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No Photo 'Stolen' years

After being wrongfully imprisoned for 14 years, the conviction's effects linger decades later

By ERIC HARTLEY, Staff Writer

When he tells the story - and he's told it more times than he can remember - his face contorts. Sometimes, the tears come, or the laughter. Sometimes, it's flashes of anger.

"This is what they did to me," he'll say, an apology of sorts for his inability to control his emotions.

The short version of what happened to Guy Gordon Marsh is this: In 1973, he was tried and convicted of first-degree murder in the killing of a customer inside a Glen Burnie 7-Eleven. A judge sentenced him to life in prison.

The only real evidence against Mr. Marsh, then 26, was the testimony of Linda Packech, a heroin addict who said she saw him come out of the store after the 1971 shooting and pull his mask up.

In fact, Ms. Packech was in jail at the time she claimed to have seen Mr. Marsh. She was later convicted of perjury and sentenced to seven years in prison.

In 1987, a judge overturned Mr. Marsh's conviction and he was released.

But it's not the 14 years he spent in prison that bring the tears and the anger.

It's what's happened, and hasn't happened, in the 19 years since: He's never gotten a dime from the state. He's been told the Board of Public Works can't give him compensation because he hasn't been pardoned.

A push to have the General Assembly vote him compensation died.

Legalities aside, the case of Gordie Marsh raises a simple question that states across the country are still wrestling with: What does society owe a man whose freedom it has wrongly taken for so long? How do you put a price on 14 years wasted?

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"The whole middle of my life was stolen from me," he said.

He doesn't know how to put a number on that, either. But he knows this: When he left prison, at 40 years old, he got a check for \$54, the contents of his prison account. He's never cashed it.

In the years since, he's had more scrapes with the law - he had sex with a 14-year-old girl; he was convicted of sodomy in a case where prosecutors charged he took advantage of a mentally disabled woman. Because of that, he's a registered sex offender.

He'll admit he's done wrong. And perhaps he's too willing to blame others for problems that are, at least in part, of his own making. But there is that 14 years.

"Look at where I came from," he said, his voice rising. "I came from a social sewer. If I'd have had help..." he trailed off, shaking his head.

Now 59, he says he's making another push for compensation, knowing the odds are heavily against him. In the past few months, he's made a flurry of calls to the Gov. Robert L. Ehrlich Jr.'s office and has been trying to get lawyers to take on his case. He's met with Bruce Bereano, a powerful Annapolis lobbyist.

"I need to have an ending to this," Mr. Marsh said. "When I came out, I thought my fight would be over. It never stopped. It never stopped. It's like a horror story... All those years I fought to save myself from going crazy, fought to keep people from killing me. And now I have to fight to live out here - for 20 years."

Mr. Marsh has made more of his life than many people might have. He owns his own tractor-trailer, and though he has no land to call home, he gets by. He stays with friends, mainly in Carroll County, when he's not on the road. He sleeps most nights in the truck cab, where he has two beds and a television.

But he turns 60 in December, and he has no health insurance, no retirement plans, no safety net.

State's Attorney Frank R. Weathersbee said he thinks Mr. Marsh should have been compensated, noting that the case involved "flat-out perjury."

"Quite frankly, I was surprised he didn't get compensated, and I thought he had gotten compensated back then," said Mr. Weathersbee, who was deputy state's attorney at the time the perjury came to light.

Mr. Marsh sees cases like Michael Austin, a Baltimore man who got \$1.4 million after spending 27 years in prison for a murder he didn't commit, and wonders where his fair share is.

"I think if the people of this county knew what has happened in the 20 years I've been out, there would be some kind of outrage," he said.

A lie



About 10:30 on the night of June 28, 1971, two masked men walked into a 7-Eleven on Crain Highway near Aquahart Road and announced a holdup.

The clerk was putting money in a bag when Charles Erdman, the owner of a nearby service station, walked in. His young son was in the truck outside.

Mr. Erdman tried to stop the robbery, and one of the men shot him in the stomach. He was quickly rushed to a nearby hospital, but bled to death.

In early 1973, Ms. Packech was arrested on drug charges and, according to the police account, told detectives she knew who committed the murder at the 7-Eleven. Mr. Marsh and his roommate were arrested, though charges were later dropped against the roommate when his lawyer proved he'd been at work.

At his trial, Mr. Marsh took the stand and vehemently denied he was at the 7-Eleven. But the jury convicted him in 15 minutes, based largely on Ms. Packech's testimony.

He was sentenced to life in prison, plus 10 years.

And he still recalls the time he was locked up in visceral detail - the roaches falling from the ceiling, the mice crawling into his bed.

From prison, he corresponded with a woman named Bette Taube, who later became his girlfriend. She tipped *The Capital* off to the story.

Not until 1987 did Ms. Packech admit she had lied, telling a reporter and a prosecutor she had been pressured to finger Mr. Marsh by a county police detective who was convinced he was guilty.

A judge set aside the conviction on May 8, 1987, and Mr. Marsh walked out of the courthouse a free man. He had lunch at McGarvey's Saloon in downtown Annapolis with Ms. Taube and Dan Casey, the reporter who'd helped win his freedom.

"I think he deserves compensation," said Mr. Casey, who now lives in Virginia. "Whether he did that murder or not - and I don't think he did - his conviction was the result of fraud that was perpetrated on the court. And there's not ironclad proof, but there's a really good reason to believe that the fraud was spurred by the detective who fed Linda Packech the information to say."

Things lost

When Mr. Marsh went back to the old neighborhoods in Pasadena where he grew up, a decade and a half since he'd seen them, everything looked different. But he couldn't put his finger on it at first.

"You know what it was? The goddamn trees," he says, marveling all these years later.

Time had cost him other things: His parents died while he was in prison. He struggled to reacclimate himself, working jobs driving trucks or remodeling

transmissions.

In those early years, he gave speeches, worked with groups helping the wrongly convicted and even went on TV with talk show hosts Sally Jessy Raphael and Montel Williams.

But even later, when the brief spotlight faded, his past continued to haunt him. He's been rejected for jobs and apartments because of the murder. Someone put his picture - taken from the sex offender registry - up in a store after hearing he was living in the neighborhood.

He said he's moved no less than 40 times in the 19 years he's been free.

"I can't live anywhere," he said. "That's how it's been all the years I've been out - 'Even so, he was still in prison.' "

Mr. Marsh has three grandsons he's never met, the children of a daughter born in 1969.

"That's part of the life I don't have either," he said.

He's long dreamed of having land, somewhere to keep horses, and he still mourns two farms he's lost, including a 35-acre plot in Carroll County that he lost an option to buy after a later arrest.

When he's had girlfriends, they've been troubled people. He has to explain the murder and the sex charges.

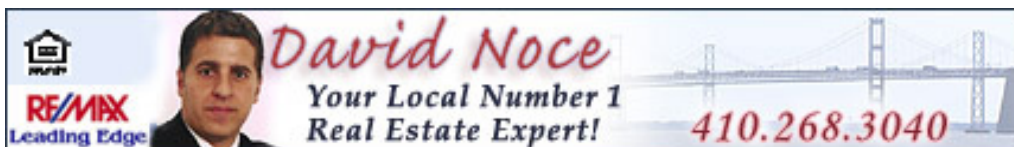
A few years after he got out, he said, he just went "driving," staying on the road for about a year. Family problems were a part of it, but mainly he just wanted to go somewhere else.

"I wanted to get away from being that guy," he said. "I was so sick of being Gordie Marsh it was pathetic. Then I came back. I was running from something I couldn't run from."

- No Jumps-

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