

Do you believe in second chances?

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Charles "Roscoe" Heaton stood at the freeway exit with a homemade cardboard sign on a Friday morning last February. His scalp itched. His stomach ached. A mustard sandwich had been his dinner the previous night, washed down by Kool-Aid sweetened with sugar packets smuggled from McDonald's.

This spot, at Clairmont Road, netted him \$14.50 not long ago. He needed to make more money this time, or the power and water would be turned off at his apartment again. Roscoe smoothed his polo shirt and jeans, then looked around; he hoped no one he knew would see him. He raised the sign a little higher. "Emory University grad, can't get work. Need a job, food, or money. Need help...Thanks."

DRESSED IN A PINSTRIPED navy blue suit with gold cuff links and carrying a black briefcase, Roscoe looks like a banker or a broker you can trust. He is articulate, friendly and unfailingly polite. His credentials include an associate's degree from Young Harris College and a transcript that shows he graduated with honors. President of the student government's freshman board. A bachelor's degree in political science from Emory University in 2001 and a transcript with a cumulative GPA of 3.125. Volunteer for the United Way.

All this makes 31-year-old Roscoe an attractive job candidate. He often gets a second interview, and sometimes an offer on the spot. As a technicality, of course, the employer must do a background check. And that reveals a different kind of credential: Roscoe is a felon.

He earned the label on his 17th birthday in Sandpiper Road park, a rectangle of scrubby grass and litter in Jonesboro. It was there, court documents say, that Roscoe pointed a pistol at a neighborhood kid and threatened to blow his head off. Roscoe was locked up for two years, four months and 24 days. When he was released nine years ago, he had \$25 in the pocket of his prison-issued jeans and a plan on his mind. He would not end up like his father, in and out of lockup for crimes like motor vehicle theft and burglary. He would not squander his life on the outside with pushers, the way his mother did. He would not go back to the old neighborhood, where the cops regularly cruised the cracked blacktop in search of drugs and guns. He would send himself to college, a goal rarely attempted or achieved by the 650,000 prisoners released nationwide every year.

Roscoe believed a degree would help him find "quality employment" -- the best way, experts say, to avoid joining the 46.8 percent of offenders who are reconvicted within three years of release. But Roscoe soon learned that no matter what he achieved, no matter what his resume said, he was defined by his criminal record. It was a modern-day scarlet letter, marking him as he journeyed from

angry prisoner to ambitious college student, from enthusiastic job applicant to desperate panhandler.

Sometimes Roscoe tried to hide his history and conceal the shame he felt about his family and his failures. Other times he put his pride aside and told the truth. Roscoe banged on door after door. They were bolted shut. "I don't hold it against the world. I see the reason why this happens," Roscoe says. "But I'm trying to be a better person and lead a different kind of life."

Only when he accepted his past, and encountered someone with a scarlet letter of his own, did a lock unexpectedly click open. Behind that door may reside Roscoe's second chance. If not, he fears the next door he passes through will lead back into prison.

ROSCOE RECENTLY SAT ON a black couch in the home he rents in Cumming and cracked open a scrapbook he had started as a child. It is an obsessive chronicle of his life, a life his parents failed to witness.

There is a bumper sticker that says, "I'm proud of my Honor Student, Mundy's Mill Junior High." Report cards from Lovejoy High School with A's and B's in calculus and Latin. Snapshots of Roscoe on the school's football team. A photograph of his aunt, Bobbie Bennett, whom he lived with while his parents were "away."

Another Roscoe emerges in a photo of a smirking teenager in a cocked-back baseball cap. That kid got into fights on Friday nights in the parking lot of Jonesboro's Southway Shopping Center. He kept pepper spray in his pocket, and something he called "the grave digger," a hoe with an ax on the end, in his trunk. That Roscoe watched his mother shoot heroin between her toes and saw his father's face fewer than a dozen times. That boy sneaked out at night and rode his dirt bike deep into the woods to binge-drink and do LSD.

