York to pay the bookmaker in New York.

- Paul Janszen's testimony concerning the placing of bets on the Reds for Pete Rose is corroborated by the voluntary, sworn testimony of Danita Marcum, who verified all of Janszen's testimony concerning his relationship with Rose; the events at Spring training in Florida; the betting sheets in Rose's handwriting; the notebook in her and Janszen's handwriting; and placing the bets with Chevashore, Val and Peters. More significantly, Danita Marcum testified that she took bets directly from Pete Rose on the Reds and other baseball games and placed those bets for Rose with Val and Peters. Her recollection is corroborated by Peters' testimony that he took bets from Marcum for Pete Rose on Reds game, and by Chevashore's statements recounting Marcum's betting on the Cincinnati-Montreal game in May 1987.
- Paul Janszen's testimony is further corroborated by the voluntary sworn testimony of Ron Peters, who admitted taking bets from Rose and Janszen on the Reds.

It is quite significant that Peters and Janszen were not friends or close associates. At the time of their

testimony, Peters possessed a bitter animosity towards Janszen because Janszen assisted the government in catching Peters engaging in activity which led to Peters' arrest, indictment and conviction.

Notwithstanding this animosity, Peters corroborates Janszen. Peters testified that he began taking bets from Janszen on behalf of Rose in mid-May 1987 after Janszen gave him a copy of the \$34,000 check of March 12, 1987 signed by Katz. He testified that Rose won \$27,000 the first week, which he paid to Janszen for Rose; lost \$24,000 the second week, which Janszen paid him in cash for Rose; and won \$40,000 in June and early July which he refused to pay Rose because Rose still owed him \$34,000 from earlier betting. Peters testified that he took bets for Pete Rose from Danita Marcum during May, June and early July 1987. Peters also received tickets to Reds games from Pete Rose through Paul Janszen.

- Paul Janszen's testimony is corroborated by the sworn testimony of David Bernstein and Jim Procter. Bernstein and Procter observed and heard Janszen taking bets on baseball games from Pete Rose during the 1987 season. Bernstein and Procter were also told by Janszen that Rose bet on the Reds. Bernstein also witnessed Janszen giving

the status of bets to Pete Rose with hand signals at Riverfront Stadium when the Reds scoreboard, reporting the scores of other baseball games, was not working.

In view of this independent corroborative evidence, I find Paul Janszen's testimony worthy of belief.

D. Analysis Of Rose's Testimony In Light Of The Evidence

- It is difficult to square Rose's sworn testimony with the sworn voluntary testimony of other witnesses, and the betting records in Rose's handwriting and the handwriting of others.
- Pete Rose testified he did not recognize the handwriting on the three betting sheets found in his home. Yet, according to a handwriting expert, the games of the Cincinnati Reds are recorded in Rose's handwriting on the betting sheets.
- Pete Rose testified that he never bet on the Reds or on baseball with Ron Peters. Yet, his bets on the Reds and baseball appear in Peters' betting records for the 1987 baseball season.

- Pete Rose testified that he never bet on the Reds or baseball with Paul Janszen or Danita Marcum. Yet, the records of Janszen and Marcum show bets on the Reds and baseball during the 1987 baseball season.
- Pete Rose did not explain how Ron Peters and Paul Janszen came into possession of a copy of the \$34,000 check to Gioiosa written by Rose's attorney on March 12, 1987 and kept in Rose's accountant's office. Yet, Janszen and Peters recalled the check and stated that it was used by Rose to persuade Peters to resume taking Rose's baseball betting.
- Pete Rose claims the \$34,000 check of March 12, 1987 was to pay for his gambling losses on the 1987 Super Bowl and the 1987 NCAA Basketball Championship, not the gambling losses to Ron Peters in 1986. But, the NCAA Basketball Tournament had not begun before March 12, 1987.
- Pete Rose denies knowing Ron Peters, the bookmaker from Franklin, Ohio. But, the records of the Cincinnati Reds show tickets for Peters were ordered by Rose in 1986 and 1987. Peters' restaurant, Jonathan's Cafe, exhibits a Rose-endorsed bat.

