

**IN THE SUPERIOR COURT OF COFFEE COUNTY
STATE OF GEORGIA**

DENNIS ARNOLD PERRY,)	
Petitioner,)	
)	
vs.)	Civil Action No.
)	
STEVE UPTON, Warden,)	
COFFEE CORRECTIONAL FACILITY.)	
_____)	

AFFIDAVIT OF SUSAN SIMPSON

1. I am a licensed attorney in Washington, D.C., and a 2009 graduate of the George Washington University Law School. In addition to being a practicing attorney, I am a producer and co-host of the Undisclosed podcast (<https://undisclosed-podcast.com/>), which covers wrongful convictions and other issues involving the criminal justice system. My contact information is: [REDACTED]

2. In 2018, Undisclosed began investigating the case of Dennis Perry, and made the decision to cover his case on our podcast.

3. As part of our coverage of the Perry case, I personally conducted an investigation into his conviction and the murders of Harold and Thelma Swain. This investigation included interviewing witnesses, locating case materials, and other investigative steps. I made multiple trips to southeast Georgia and parts of Florida, where I spoke to many individuals about the Swain murders. Several attorneys and other personnel from the Georgia Innocence Project accompanied me on some of these trips.

4. As part of my investigation, I determined that, prior to Mr. Perry's trial, the unsolved Swain murders had been featured on three television programs: Unsolved Mysteries, Crime Watch, and Prime Suspect. Prime Suspect publicized the availability of a \$25,000 reward

for information leading to the arrest of the murderer. It first aired in December 1992, seven years after the Swain murders, which is, according to the testimony of Jane Beaver at Mr. Perry's trial, the same time that she began tracking down witnesses who had been at the church on the night of the murders and showing them photos of Dennis Perry.

5. At Mr. Perry's trial, Ms. Beaver testified that she had called in tips to the show Unsolved Mysteries. However, I believe she was mistaken. I have made multiple reviews of every tip in the available files from Unsolved Mysteries, and there is no record of any tip being called in by Jane Beaver, nor are there any anonymous tips that were made to Unsolved Mysteries which bear any resemblance to the tip that Ms. Beaver testified she had called in.

6. As part of my investigation, I interviewed numerous jurors who had served at Mr. Perry's trial. Many of the jurors told me, as well as attorneys and other individuals associated with the Georgia Innocence Project, that some of the most compelling evidence against Mr. Perry had been Mr. Perry's alleged racist motive for killing Deacon Swain. The jurors recalled that around the time the Swains had been killed, Mr. Perry had made statements along the lines of "I always wondered what it was like to kill a n—— and now I'm going to get me one."

7. The only evidence presented at trial that Mr. Perry made this alleged statement, or that Mr. Perry possessed any racist motivations, came from the testimony of Ms. Beaver.

8. A large number of the jurors also told me, as well as attorneys and other individuals associated with the Georgia Innocence Project, about the "firebreak" evidence that had been introduced at Mr. Perry's trial, and how that too was compelling evidence of Mr. Perry's guilt. The jurors believed that the firebreaks explained how Mr. Perry was able to walk to and from the church that night. Several jurors also recalled the composite drawing and its resemblance to the defendant, and one juror cited the composite as definitive evidence of Mr. Perry's guilt.

9. The only evidence presented at trial concerning any firebreaks came from the testimony of Ms. Beaver.

10. On or around July 10, 2018, I went to the house of Ms. Beaver's daughter, Carol Ann Young, and asked her about Mr. Perry's case.¹ She told me that her mother had watched a "crime program" about the Swain case, and from that program Ms. Beaver had been made aware that a reward was being offered in the Swain case.² Ms. Young further stated that her mother had anticipated that she would receive the reward after giving her trial testimony.

11. On December 11, 2018, in a phone call with lead investigator Dale Bundy about Mr. Perry's case, he told me that at some point prior to Mr. Perry's trial he had gone to interview Ms. Beaver, and that she had asked him about the reward money in the Swain case. Deputy Bundy had told her that there was a reward, and that it was available "for a successful prosecution." Thus, the Camden County Sheriff's Office knew that Jane Beaver had requested and anticipated receiving a reward.