He got picked up by the cops again and again, for crimes like battery and underage drinking. He threatened a girlfriend. He tried to kill himself with pills. You could end up like your parents, Aunt Bobbie warned him. Roscoe didn't listen. His path, he believed, was far different from the one his parents had taken. He never imagined both paths would lead to the same place.

ROSCOE'S COURT FILE describes what happened in the Bonanza subdivision of Jonesboro on Aug. 14, 1991, Roscoe's 17th birthday:

According to the prosecution, two younger boys were batting baseballs in Sandpiper Road park when Roscoe approached, eyes red and wild, spittle collecting in the corners of his mouth. He bumped into one of the boys, trying to provoke him. Then, from his waistband, Roscoe pulled a gun -- maybe it was black, maybe it was chrome -- and threatened to blow their heads off. Barbara Mitchell, the mother of one boy, was on her stoop across the street and called out

to her child. Roscoe told her to go to hell. She called the police. Roscoe passed his gun to a friend. It never was found. He refused to let police search the house and later flunked a polygraph.

Another version of events comes from Roscoe's testimony. He was packing for a trip to Florida when he learned that a bully from a neighborhood gang was threatening one of his younger half brothers, Justin Hannah, with an aluminum bat at the park. Roscoe rushed to Justin's aid and wrested the bat from the bully. He grabbed his brother and backed off. Mitchell yelled at him from her stoop and they exchanged insults. Roscoe had a pager on his waistband and a Chap Stick in his pocket, but he had no gun. When a cop came to his door, Roscoe invited him inside but the officer declined because he believed the boy was a minor and there was no adult at home.

After Roscoe returned from his trip to Florida, he was arrested and charged with aggravated assault and making terroristic threats — as an adult, because he turned 17 the day of the incident.

Roscoe spent the next two years in the Clayton County Jail or out on bonds his mother financed, he says, by selling her eggs to a fertility clinic. During the times he was free, Roscoe continued to get into trouble: possessing a fake ID, driving with a suspended license. More serious allegations of assault and perjury, stemming from a fight, were later dropped. So were charges related to a traffic stop in which marijuana was discovered in the ashtray.

When it came time to face prosecution for the 1991 incident in the park, Roscoe rejected a chance to avoid incarceration by pleading guilty and serving five years' probation. He believed the jury would acquit him. But the jury did not acquit him. On Jan. 28, 1993, Roscoe was found guilty and sentenced to four years in prison.

Today, this information comes as a surprise to Mitchell. Fourteen years after the incident, she says she pressed charges only so the boy would learn a lesson. "I never dreamed they would have sent him to prison," she said recently. "That breaks my heart."

Mitchell can't recall exactly what happened that day in Sandpiper Road park. Roscoe will not be permitted to forget.

IN OCTOBER 1994, his requests for appeal denied, Roscoe was locked up at the Clayton County Jail. There, he whittled a toothbrush into a shank by scraping the handle on the cell floor. He put four bars of soap inside a sock and used it to beat an inmate who disrespected him.

In May 1995 Roscoe was moved to Georgia Diagnostic and Classification Prison, a maximum-security facility in Jackson where he would spend six weeks. One evening, on his way to the mess hall, Roscoe noticed an inmate filing out. The

man was thin, with weathered skin and a tattoo -- a skull with a top hat -- on his forearm. Though Roscoe had not seen him in many years, he recognized the man immediately. It was his father. Charles Sr. was incarcerated for motor vehicle theft. Records show his imprisonment at Jackson overlapped his son's by eight days.

Roscoe darted his eyes away, hoping his father had not noticed him. Later, the encounter gnawed at him. Was he destined to meet the same fate as his dad, bouncing in and out of prison for the rest of his life?

In June 1995 Roscoe was transferred to Scott State Prison, a medium-security facility in Hardwick that would be his home for the next year and a half. At first he lived in a dormitory known as "the Dungeon," where at night he heard assaults taking place in the showers. Roscoe joined a white-power gang that promised to protect him.

