BATON ROUGE (AP) - State Sen. Gaston Gerald's wife was to drive him to prison today to begin a five year sentence for extortion, his lawyer said.

Gerald, 49, will not be giving up his seat, despite an earlier statement that he would resign if sent to prison, said lawyer James McPherson.

"At the time he made his statement, he did not realize he would have to go to jail before the Supreme Court could rule on his appeal," McPherson said.

"Since he made that statement, so many of his constituents have called and written and talked to him on the street. There is a great feeling that he's been unfairly treated," McPherson said.

The Greenwell Springs lawmaker was convicted in August, 1979, of trying to extort $25,000 from a Baton Rouge contractor. He was fined $10,000 and sentenced to prison.

GERALD HAS ASKED the Supreme Court to delay the court order sending him to the Federal Correctional Institute at Fort Worth, Texas, and to overturn his conviction.

Prosecutors said Gerald told the contractor, who was behind schedule on two Baton Rouge city-parish buildings, that he would get the city-parish council to waive $137,000 in late fees in exchange for the $25,000.

Despite his conviction, he was re-elected to a third term in November, 1979. There are three years left on that term.

U.S. Attorney Don Beckner has said he doubts it will delay Gerald's sentence, since the district court and the 5th U.S. Circuit Court of Appeals both have rejected the request.