

UNDISCLOSED, the State v. Dennis Perry
Episode 1 - Rising Daughter
July 9, 2018

[00:10] Rabia Chaudry: Thirty-three years ago, in Camden County, Georgia, a man attending a bible study at his church was gunned down in the entranceway. When his wife of 43 years tried to come to his aid, she was killed too. It was a horrific murder in a part of the country where there were hardly any murders at all, and certainly not any murders like this. Solving the case became local law enforcement's highest priority.

But a year went by, and then two, and then three, and still the case went unsolved. There'd been suspect after suspect after suspect that investigators had looked into, but each lead they'd looked at had either come to nothing, or else the investigation into it had stalled out. With no further lines of inquiry to pursue. The case was growing colder by the day.

And then the Camden County Sheriff's Department found a new way to break the case wide open.

In the fall of 1988, three years after the murders at Rising Daughter Baptist Church, NBC launched a new series called *Unsolved Mysteries*. This murder of Harold and Thelma Swain was one of the cases featured in its very first season.

[01:22] *Unsolved Mysteries*, Robert Stack voiceover:

Waverly Ga, population 825, is a predominantly black community nestled in Baptist bible belt. For years Rising Daughter Baptist has served not only as place of worship but also a social center for the small township. But on March 11, 1985s, the quiet sanctity of Rising Daughters Church was violated by the brutal double murder of Harold and Thelma Swain.

[01:52] Rabia Chaudry: Immediately after the show aired, tips began rolling in. All kinds of tips. From all over the country. Hundreds of tips poured in, then thousands. And they kept coming in for years.

And the police began investigating them. Well, the promising ones, they did, anyway. The tips that gave information of the sort that you actually could investigate. Those were ticked off, one by one.

The case went cold again. Five years would pass, and then ten. The file was closed. The murders of Harold and Thelma Swain seemed destined to be yet another case that is forever unsolved.

And then, in 1998, the case became active once again. By that time, most of the original investigators involved in the case had retired, or moved away, or moved on to new careers. But a new source of funds had been found to reopen the investigation, and a new investigator was hired to work the case, full time. And that investigator did what no one before him had been able to do. Within a week, he would identify a suspect. Within a year and a half, he'd made an arrest. And three years after that, the man he'd arrested had been convicted. And within minutes after he was convicted, that man was given a choice: if you agree to go away and never bring this up in court again, we will spare your life.

The man asked if he could have some time to speak with his family before deciding, and when he was told that he could not, he accepted the deal.

[03:22] Susan Simpson: This case has been solved for 18 years now, longer even than the 15 years that it went unsolved. And after there was a conviction, the case mostly went quiet again, as solved cases usually do. But never completely quiet -- there were too many unanswered questions, and too many political interests and personal feuds tied up in all of it, for the case to completely fade away.

This is a story about how an investigation into a double homicide in Camden County Georgia went cold, and how, many years later, it suddenly turned hot again. And it's a story about why winning a conviction in a case is not the same as solving it.

[04:00] Joe Gregory:

You know, strangest case I ever worked in my life. This is something that has stuck in my mind, it'll never go away

[04:05] Voiceover:

I did simple Cold Case 101 - I went back and re-interviewed the witnesses. Nobody had done that.

[04:14] Butch Kennedy:

No... I didn't even know his name until -- I think *Unsolved Mysteries*, it was a lead from *Unsolved Mysteries*.

[05:00] Rabia Chaudry: Hi, and welcome to Undisclosed: the State vs. Dennis Perry. This is the first episode of Season 3 of Undisclosed, about a case from Waverly, Georgia. My name is Rabia Chaudry, I'm an attorney and the author of *Adnan's Story*, and I'm here with my colleagues, Susan Simpson and Colin Miller.

Susan Simpson: Hi, this is Susan Simpson. I'm an attorney in Washington, D.C., and I blog at TheViewFromLL2.com

Colin Miller: Hi, this is Colin Miller. I'm an associate dean and professor at the University of South Carolina School of Law and I blog at EvidenceProf Blog.

