

IN THE COURT OF THE GENERAL SESSIONS  
OF THE PEACE

10

THE QUEEN

VS

JAMES MARSHALL HENDRIX

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---Before: His Honour JUDGE KELLY

---APPEARANCES:

Mr. J. Malone For the Crown  
Mr. J. O'Driscoll QC For the Accused

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Court Room No. 15,  
Court House,  
University Avenue, Toronto.

December 8th and 9th, 1969.

EVIDENCE OF JAMES MARSHALL HENDRIX  
AND SHARON LAWRENCE.

40

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DECEMBER 8TH, 1969.

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JAMES MARSHALL HENDRIX, Sworn.

DIRECT EXAMINATION BY MR. O'DRISCOLL:

- 10 Q. Mr. Hendrix, where do you live?  
A. In New York City.
- Q. And how old are you?  
A. Twenty seven.
- Q. Are you married or single?  
A. Single.
- Q. Where were you born?  
A. Seattle, Washington.
- Q. Have you ever been convicted of  
a criminal offence, Mr. Hendrix? A. No.
- Q. You have told the Court that you  
were born in Seattle, Washington. Do you know how  
long you lived there? A. Approximately, about  
20 ten years.
- Q. Where did you move to then?  
A. I was living in Vancouver, British Columbia and  
California - Northern California.
- Q. Did you eventually go back to  
Seattle, Washington? A. Yes.
- Q. Did you then go into the American  
Army? A. Yes.
- Q. Do you recall what year that was?  
A. No.
- Q. How long were you there?  
30 A. Approximately, about eighteen months.
- Q. You were discharged? A. Yes.
- Q. For what reason? A. For medical  
reasons.
- Q. Did you have any kind of injury?  
A. Yes. I hurt my back.
- Q. How did you hurt your back?  
A. I was in the First Airborne Unit. I made a jump  
and I landed wrong.
- Q. Were you outside the United States  
while you were a member of the United States Army?  
40 A. We had a few exercises in the Phillipines and in  
Germany.
- Q. After your discharge from the Army...  
Would this be... what - about '62, in about then?  
A. Yes That's correct.
- Q. What did you do then? A. I  
started playing all over the States, travelling with  
different groups, playing guitar, different bands and  
different names.

Q. And for up until what time did you do that? A. Around '65; up until '65.

Q. And what happened in 1965? A. I settled in the Village.

Q. When you say "the Village", you mean where? A. Greenwich Village in New York City.

Q. And did you start a group of your own at this time? A. Yes.

10 Q. And how long did you stay playing in Greenwich Village? A. For about a year.

Q. Where did you go then? A. Then I went to England to form another group of my own.

Q. And did certain people take you to England? A. Yes

Q. Who were they? A. James Chandler and Michael Jeffries.

Q. And what was the group you formed when you got to England? A. It was called The Jimi Hendrix Experience.

20 Q. And how many members were there in this group? A. There were three of us.

Q. There was you; you play the guitar and also sing? A. Yes. And there was a bass player and a drummer.

Q. And after going to England, did you stay in England or did you go to other places? A. We travelled throughout Europe - Sweden - and finally we came to America, I believe in 1967, early 1967.

30 Q. You came back to the States in '67? A. I think it was '67. I am not sure.

Q. When you came back to the United States what type of work did you do in the music field? A. We played concert tours all over the States.

Q. Perhaps, for my benefit, at any rate, when you say "concert tour", what does this consist of? A. You play different one night stands in different cities every night. Say about four or five cities, then you rest two or three days and I guess we do about thirty cities a tour.

40 Q. And can you tell us, do you know in these appearances, how many people you would be playing to each time you performed? A. I would say anywhere between five, ten and twenty thousand.

Q. Were your musical endeavours confined to tours, or did you do other things in the music world as well? A. We did a few guest spots on T.V.

Q. Can you give me an example of --- A. We did Johnny Carson and we did Dick Cavett.

Q. What about records? A. We made four L.P's., long playing records, and I am not sure how many singles were released in America - I would say about eight.

Q. Did the L.P's. go over? A. We had four gold records for the L.P's.

Q. What does that mean? A. It means they sell a million copies or more for each record.

10 Q. Now, can you tell me, Mr. Hendrix, what perhaps some know, perhaps some don't, but what kind of music do you call this; what do you classify it as? A. I classify it as electronic blues.

Q. And this consists of you and your bass player and your drummer, and I think all of you sing on occasion, do you? A. On occasion.

Q. Did you receive some award in England in 1968? A. Yes. We received a few awards.

20 Q. Did you, yourself, receive one? A. Yes.

Q. What was that? A. I can't remember.

Q. Something to do with playing the guitar? A. I think so.

Q. Did you receive something like that in the United States in 1969 as well? A. Yes. A. few of them, yes.

30 Q. Now, I don't want to prolong this, but do I gather you have been the subject matter of articles in various national magazines from time to time? A. From time to time, yes.

Q. Now, as you stand before His Honour and the Gentlemen of the Jury today you are -- the clothes that you have on now, are they the usual type of clothing that you wear when you are on tour?

A. Not when we are actually playing on stage. When we are performing we have our stage clothes.

40 Q. There has been evidence from some of the Crown witnesses that when you were at Malton Airport on May 3rd, you had - what do you call it ... a head band and other things that they could not remember. A. Yes.

Q. Is that your usual mode of attire? A. Yes. It is sometimes, because - like ... I don't know. I guess it is.

Q. All right. And there has been some mention of such things as rings and pendants and scarves and belts, and this sort of thing. Do you usually wear one or more of these? A. Yes.

Q. Can you tell His Honour and the

Gentlemen of the Jury - let's talk about the scarves for a moment. Can you tell us where these came from? A. Most of them are given to us.

Q. Given to you? A. Yes. The same with the rings and trinkets and jewellery.

Q. Given to you by whom? A. By are fans.

Q. Now, are they wrapped in boxes and arrive at your hotel, or how do they arrive?

10 A. They arrive all ways. Sometimes we are on stage and a lot of things are thrown on stage, like toys and teddy bears; sometimes we are going through crowds and they put things like scarves around our necks and in our hotel rooms we receive many things, many gifts.

Q. What do you do with these things? A. We keep them.

Q. When you would return from a tour, can you tell His Honour and the Gentlemen of the Jury how much you would have collected in this manner? A. Probably fill up a big bag, because there are so many things you get. I had a big teddy-bear, about this size (indicating) one time. Millions of things; a bus load.

20 Q. When you go on a tour, which you have already mentioned, I gather you don't travel by yourself? A. No.

Q. Can you tell us how many people would be in the group that travel? A. Not including us three that is actually playing, there must be about six, at least six other people, in our party, that is.

30 Q. Who are they? A. We have accountants, road managers and electricians, equipment men, promoters, record company representatives...

Q. Do they travel with you for the whole tour? A. Yes.

Q. Would you tell us about the equipment that goes with you for your performance?

A. What do you mean? Do you mean the size, or what kind?

Q. What equipment do you take with you? Do you take a guitar and that's all?

40 A. I think we take about 3,700 lbs. worth of equipment - that is the amplifiers alone. Then we have our separate P.A. equipment, you know, the microphones; that is about 1,100 pounds.

Q. Plus your guitars? A. Yes.

Q. Plus your personal baggage and so on. Is that right? A. Yes.

Q. And these people who travel with you in the group, are they employees of yours, or who are they? A. Yes. They are employees.

