

S W O R N S T A T E M E N T

OF

G E R A L D P I P E S G U I C E

* * * * *

IN THE MATTER OF THE
ILLEGAL ABDUCTION OF
ASHTON R. O'DWYER,
JR., FROM THE
PREMISES LOCATED AT
6034 ST. CHARLES
AVENUE, NEW ORLEANS,
LOUISIANA 70118, AT
1205 HOURS ON TUESDAY,
SEPTEMBER 20, 2005

COPY

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Sworn Statement of GERALD PIPES
GUICE, 5914 Hurst Street, New Orleans,
Louisiana 70115, taken in the
above-entitled matter, held at 6034 St.
Charles Avenue, New Orleans, Louisiana
70118, commencing at 1:00 p.m., on
Friday, the 4th day of November, 2005.

APPEARANCES:

LAW OFFICES OF ASHTON R. O'DWYER,
JR., L.L.C.
(By: Ashton R. O'Dwyer, Jr.,
Esquire)
One Canal Place
Suite 2670
New Orleans, Louisiana 70130

REPORTED BY:

KATHY ELLSWORTH SHAW, CCR, RPR
Certified Court Reporter
(No. 049519)
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Curren-Landrieu, L.L.C.
Certified Court Reporters
(504) 833-3330

HAROLD J. GAGNET,

1
2 after having been first duly sworn by
3 the above-mentioned Certified Court
4 Reporter, was examined and testified as
5 follows:

6 EXAMINATION BY MR. O'DWYER:

7 Q. Good afternoon. I am Ashton
8 O'Dwyer, and I would like to ask you
9 some questions about what transpired on
10 the evening of Monday, September 19,
11 2005, and then very early on the morning
12 of the next day and thereafter.

13 Would you state your full name
14 and your present address for the record,
15 please?

16 A. My name is Gerald Pipes Guice.
17 My address is 5914 Hurst, H-U-R-S-T,
18 Street, New Orleans, Louisiana, 70115.

19 Q. And people, including your
20 friends and family, refer to you as
21 Jerry?

22 A. As Jerry.

23 Q. Mr. Guice, were you my guest
24 here at 6034 St. Charles Avenue for
25 cocktails on Monday evening, September,

1 19th, and for dinner thereafter?

2 A. Yes, sir, that's correct.

3 Q. And at the time, the curfew in
4 New Orleans was 6:00 p.m. or 1800 hours;
5 correct?

6 A. I'm under that impression,
7 yes, sir.

8 Q. And am I correct that because
9 you decided to stay for dinner after
10 cocktails that you requested that you be
11 permitted to spend the night here at
12 6034 St. Charles Avenue rather than risk
13 violating curfew?

14 A. That is correct.

15 Q. Am I also correct that because
16 I had told you that sleeping on the
17 patio in my hammock was the coolest,
18 most comfortable place to stay, you
19 asked me because of your seniority to me
20 if you could sleep in the hammock that
21 night?

22 A. Yes, I did.

23 THE WITNESS:

24 He was a perfect host and even
25 showed me how to get in the hammock

1 without falling out.

2 EXAMINATION BY MR. O'DWYER:

3 Q. About what time on Monday
4 evening was it that you decided to
5 retire, sir?

6 A. I decided to retire, I would
7 say about eleven o'clock that evening.

8 Q. All right. And what were your
9 plans the next morning?

10 A. I was going to leave rather
11 early and return to Memphis, Tennessee,
12 where my family was staying.

13 Q. Now, would you agree that
14 gaining access to the hammock isn't as
15 easy as walking up to and sitting in a
16 chair?

17 A. No. There's some little
18 manipulation to get comfortable and to
19 become secure in the hammock. It tends
20 to swing.

21 Q. All right. And did I show you
22 how to do that without breaking your
23 neck?

24 A. You very graciously gave me
25 instruction and even put a sheet on the

1 hammock since the hammock is of the net
2 type, and you showed me how to get in
3 without falling out to break my neck.

4 Q. I gave you a pillow, I gave
5 you something to lay on, and something
6 to cover up with; right?

7 THE WITNESS:

8 Listen, I was amazed. He was
9 very gracious.

10 EXAMINATION BY MR. O'DWYER:

11 Q. And how to mount and dismount
12 the hammock without breaking your neck;
13 right?

14 A. That's correct.

15 Q. Now, sir, I understand that
16 you are a United States marine?

17 A. Yes, sir.

18 Q. With combat service in the
19 Republic of Korea?

20 A. Yes, sir.

21 Q. Is it fair for me to assume
22 that you know your way in and out of
23 barrooms?

24 A. In my life I have been known
25 to frequent neighborhood barrooms and

1 other public facilities where they serve
2 alcoholic beverages, not to the extent
3 that people would consider me a drunk,
4 but, of course, in New Orleans we all
5 know about our wonderful social life.

6 Q. Was I intoxicated when I
7 helped you go to bed around 2300 hours
8 or 11:00 p.m. on Monday evening,
9 September 19, 2005, in your humble
10 opinion?

