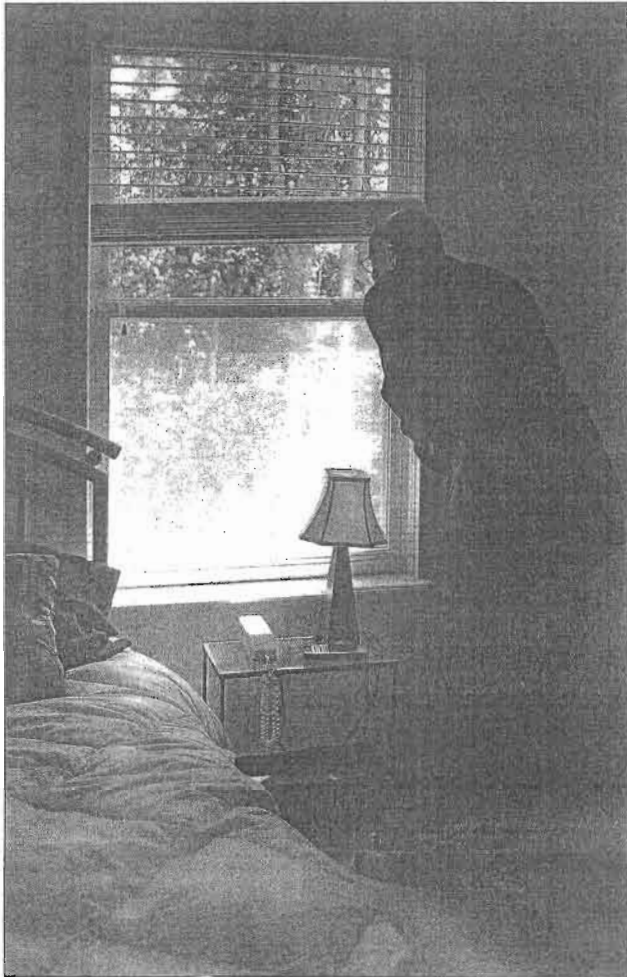


# The Columbus Dispatch

FRIDAY, JULY 18, 2003

## PRISON NOW JUST A BITTER MEMORY



TIM REVELL | DISPATCH

Free after 26 years, Gary Lamar James peers out the window of his room at his sister's home.

## Wrongfully convicted, now as free as a bird



"It's strange. It's tripping me out. I keep having to remind myself I don't have to go back to lockup."

**GARY LAMAR JAMES**  
newly freed inmate

By Alan Johnson  
THE COLUMBUS DISPATCH

In his first taste of freedom after 26 years of wrongful imprisonment, Gary Lamar James nervously sipped champagne in his sister's Northeast Side living room.

A stereo played softly, almost unnoticed in the buzz of family, friends and TV cameras. The song was *Blackbird* by the Beatles.

*Take these broken wings and learn to fly... All your life*

*You were only waiting for this moment to be free.*

James, 50, was free to test his wings for the first time yesterday since his arrest on Dec. 23, 1976, for an East Side bank robbery and murder.

His imprisonment — for a crime he always protested he did not commit — lasted as long as that of Nelson Mandela,

the South African anti-apartheid crusader.

"It's strange," James said shortly after walking out of the Franklin County jail at 10:06 a.m. "It's tripping me out."

"I keep having to remind myself I don't have to go back to lockup."

James was released by Judge Patrick McGrath of Franklin County Common Pleas Court, pending the expected dismissal of all charges stemming from the murder-robbery conviction.

"This case will be formally dismissed on Monday," said McGrath, the duty judge acting in place of Judge David A. Cain. A hearing is set for 10 a.m.

James, dressed in a suit for the first time since being sentenced to death after his 1977 trial, was freed on his signature without posting bond.

Across the street from the jail,

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some Franklin County deputy sheriffs who saw James cheered and applauded.

The long legal fight — "seven years of war," attorney James D. Owen said — ended abruptly and with little fanfare when Franklin County Prosecutor Ron O'Brien, "in the interest of justice," agreed to dismiss all charges against both James and Timothy Howard, his co-defendant.

O'Brien moved swiftly after James passed a polygraph test Monday showing he was truthful in saying he did not kill security guard Berne Davis, 74, or participate in the Dec. 21, 1976, robbery of the Ohio National Bank office on E. Main Street. The lie-detector test was administered by the State Highway Patrol.

Owen credited Howard with unearthing new evidence in the case, Centurion Ministries of Princeton, N.J., with backing the lengthy legal fight, and *The Dispatch* with bringing the case to public attention through an 18-month series of stories.

Kate Hill-Germond of Centurion wiped away tears as James was reunited with his family.

"I can't help but think about all the years that were stolen from these guys," Hill-Germond said.

"I'm angry and overjoyed at the same time."

James was the 31st wrongfully convicted prisoner Centurion, a private, nonprofit organization at work since 1983, has helped free nationwide.

James and Howard, who were

childhood friends, embraced warmly after James' release. It was the first time they had seen each other in 19 years — since they were imprisoned at the Southern Ohio Correctional Facility near Lucasville.

Both men were briefly on Death Row until the state's capital-punishment law was overturned in 1978.

"Get rid of those old glasses," Howard joked with his friend. "Times change."

"It's been a long time, but we are here and we are together."

Howard was released April 23 when Judge Michael H. Watson, citing fingerprints, witness statements and other evidence previously unavailable at trial or during the appeals, overturned Howard's separate conviction for the same crimes.

"People kept asking me about 'the other guy,'" Howard said. "It didn't feel right until Gary got out, too."

Howard said he is contemplating legal action seeking compensation for 26 years of imprisonment for crimes he did not commit.

"We could have been executed and this would never have happened today," Howard said.

"I won't get these years back. They owe me something."

Meanwhile, Audrey Whiting, James' sister, had a smile stuck on her face in court and later as her brother was released.

"He looked good," she said. "This has been a long time coming."

Vivian Peterson, another sister, helped James fashion his tie before he faced an impromptu news conference outside the jail.

James will live with Whiting

while he looks for a job.

"I guess I hope to settle down and start working, get back in the swing of things," he said. "I know there's going to be an adjustment period. It's a big change."

James, less talkative and gregarious than Howard, said his anger about his wrongful conviction nearly consumed him during his early years in prison. He got into fights and ended up in disciplinary confinement several times.

"If I think about it long enough now I still get angry," he said. "For the most part, the anger has burnt itself out."

There was no anger yesterday, however, as James and his family members had a celebratory lunch at the Red Lobster on Rt. 161. Strangers who had seen James on the noon TV news came up to shake his hand.

His first meal as a free man was lobster and steak, washed down with a beer. His last meal at the Allen Correctional Institution near Lima was breaded beefsteak and corn.

"You ain't had breaded beefsteak until you've had it in a prison," he said with a grimace. [ajohnson@dispatch.com](mailto:ajohnson@dispatch.com)

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Timothy Howard, left, gives former fellow inmate Gary Lamar James a congratulatory hug.