Q. Have they been with you a long time?  
A. Yes, they have. Ever since we began, three years ago.

Q. Can you tell us, Mr. Hendrix, on one of these tours, when you check into a hotel, what happens; is it all peace and tranquillity, or what happens?  
A. No, it is not peace. There are always a lot of people around, sometimes - a lot of fans, outside and in the lobby and even through the halls.

Q. Without any insults to anyone, can you perhaps guess as to what age bracket you are talking about when you talk about fans?  
A. Well, I could say from about thirteen to thirty five, not counting mother and fathers that bring their kids for autographs and pictures.

Q. And I think you have already told us that these gifts that are handed to you - however they are put to you, either dropped or handed or thrown, you keep them?  
A. Yes. Most of them we keep, yes.

Q. Is there any reason you do that?  
A. Well, it is just being gracious, you know. If a fan gives you something it's a very good feeling. They are the ones that support us; they are the ones that buy our records, so there's no harm done to receive a gift from a fan or a friend.

Q. Now, during the course of a tour, is it part of the whole situation that you see people when you are not on stage?  
A. I didn't understand.

Q. You have to see people, talk to people?  
A. Yes.

Q. Who are they?  
A. We have interviews and press conferences, press receptions and so forth and so on.

Q. Where do these take place?  
A. Most of the time in the hotel rooms, or either back stage at the auditorium.

Q. And is there any relationship between the privacy you get in the size of the city you go to?  
A. Quite naturally, in the big cities there are always more people there, running around through the halls and lobbies and back stage.

Q. As far as the hotel, is it confined to the lobby, the people coming?  
A. No. Like I said before, they are in the hall sometimes, even in the rooms and on the streets.

Q. Now, on Saturday, May 3rd, last, you arrived at Malton Airport by airplane?  
A. Yes.

Q. And you came from where?  
A. What date was that?

Q. This is the Saturday, May 3rd;  
the day this incident happened that we are talking  
about. A. We came in from Detroit.

Q. And you came in by airplane? A. Yes.

Q. And who came with you, or do you  
recall? A. The regular troupe, you know. There's  
the drummer and the bass player and the six or seven  
other people.

10 Q. And had you played in Detroit before  
coming here? A. Yes.

Q. When was that? A. I believe it  
was the night before.

Q. And do you know where you had been  
prior to going to Detroit? A. The night before  
that we was in Los Angeles.

Q. You had come from Los Angeles to  
Detroit? A. Yes.

Q. Now, when you had been in Los Angeles,  
do you know where you had been staying? A. The  
Beverly Rodeo Hotel.

20 Q. And where is that situated?  
A. It is in Beverly Hills, California.

Q. And Beverly Hills is where, in regard  
to Los Angeles? A. It is a part of Los Angeles.

Q. Were you and all your group staying  
there? A. Yes.

MR. O'DRISCOLL: Now perhaps, with Your  
Honour's permission, this might be a place to stop

30 ---Whereupon His Honour instructed the Jury, and  
following discussion in the absence of the Jury  
Court was adjourned.

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DECEMBER 9TH, 1969

CONTINUED DIRECT EXAMINATION BY MR. O'DRISCOLL:

40 Q. Mr. Hendrix, what education do you  
have? A. Up to eleventh grade.

Q. Now, when the Court rose yesterday  
afternoon, I believe we had reached the point where  
we discussed the matter that you arrived at Malton -  
Toronto International Airport at Malton, on Saturday,  
May 3rd, 1969 at about 2:00 p.m. I think you told  
His Honour and the Gentlemen\* of the Jury you came to  
Toronto from Detroit. Is that correct? A. Yes.



Q. And that you came with others of your group; that is, those who play in the group with you, plus the others of your road tour group, the road manager and accountant and so forth, and I think you had also told us that you had played a concert in Detroit the night before, which was May 2nd. Is that correct? A. Yes.

THE COURT: Excuse me ...

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THE CLERK OF THE COURT: Are there any witnesses in the Courtroom? All witnesses are excluded.

BY MR. O'DRISCOLL: Q. Now, prior to playing in Detroit, your concert in Detroit, do you remember where you had last played a concert? A. I think it was in Los Angeles. I think it was Los Angeles.

20

Q. Do you remember the date? A. I really can't remember off hand.

Q. Now, you told us that you played Detroit on the evening of May 2nd. Do you remember when you came to Detroit? A. Could you repeat that, please?

Q. Do you remember when you got to Detroit? A. Yes.

Q. When was that? A. I think it was the 2nd May.

Q. Was that the same day as you played in the evening in Detroit? A. Yes.

30

Q. And you had come to Detroit from where? A. From Los Angeles.

Q. I see, and where were you staying in Los Angeles? A. We stayed at an hotel called The Beverly Rodeo Hotel.

Q. Which is situated where? A. In Beverly Hills.

Q. California? A. Yes.

Q. Now, do you recall, Mr. Hendrix, what time your concert started and what time it finished in Detroit? A. I don't recall off hand the exact time it started. I believe it finished at

40

twelve. It may have started at about eight or nine.

Q. And did you go to bed right after the concert, or do you recall? A. I guess I went to bed about two o'clock.

Q. Do you remember what time you got up in the morning? A. Not exactly. It must have been ...

Q. We have been told that the plane

arrived at Malton at about two o'clock. A. Yes. That's true.

Q. Now, at this point, May 2nd and 3rd of this year, were you just starting a tour or were you in the middle of one, or were you just ending, or do you recall? A. It was in the middle.

Q. In the middle of a tour? A. Yes.

Q. Now, when you got off the 'plane did you get off alone or with some of your group?

10 A. No. We got off with the regular people that we work with. We got off with them.

Q. And do you remember at all, or in any detail, how you were dressed at that time?

A. It was what they call conspicuous, I guess.

Q. Conspicuous. Not like you are today? A. No.

Q. All right. Do you recall what luggage or what baggage you had with you? A. I think I had about five pieces in all, five pieces of luggage.

20 Q. Do you remember any description of them? A. There was about two or three zip suitcases and, I think, two airline bags.

Q. Two airline bags? A. Yes.

Q. Mr. Registrar, may I see Exhibit 4? Now, you say "airline bags", you mean something like Exhibit 4, which I have in my hand? A. Yes.

Q. You believe you had two of these? A. Yes.

Q. And you had two, what you would call suitcases? A. Yes. They were zip suitcases.

30 Q. This Exhibit 4, which I have, has on it "United", blue and white, and it also has "Hawaii" on it. Is that correct? A. I guess so. I take your word for it. Yes.

Q. It is on both sides. A. Yes.

Q. Now, this Exhibit 4, do you recall whether this was checked or whether you were carrying it? A. I don't understand the question.

Q. Had you checked this through or were you carrying this on the 'plane with you? Did you carry it on the 'plane and off the 'plane, or do you recall? A. Well, I was carrying a couple of bags on the 'plane. I don't know if that was one of them. I believe I was carrying one similar to that.

40 Q. And after you got off the airplane and you walked ---

THE COURT: Just a moment. I am not too sure of this. You say "one similar to that", do you mean not that one, or one similar, or do you mean it could

have been that one? Which do you mean?

THE WITNESS: I can't remember, but I was carrying approximately two bags.

THE COURT: Go ahead.