- Pete Rose admitted that Gioiosa bet for him on other sports activity, not baseball. Gioiosa is under indictment and has been unwilling to talk to us. However, Gioiosa told other people that he bet on baseball for Pete Rose. The telephone toll records of Gold's Gym for 1986, when Gioiosa was manager, also show sixty-five telephone calls to Ron Peters during the 1986 baseball season.
- Rose claimed to have no knowledge of Gioiosa collecting \$37,000 in winnings for Pete Rose from Ron Peters at Peters' cafe, but he remembered Gioiosa meeting with Peters in a back room and can remember what he had for lunch.
- Pete Rose said he entrusted Mike Bertolini with hundreds of thousands of dollars because Bertolini was an honest man. However, when Pete Rose heard the unguarded statements by Bertolini on the April 4, 1988 tape, describing the payment of those funds to a New York bookmaker on behalf of Rose, Pete Rose said Bertolini was lying.

- Pete Rose remembered traveling to Ron Peters' Jonathan's Cafe in Franklin, Ohio, with Tommy Gioiosa and giving him an autographed Mizuno bat.
- Pete Rose claimed that he did not know Ron Peters was the bookmaker used by Gioiosa. Ron Peters called for Rose at Reuven Katz's office and received a call back from Robert Pitcairn, who, according to Peters, did not inquire who Peters was and did not dispute Peters' statement that Pete Rose bet with Peters.
- Pete Rose testified that he loaned Paul Janszen \$10,000 in March 1988, through his attorney Reuven Katz, for Janszen's legal fees in a criminal case. But Janszen never signed a note. In Janszen's letter to Rose's counsel in 1989, Janszen acknowledged receipt of the \$10,000 as partial payment of Rose's debt to him. In response, Rose's counsel did not dispute Janszen's description and did not seek repayment of the \$10,000 by Janszen.
- Pete Rose testified that he never owed Paul Janszen \$40,000. Rose testified that he never told Janszen to collect from Peters the money Rose owed Janszen. But, Peters testified that Janszen tried to collect the debt

from him and Peters gave Janszen the \$6,000 difference between what Rose owed Peters and what Peters owed Rose. Rose also told Mark Stowe that he had told Janszen to collect what Rose owed him from some other person. In addition, as noted, Reuven Katz paid Janszen \$10,000 on Rose's behalf without receiving a note or demanding repayment.

- Pete Rose testified that he had never placed bets with a person named Val, had never spoken with a person named Val and did not know anyone named Val. Rose stated that he had never received a call from Chevashore seeking payment of monies owed to Val. However, the unguarded statements of Chevashore on the December 27, 1988 tape contradict Rose's sworn testimony. Chevashore's statements are corroborated by the baseball betting records in the handwriting of Rose, Janszen and Marcum, and the telephone traffic for April and May 1987.
- Pete Rose testified that he had not borrowed cash from his friends and associates to pay his gambling losses. He stated under oath that he "owes nobody nothing," and that he never "stiffed anyone." In contrast, the evidence from 1986 and 1987 reveals loans from Gioiosa to Rose which Gioiosa recovered by keeping the proceeds of a

\$34,000 check intended for Peters. In addition, the following transactions also reveal Rose's debts: the \$7,500 debt to Chevashore and the April 3, 1987 check to cash for \$7,500 deposited in New York; the \$34,000 debt to Peters and the March 12, 1987 check for \$34,000 to Gioiosa; the \$44,000 debt to Janszen; the \$17,000 and \$30,000 debts to Mike Fry; the \$8,000 check to Fry of February 5, 1987 and the \$13,790 debt to Val; the twenty-nine checks to fictitious payees totaling \$227,000 cashed by Bertolini to pay a bookmaker; and the \$70,000 debt to Bertolini.