11 A. In my humble opinion, you were
12 cold sober. I had seen you drink a
13 partial glass of wine, and I don't --
14 I'm pretty sure you were cold sober.

15 Q. Now, sir, after you got in the
16 hammock, you dozed off, I assume?

17 A. Yes, sir, I did. It was very
18 comfortable

19 Q. What was your next
20 recollection?

21 A. My next recollection is
22 someone pushing on my right shoulder. I
23 looked up and there to my surprise was
24 an officer in uniform. Frankly, I don't
25 remember if this -- if he had on -- I

1 don't think he had on a camouflage
2 uniform, but it wasn't the usual state
3 -- Louisiana State Police uniform that
4 we generally see when you see these guys
5 drive by on the highway. It was maybe a
6 dark blue, Navy blue shirt, but it did
7 have an emblem on it that indicated they
8 were part of one of our law enforcing
9 agencies.

10 Q. All right. Did this
11 individual say anything to you?

12 A. Well, first of all, he
13 awakened me by pushing on my arm, and I
14 looked up and I said, "What's going on?"
15 I was surprised. I was really dead
16 asleep. It's a great hammock. So he
17 says, "Can you identify this man?" And
18 we look out towards the street, and I
19 said, "Can I identify him? Of course, I
20 can. That's Ashton O'Dwyer. He lives
21 here. This is his house and he's a
22 local attorney that I've known for a
23 number of years."

24 Q. Where was I?

25 A. You were out past the sidewalk

1 facedown in the ground cover.

2 Q. . What do you want to say,
3 Jerry?

4 THE WITNESS:

5 I went out, and there I
6 observed Ashton facedown,
7 handcuffed, lying on the ground --
8 well, it's Oriental jasmine, but
9 it's ground cover.

10 EXAMINATION BY MR. O'DWYER:

11 Q. That's the answer to the
12 question. Okay.

13 Now, sir, was I saying
14 anything that you can recall?

15 A. Yes, you were.

16 Q. What?

17 A. You were very audibly
18 objecting to what these people were
19 doing to you. You were demanding to
20 know why they were treating you as a
21 criminal.

22 Q. And I was voicing an objection
23 to what they were doing.

24 A. You were mad as could be.

25 "What in the world are y'all doing to

1 me? I haven't done anything," and words
2 of the like, expressing that similar
3 objection.

4 Q. Did you hear me ask them what,
5 if any, charges they were making against
6 me?

7 A. I don't know if those were
8 your exact words, but the main context
9 of your objection was based on the idea
10 of, "What did I do?"

11 Q. Did I ever get an answer to
12 that question?

13 A. Not one that I could
14 understand.

15 Q. In response to demands to know
16 what did I do to deserve the way I was
17 being treated, what was I told?

18 A. They told you you're coming
19 with us. =

20 Q. That's the only explanation
21 you ever heard?

22 A. That's it. Now, they asked
23 for some identification. That's why
24 they wanted me out there, "Can you
25 identify this person?"

1 You looked up and said,
2 "Jerry, go in the kitchen and to the
3 right side of the sink on this white
4 table you'll find my wallet." I came in
5 and I had taken several steps into the
6 kitchen from the kitchen back door, and
7 two police were following me in the
8 house, at which time I turned around and
9 said, "Hey, wait a minute. I'm not
10 inviting you guys in here. And you're
11 not pursuing me. I haven't done
12 anything, so I'm asking you to please
13 step outside." And they did. They both
14 turned around and stepped outside. At
15 which time I attempted to find your
16 identification, your wallet.

17 I couldn't find it. The only
18 thing I could find on that white table
19 was a case with some glasses in it. I
20 opened the case. I walked it out to the
21 policemen, the state police, and handed
22 it to the tall one, who looked like he
23 might have been in a different kind of
24 uniform. I think he had on a regular
25 state police uniform. I can't swear to

1 that, but he looked a little bit
2 different. He was a taller person. I
3 know he was a fair-haired guy. And his
4 demeanor was -- radiated the idea that
5 he was in charge.

6 He took the glasses case and
7 opened it and saw inside a partial
8 business card showing Ashton's name and
9 address. He pulled it out, handed me
10 back the glasses case, which I returned
11 to the kitchen.

12 Q. Now, did the two policemen who
13 followed you actually enter my home?

14 A. Yes, but not deeply in terms
15 of steps. They might have taken one or
16 two steps.

17 Q. But they actually came through
18 the kitchen door?

19 A. They were under the roof of =
20 this house, under your ceiling in your
21 kitchen.

22 Q. Not invited by you?

23 A. No. No. And I objected to
24 their being there, and said I hadn't
25 invited them, and they were not pursuing

1 me for any reason. So they responded, I
2 thought, in a good way. In fact, I was
3 surprised that they turned around and
4 stepped outside. But they realized that
5 I didn't feel that they should be there.
6 It was pretty obvious.

7 Q. Now, sir, when you had gone to
8 sleep the prior evening around 11:00
9 p.m. or 2300 hours, had anything illegal
10 occurred at 6034 St. Charles Avenue?