10 BY MR. O'DRISCOLL: Q. You got off the airplane and you walked in to the building and I assume you went up the escalator and so forth, and did you get to the Customs area? A. Yes.

Q. And what, if anything, did you do with regard to the baggage that you were not carrying? A. I went to the baggage claim and got the bags that were -- the bags from there, and took it to the Customs area. Then I started carrying the bags to the counter and set them on the counter, so I set that one on there first ---

20 Q. You are referring to Exhibit 4? A. Yes.

Q. You set this one on the counter ---? A. First, and I went back to get the other ones. By the time I got back to the counter the Customs Officer was in the bag. He had a bottle in his hand by the time I got back.

Q. I see, Mr. Hendrix, this closes up by a zip? A. Zipper.

Q. There is no lock to fasten it in any way? A. No.

30 Q. You say the Customs Officer had a bottle in his hand. Do you recall what the bottle was like? A. Yes. It was like the one you have in your hand.

Q. You are referring to Exhibit No. 1? A. Yes.

Q. What did the Customs Officer do with Exhibit 1? A. He was unscrewing the cap and he poured the contents out in his hand - little packets.

Q. Did he show you the contents? A. Yes. He showed them to me, but as he was showing them to me he was asking "What's this?"

40 Q. I show you the contents of the envelope marked as Exhibit 2, which we have been told were in this bottle. Is that what he showed to you? A. Yes.

Q. What, if anything, did you reply to him? A. When he said "What's this?", I said "I really don't know what it is. I believe somebody must have given it to me". Something similar to that.

Q. Right. Can you tell us what happened.

then? A. Then he asked me over again and I kept saying "No". By this time one of his colleagues came around and asked what was going on or something and he said "Do you think I should hold this?" --- I don't know. I can't remember exact words.

10 Q. Yes? A. And I was just standing there waiting on these things, and they took me around to a room, as somebody else was searching my bags. They took me and my bags to another room and they searched me there and kept asking me what they were and I kept telling them "I don't know; I don't know". By the time I got to the room I said "I don't know. It might be Bromo-Seltzer", and he pulled out a tube and pulled out some type of comb.

Q. Now, you say a tube. I show you what has been marked as Exhibit No. 3, an aluminum or stainless steel tube, with a black tip on the end of it. A. Yes. This is it.

20 Q. Now, the Officer has told us that Exhibit 3, this tube, was found in this same bag, Exhibit No. 4. Is that --- A. Yes. It was found in the same bag.

Q. Now, looking in Exhibit 4, I find this; do you know what that is? A. No, I don't. It was given to me also.

THE COURT: When?

30 THE WITNESS: I can't remember the exact date, now.

THE COURT: Did you know it was there?

THE WITNESS: Mes, I knew it was there, yes.

BY MR. O'DRISCOLL: Q. Now, looking in this Exhibit No. 4, Mr. Hendrix, we find --- A. Yes

Q. A spray. And we find a bottle of... What is that? A. It is for hair.

40 Q. We have also produced this, which you say you don't know what it is, somebody gave it to you. We also find in there ... What is that? A. It is a cream shampoo.

Q. Cream shampoo. We find another bottle. Do you know what that is? A. Those are Vitamin C pills.

Q. We find this. It is a .... What do you call this - a pocket book, entitled "You can Change Your Life Through Psychic Power", Jo Anne Chase as told

to Constance Moon. Is that yours? A. It was given to me, yes.

Q. There is also a piece of paper, a purple piece of paper with writing on it. Is that your writing? A. No. It is a letter that was sent to me.

THE COURT: I didn't hear that.

10

THE WITNESS: This is from a letter that was sent to me, Your Honour.

BY MR. O'DRISCOLL: Q. I have a pink bottle. Do you know what that is? A. It is a cream rinse.

Q. Cream rinse. I also find in here a post-card. Where is that a post-card of? A. It is the entrance of the Beverly Rodeo Hotel. You mean the picture?

20

Q. Yes. The entrance of the Beverly Rodeo Hotel. Is that the hotel you have spoken about earlier? A. Yes.

Q. There is writing on the back. Do you know whose writing that is? A. It is mine.

Q. It is yours? A. Yes.

Q. There is also a picture of a young child. A. Yes.

Q. Do you know who that is? A. Yes.

Q. We also find in the bottom, this. What is this? A. That was given to me also. It was from some Hell's Angel jacket or something. I don't know.

30

Q. And I also find in the bottom of the bag an American ten cent piece and two American one cent pieces.

MR. MALONE: Would you mind just leaving it out?

MR. O'DRISCOLL: Yes. I am sorry.

40

Q. Now, we have also heard, Mr. Hendrix, about a tile. Did the Officers find a piece of tile? A. Yes. They found it in my pocket.

Q. Found a piece of tile in your pocket? A. Yes.

Q. And do you know what that was? Can you tell His Honour and the Gentlemen of the Jury what that tile was? A. It is a piece of tile to stick a piece of incense in and you stick it on the mantle piece or anywhere you want it, and it gives off a fragrance. It has a little hole all the way through it.

Q. And did the Officers seize that,  
as well? A. Yes.

Q. My Friend has produced, Your Honour,  
a brown envelope. Inside I find a tile. Is that the  
tile in question? A. Yes.

THE COURT: May I see it, please. A tile like  
you might use in a bathroom wall; is that the type?

10 BY MR. O'DRISCOLL: Q. A ceramic tile. Is  
that right? A. Yes.

Q. This tile was wrapped in paper, I  
presume.

Your Honour, may I have the envelope - the  
brown envelope with the tile inside, marked as an  
exhibit, number 7?

THE COURT: I presume it didn't have the  
Scotch tape around it?

20

THE WITNESS: No, it didn't.

EXHIBIT NO: 7: Envelope containing  
ceramic tile.

30 MR. O'DRISCOLL: Your Honour, My Friend has  
produced to me a Certificate of Analysis, which I would  
ask to be marked as the next exhibit, with regard to  
this piece of tile, as analysed by the Dominion  
Analyst and found to contain no narcotic.

THE COURT: Just a moment. How relevant is  
this?

MR. MALONE: Your Honour, I didn't think it was  
too relevant and I didn't put it in. It is not  
properly introduced now, of course, but I am quite  
agreeable to have My Friend introduce it.

40

THE COURT: If it is done by agreement, then  
there is no problem.

MR. O'DRISCOLL: I do believe, Your Honour,  
if I am not mistaken, that the RCMP Officer yesterday,  
during the course of his evidence, mentioned one of  
the things that was seized was a piece of tile from  
his pocket.

THE COURT: Yes. He did say that.

MR. O'DRISCOLL: Might the certificate be Exhibit 8, Your Honour?

THE COURT: Yes.

EXHIBIT NO: 8: Certificate of Dominion Analyst relating to Exhibit 7.

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BY MR O'DRISCOLL: Q. Now, Mr. Hendrix, this room in the Beverly Rodeo Hotel in Beverly Hills, California. Can you describe this room to us?  
A. It was a small room. As you walk in, to your right there is a closet and about two feet of wall, and then there is a bed and straight ahead is a couch. To your left there is a T.V. and bathroom and straight ahead, behind the couch, is windows. There is a very small hallway - a small little hall passage.

20

Q. Now, looking at Exhibit 1 and the contents of it, Exhibit 2, do you know where they came from?  
A. As far as I can remember it came from a girl that handed it to me.