[07:25] Colin Miller: Camden County is in the very southeast corner of Georgia. Go any further to the east from there, and you walk off of Cumberland Island into the Atlantic Ocean. Go any further south, and you're in Florida. These days, most of the industry, and most of the people, are located along the county's southern border, in the cities of St. Mary's and Kingsland, but the county seat remains the tiny little town of Woodbine, at the northern end. It's a pretty big county, so a favorite hobby for many of its southern residents is complaining about how you have to drive all the way to Woodbine to get your driver's license, or take care of any other bureaucratic functions.

But while Woodbine may be tiny, twenty minutes further north at the very top end of Camden County is the even tinier community of Waverly, Georgia. That's where Harold and Thelma Swain were from. Although, Waverly is not really a town so much as it's just a name for a sparsely inhabited section of countryside that's 20 minutes north of Woodbine. Thelma, whose maiden name was Lang, was born there in 1921, and her husband Harold was born in nearby Clinch County, just on the other side of the Okefenokee Swamp, in 1918.

[08:25] Cynthia Clayton:

My mother really considered Thelma her sister because Aunt Thelma's mother raised her, and it's like she was age 2 or so. So pretty much they grew up as sisters. They just were always a part of our family. They were like a second set of parents.

That is Cynthia Clayton. Her mother is actually Thelma's cousin, but they were so close that they considered one another sisters. And while she was growing up in Waverly, Harold and Thelma had been a constant presence in Cynthia's life.

[08:56] Cynthia Clayton:

You know he would always come and pick us up on Sunday mornings - Sunday school picnics were a big thing for him and he would round up all of the children. So he was very involved with the families and in the community and really involved with that church.

The Swains were married in 1941, and eventually they settled in a little section of Waverly known as Spring Bluff. There's a cluster of houses there along a road called Dover Bluff, and it's just up the road from Rising Daughter Baptist Church.

[09:25] Cynthia Clayton:

They were just a good looking couple. Aunt Thelma was a beautiful lady, very pretty. And Uncle Harold was handsome. I can remember a younger picture of them when they were younger and they were married. They had been married for a long time.

By 1985, Harold Swain was mostly retired, but for most his life he had been a pulpwooder, cutting down trees to sell for timber. He continued to work part time, though, and was still a large, physically strong man.

[09:54] Cynthia Clayton:

He had his own business for a little bit there. I can remember, I was a little girl, I can remember some of his equipment and his truck. But he had his own timber, little timber business. And at some point I think he he sold that. What I remember was Uncle Harold, was just him being I guess retired, and at home, and just kind of piddling around, and pretty much doing, you know, little things for like Steve Rawl. And that's what I remember. They were pretty much at home.

The Swains both served in leadership roles at their church, and they were heavily involved in their community. For a time, Harold Swain was the fire department in Spring Bluff. He was the volunteer firefighter, and kept a pumper truck on his property for when fires broke out. He was politically active as well, running for local office, and serving on the jury commission for Camden County.

[10:43] Cynthia Clayton:

And they were a modest couple, a well-known couple, a respected couple in the community. Uncle Harold knew a lot of people. And a lot of people knew them. They were great people.

[10:57] Susan Simpson: But the Swains were not politically active in any sort of way that might earn them enemies, and if there was anyone in Camden County who held the Swains in anything less than the highest regard, I haven't been able to find them. Investigators who have looked at the case over the years, who have pried into the Swains' lives in an effort to find anything that might shed light on why someone might want to kill them, on why someone might have targeted them as victims, well they've come up empty there, unable to find anyone who had anything negative to say about Harold or Thelma.

[11:27] voiceover:

And the man that was murdered, the worst thing we could find out about him was that he'd tip his hat to ladies. He was a very strong Christian man. So was his wife.

And it's pretty hard to find anyone who lived in the northern part of Camden County back then, in 1985, who didn't at least know of Harold and Thelma Swain.

[11:50] *Unsolved Mysteries*, Steve Rawl:

All the people up here, well they came to his funeral. Most people I ever saw at a funeral up here in my life.