12. This is also consistent with documents that I obtained from the case file maintained by the District Attorney's Office, which record multiple phone calls that Ms. Beaver made to the DA's Office prior to Mr. Perry's trial, in which she asked the DA's Office about the reward money and when she would receive it.

13. During the course of my investigation, I became aware of rumors that \$12,000 reward payments had been made to both Jane Beaver and Brian L. Rozier. I later reviewed documentation evidencing that such payments were made to both Ms. Beaver and Ms. Rozier in

¹ I did not seek to interview Ms. Beaver, as Ms. Young informed me that she had severe dementia and was at that time in the hospital receiving medical treatment. Ms. Beaver passed away two months after my interview with Ms. Young, in September of 2018.

² Although Ms. Beaver testified at trial that the show she had seen was Unsolved Mysteries, there was no reward offered or mentioned in any version of the Unsolved Mysteries segment about the Swain case.

April of 2003, shortly after Mr. Perry's conviction. These documents indicated that the reward payments to Ms. Beaver and Mr. Rozier had been made out of Camden County's civil forfeiture funds.

14. In my interview with Ms. Young on July 10, 2018, Ms. Young told me that Ms. Beaver had been upset when, after Mr. Perry's conviction, she had only received half of the reward money that she had expected to receive. Ms. Young stated that another witness had been given the other half of the reward money, and that Ms. Beaver had been "mad" about this, because Ms. Beaver had felt that the entire reward was "her money," as "nobody else had come forward with anything" that was useful to the case against Mr. Perry.

15. On June 14th and 15th of 2018, I interviewed Deputy Bundy. Mr. Bundy stated that one of the scene witnesses, Gwen Owens, had not been cooperative with investigators, and that she and her daughter had given false descriptions of the shooter in order to protect themselves and minimize their involvement in the case. Mr. Bundy further stated that the women who had been at the church on the night of the murders had recognized the killer as a local, which is why Gwen Owens had been afraid to help investigators in identifying him.

16. However, on July 9, 2018, I spoke with Ms. Owens directly, and she stated emphatically that she had never given false information about the shooter, and that she had very much wanted to assist investigators in solving the murder of the Swains. She denied any suggestion that she would not have done everything in her ability to help identify who killed the Swains, and denied that she or any other witnesses had recognized the killer at the time of the shooting.

17. When I showed Ms. Owens the color composite drawing that was used to convict Dennis Perry (attached hereto as Exhibit A), and asked her whether it looked like the shooter she had seen, Ms. Owens stated: "No. It doesn't."

18. During this interview, Ms. Owens stated that she had never seen a picture of Dennis Perry, and also explained that she had been listed as a State's witness during the trial and therefore was sequestered for the duration of Mr. Perry's trial. At her request, I showed her a picture of Dennis Perry (attached as Exhibit B³), and after carefully examining the photo and asking questions about his height, she stated that the man she had observed that night (the shooter) had been much shorter and more "nerdy" looking. She did not think that the photo I showed her resembled the man she had seen on the night the Swains were killed.

19. Ms. Owens also told me that not all of the statements made by other witnesses from the church that night were, in Ms. Owens's opinion, credible. Ms. Owens told me that some of the statements given by other witnesses had been "stories" that, Ms. Owens believed, may have been motivated by attention-seeking behavior. When I pressed her for details about what statements in particular she was referring to, Ms. Owens acknowledged that she was referring to the statements of Ms. Cora Fisher, but that she did not wish to speak ill of a woman who was now deceased, and therefore did not wish to go into further details about the matter.

20. Ms. Owens struck me as a very compelling and credible witness, with a strong recall of the night in question. Her statements about what she had observed during the shooting were measured, detailed, and consistent with other statements she has previously given about the case when interviewed by members of the Camden County Sheriff's Office.

21. I believe that, had it been offered, Ms. Owens's testimony would have carried great weight with the jury.

³ This photograph was the only image of Mr. Perry I had on me at the time of the interview with Ms. Owens.