Q. Let's go back. Where were you at this time?  
A. I was in my hotel room.

Q. Where?  
A. In Beverly Hills. It was crowded with a lot of people there.

30

Q. What day was this - or what month are we talking about?  
A. Let's see, what day was it? It was the day before we left Los Angeles going to Detroit.

Q. The day you left Los Angeles for where?  
A. For Detroit.

Q. All right. You have told us that you got to Detroit - you performed in Detroit on the second, and you got there on the second. So the day before, is that - what, the first of May?  
A. The day before we went to Detroit. I don't know what day it was.

40

Q. All right. The day before you went to Detroit. Can you tell us what time of day we are talking about?  
A. This was about the early evening.

Q. And where were you?  
A. I was in my hotel room. I was doing some interviews.

Q. Were you alone?  
A. No, I was not. There were a lot of people there.

Q. Do you recall any person in that room by name?  
A. Yes. There was one person there - she was doing an interview with me, her name is Sharon

Lawrence.

10 Q. Now, can you tell us what your physical situation was at the time; how were you feeling? A. I didn't feel very good at all. There were so many people there and I had an upset stomach, plus I was trying to be nice to everybody, you know, and I just didn't feel very good at all. I wanted to see if I could get rid of everybody in the most polite way possible, so I could be to myself, and Sharon and I was doing an interview together and I made it known that I didn't feel so good. I asked everybody politely to leave - the door was open and everybody was coming in and out, the usual scene in hotels.

Q. The door was open? A. The door was open, yes.

20 Q. And did anything happen? A. Like I said before, I was trying to get rid of everybody and I think I told Sharon, and somebody said "Maybe you might need a Bromo-seltzer" and at the same time there was a girl at the door, she stepped in and handed me this bottle and said "Maybe this might make you feel better", and I said "Thank you very much". I didn't study the bottle, I didn't look at it too much. I threw it in my bag.

Q. Just a moment. You say what you received from this girl - can you tell us what you received from her? A. Yes. The bottle in your hand.

30 Q. You received this from her? A. Yes. in

Q. Was there anything/it? A. I really couldn't say. I didn't look in it. I just received it as a gift and I was trying to be nice.

Q. What did you do with it? A. I threw it in my bag.

Q. Where was your bag? A. It was behind me. I had the bags laying on the floor, all packed up with the zippers open. I had them laying there and I said "Thank you very much, but I really must get some rest".

40 Q. You put it in the bag? A. Right.

Q. Did you unscrew the top or examine the contents? A. No, I didn't.

Q. Talking about receiving things; did you receive anything else at that time from anybody else? A. Oh, yes. I received, I believe, a box of candy... You mean that same day?

Q. Yes. A. Yes. I believe it was a box of candy and -- I don't know, other things. Maybe a book or something. I can't remember. I really



can't remember.

Q. All right. Now, after this happened, did everyone stay or did everyone leave, or what happened? A. No. Eventually everyone left, because I guess they finally picked up on how I was feeling. I didn't mean to be rude, but I was a bit rude when I threw the bottle in the bag. So - like, everybody was gradually leaving then. After they left I laid down and took a nap.

10

Q. You told us about tossing this in the bag that evening. Can you recall, was the bag empty or were there other things in the bag at the time?

A. There was other things in the bag. It was almost filled with things.

Q. You were leaving next day for Detroit?

A. Yes.

Q. Now, I gather from what you have told us, that the zipper on the bag was open and you threw it in the bag. A. Yes.

20

Q. What next did you have to do with this bag? A. Nothing, except the morning that we was going to leave - I had another bag in the bathroom, so I put all the toilet articles in there. Everything was all packed and everything, all I would have to do was zip everything up and the bags would be taken downstairs to the car to go to the airport. so there was nothing else I did with that bag, except zip it up, either that night or the next morning, I can't remember.

Q. And you took this bag with you to Detroit? A. Yes.

30

Q. Do you recall, or do you know, or do you remember what, if anything, you did with this bag while you were in Detroit? A. I just put all my bags in the closet. We were only there for one performance so there was nothing I needed, except the toilet article bag I had. I had another bag, too.

Q. Did you have occasion to go into this bag? A. No, not at all. I didn't need to.

Q. When was the next time that this bag was opened? A. The next time was at the airport here in Toronto.

40

Q. All right. Now, let's look at Exhibit No. 3, this tube. The Customs Officers have told this Court that they also found this tube in Exhibit No. 4, together with Exhibit No. 1 and its contents, Exhibit No. 2. What can you tell His Honour and the Gentlemen of the Jury as to where this came from? A. I believe it must have been given to me too. It was given to me.

Q. It was given to you? A. Yes.

Q. Did you ever, in any way, use this?  
A. No.

Q. We have heard, and you have been in Court and have heard, that there were traces of hashish found on the inside of this tube. A. Yes.

Q. Were you aware of that? A. No, I was not.

10 Q. Do you know when and how and by whom this Exhibit No. 3 got into Exhibit 4, the bag?  
A. I really can't remember - you know. It was given to me, so I guess I threw it into the bag. I don't know when I got it - it must have been on the West Coast during the six days we was out there. I think it might have been at Oakland.

Q. Did you notice anything about the tube; anything about the inside of the tube? A. You mean when I received it - like, when I got it?

Q. Yes. A. No.

Q. Or at any time? A. No.

20 Q. Mr. Hendrix, you have told us you receive gifts. Do you get anything that might be called extraordinary types of gifts? A. Yes. We get all kinds of gifts.

Q. Such as what? A. I received a few paintings that was very big - about like this (indicating), and we have received teddy bears and even pieces of string, yarn ---

Q. Yarn? A. Yes. We get everything; fountain pens, scarves.

30 Q. Now, just tell me this; at what locations are you when you receive these things?  
A. It doesn't make any difference. You know, you can be at the airport to receive anything; you can be in the hotel lobby; you can be on stage, in the hotel room, in the hallways, in your dressing room - anywhere. Anywhere you might be seen.

Q. The day that this happened at Malton Airport, I gather from what Customs Officers have told us, it commenced at about two o'clock, were you eventually arrested? A. Yes.

Q. And were you bailed out? A. Yes. I was bailed out that evening.

40 Q. I see. Did you have a performance in Toronto that evening? A. Yes, we did.

Q. Where? A. The Maple Leaf ... something.

Q. The Maple Leaf Gardens? A. Yes.

Q. What time? A. I really can't remember exactly what time the show started. I think the show started at eight o'clock.

Q. Were you there? A. At eight?  
Q. Were you there for the show?  
A. Oh, yes. We was there for the show, yes.

Q. Do you remember how long, prior  
to the show, you were released on bail? A. Let  
me see -- could you ask that again?

Q. Maybe we will put it around  
another way. From the time the Customs Officers first  
spoke to you until you were free to go, do you know  
10 what period of time went by? A. It must have been -  
I guess it must have been about - almost six hours, I  
guess.

Q. Now, have you ever received - prior  
to what you have told us about - presents which were  
drugs? A. Yes.

Q. Can you tell His Honour and the  
Gentlemen of the Jury in what form they came to you?

A. Well, sometimes we would get packages of  
marihuana, which would be either in cellophane or  
20 tinfoil, or maybe in little cookie packs or a cigarette  
box or something, and they might be rolled up in  
cigarette paper and we receive hashish sometimes in  
blocks or hash cookies or cakes..