That's Steve Rawl, speaking to *Unsolved Mysteries* back in 1988. Steve Rawl was a prominent businessman from the area, and he owned a store just down the road from where the Swains lived, right off of the Dover Bluff exit on I-95. Harold Swain worked there sometimes, and he and Steve Rawl knew each other very well. Eighteen years after the Swains were killed, at the trial that was eventually held, the State would argue at trial that Harold Swain's connection to Steve Rawl had been, through no fault of Rawl's own, an indirect reason as to why Harold and Thelma Swain had been singled out for the attack.

[12:32] Rabia Chaudry: Bill Smith, the Camden County Sheriff, had also called Harold Swain a friend. Although, in a place like Camden County, where there aren't that many people to begin with, knowing the Sheriff wouldn't be all that unusual.

[12:46] Cynthia Clayton:

Everybody knew Bill Smith, or I can remember his father W.E. Smith. Everybody...just, he was the Sheriff of the county. So everybody knew him. And he knew, I think just pretty much he knew everybody. And his son at some point

became the county sheriff. So, it was a small community here in Waverly, so it wasn't unusual for people to know the sheriff or the sheriff to know the people and the families.

Sheriff Bill Smith would later testify at trial that he'd known Harold Swain his entire life. He could remember riding around with his father, the previous Sheriff Smith, and sometimes they'd ride up to Waverly to talk to Harold and Thelma.

So Harold Swain had known Sheriff Bill Smith, and before him, his father, Sheriff W.E. Smith. And, although there aren't many people still around today who would be old enough to remember it, it's possible that Harold would have also known Sheriff G.B. Smith -- the first Sheriff Smith, who was the grandfather and father of the other Sheriff Smiths. G.B. Smith was first elected sheriff in the late 1920s, and then was re-elected again in the late 1930s. But when he died a couple years later, in 1942, while still in office, G.B. Smith's son W.E. Smith took over, and became the second Sheriff Smith.

[14:02] Colin Miller: Sheriff W.E. Smith had remained the sheriff of Camden County for 34 years, until he decided to step down in 1976. At that point, W.E.'s deputy, Jimmy Middleton, then took over as Sheriff for a few years, but in January 1985, W.E.'s son Bill would become the third Sheriff Smith of Camden County.

But the newest Sheriff Smith would not be given an easy start to the job. Just a little over two months after he took office, the Camden County Sheriff's Department would be confronted with a case that was unlike any it had encountered before: the horrific double murder of Harold and Thelma Swain.

[14:36] *Unsolved Mysteries*, Robert Stack voiceover:

That night, Georgia Bureau of investigation was brought in. A massive manhunt started in this tiny black community.

Sheriff Bill Smith: Harold and Thelma were personal of mine and my family's.

[14:48] Colin Miller: That's Sheriff Bill Smith, speaking to *Unsolved Mysteries*. In the reenactment scenes filmed at the Rising Daughter church yard, you can see him mingling with the crowd, sleeves rolled up, talking to grieving family members and jotting down notes on a clipboard.

[15:00] Sheriff Bill Smith: And it was kind of a shock, to me, I think I was in shock for a while. When I got there, there was a lot of confusion. No one really

knew what had happened. They didn't know what the facts were, they didn't know who had done the killing, they didn't know what the motive was.

[15:20] Colin Miller Fifteen years would pass before the Camden County Sheriff Department would come up with an answer to those questions.

Butch Kennedy

We worked that case practically every day. Just about every day there was somethin' that we did. There wasn't a week that went by that-- even today when I pass the church, that's not every day, but I still think about that case.

[17:16] Susan Simpson Rising Daughter Baptist Church is, like pretty much everything else in Camden County, just off of US-17. That whole stretch of highway is lined with pine trees until you reach the church, where a little clearing opens up. The church yard is dotted with a few ancient oak trees, limbs drooping with Spanish moss, and the church itself is set back a ways from the road, a bright white building that stands out from a field of green that surrounds it.

