

Not easy to forget — or forgive

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Gary Drinkard's half-sister and her husband shot up cocaine and robbed houses to pay for their habit.

Drinkard used to tell them who was home and who wasn't before they went out.

The association with the two, Drinkard said, wound up costing him almost eight years of his life, sitting on death row. But their misdeeds also would allow him to regain freedom.

"I was cooped up in a little 6-by-10 cell. It was dimly lit. It was about a quarter of the candlelight in here. No TV. No radio. They only allowed you to have the Bible to read. It was ridiculous," said Drinkard, 42.

Drinkard was convicted in 1993 of shooting 61-year-old Dalton Pace, a junkyard dealer in Decatur, and taking his money. He got a second chance when Morgan Circuit Court Judge Steve Haddock allowed evidence that Drinkard was involved in a robbery by his half-sister, Beverly Robinson Segars, and her common-law husband, Rex Segars, in his first trial.

"I was handed divorce papers the day I was sentenced to death, so that was another little gig in the side," Drinkard said.

He was sent to Holman Correctional Facility in Atmore.

"Especially in the summertime, it would get so bad in there you're sweating in your sleep and you would have to flip sides of the bed so you can lie in a dry area for a while," Drinkard said.

Drinkard is convinced the authorities played into the hands of his half-sister. He said her testimony, with little other evidence, was able to put him on death row.

"It's as simple as that," Drinkard said.

"They built the case from there. They didn't have any other leads."

Drinkard sat down in Atmore and started writing letters to Birmingham defense lawyer Richard Jaffe. One letter, two letters, three letters, four letters. Jaffe took the case.

During his second trial, Drinkard listened to the testimony again, hoping it would change from the first trial. But, it only changed for the worse when his



Mark Weber/Post-Herald

Gary Drinkard was released from Alabama's death row earlier this year. Drinkard spent eight years in prison before a second trial would lead to his freedom. "When they came back with the not guilty verdict, I cried like a baby," he said.

adopted daughter, Kelly Harvell, changed her story from giving Drinkard an alibi at home to saying she didn't see him the night of Pace's murder.

"I'm knowing I should walk free, but I'm afraid to hope and I'm afraid to say it because if I say it, then I'll jinx myself," he said.

Jaffe put people on the stand who cast doubt on Drinkard's accusers. They couldn't be trusted, said one witness. They were liars, said another. Most of the physical evidence was never recovered or lost in a fire that burned down Pace's home.

"When the jury went to deliberate, my stomach was tied up in knots. I wanted to get sick, and they came back within a couple of hours and I knew that was good. When they came back with the not guilty verdict, I cried like a baby."

He was released from prison in May 2001.

"Everything was lost. I'm starting from scratch," Drinkard said.

Drinkard is angry that the state could put him, or any innocent person in jail.

"I was mad as hell. I still have a lot of anger and resentment, but I deal with that," Drinkard said.

District Attorney Bob Burrell is among those still convinced of Drinkard's guilt.

When Drinkard got his second trial, eight years had passed since the killing.

"The passage of time almost never helps us," Burrell said.

Burrell said Drinkard had "been in and out of the system," but since he was on death row, he had no opportunity to get in trouble like some of the prosecution's witnesses.

"Some of our witnesses were in and out of trouble themselves," Burrell said. "Drinkard couldn't get into any more trouble."

Burrell said a guilty man is free.

"Our system is set up so it's better when 1,000 guilty

people go free than when one innocent man goes to jail," Burrell said.

"The system is broken. I don't think the death penalty is appropriate for anyone. I think God is the only one who has the right to take a life," Drinkard said.

Drinkard said judges want to appear tough on crime for their elections and they do that by sending people to death row.

"The poor and the minorities have become steppingstones for all these politicians who want to further their careers," said Drinkard, who is white. "They've become disposable entities."

For all the portrayals of death row, Drinkard said, it is a more civil environment than what most people imagine.

"The guys there are just like you and I sitting here," he said. "People depict them as animals in a cage to be kept in chains. They're human beings. They're decent human beings. Some made a bad mistake. But people change. Some guys down there need to be down there for a long, long time, maybe the rest of their life. But a lot of guys down there changed and would never harm someone again.

"There are some that just can't be rehabilitated."

He is not one of those people and should never have been put there, he said.

"The only thing I did wrong was associate with the wrong people," Drinkard said.

'She was a very good child'

Speaking for the victims

Robert Bryant Melson fatally shot Tamika Collins on April 15, 1994, during a robbery of Popeye's Famous Fried Chicken restaurant in Gadsden. Two other employees were killed, but one lived and testified against Melson. Melson was sentenced to death. Birmingham Post-Herald reporter Taylor Bright asked Denise Collins, the mother of Tamika Collins, about the killing and capital punishment. Here's what she had to say.

"When it happened, I had been to the doctor that day ... and I was sick. Her phone kept ringing. She had her own line. We all had our own lines. Her phone kept ringing and I didn't know why.

I answered the phone and somebody said, 'Mrs. Collins, Have you been over to Popeye's?' because that's where Tamika worked. And I said, 'No. Why?' And they said, 'Well, something happened over there. I don't know what it is.'

There were police cars over there. My husband got in the van and then he went over there. He came back and said, 'Come on. Let's go back over there. Something happened. I don't know what it is.'

We got over there and they just told us that she was in there and she was dead. Her and two more people. And that's how we found out.

It has changed our life. It really has. When it happened, I just couldn't get my thoughts together. I just couldn't believe it. When she left home, everything was fine.

I never have been on any medication in my life and when that happened, I had to get on blood pressure pills and nerve pills. I had to go through therapy for four years.

... Tamika was a very good child. She was working and going to college. Me and Joe had talked to her a few weeks before this had happened and told her we had wanted her to quit working and go full time to school. But she wanted to have her own little money, and her daddy was buying her a car and he was paying the high insurance.

It was a big loss when she left this world, I tell you, a big loss. She was a very, very good child. I'm not trying to put her on any pedestal. If she had any faults in her, I would say it. ...

If I could have her back right now, I would want her because she was my daughter and my best friend. She was always thinking of other people before she thought about herself. That's just the way she was.

I really had to do some hard praying. I just had so much in me.

When it happened I just said, 'Why?' I know I was questioning God and shouldn't have done that. I just couldn't believe she was gone like that.

For a while, I would go to church and I would see her all over the church and ... I would just break down. I would have to come home, or they would have to take

me to the hospital.

My husband, he's a deacon at our church and he doesn't even go anymore. But I keep trying to talk to him to go. He said he has so much hatred in his heart, you know, he just doesn't feel right to go to church. But he was a real faithful person. ...

What do I think about Robert Bryant Melson? If I saw him right now, I wouldn't kill him. But I want him to do the sentence they gave him. He took three lives. I mean those were good people and there was just no sense in what he did.

I'm not going to say I hate him, and I wouldn't kill him, but I want them to do whatever they will do to him. I want them to do it.

Some people in my family said they were really looking forward to it (the execution), but I don't have to see that, because that's not going to bring her back. It really doesn't matter whether I go or not."