11 A. There was never anything
12 illegal at all, not only on this evening
13 but on other evenings. I think I had
14 stopped by for a drink previously, and
15 everything had been within reasonable
16 social activity. You were entertaining
17 people, and everyone in the neighborhood
18 came over. Some people brought food,
19 some brought Cokes, and drink beer, and
20 so forth. And it was sort of nice.
21 Even my next-door neighbor came over
22 from around the corner with his son.
23 No, there was nothing illegal going on
24 that evening or any of the other -- one
25 or two other evenings that I had stopped

1 by.

2 Q. At what time approximately was
3 it that you were awakened by this law
4 enforcement person witnessing me
5 facedown in the ground cover?

6 A. It was before midnight, a few
7 minutes before. I think I had gone to
8 bed about 11:00 or a little after. And
9 I know I had to get up very early the
10 next morning so I could drive up to
11 Memphis.

12 Q. Now, what did the law
13 enforcement people ultimately do with
14 me?

15 A. They pulled you up and put you
16 in the back of a police car.

17 Q. Did you make any inquiry as to
18 why they were taking me from my own
19 premises?

20 A. Of course. I said, "What did
21 he do?" and they wouldn't answer. It
22 looked like they were just intending on
23 taking you. They didn't tell me where
24 they were taking you or why they were
25 taking you.

1 Q. Did you ask why they were
2 taking me?

3 A. Yes, I did. I asked them in
4 the context of, "What did he do?" and
5 there was no coherent response to that.

6 Q. You never got a logical
7 explanation?

8 A. I got no explanation.

9 Q. Okay. Now, sir, after they
10 left, did you observe any alcohol in the
11 area where -- well, let's say the area
12 outside of the patio?

13 A. Okay. On the St. Charles
14 Avenue side of your stone wall, you had
15 a table set up with a television on it.
16 This was powered by your generator in
17 the backyard. And this is where various
18 people in the neighborhood would come
19 enjoy eating and drinking and just
20 socializing under the dire circumstances
21 of the hurricane. The only thing that I
22 saw after you were gone was a wine
23 glass, because that's what you had been
24 drinking, and it looked like just -- if
25 it's a 3-inch-tall glass, I'd say 1 inch

1 of wine had been consumed.

2 Q. Now, sir, do you believe that
3 you'd be in a position to identify any
4 of the law enforcement officers who
5 entered the premises at 6034 St. Charles
6 Avenue in the future?

7 A. Very candidly. The two that
8 came into the kitchen that I asked to
9 leave I could not identify. They were
10 shorter than me. I'm less than 6 feet.
11 But the one who ostensibly was in
12 charge, who I think was a state
13 policeman, was taller and he was a
14 fair-haired-looking person. He didn't
15 have a hat on or anything. And he
16 obviously, the way he commanded these
17 other people, was the one in charge. If
18 I saw him again, there is a remote
19 chance that I could recognize him.

20 Q. When you say fair-haired, he
21 was blond?

22 A. He had light hair.

23 Q. Long or short?

24 A. Oh, it was well cropped or
25 groomed or whatever you want to call it,

1 but he didn't have red hair and he
2 didn't have gray hair like me and --

3 Q. But it wasn't a crew cut?

4 A. No. No.

5 Q. All right. Did you leave the
6 next morning?

7 A. Yes, I did.

8 Q. And did you do anything to
9 notify other people in the area about
10 what you had observed the prior evening
11 or morning?

12 A. When you were abducted?

13 Q. Yes.

14 A. Yes. I talked to the man who
15 two houses down was serving as a
16 security for some news media people that
17 were staying in the Dabezies house, and
18 I told him that you were carted off by
19 these people with no explanation and I
20 didn't know what to do and I had to
21 leave. This was maybe before seven
22 o'clock. So I wrote a note and put it
23 on the doors using a bag clip to secure
24 it to the doorknob. And that was it.

25 Q. Did you personally observe any

1 justification for my being abducted from
2 my property on the late evening of the
3 19th, or early morning of the 20th, of
4 September of 2005?

5 A. By the time the policeman woke
6 me up, certainly I would have no
7 knowledge of what happened immediately
8 prior to that. I was asleep.

9 MR. O'DWYER:

10 Thank you, very much,
11 Mr. Guice.

12 THE WITNESS:

13 Yes. Thank you.

14 (Whereupon the sworn statement
15 was concluded at 1:18 p.m.)

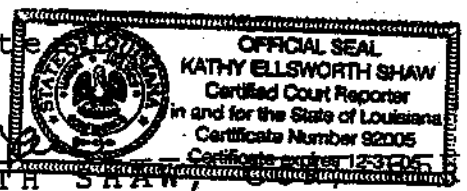
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REPORTER'S CERTIFICATE

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I, Kathy Ellsworth Shaw, CCR, RPR, Certified Court Reporter, in and for the State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that GERALD PIPES GUICE, after having been duly sworn by me upon authority of R.S. 37:2554, did testify as hereinabove set forth in the foregoing 18 pages; that this testimony was reported by me in stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding; that I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.

Kathy E. Shaw



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