The church's entrance faces US-17, with some stairs leading up to a steeped awning, and the front doors open up into a smallish vestibule. The vestibule runs almost the whole width of the church, but it's just under six feet back to front. From there, there are two entrances into the church sanctuary: one opening into the left aisle and one opening up into the right. At the other end of the sanctuary, behind the pulpit, there are doors going into a few rooms in the back, including a kitchen. That's where the church's only other entrance is, a small side door that opens out onto a grassy area facing a small cemetery. Though, back in 1985, that cemetery was even smaller still. That's about the only visible change to the church the past 33 years. Otherwise, Rising Daughter Baptist looks the same now as it did back then.

When *Unsolved Mysteries* came in and made a segment on the Swain case, they used Rising Daughter Baptist Church to film a reenactment of what had happened there years before. On screen, as ominous music begins to play in the background, a shaky camera that is pointed at a tree slowly pans over to look at Rising Daughter. Later, it will become clear that this shot is intended to be a first-person view from the killer as he approaches the church. Then, the camera shifts again to inside the church, and you can see a small group of women gathered there, in the sanctuary, scattered among the first three center pews rows. Thelma and Harold Swain sit up front, facing the group, on chairs that have been pulled up in front of the pulpit.

[19:19] Unsolved Murders Narrator

On the night they were murdered, Harold and Thelma held their weekly Tuesday night bible class. Nine women attended.

[19:26] Susan Simpson: There were a lot of things, though, that *Unsolved Mysteries* didn't get exactly get right.

For instance, this took place on a Monday night, not a Tuesday. There also weren't nine women there. There were 12 people there in all -- ten women, a 7 year-old girl, and Harold Swain. And Harold Swain wasn't sitting up in front of the pulpit, like he's shown there on the screen. He was sitting there with the rest of the group in the first-row pew. The meeting that night was for a women's missionary society meeting, organized and led by women, and its members were made up of women from a few different churches in the area. Every Monday, the mission sisters would get together at a different church, rotating which church it was held at from week to week.

As another mission society member, Cora Fisher, would later testify, Harold's attendance at that meeting was a little unusual. When she was asked what they'd done during their meeting that night, Cora said,

Rabia, reading: "It was different. We had Deacon Swain with us that night. [...] And we had a little problem. If a man be with us and we always let them open up the services for us, you know."

It's hard to tell just from reading the transcripts, but I'm pretty sure Cora Fisher's there comment about Harold's presence being a "problem" wasn't a serious remark. She was just making a joke about how their normal meeting agenda had been a bit interrupted that night, because a man was present.

But why was Harold there that night? There's nothing in the police files about it, so I asked Butch Kennedy. He was one of the original deputies from the Camden County Sheriff's Department that worked on the case, and for many years he was the case's lead investigator:

Susan Simpson

I was wondering - do you recall ever asking about why Harold Swain was at the meeting that night?

Butch Kennedy

I don't, but I do remember that the people that we talked to, and honestly I don't think that it meant anything to us except that, he was at the store I believe, and his wife was goin' to there, and he never had, it wasn't a practice of his to go to those meetings, and I don't think that he had ever been to one.

[21:14] Rabia Chaudry: But even if Harold's presence at the meeting was not usual, his wife Thelma Swain attended the Monday night meetings regularly. Although Cynthia Clayton, the Swains' niece, remembers how Thelma had been telling people that maybe she might not make the meeting that night.

[22:05] Cynthia Clayton

But I saw them, I was working in Brunswick, and that evening, comin' home from work, Uncle Harold was standin' outside in the yard doin' something, I remember blowing my horn at him, waving at him as I was goin' home. And my sister had been down there earlier and she was sayin', that Aunt Thelma was think, thinking that she really didn't feel like goin' to church that night but she guessed she would. But you know, she was contemplatin' not goin'.

However it came to pass, when the missionary meeting started at Rising Daughter Baptist Church at 7 o'clock that night, both Harold and Thelma were there. Thelma, as the secretary for the society, sat up at a table up front facing the pews, and Marjorie Moore, the group's president, sat up front as well.