Most of the time, Roscoe says, he read books in his bunk, knowing that if he stayed out of trouble he might be moved to the "honor dorm." There, gang protection wouldn't be necessary. It would be quiet enough for studying and for preparing for a future on the outside.

Roscoe scored high on a pretest for the high school equivalency exam and became an assistant instructor, befriending serious students like Otis Barnes, who was serving a life sentence. Barnes says Roscoe "took me under his wing" and shared his best study secret: Go to bed after last count, then wake in the middle of the night -- when it finally was quiet -- to study.

Soon Roscoe moved to the honor dorm. In his new bunk he jotted down past mistakes. In the yard during recreation time, he jogged endlessly, obsessing over what he had done wrong and what he would do differently as a free man. *I'm not gonna yell at a girl. I'll open a door for her. If I get disrespect I'll think back, and tell myself I don't want to go back to prison. I want to be a lawyer, wear a suit and get respect.*

"Everything changed," Roscoe recalls. "I put a value on life that I never had before. I was worth something to me."

He earned his GED, then prepared on his own for the SAT. Going to college, he assumed, could only improve his chances of finding employment. "I thought I could go full steam ahead," he says now. "I had no idea."

ROSCOE LEFT PRISON in December 1996 with longer hair, a more muscular build, and a deep desire to get into college. In his applications he included his SAT results -- 1160 out of 1600 -- but didn't mention his prison time.

Roscoe continued to hide that part of his past when he enrolled at Young Harris College in North Georgia in August 1997. He joined the choir and the drama club

at the two-year liberal arts school. He took acting classes. He was elected president of the student government's freshman board.

Roscoe didn't go swimming or undress in front of anyone, fearful someone would see his electronic ankle bracelet, a condition of his parole as a violent felon. And he didn't tell anyone that the heavysset, gray-bearded man visiting him on campus was his parole officer. W.R. Barry carries a caseload of about 50 to 60 ex-inmates a month, yet he easily remembers Roscoe. "Roscoe was an exception," Barry says. "It was obvious he was an individual who had a lot of potential. He was in a hurry to correct the mistakes he had made."

Roscoe didn't discuss these mistakes with others even after the ankle bracelet was removed in November 1997, three months into the school year. He became president of the Phi Theta Kappa honor society. He went to fraternity parties. He played a soldier in a campus production of "South Pacific." He raised his hand often and challenged professor Lee March in a political science class. "I always had the impression that he would succeed," recalls March, who advised Roscoe's chapter of Phi Theta Kappa.

The old Roscoe had not entirely disappeared, though. He got into a fight with a classmate and was fined. Another night he was arrested for driving under the influence of alcohol and spent a weekend in the Cherokee County Jail. Inside the holding cell, Roscoe remembers, "it was like my past was coming back to haunt me."

THE ACCEPTANCE LETTERS began arriving in January 1999: University of Alabama, Penn State University, and then the one Roscoe thought might be elite enough to make people forget his past: "...You have been admitted to Emory College as a transfer student to begin in the fall term of 1999." With his associate's degree from Young Harris, Roscoe enrolled in the Atlanta school on a partial scholarship and took out student loans to cover the rest of the \$22,870 annual tuition. He also did work-study in the theater department and was placed, through a temp agency, in the mailroom at the Potash & Phosphate Institute in Norcross. PPI didn't know about his background.

At his off-campus apartment building, Roscoe befriended the maintenance man, Jimmy Vasser, and medical resident Brian Babbin. During their nights out at bars near the school, Roscoe didn't tell his friends about his time in prison. He wanted to blend in with the other guys in baseball hats and button-down shirts. He talked about football, NASCAR and rap music. He played pool and smoked cigars. He teased his buddies for having "slow game" with the girls. "I thought [Roscoe] was just a preppy kind of schoolboy," remembers Babbin, now 31 and a pathologist at Emory University Hospital.