Q. Hash cookies? A. Yes.

Q. What do you mean by that?  
A. Hashish that has been crumbled up and mixed in  
with a batter to make some cookies.

Q. And it comes to you in the form of  
cookies? A. That's right. Sometimes cakes.

Q. Cakes as well? A. Yes.. I had  
30 a hash cake for my birthday one time in Ireland. I  
was celebrating my birthday and three or four cakes  
came in and there was one lump like that in the middle  
of a cake as we were cutting it.

Q. Now, what about the mails. Did you  
ever receive anything that way? A. Yes. Well, I  
have received LSD through the mail.

THE COURT: What?

THE WITNESS: LSD, Your Honour, on blotting  
40 paper wrapped in tinfoil, through the mail, from  
France.

BY MR. O'DRISCOLL: Q. Now, can you tell us,  
Mr. Hendrix, have you travelled on tour throughout  
England and Continental Europe? A. Yes.

Q. Any place else, besides the United  
States? A. Yes. All over Canada and the United  
States, all over Europe, England.

Q. I see on Exhibit 4, "Hawaii"  
marked. Have you toured Hawaii? A. Yes. I'm  
sorry. Hawaii, too.

Q. Now, can you tell us, the search  
of your baggage and search of yourself at Malton  
Airport on May 3rd of this year, was that something  
usual or unusual? A. Well, what they did to  
me - the way they searched me was, like, they took  
off my clothes and they went through the bags two  
or three times.

Q. Has that ever happened to you  
before? A. Yes, it has happened before.  
It's happened a few times before.

Q. Where? A. This happened in  
Paris; this happened in America and Canada.

--- Discussion in the absence of the Jury

BY MR. O'DRISCOLL: Q. Mr. Hendrix, I don't  
want to belabour this, but you told us about gifts  
and so forth; do you have anything on right now?

A. Yes. This little trinket around my neck is,  
like, a gift, this bracelet is a gift, these rings  
are gifts. It was given to us one time or another  
across the country as we play our tours.

Q. Now, going back to Malton Airport  
on the afternoon of Saturday, May 3rd, were you  
asked questions by a number of persons during that  
afternoon? A. Yes.

Q. Do you remember approximately by  
how many people you were questioned? A. About  
six people. Six different people.

Q. And do you know who those people  
were? A. I believe about two Customs Officers -  
or three or four, I can't remember. There were two  
Police Officers that asked me questions - there was  
a person from Narcotics, he was asking me questions.  
There was people asking all the time - sometimes at  
the same time.

Q. How long did this go on, Mr.  
Hendrix? A. This went on for about - I guess  
about four hours. I can't remember... About four  
hours.

Q. And do you remember all the  
questions that were asked you? A. I can  
remember some of them, yes.

Q. Do you remember all the answers  
you gave? A. Like, I was tired and everything  
and, you know, we were playing the night before.

I can't remember all the answers. I can't remember the exact words I said on some of the answers.

Q. Do you remember basically what you said?  
A. Yes, I do.

Q. What was that?  
A. I didn't know what they were. I knew the bottle and it's contents was given to me by a girl in California. I don't know if I ---

10 Q. I'm sorry?  
A. I can't remember really - if I was asked - specifically what I said.

Q. All right. Now, have you ever used cocaine?  
A. Yes.

Q. How many times?  
A. Twice.

Q. How did you take it?  
A. I sniffed it.

Q. Have you ever used LSD?  
A. Yes.

Q. How many times?  
A. Five times.

Q. Have you ever used heroin?

A. No.

20 Q. At any time?  
A. No.

Q. Have you ever used hashish?

A. Yes.

Q. How?  
A. We smoke it - I smoked it before, through a pipe.

Q. A pipe?  
A. Yes.

Q. Have you ever used marihuana?

A. Yes.

Q. How?  
A. Within - it is rolled up in cigarette papers, or with a pipe.

30 Q. Have you recently smoked marihuana?  
A. Not recently.

Q. Have you recently smoked hashish?

A. No.

Q. As of the 3rd May, had you smoked hashish or marihuana in or about that time?

A. As of the 3rd May?

Q. Yes. That is the Malton Airport day. Had you smoked marihuana in or about that time?

A. Yes. I believe so,

Q. Where?  
A. I don't remember where.

40 Q. In Canada?  
A. I don't --- No. Not in Canada.

Q. In the United States?  
A. Yes.

Q. California?  
A. Yes. I can't remember... Yes. I think so, yes. I have smoked it before in California.

Q. Now, is there any difference between now and say a couple of years ago, about the

number of times you have smoked marihuana or smoked hashish, the difference between now and then?

A. Yes. There is a difference.

Q. What is the difference? A. I don't smoke it as much.

Q. I see, and why is that, or is there any reason? A. I feel I have outgrown it, you know. It doesn't do like it used to.

Q. I am sorry. I can't hear you.  
10 A. I have outgrown it - hashish.

Q. Now, you were released on bail on Saturday afternoon, and you have already told us you performed at Maple Leaf Gardens on the Saturday night. Where did you go then? A. You mean after Saturday night?

Q. Yes. A. I went back to the hotel to bed.

Q. Did you go somewhere on Sunday?  
A. I think we went to Syracuse.

Q. On the Sunday? A. I can't remember. I think we went to Syracuse the next time we played

Q. Did you come back to Toronto again?  
A. Yes.

Q. When was that? A. That was on the Monday.

Q. Did you appear in Court on the Monday? A. I came back to Toronto to take care of the case.

Q. To go to Court? A. Yes. I suppose so.

Q. Did you come back to Toronto sometime in June? A. Yes.

Q. For the Preliminary Hearing in this case? A. Yes.

Q. And then you have come back again for the trial? A. Yes.

- - - - -

40 CROSS-EXAMINATION BY MR. MALONE:

Q. Mr. Hendrix, you told us this morning, earlier, that you have used marihuana?

A. Yes.

Q. And you have used hashish?

A. Yes.

Q. And you have used LSD? A. Yes.

Q. And on occasion you have tried cocaine?  
A. Right.

Q. What about the amphetamines - speed?  
A. No.

Q. Pardon?  
A. No, no.  
Q. And you denied using heroin?  
A. Yes.

Q. When did you first begin using drugs, Mr. Hendrix?  
A. Which ones do you mean?

Q. Well, any soft drugs, say marihuana, which I think was probably available first.

A. I guess I tried it once about four years ago. I really don't know - I guess about four years ago.

Q. I see. That would be about 1965 - some four years after you started your band?  
A. Four years ago... Before, I guess..

Q. When was it that you got out of the service?  
A. I can't remember the exact date.

Q. Can you remember the year?  
A. It might have been in '63.

Q. Not until '63?  
A. Or '62.

Q. Between say 1962 or 1963 and today, you have earned your livelihood as an entertainer. Is that correct?  
A. Yes.

Q. And would you agree with me that, because of the nature of the work, travelling, and the audiences that you play before, and the places that you play, you would be exposed to what is known as "the drug scene"?  
A. We would be exposed to it, yes.

Q. You would be exposed to it, even if you were not participating?  
A. Yes.

Q. You would become quite knowledgeable as to say the language used and the source of supply and so on?  
A. The language used, yes.

Q. It has kind of a language of its own, hasn't it?  
A. Not really. It's the same English words.

Q. I suppose during your travels and your exposure to the drug elements, that you would know people who used heroin.  
A. I have seen people that used heroin.