- The evidence revealed that in order to protect his stature as one of the most famous baseball players in Major League history, Pete Rose employed middlemen to place bets for him with bookmakers and at the racetrack and to pay gambling losses and collect gambling winnings, thereby concealing his gambling activity. Rose befriended, entertained, and promoted the businesses of friends and through this arrangement protected his betting from public exposure.
- The evidence revealed Pete Rose generated cash, which is difficult to trace or document, at card shows and through the sale of memorabilia. He cashed checks and arranged

for others to cash checks to generate cash to pay his debts. He arranged loans for others who are not credit worthy to generate funds. He wrote checks payable to cash, to a close associate and to fictitious persons for amounts under \$10,000 so as to avoid detection by the authorities.

- Pete Rose testified that the very people he carefully chose and cultivated, and who admitted that they had conducted, maintained and protected his betting on Major League baseball and the Reds, could not be believed because they had been caught, convicted and sentenced for various criminal activities during the period of time they were employed, entertained and promoted by Pete Rose.
- Pete Rose thereby avoids any knowledge of the criminal activities or the obvious fruits of criminal activity by Messrs. Gioiosa and Janszen. This is best illustrated in his testimony when he acknowledged he was aware of the inexplicable improvement in the financial condition of Mr. Gioiosa and stated he heard rumors that Gioiosa was involved in cocaine trafficking. Rose stated that although he raised and cared for Gioiosa, he did not

inquire about Gioiosa's new found wealth because Gioiosa was not "bothering" him.

- Pete Rose befriended Janszen, a recently retired barrel salesman, who Rose acknowledged had unexplained wealth and who was lowering his public profile. Rose made no inquiry of Janszen about the source of his support and unexplained cash; and yet, promoted his memorabilia business.
- Pete Rose testified that he was ignorant of the activities of his companions. His ignorance of their criminal activities allows Rose to use these young men for his own purposes and if they are caught -- claim they are not credible.
- The testimony of Peters, Janszen and Fry has been voluntary and forthright. Each has stood before the bar of justice and engaged in the most painful act of integrity -- the admission of guilt to illegal acts. Each is now paying the debt society imposed for his acts against society. None of them has anything to gain for his voluntary act of cooperation with this investigation.

- Pete Rose claimed that Janszen is a blackmailer and is seeking revenge against Rose and, therefore, is not credible. However, you should consider the following:

First, during an initial meeting with the investigators, Paul Janszen voluntarily disclosed his efforts to collect money from Rose.

Second, Janszen provided his correspondence with Rose's counsel evidencing his efforts to collect from Rose. Nowhere in this correspondence is there an attempt at blackmail by Janszen or a claim of blackmail or denial of Rose's debt by Rose's counsel. Indeed, the letter from Janszen's attorney to Rose's counsel specifying the debt has never been answered by Rose or his attorneys.

Third, Janszen told the investigators about Rose's payment of \$10,000 for Janszen's attorneys' fees in a criminal case in March 1988. Janszen referred to the \$10,000 payment in his letter of January 1989 to Katz demanding payment from Rose.

Fourth, Rose admitted that Janszen was not required to sign a note for the \$10,000.

Fifth, nowhere in their correspondence with Janszen's attorney did Rose's attorneys claim that Janszen owed Rose \$10,000 or any other money.

Sixth, the claim of blackmail arose after Rose was exposed to the evidence during his deposition on April 20 and 21, 1989.

VIII. ACKNOWLEDGMENT

This assignment has been a special privilege and honor for me, my colleagues and the staff of this firm to serve you, Fay Vincent, and the game of baseball. It has been a particular privilege to serve with Kevin Hallinan and Joe Daly, who are honest men and able professionals who have done you and baseball a great service.

The investigation will continue.

Respectfully submitted,

John M. Dowd

May 9, 1989