It was only after Vasser talked about his difficult childhood in Detroit, and Babbin about his rough friends in Florida, that Roscoe surprised them with his story. From then on, the three men formed an impenetrable and somewhat

unlikely circle -- a former white-power gang member, a black maintenance man, a Jewish doctor. They eyed newcomers warily. "No troublemakers," Vasser says. "We just have our understandings."

TO MARK HIS GRADUATION from Emory in May 2001, Roscoe shared a bottle of champagne with Babbitt and wrote the date on the side with a Sharpie. He set the memento on his mantel, where he assumed other bottles would soon be placed to celebrate successes in the working world.

Roscoe was still employed at PPI, but wanted to pursue a career. His first choice: law. He was an enthusiastic debater who believed he could do a better job than his attorney had done for him. But Roscoe learned that even if he was able to earn a law degree, his acceptance to the State Bar of Georgia might be blocked. His felonies could be seen as evidence he lacked "strong moral character," and he'd likely have to seek a special exception.

"I called attorneys and the bar association. I called the alumni association at Emory. I called Georgia State law school and John Marshall Law," Roscoe says. "When they keep saying no and hanging up the phone, where else can you go?"

Roscoe already owed about \$22,000 in student loans, and he couldn't justify accumulating more debt for law school if he couldn't eventually practice law. The risk was too great.

In 2003, PPI let Roscoe go. Though he'd shown "a lot of initiative to find better ways" of doing things, his position was eliminated because of budgetary constraints, says Carol A. Mees, his former supervisor.

With no income, Roscoe's career search became more pressing. His next idea: insurance sales. A convicted felon is prohibited from selling insurance without permission from the state's insurance commissioner. The agency says it does not keep statistics on how many felons apply or are granted approval. Roscoe says someone at the agency told him not to bother. He applied for white-collar jobs at corporations, assuming his college education would help him compete. Instead, the degree made Roscoe's job search more difficult. Focusing on those kinds of careers pitted him against other educated people without criminal pasts.

He sent dozens of resumes for jobs as varied as logistics and retail, and often brought to interviews a brochure about the U.S. Department of Labor's bonding program, which temporarily covers the company in case an ex-offender commits certain crimes on the job. But the bond had become a weak incentive -- companies were increasingly held liable for workplace crimes, and most court settlements far exceeded the coverage offered by the Department of Labor.

Something else may have hurt Roscoe's chances, too. At least twice, the background report that came back to employers listed his crimes multiple times -- to reflect when he was out on bond and when he went back into the system --

giving the impression that Roscoe had been convicted of aggravated assault several times and sentenced to more than four years in prison.

Roscoe next considered a career in social work. He interviewed for a position counseling troubled kids at an adolescent treatment program in Alabama called Three Springs. Then he learned of the center's strict policy: No convicted felons on staff.

Roscoe sent his resume to job-search firms, and tried to enroll in employment programs offered by the state's Labor and Corrections departments. But he discovered the programs were for current prisoners and ex-offenders on parole or probation. Roscoe's eligibility had ended while he was in college. He set his sights lower and lower, but the hurdles got higher.

Over the years, an increasing number of companies had begun conducting background checks for even the most menial jobs. Roscoe applied to be a grocery bagger at Publix and a fry cook at Burger King. Both conducted background checks. They told him the felonies were deal breakers, he says.

"He's trying to close a door behind him, but no one will let him," his Aunt Bobbie says. "They talk about a second chance, but I don't know who it's for."

TELLING THE FULL TRUTH brought rejection -- this much was clear to Roscoe. Only when he hid the past, as he had in college, was he judged on his merits. This was on Roscoe's mind when a job placement agency sent him to interview for a second-shift supervisor position at PBD, a warehousing and distribution company in Alpharetta, in February 2005. The placement agency already had conducted a background check that went back just seven years and didn't turn up Roscoe's felonies. He says he was told PBD would see only this document while considering him for the position. Still, was he required to disclose the felonies anyway? Roscoe decided the answer was no, and on his application with PBD noted his two more recent scrapes with the law -- the fight and DUI during college -- and left it at that.