22. As part of my investigation, I learned that a former Georgia law enforcement officer named Glenn Foster had interrogated Donnie Barrentine as part of the official investigation into the Swain murders. I was able to track down Mr. Foster's contact information, and we set up an interview that took place on September 7, 2018. Mr. Foster told me that in July of 1985, he had driven down to Camden County at the request of Deputy Butch Kennedy, who had asked for Mr. Foster's help in interviewing a suspect in the Swain case. Mr. Foster told me that he had interviewed the suspect, Mr. Barrentine, in the Camden County Courthouse, and that no one else had been with him during this interview.

23. Mr. Foster stated that, during the interview, Mr. Barrentine had confessed to being involved in the murders of Harold and Thelma Swain. Mr. Foster described to me how Mr. Barrentine gave him numerous details about how the killings had taken place, including details that would be known to the perpetrator, and that it was Mr. Foster's belief that Mr. Barrentine could only have known these details if he had been present when the murders took place.

24. Mr. Foster stated that after his interview with Donnie Barrentine, he told the District Attorney about the confession, and that he believes that he also provided a written report about his findings, as that was his standard practice at the time. Mr. Foster then left Camden County, believing that Mr. Barrentine would be arrested and charged in the case; it was only after he had left Camden County that he received a phone call informing him that Mr. Barrentine was being released from Camden County's custody, and charges would not be filed against him.

25. As part of my investigation, I spoke with a witness named David Carroll. Mr. Carroll told me that after school on March 11, 1985, he had gone to football practice, and had returned home in the evening on the school bus. The bus route drove north on Highway 17 towards Spring Bluff, where Mr. Carroll lived, passing by Rising Daughter Baptist Church.

26. When the bus passed by Rising Daughter Baptist Church, Mr. Carroll noticed that a car was parked on the southbound lane of Highway 17, directly opposite from Rising Daughter Baptist Church. However, the car was not pointed southward, but was instead pointing north, which stood out to Mr. Carroll because he thought it was “odd [for a car] to be on that [southbound] side of the road facing north.” Mr. Carroll also noticed that the car was pulled off several feet to the side of the road, farther off from the road than he would have expected a car to be parked if someone had simply pulled over after breaking down.

27. Mr. Carroll described the car as an older looking model, and he believed it had two doors. He identified the car as a Ford Mustang, but said that it was a model with a similar body to an older model Dodge Dart, and he believed someone who saw the car might have identified it as either kind of vehicle. He stated that if the car had belonged to someone in Waverly, he would have recognized it, but that he did not recognize this car, had not previously seen it at Rising Daughter or elsewhere in Camden County, and he did not recall ever seeing it in Camden County again after the murders.

28. After the bus dropped Mr. Carroll off, he went to the home of Harold and Thelma Swain to visit with their adopted daughter, Ms. Ardena Lafane Kight. Mr. Carroll and Ms. Kight had gone to high school together and, at the time, were close friends; he said it was not uncommon for him to visit her in the evenings after school. When Mr. Carroll arrived at the Swains’ house that night, he found Ms. Kight was there by herself, as Harold and Thelma Swain

had gone to the missionary meeting at Rising Daughter Baptist Church. After visiting with her a while, Mr. Carroll left the Swains' house. Later that night he found out about the murders, and immediately thought about the "strange" car he had seen opposite of Rising Daughter.

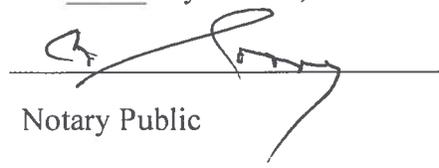
Thereafter whenever the murder of the Swains came up in conversation, he would talk about the car he had seen parked on the other side of the highway from Rising Daughter at around the same time that the murders took place. Mr. Carroll stated that he was never interviewed by the police or any attorneys about what he had seen.

FURTHER AFFIANT SAYETH NOT.


Susan Simpson

Sworn to and subscribed before me

this 6th day of June, 2019


Notary Public

COLLEEN ROONEY
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires September 14, 2019