Q. And have you seen them use it?  
A. To tell the truth, yes, I have. I have seen a person use it.

Q. On how many occasions?  
A. About two occasions.

Q. I see. Now, I show you Exhibit 2 and the contents of Exhibit 2. These are what are commonly known as "decks" aren't they?  
A. That

is what the Police Officer said to me. That's the first time I heard it. That's the term he used.

Q. When you were exposed to people using heroin, what did their material come in?

A. All I see was the person put the needle into his hand.

Q. You didn't see him prepare it?

A. No.

10 Q. And could you tell me - you saw him put the needle in and inject, but you wouldn't see him prepare? A. No, I wouldn't.

Q. But they all happen at the same time, don't they? A. I really don't know.

Q. And you have already told us that when you use hashish you use a pipe. Is that right?

A. Yes.

Q. And would it be similar to this tube that is before the Court, Exhibit 3? A. No. It would be a pipe.

20 Q. Well, they use all sorts of different paraphernalia, don't they; little brass pipes and tubes and ordinary pipes, for that matter; isn't that so? A. I really don't know.

Q. You don't know? A. I have seen it used with a pipe, for instance.

Q. How many times have you used it yourself? A. I really couldn't tell you how many times.

Q. So many times that you could not remember? A. No.

Q. I beg your pardon? A. No.

30

Q. You cannot even approximate it?

A. I would say about three times.

Q. Only three times? A. I will

say that.

Q. Pardon? A. I will say about

three times.

Q. Well, don't say about three times if that is not the number that you used it. A. I really can't remember.

40 Q. You can't remember. You have told us that some of your fans send you hashish-cookies and hashish cakes and LSD. Is that right? A. Yes, they have.

Q. Why do you suppose they send you this type of material if they don't think you are going to use it? A. Because it is their way of saying -- I don't know. I really can't say. You would have to ask them. I don't know really.

Q. You can't give us any information



at all. A. They send anything. I guess they do expect for us to use it - it has been known.

Q. Would these articles come from complete strangers? A. Yes. Most of them do.

Q. Some of them would come from people that would know you, though? A. Not really. They know us only through our music.

Q. And your reputation, I suppose? A. Well, I will say our music and our reputation. Your musical reputation.

10 A. Yes. Q. Now, just to jump ahead a little - after you were arrested in Toronto you had certain conversations with Customs Officers and Police Officers. Isn't that right? A. Yes.

Q. And then you told my friend that you were released on bail and you went to Syracuse. You returned to Toronto and, at this particular time, you were in the middle of a tour. Is that not so? A. Yes.

20 Q. And you have told us when you are on these tours you go to maybe thirty or so one night stands, various auditoriums and so on. Is that right? A. Yes.

Q. I was struck by the detail that you were able to give us of the hotel room you stayed in in Beverly Hills. Surely you must be in a different one every night, are you not? A. Yes.

30 Q. And does this one stick in the back of your mind for any particular reason? A. Just because I stayed in the hotel before. I used to stay in Los Angeles - I used to live in the hotel the time before.

Q. This girl that you say handed you the bottle that you say was later found to contain heroin, did you know her? A. No.

Q. Would you recognise her if you saw her again? A. Not really, no.

Q. Did you make any attempt to find her after you were charged? A. No, I didn't.

40 Q. Now, relating to Exhibit 3, the pipe, was it the same girl that gave you this pipe with hashish on the end? A. No, I didn't.

Q. No, it is not the same person. A. Not that I know of. Q. So you are suggesting two different people gave you narcotics on or about the same time? A. As I said before, when I received that tube, I didn't know there was anything in it - you know. Somebody gave me the tube approximately about the

same time or within a week of one another.

Q. Well, we are speaking of the tube; you say you got it and you put it in your bag. Is that right? A. Yes.

Q. Well, can you suggest to me any possible use for that - ordinary use? A. A pea-shooter. maybe?

Q. A pea-shooter? A. Yes.

10 Q. Yes, I suppose it could be used for that, but would you normally put pea-shooters in your bag? A. I normally put gifts in my bag.

Q. What would you use that for; why carry it around? A. I don't know. It was a gift; we accept gifts.

Q. And all of these other articles were gifts, or did some of them belong to you? A. This was a gift; this was a gift.

Q. You are indicating the comb and the book? A. Somebody sent that in the mail - this

20 picture. Somebody sent this letter in the mail. I bought this here - this has not been used. I bought that - I bought this, this right here, and I just got this for free at the hotel lobby.

Q. So these are the articles you have indicated you purchased yourself? A. Yes.

Q. Two of the articles do not appear to have been opened and certainly none of the contents have been used - I am referring to the Miracle Oil and the Avocado Cream Shampoo. They don't appear to have been opened. Would you like to open them and take a look? A. Yes. All right.

30 Q. So you must have bought them very recently before your arrest. Isn't that right? A. Right.

Q. Do you recall where you bought them? A. I can't remember. I think it was in the -- It was in Los Angeles... I will say California. Whether either Hollywood or Beverly Hills, I am not sure.

Q. You said that you carried your toilet articles in another bag. A. That's a shaving kit and soap and tooth-brush and tooth-paste.

40 Q. Why would you separate these articles, which appear to be toilet articles, from the other articles? A. Because it was in a brand new bag. These were the things that were in that bag.

Q. When you put them in that bag, did you notice whether or not that little bottle containing the heroin was there? A. No. No, it was not. It wasn't there.

Q. It was not there. You are sure of

that? A. It wasn't there when I bought - I put this in. I think I bought this at the same time, or approximately the same time as the bottle that the person gave me, that was thrown on top of all this stuff.

Q. By yourself? A. Yes.

Q. And this person, whose name we don't know, did she say what it was when she gave it to you? A. No. All she said was "Maybe this will make you feel better".

10

Q. That's all? A. Yes.

Q. And presumably she was a fan of yours. Is that right? A. Yes.

Q. And you are suggesting that fans of yours give you hard narcotics without telling you what it is? A. I really don't know. You know - we had a lot of gifts and they didn't tell us what it is. They say different things here and there when they give it to us.

20

Q. Do you know what the price of a deck of heroin is in the Los Angeles area? A. No.

Q. You have never heard at all? A. No.

Q. Have you any idea how much those three decks would be worth? A. No, I don't.

Q. Now, when you arrived in Toronto - before you got there, you told us that you carried two of the bags on the 'plane with you from Detroit. Right? A. Yes.

30

Q. One of which could have been Exhibit 4. Is that right? A. Yes.

Q. Can you give me an explanation why you would take this bag with this paraphernalia on the 'plane and not check it through? A. Because of all the glassware inside here. If I checked it in the thing below - the baggage carrier, it might have broke, and they don't usually check these - they don't usually put these in the baggage compartment of the 'plane.

40

Q. It wasn't your intention to use any of these things between Detroit and Toronto, I take it? A. Not really. I really can't remember what I was going to do. I just bought some things, and I never used this before, so I just bought it - Avocado Cream Rinse.

Q. And it is a very short flight from Detroit? A. I believe it is less than an hour from Detroit to Toronto.

Q. Had you been to Toronto before this time, Mr. Hendrix? A. Yes.

Q. Can you tell us how many times?

A. At least twice before.

Q. And had you arrived by 'plane?

A. Yes.

Q. Would it be a fair statement to say that, in spite of all the airports that you must go through, that you would be at least familiar with Canadian Customs procedures?  
A. I have heard a lot about it.