"The person who would have been his immediate supervisor liked him," says Lisa Williams, human resources director for PBD. "He was going to be there by himself, and we felt good about that."

PBD offered Roscoe the job. He accepted. At that point PBD conducted its own background check. It didn't go back seven years. It went all the way back.

"It wasn't consistent with Roscoe's application," Williams says. If he'd answered honestly, she says, "we could have had upfront conversations" about it. The job offer was withdrawn.

WITH EVERY REJECTION, the patience Roscoe acquired in prison eroded. He got testy if a waiter took too long to bring a glass of water. He mercilessly chewed

his cuticles and absently pulled his eyebrows. "There are only so many times you can be backed into a corner before you snap," he says.

Feeling desperate, Roscoe sent letters to every business leader, celebrity and organization he could think of. More than 100 in all. Some, like Oprah and Al Sharpton and Dr. Phil, had nothing in common with him. Others, like Zell Miller and Bert Lance, were fellow alums or trustees of Young Harris College. The letter began:

"My name is Charles E. Heaton II. I am at a disadvantage because at the age of 17 I got in some trouble with the law. I was convicted of aggravated assault and terrorist threats, which are felonies in Georgia.

"I know this is asking a lot, but please listen to my story before you throw this letter away and forget about me, as society is trying to do."

Roscoe described the scene at the park in 1991, the convictions, his time in prison and his success in college. Then he pleaded his case: "How is someone like me supposed to better ourselves when we are treated like outcasts by society? Didn't I pay my debt to society by serving my sentence?

"I, myself, am losing hope and self-esteem every day. I don't know what to do. I need help because I do want to be a productive member of society. I feel I could do some good if given a second chance."

In February 2005, a copy of the letter found its way to the Forsyth Christian Business Leaders Fellowship, a networking group in Cumming. Roscoe agreed to share his story at a meeting. Maybe someone there would decide he was worth a shot.

IT WAS COLD at Roscoe's house later that month. The power was shut off. So was the water. Roscoe spent most nights in his truck, cranking the heat on and off. He had collected just \$11.20 during his second attempt at panhandling near the highway exit at Clairmont Road. Exhausted and defeated, he applied for food stamps and visited a nonprofit in Cumming that helped with food and clothing.

Roscoe's cellphone bill was long overdue, so outgoing service was shut off. But he still was able to receive calls. One afternoon in March the caller ID showed an unfamiliar number. It was Ron Whitehead, owner of Cabinet Manufacturing Services in Cumming. He had attended Roscoe's speech at the Forsyth Christian Business Leaders Fellowship. Whitehead was calling to offer Roscoe a job, and more.

I know you haven't been working, Whitehead said to Roscoe.

Yes, sir.

How much do you need?

Roscoe paused. I'm behind on my rent and need \$600 or they'll kick me out.

Whitehead wrote him a check for \$800.

ONE AFTERNOON IN MAY, Roscoe walked into the cabinet shop to see what nails the laborers needed. He emerged with sawdust on his polo shirt and a nagging feeling of frustration. Most of the workers had not finished high school, but Roscoe knew -- because as assistant office manager he saw their pay stubs -- that some made more than his \$14-an-hour wage.

That was hard for Roscoe to accept. He wanted more money, more respect. But he didn't want to seem ungrateful; he felt indebted to Whitehead. To boost his income, Roscoe took a second job as an \$8-an-hour greeter and towel washer at Alpharetta's Windward Athletic Club, which he says did not ask about his criminal record.

He met a girl at the gym. After two weeks of dating she confronted him about some rumors of trouble in his past. Tired of defending himself, Roscoe broke off the relationship. Paid my debt to society, he grumbled to himself. I'm still paying. What a joke.

