

# Mistrial Called in Sinclair Pot Trial

Dave Marsh

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Weirdness continued as the State of Michigan suffered another set-back in its attempt to put John Sinclair behind bars.

The White Pahther Minister of Information, accused of possession of marijuana, was granted a mistrial by Recorder's Court Judge Robert Colombo June 25 after he decided that the testimony of an undercover narc was prejudicial.

The testimony concerned dates when Vaghan "Louie" Kapegian visited Sinclair prior to the date of the alleged crime.

RAVITZ: You had not been inside his (Sinclair's) apartment before Dec. 2, 1966, had you?

KAPEGIAN: Yeah, I was up there when they were all smoking marijuana up there.

Ravitz immediately asked that the jury be dismissed and moved for a mistrial on the grounds that Kapegian's answer was "unresponsive, irrelevant, immaterial and obviously prejudicial to the jury." Colombo ruled at the time that the answer was indeed "unresponsive" but that it was not prejudicial and allowed the trial to continue. However, he ordered the remarks stricken from the record.

The trial continued for the rest of the day, but the next morning Colombo announced that he had read some recent court decisions and decided that the remarks were prejudicial and declared the mistrial.

The charges against Sinclair stem from January 1967 when Louie and his narc girl friend, June Mumford, claim John gave them two marijuana cigarettes. He was originally charged with sales as well as possession, but Colombo threw out the first charge ruling that the undercover agents had entrapped Sinclair.

One drawback to the mistrial is that it may give the prosecution, led by an inept assistant prosecutor, Gerard Celensky, a chance to get their case together.

The first day of prosecution was taken up with opening statements by both sides. Ravitz made an impressive speech that even moved one juror to tears.

He pointed out that the prosecution had the burden of proving beyond a reasonable doubt that Sinclair had possessed the so-called narcotics.

Referring to the undercover agents as "scoundrels," he called their investigation a "two-bit FBI game." In short, Ravitz made the narcs sound as inhuman as they actually are.

The counsel for the defense hit hard at the fact that the prosecution claims Kapegian received the drug on December 22, 1966 but it was not until over one month later that the arrest was made. "Louie" (Kapegian) admitted under cross-examination that he had not even mentioned Sinclair giving him marijuana in his write-up of the day's events.

When asked why by Ravitz, Kapegian replied, "Well, I don't write down every little thing that happens in the eight hours I'm on duty." Yet this "little thing" became the basis of the State's case against Sinclair. Funny doings.

Some of Kapegian's testimony bordered on comedy while Ravitz questioned him on his undercover work:

RAVITZ: What did you look like? KAPEGIAN: I grew a beard and long hair and wore dirty clothes.

R: Did you change your style of speech?

K: Yeah.

R: To what?

K: I talked like a hippie.

So the circus called justice is temporarily halted. Sinclair is scheduled for retrial July 21 and the return cast will include such noted clowns as Warner Stringfellow, Detective Lt., Detroit Narcotics Bureau, who is immortalized in John's poetry.

Don't miss the next act.

—from notes by Dave Marsh

# fifth Estate

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