10

Q. And would it also be fair to say - while we are on it - that you were treated very fairly by both the Customs Officers and the Police Officers in the course of their investigation?  
A. I was treated - I wasn't man-handled or anything. They were quite polite, weren't they?

A. Yes.

Q. In fact, I even suggest to you, [redacted] them on their

A. Let's see. There was a lot of people coming in - there were at least nine of us and there were a lot of other people, and a Customs Officer, if I remember correctly, waived me down towards the last booth, or the last counter.

Q. And did he process you right at that time?  
A. Like I said, I brought some bags down there - as he was waving me down there I brought some bags with me and I went back to collect some other bags.

10

Q. I suggest to you what happens is if you have hand luggage, you carry that with you, and wait for your other bags to come off the plane.  
A. Yes.

Q. And you pick up all your bags and take them to the Customs counter?  
A. Yes.

Q. And sometimes you have to wait quite a while?  
A. Yes. Sometimes you have to wait.

20

Q. And on this particular occasion you said you put your hand luggage or flight bags on the counter and went back to fetch your other luggage?  
A. Yes.

Q. Where was your other luggage; had it not arrived yet?  
A. If I remember correctly it is a turn-table.

30

Q. That's right.  
A. And if I remember correctly, I picked up all my bags, at least five, and set them down one at a time, or two - I set them down and after they all were off the turn-table I picked up - I think it was this bag and another one, and took them over to the counter and went back to where I left the bags and picked them up to take them to the counter.

Q. As I understand it, it was apparently while you were away getting your other bags that the Customs Officer found this bottle/  
A. Yes.

Q. And when you returned he held it up and said "What is this?"  
A. Yes.

40

Q. And you replied, according to his evidence and you agree with him, "Oh, no. I don't really know what it is. Someone must have put it in my bag". Right?  
A. I said "I really don't know what it is. Someone must have given it to me".

Q. How did you know it was yours?  
A. Pardon?

Q. How did you know where it came from?  
A. Because there was something like this - this was the only bag sitting on the counter, so common sense told me it must have come from this bag.

Q. But spontaneously you acknowledged it came from your bag. When he said "What is this?" you didn't say "Where did you get it?", or anything like that, you said "Someone must have put it in my bag". That is the way I understand all the evidence, Mr. Hendrix - correct me if I am wrong.  
A. That's what I did. I said "I don't really know what it is. Someone must have given it to me".

10 Q. But you didn't, as I understand it, see him take it out of your bag? A. I really can't remember exactly. All I can say is I presumed it came from the bag.

Q. Would you agree with me, in your evidence in chief, you said that while you were away the Customs Officer must have taken it out of your bag and when you returned he showed it to you. Didn't you tell my friend that when he was examining you?  
A. Yes, I think so. I can't ---

Q. So you just assumed it came from your bag?  
A. Yes.

20 Q. The first Customs Official, Officer Wilson, said that he saw this tube in your bag when he made his first examination, but didn't attach any significance to it. Were you present when he searched the bag?  
A. Yes, I was. I was present.

Q. Did you see this tube in your bag when the first search was made?  
A. Yes, I did.

Q. And did it have any significance to you at that time?  
A. No.

30 Q. It didn't, and how much time would you say elapsed between the time that they found the bottle and the time that they found the tube - or when you attached some importance to the tube?  
A. I think it might have been - say, about maybe an hour.

Q. I see. A. I really can't say. I will say half an hour.

40 Q. Had the members of the RCMP or the Metro Drug Squad arrived?  
A. This person that was dressed in an ice hockey - you know, jacket - he was the only person that really started asking me about the tube.

Q. I see. Are you referring to Detective Midgley; do you know him by name?  
A. No. It was another person. He stated he worked on the Narcotics Squad or something.

Q. Now, I show you Exhibit 7. This was found on your person, this piece of ceramic tile, wasn't it?  
A. Yes, it was.

Q. Do you know where you had it?

A. I think I had it in my pocket.

Q. But you don't remember which pocket?  
A. No, I don't.

Q. And it appears to be burnt in the centre. Could you explain that; or have you already explained it?  
A. Yes. I think I have done so.

Q. Could you explain it again, please?  
A. There is still a piece of incense in there. It must have burnt all the way down to the tile itself.

10 Q. And what do you do with this?  
A. I really don't remember. I think I may have put incense in there.

Q. You might have?  
A. Yes. Or it might have been given to me. I had incense in there.

Q. What do you burn incense for?  
A. For the nice smell.

Q. Would you agree with me that, knowing about marihuana users, that it is sometimes used to cover the marihuana smell?  
A. Yes. It is sometimes used for that and for bad kitchen odours.

20 Q. And you really can't recall how that got in your pocket?  
A. No. Someone might have given it to me.

Q. Am I safe in saying it was not for your bad kitchen odours?  
A. No. I don't have a kitchen.

Q. Mr. Hendrix, I realise you have a busy schedule, but after you were released on bail did you do anything to attempt to explain how this material got in your luggage?  
A. I don't understand the question. Could you ask it again, please?

30 Q. You are charged with, I think you will agree, a serious offence and your evidence is you really don't know how it got there or who put it there. Is that right?  
A. That is what I said, yes. That is what I said at first because there was a lot of questions being asked and I vaguely remembered that yellow top. That's all I remembered - that yellow top. At first I said I didn't really know what it was and kept on saying it. After we got inside the search room I started thinking about the yellow top and I must have had it somewhere, so I said it might be Bromo-seltzer.

40 Q. And that wasn't really my question, but I didn't want to interrupt you. What I am interested in is your subsequent conduct; what you did after you were charged. Did you do anything to attempt to explain this away?  
A. I tried to answer the questions.

Q. I appreciate that. Let me put it

it this way: You have told us you made no attempt to find the girl who you say gave this to you. Right? A. Yes.

Q. You did make an attempt, or you didn't? A. No. We didn't make an attempt - I didn't make an attempt myself.

Q. You told us you recall the name of one of the parties that was in the room at the time, one, Sharon Lawrence? A. Yes.

Q. And I understand Sharon Lawrence must be something to do with the media; she was interviewing you? A. Yes.

Q. Could you not have contacted her in an attempt to find out who this person was; did you not think about that? A. Well, I didn't think the person could be found.

Q. Didn't you think it was worth the effort? A. Well, we was working all the time. We was working. When I found out it was heroin I gave up searching for the girl because I didn't think someone....

Q. I didn't hear that. Would you repeat it, please?

THE COURT: Would you repeat what you said? You didn't think someone would give themselves in when they thought it was heroin?

THE WITNESS: Yes.

BY MR. MALONE: Q. That was your only reason, or did you have any other? A. Plus we was travelling and I didn't think it would wind up to be so serious because I didn't know it was there in the first place.

Q. As I understand the evidence, again, Mr. Hendrix, you received this bottle from this unknown female during this hub--bub in your room and you put it in that bag, that just happened to be open there. Is that right? A. Yes. All my bags were open because they were all packed up already and either that night or the next morning I would just zip them up.

Q. And again, as I understand it, when questioned initially about it, you said, "Oh, no. I don't really know what it is. Someone must have put it in my bag". Do you agree with that wording; your wording, I believe, is a little different. A. There was so many things asked and said. I can't deny that I said that, but like, I said before I was tired and I was being asked questions left and right.