"Sometimes I think I'd rather be dead than go through all this," he said later. "I'm on a one-way ticket back to getting into trouble. My choices are running out."

On better days, Roscoe thought ahead to December, when he will be eligible to seek a pardon for the first time. In his application he will need to demonstrate good behavior and offer letters of recommendation. But a pardon in Georgia isn't all-powerful. Although it can soften a criminal record, it doesn't erase the conviction. So no matter what, the felonies will follow him.

Just as they did one evening in May, when Roscoe drove home from the library in his 1991 Toyota MR2. He was going the speed limit but wasn't surprised when a cop pulled out behind him; Roscoe knows his is the kind of sports car that attracts such attention. But this was the car he'd always wanted. He bought it -- used, under a financing plan -- the month he was released from prison.

The cruiser pulled him over, and the officer said the window tint was too dark. He took Roscoe's license for a routine check. Roscoe's face went hot with anger. His gut, cold with panic. When he runs the license, he thought, he'll see the felonies and assume the worst.

Moments later, Roscoe says, he was in the back seat of the cruiser in handcuffs, watching through the windshield as the officer and a drug dog searched his car. An hour and 10 minutes later, Roscoe says, the officer issued a verbal warning and said he was free to go.

ROSCOE KNELT IN THE GRASS at Crest Lawn Memorial Park on a clear September afternoon and gently swept dirt from a brass grave marker. With a knife he cut the creeping weeds. Then Aunt Bobbie handed him a bright new

bouquet of artificial purple mums. He placed them inside a vase on the now shiny headstone.

On this hill, Roscoe was creating his own second chance. In April, he started a business he calls Flowers From Heaven. For a fee, Roscoe tends to graves for out-of-state relatives or folks who don't have time to visit and oversee upkeep. Then he posts a picture for the customer at a link on his company's Web site.

He took extra hours at the cabinet shop and the gym so he could set aside \$300 a week for the enterprise. "When I'm doing the flowers, there's nobody I answer to," he said. "Nobody judging me."

He propped up two drooping mums and stepped back to survey his work. Aunt Bobbie waited in the car. "It's fine! C'mon!" she called to him.

Roscoe flicked away a stray leaf. Perfect. He snapped a photo and made his way down the lush green hillside.

"This isn't the route I chose," he said. "But it's the route I had to go."

ROSCOE ASSUMED MOST of the letters he wrote to politicians, organizations and business people ended up in the trash. But in late September, Bert Lance called.

"The more I read the letter, the more it seemed the system was broken," says Lance, the former Young Harris trustee who served as President Jimmy Carter's director of the Office of Management and Budget.

Lance was acquitted of bank fraud charges in 1980. Years later, he still suffered under the weight of the scandal and felt the media and the public had imposed on him a "living sentence," he wrote in his 1991 memoir.

"If I could name a church, I'd name it the Church of the Second Chance," he says. "Whenever we get a second chance, it ought to be just that. The past ought to be done away with."

Lance said he found Roscoe's letter "as compelling a commentary as one could read about what happens to people. Do we allow them to get lost in the process? He's trying to make a living and be a productive member of society. It's tough, isn't it?"

He referred Roscoe to Lee Sexton, a well-known Georgia criminal defense lawyer, who said he would represent Roscoe for free and help apply for the pardon in December. And if Roscoe goes to law school, Sexton said, he will help petition for his special acceptance to the State Bar of Georgia.

So in October Roscoe quit the job at the athletic club to focus on the Law School Admission Test, look at places to apply, and assemble his pardon application.

"I lost years of my life," he says. "All I wanted to do was get out of prison and live a normal life, and that didn't happen."

This burst of good fortune seems almost unbelievable.

"A small part of me feels like it's all smoke, no fire."

Mostly, though, what Roscoe feels is something he hasn't felt in a long time.

Hope.