At about 8:50 pm that evening, the missionary meeting was beginning to wrap up. Thelma was taking minutes from the meeting and getting ready to collect dues from everyone when one of the women, Vanzola Williams, had to excuse herself a bit early to pick up her daughter, who got off of work at 9pm. Her daughter worked over in the coastal city of Brunswick, about 25 minutes away, so Williams was already late as she headed out that night. She passed up her dues to Thelma, then walked up the aisle and through the double doors that separated the sanctuary from the church's little entrance room.

And that's when she saw him. A young white man, standing there in the vestibule, leaning casually against a mirror that hung on the inside wall.

Actor in *Unsolved Mysteries*, playing Vanzola Williams

Can I help you?

Actor, playing the killer

Yeah, I wanna talk to somebody.

Actor, playing Vanzola Williams

Who?

Actor, playing The killer

Somebody in there.

Narrator

She encountered a stranger in the vestibule.

The actor who plays the killer is a slender man. He's youngish, but not too young -- maybe somewhere in his mid to late 20s. He's wearing a denim button-up shirt, and his hair is, very visibly, a wig. It's a greyish blond sort of color, with shaggy stringy hair that falls a little below his ears.

But the actor is not exactly how any of the eyewitnesses would later describe the stranger in the vestibule. But as an attempt to distill all the conflicting witness statements into a single man, well, it's not a terrible one.

[23:42] Actor, playing the killer

I want to talk to him.

Actor, playing Vanzola Williams

He'll be right back.

In the *Unsolved Mysteries* reenactment, the stranger leans his head into the doorway, just a crack, and points at Deacon Swain as he says this. Vanzola Williams then goes to fetch him.

Narrator

Some of the other women in the group caught just a glimpse of the man, a young white male.

The stranger at the church that night never said Harold Swain's name. He just pointed into the sanctuary and said, "I want to speak to *him*." Since Harold Swain was the only man in the meeting that night, there was no question of who he meant.

Vanzola Williams stepped back into the church to get Harold Swain, and he followed her back up the aisle. When they got to the vestibule, Deacon Swain asked the stranger what he wanted, and the stranger said, "I want to talk to you." But when Deacon Swain told him, "Okay, we'll go outside," the stranger objected. No, he said. I don't want to go outside. I want to talk to you here.

[24:35] Colin Miller: Vanzola passed away in 2013, but here's how she described the stranger to *Unsolved Mysteries*, back in 1988:

Vanzola Williams

He was calm. I was thinking that he was there for a handout. He didn't seem to be someone to hurt anybody. I didn't see any weapon or anything. It seemed like he had on scuffed boots, and he had long blonde hair, shoulder length hair. And I really wasn't lookin' at him that hard, you know, because I wanted to leave.

[25:10] Colin Miller: By that time, Vanzola Williams had already been very late in picking up her daughter from work, so she didn't want to stick around to hear the end of the man's discussion with Harold Swain. She excused herself, and Harold pushed open the door to let her out, and Vanzola went on her way, heading down the church's steps and towards her car, which was parked up in front of the church along with the cars of everyone else at the meeting that night.

And then she heard the gunshots.

Later on, some of the women in the church would give estimates about how long it was between Deacon Swain stepping into the hallway until the shooting began. Somewhere between 3-4 minutes, they said, not too long. But in reality, it couldn't have been more than 30 seconds at most, because Vanzola Williams never made it to her car before the shooting began. When she heard the gunshots, she turned around and ran for the church's back entrance, the one off the kitchen, thinking that there she could call the police for help.

For the women inside the church, the first indication they had that something was wrong was a scuffling sound coming from the vestibule. The muffled and indistinct voices of the two men talking had suddenly turned into shouts and the sounds of an altercation, which then turned into the unmistakable and startlingly out of place sound of gunfire.

The other women in the missionary meeting started running for safety, towards the back office rooms behind the pulpit. But Thelma Swain, who had until that moment been busy

recording the minutes from the Missionary Society meeting, got up and ran the other way, up the aisle through the pews towards the front of the church.

[26:36] Audio from *Unsolved Mysteries*:

(gunshots), woman screaming, "Harold, Harold!" (another gunshot).

