

Man has second life, family, new cause

CARLA CROWDER, The Birmingham News

ELKMONT -- The sun has just set, and a weary girl in a softball uniform drags into the house where Gary Drinkard lives. She laments her poor performance at bat - five strikeouts. He patiently listens.

In small north Alabama towns, the scene is as common as the chirping crickets in Drinkard's back yard. But it's something he nearly missed out on.

Drinkard was locked up eight years, most of it on Death Row, after being convicted in 1995 of the murder of a junk car dealer in Morgan County. He was acquitted at a second trial and freed in 2001.

Since then, he has tried to rebuild a life, as he's rebuilt the home he shares with fiancée Susan Roberson and her softball-loving 13-year-old, Ashley.

Susan "is feisty. She's beautiful. She's a country girl. I like all that," said Drinkard, 49. He is trim, 6-foot-3 with short gray hair and a neon Star Wars Band-Aid on one finger to cover a construction scrape. "She's short," he says, a wide grin covering his leathery face.

An alumnus of a 5-by-8 cell with metal fixtures, Drinkard now lives in a house decorated with ceramic figurines, crocheted doilies and silk flowers. Roberson's Better Homes and Gardens magazines are fanned out on an ottoman. The couple grows tomatoes and peppers in the yard. A cross-stitch sampler on their back porch reads "Love Makes a House a Home."

It's a simple country life - but a gift from heaven to a man who emerged from hell.

Drinkard, an obsessive jail-cell letter writer, went free only after persuading a team of top-notch defense attorneys to take on his appeal, without charge. His first lawyer was court-appointed because he could not afford one.

Decatur attorney John Mays was part of the team that represented Drinkard in his second trial. "They reached a not guilty verdict in less than five minutes," Mays said.

Afterward, two jurors told him the jury stayed out another hour and 45 minutes out of respect for the dead man's family. "They talked about sports and the weather," Mays said.

After Drinkard's release, "The first couple of days, I was scared to death. I thought they were going to take it back somehow. I thought they were going to try anything. The police lied so much on the first trial, I was extremely paranoid," he said.

Police had fingered Drinkard on the suggestion of his stepsister, who was angry with him. It later emerged that she was trying to get reduced charges on her own crimes, and a tape she recorded of him had been altered, according to trial testimony.

His second team of attorneys also produced new alibi witnesses. He was cleared, but authorities never pursued charges against anyone else.

Former life gone:

When Drinkard returned to this section of the state, a mostly rural fringe of counties bordering Tennessee, his old life was impossible to salvage. "I lost the land I had. I lost a marriage, failed to see my babies grow up," he said.

A son and daughter, grown now, were 6 and 9 when he was jailed. "I've come to realize there will always be some type of distance because of those years we were apart," Drinkard said. "That kills me because my children meant more than anything in the world."

He and his ex-wife tried to stay together. But, "I figured I was going to die down there, and I encouraged her to get a life of her own. It was hard to do. But I knew she'd be better off than waiting around," he said.

Angry, jobless and doughy from inactivity, Drinkard first went home to his mother in Holly Pond. He worked odd jobs for about six months, met an interesting therapist, then decided to go back to college and study respiratory therapy.

He loved Wallace State Community College. He did especially well in a speech class where his Death Row story packed quite a punch.

"But then, when I applied for a job, they did a background check. I never could get a job, so I quit," he said.

Potential employers in the medical field did not want to take a chance on this lanky fellow with a capital murder arrest in his past.

So he fell back into construction work, not his first choice. But he has to work, has to contribute to his new family. He's hired on with some house framers. "With stick framers, you don't have to fill out an application. I don't have to tell them I was released after being put on Death Row." He still worries about what could befall him if he's pulled over in another state, if background check records are incomplete, and do not include exonerations. "I'll probably get thrown to the ground, handcuffed, and I'll have to give a long, drawn-out explanation." he said.

Roberson, 37, a landscaper, says her family was shocked when they learned about her new beau's background. But it's never alarmed her. "He's been a great person," she said. "The way he listens to someone talk, he doesn't always judge everything."

A new cause:

With his background in construction, Drinkard renovated an old home for them a couple miles off Interstate 65: new walls, fresh paint, a spacious bathroom.

A new life.

And a cause.

When he can afford it, Drinkard travels to anti-death penalty conventions. He's spoken at places from Washington, D.C., to John Carroll High School in Birmingham.

Before his conviction, Drinkard supported capital punishment. "I believed that if somebody raped or killed a woman, or especially killed a child, they should get the death penalty," he said.

Now he says a better option is life without parole - locked up. "You actually suffer every day. In some fashion, you suffer every day."

He knows.

And he knows he should forgive the people whose dishonesty sent him to prison. But forgiveness is slow, maybe slower than justice.

"The Bible teaches we should forgive our enemies and actually pray for them. But I'm not that strong yet," Drinkard said, his voice slow, his words thoughtful.

"I should get over it. I've tried to get over it. I try every day."

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