Q. Would you agree... Oh, I'm sorry.  
A. During the day I may have said something pertaining to that, but I said, right at the very beginning, you know, someone must have given it to me.

Q. If you did say someone must have put it in your bag, that would not be true, would it, because according to your evidence today you put it in your bag. A. Yes.

10 Q. Can you give us any idea how often you would receive drugs from your fans? A. Most every time that we played at a show, you know.

Q. What would you do with these drugs?  
A. We would throw them away.

Q. How did you know they were drugs?  
A. Most of the time they came in tinfoil or, like I said, cellophane packets, and you could see, or they came rolled in cigarette paper.

Q. You would probably agree with me that marihuana and hashish are quite easily identifiable, aren't they, just by looking at them? A. Yes.

20 Q. But ESD is not, is it? A. Not really.

Q. It is hard to tell. You see a pill there, it could be anything, couldn't it?  
A. Most of the pills we got were wrapped in tinfoil and in a little vial, or something.

Q. Would you get these anonymously?  
A. I don't know the names of the people that gave these to us.

30 Q. Would people sign their names to letters they would enclose with these drugs?  
A. They might put down Bob or Joe.

Q. Well, that wouldn't mean much, would it? It might just as well be anonymous. A. I suppose so.

Q. Did you ever complain to the police about people sending you drugs? A. No.

40 Q. You just accepted it as one of the things you had to contend with in your business, did you? A. I guess there are times we might have mentioned it to some of the people hanging around - I mean police around the dressing room, and asked them not to let people in.

Q. But, other than that, did you take any preventive measures? Obviously this practice could get you into trouble, if this practice got you into this trouble. A. We tried a lot of things. We just threw them away. That's all I can say.

Q. Nevertheless, you would be in at least momentary possession of these drugs, wouldn't

you? A. If we could see their presence in -- they might be like that, we would say no, thank you - "I am not into that", and sometimes they might give you packets and you open up the packets....

Q. And this, you say, happens every place you go? A. Yes. About every place we go. Every place we play; all the major cities, especially.

Q. And what would be the quantity you would get of say marihuana or hashish? A. Maybe one cigarette, maybe two or three.

Q. Just small bits? A. Or maybe a bag of it. A small little cellophane bag or something.

--- Discussion in the absence of the Jury,  
followed by luncheon recess.

CONTINUED CROSS-EXAMINATION BY MR. MALONE

Q. Mr. Hendrix, without reviewing all of the evidence that you gave this morning, without reviewing any of it, are you absolutely certain that this bottle came into your possession in Los Angeles, or could it have been Detroit, San Francisco, or elsewhere? A. It certainly came in Los Angeles.

Q. Are you certain as to when it came into your possession? That is, could it have been - I gathered from your evidence that it was approximately three days, is that right, before it was discovered? A. That's right.

Q. Could it have been longer, or could it have been shorter? A. I am pretty sure that it was the night before we left Los Angeles. I am sure about that

Q. How can you be sure it was the same bottle? A. Well, I guess I couldn't be. I presume it is the same bottle. It looks the same bottle, the yellow top, like I said before, and I vaguely remember seeing packets inside it the first time I seen it.

Q. But you cannot be sure that it is the same bottle? A. All I can say is I am pretty sure it is.

Q. But if you can't be certain it is the same bottle, then I suggest to you the bottle we are dealing with could have got into your bag earlier or later, or in a different area than you have told us about. A. All I can say is it resembles the

bottle I threw in the bag the night before we left.

Q. When you were talking to the Police Officers and the Customs Officials after your apprehension, were you certain then it was in Los Angeles that you received this bottle, or was there some doubt in your mind at that time?

10 A. I was not completely certain, but I knew I had seen it somewhere. I had a feeling I had seen it somewhere before by recognising the yellow top.

Q. So would it be fair to say that when you were talking to those Police Officers you were not certain exactly where you got it?

A. Well, I was very nervous and tired and at first when they asked me questions I was very nervous.

Q. You have admitted to us that they were very polite - that you actually commended them upon their conduct at one time during the afternoon or evening. Isn't that right?

20 A. That's right.

Q. You have also indicated to us that for the past number of years you have entertained and played before tens of thousands of people. Isn't that right? A. Yes.

Q. Why would you be nervous then? A. I am always nervous, especially going through Customs and being checked and being stripped.

Q. I am sure it was very unpleasant; nobody likes to have that happen, but are you suggesting your nervousness at that time in some way affected your memory? A. No. All I can say is I was not very relaxed. I was not thinking too much of what I was saying. I don't know exactly.

Q. Would it be fair to say then that later you became more certain as to where you got this bottle? A. Yes, I did, because I was settling down later and I seen how serious they were.

Q. You had to search your memory then, did you? A. Yes. I had a chance to.

Q. But the evidence is you were at Malton International Airport for some three hours approximately. Isn't that correct? A. Yes. Three or four hours.

Q. And during these three or four hours you could not be certain just where you got the bottle? A. Like I said before, I vaguely remember seeing the bottle by recognising the yellow top.

Q. So at that time you vaguely remembered, and now you are certain, is that it?  
A. Yes. I had time to think about it in more comfortable ---

MR. MALONE: Thank you, Mr. Hendrix.

THE COURT: Do you have any other questions, Mr. O'Driscoll?

MR. O'DRISCOLL: Thank you, Your Honour.

RE-EXAMINATION BY MR. O'DRISCOLL

Q. Mr. Hendrix, Mr. Malone asked you this morning about an itinerary and had you had a chance to look it up. Have you had a chance to look into the different places, in or about that time, where you were?  
A. I'm sorry. I have forgotten.

Q. Do you have a piece of paper to that effect?  
A. I think so. I might have one.

Q. Do you have it in your pocket?  
A. I might. Do you want me to check?

Q. Would you look?  
A. I don't think I do. I left it in my overcoat pocket.

THE COURT: Is it important to you, Mr. O'Driscoll?

MR. O'DRISCOLL: Well, it was just as to names of cities in the last part of April and the first few days of May.

THE COURT: If he says he has it in his overcoat and you are interested in finding it, I am sure there is no problem.

MR. MALONE: If my friend has a copy of it in his file, Your Honour, I have no objection to him showing it to the witness so that he may refresh his memory.

BY MR. O'DRISCOLL: Q. I am showing you a piece of paper, Mr. Hendrix. Do you recognise that piece of paper, or what is stated on that piece of paper?  
A. Yes.

Q. What does it say?  
A. It says:

"April 26th Los Angeles Forum  
April 27th Oakland Coliseum

"May 2nd Cobo Hall, Detroit.  
May 3rd Maple Leaf Gardens,  
Toronto"

MR. O'DRISCOLL: Might I have this as an exhibit, Your Honour.

THE COURT: Who made it?

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THE WITNESS: It was from our office, Your Honour.

THE COURT: Do you care one way or the other, Mr. Malone?

MR. MALONE: No. I was just enquiring from my friend, Your Honour - I was a little confused about the itinerary, but I have no objection to it being filed.

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CLERK OF THE COURT: Might it be Exhibit 9, Your Honour?

THE COURT: Yes. Exhibit 9

EXHIBIT NO: 9 Itinerary.

MR. O'DRISCOLL: I have no further questions

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