In the *Unsolved Mysteries* episode, you see Thelma running to her husband and swinging open the double doors. But when she does, the young white man is standing there, his gun pointed down at Harold, who by that time is already down. And as Thelma pushed through the doors, the man raises his gun, aims, and fires. She falls.

27:17 Susan Simpson: Some of the women were still in the sanctuary and saw that final shot, and they saw Thelma collapse in the doorway, before they too turned and ran past the pulpit and towards the church's back rooms, seeking whatever refuge they could find there. Several of the women ran for the preacher's office, thinking that there they'd be able to call for help, but when they picked up the phone there was only silence. The line was dead.

Later, police would discover that the phone lines on the side of the church had been cut.

It was two of the older women in the group, Margie Moore and Lettie Frazier, both in their 60s at the time, who were the first to try to run for help. But when they did, they saw a movement of some kind -- it's not clear what from their interviews. But they saw *something*, and it spooked them, so they ran back.

Finally, Margie Moore decided they couldn't wait any longer. Someone had to run and get help. As one of the other women would later testify at trial:

Rabia Chaudry, reading

We stayed there a while and then Ms. Margie Moore, she got brave. She got a broom and she went out to try to get help

A couple days later, when she was interviewed by investigators, Margie Moore told them she'd had no idea what she'd been thinking when she grabbed the broom, or how exactly she planned to use the it if she had run into the stranger with the gun. It had just seemed like the thing to do at the time. Luckily, this time, as she ventured out, all seemed quiet. She hurried out the side door and through the church yard, heading for her car.

And that's when she saw it. A small car, not one she recognized, parked a bit away from the others in the yard, next to a couple trees. Margie Moore told police that she knew right away that the car did not belong to anyone who had been at the church meeting that night. She thought to herself, "Lord, the man could be sitting in the car reloading."

But if anyone else was out there, they didn't make themselves known. Margie Moore saw no one as she got to her car, dropped the broom, and hopped into the driver's seat. And then, without even taking the time to close the door, she floored it, her car lurching across the church yard, through brush and ditches, and made it onto Highway 17. Only then, when she got onto the highway, did she slow down long enough to actually get the door closed.

She headed up US-17 to a place called Reed's store, the closest place where she knew she could find people. It's a little convenience store only a mile up the road, at the corner of Dover Bluff and 17. It was owned by Gregory Reed -- or Coach Reed, as most people in Waverly seem to call him -- and he was there that night, with a woman named Leona Hamilton, who was working the counter.

When Margie Moore came in and told them what happened, Coach Reed's first thought was to head to the church to help. He grabbed a shotgun for protection, but then Leona Hamilton, his employee working at the store, told him she was scared and asked to keep it for herself. So, Coach Reed left the gun with her, and he and Margie Moore drove back to the church, unarmed. They didn't even have Margie's broom.

As they approached the church, Coach Reed slowed down, looking over to see what was going on. When telling me about that night, what seemed to stand out to him the most as just how *quiet* everything had been. He told me, "It was just as still as a painting on the wall. Not a cricket moving, not a blade of grass growing, not a leaf blowing in the wind. It was like a picture taken out of time."

[30:33] Rabia Chaudry: Everything *seemed* quiet. But it was only then, as they were pulling up towards the church, that Coach Reed asked Margie Moore a question he'd neglected to ask before: what had happened to the gunman in the church? Where had the guy who had done the shooting gone? And Margie Moore told him: I have no idea. He could still be in the church.

Coach Reed kept driving. He went up past Rising Daughter to a neighbor's house, a man named Nolan Frazier. Nolan, Coach Reed told him, we have a problem. So, Nolan Frazier and Coach Reed went back to the church, and Coach Reed thinks he was the

first to look inside. Right inside the vestibule, just off to the left, were Harold and Thelma Swain. Harold was closest to the entrance. He was laid out on his right side, facing his wife. Thelma stretched out through the doorway, her feet still in the church's sanctuary. One of her hands was reaching out to Harold, cradling his head, while the other is still clutching the pen she'd been using to take the mission society meeting notes.

[31:46] Rabia Chaudry: Both were dead. Harold had been shot four times; three times in the chest, and once to the back of the head. Thelma had only been shot once, in the shoulder, but the bullet had torn down through her neck and subclavian artery. She would not have lived long.

Cynthia Clayton: I was at home that night, and someone came to my house and told me that someone had killed Thelma and Harold. And, I couldn't... my mind was racing. You know what... I just couldn't comprehend that. And I couldn't figure out how would something like that happen.

Rabia Chaudry: Everyone in the community was shocked, and the lack of any answers just made everything that much worse. People were frightened and confused and angry. The local paper quoted the Woodbine city administrator as saying,

[32:40] Colin Miller narrating: "Harold was a friend of mine. Most everybody from Woodbine to the north knew him and respected him. Whoever did it, I hope they get him and burn him at the damn stake."

Rabia Chaudry: Glenda Rozier, who lived with her husband Corky in a house off of Dover Bluff, not far from the Swains, told Susan about what it was like to live in the neighborhood at the time:

Glenda Rozier: ...That was really bad. Because, you know, if you don't know 'em, it's still bad, but if you know 'em, it's even worse, you know? Because they were friends. They were just good people. Very good people. Harold would do anything for you.

[33:15] Rabia Chaudry: And Carlton Johnson, who had worked up the street from the Swains at Steve Rawl's store, remembered the fear that whoever had done it might strike again:

Carlton Johnson: During the time it happened, like I said, I was scared to be caught outside after dark. Like I said, nobody knew who the killer was!

[33:49] Colin Miller: From the very beginning, there seemed to be a real risk that this case might never be solved. The women in the church told police they hadn't recognized the killer, and that they saw no sign that Harold Swain had recognized him either. And if this was someone with no connection to Waverly, someone who was just passing through at the time, how would they ever be found? The killer might have just left the church, in his car, and then kept on driving, never to return. No ties to the crime scene or the victims before the killing, and no ties after. And just so long as the person never told anyone else about what had happened, how could they ever be found?

But maybe that person *had* talked. And if they had, the best way to solve the case would be to get the word out as wide as possible.

That's where *Unsolved Mysteries* comes into play. The segment was called "Slain Swain," and it first aired in November of 1988, three and a half years after the murders.

[34:41] Colin Miller: In the early days of the show, at least in its first few seasons before it gave way to demands for better acting, *Unsolved Mysteries* prided itself on its realism. As the opening credits would announce, "Whenever possible, the actual family members and police officials have participated in recreating these events." They would use actual case witnesses to reenact the crimes featured on the show, and they would use the actual crime scene locations as their backdrop.

And, when showing what kind of evidence that police had found, they would use the actual crime scene evidence.

[35:10] Robert Stack Voice Over from *Unsolved Mysteries*:

These are the glasses found on that night. And they're not ordinary glasses.

Colin Miller: In the *Unsolved Mysteries* episode, Robert Stack is standing in a police department, or a studio set designed to look like a police department, and holding up a pair of folded glasses up to the camera. He's holding them in his bare hands. He slowly unfolds them and fidgets some with the ear pieces, before folding the glasses back up again with a snap.

Robert Stack: The lenses are thick. The surface, pocked by a welding torch. The ear pieces don't match. Were they dropped by the killer?

[35:43] Susan Simpson: I already knew this scene existed when I first sat down to watch the episode, but I still cringed when I actually saw it. Those glasses were one of the most critical pieces of evidence in the whole case, and there they were being waved around on screen by a TV host like they were some kind of prop. But those were not a prop -- those were the real glasses that had been found at the crime scene on the night, lying on the vestibule floor, inches from where Harold Swain had fallen, with one of the lenses popped out of the frames.

Special Agent Joe Gregory, the lead investigator from the Georgia Bureau of Investigation who had been assigned to the case, explained in an interview on *Unsolved Mysteries* why those glasses were so important.

[36:17] Joe Gregory, from the *Unsolved Mysteries* episode: There was a lot of physical evidence at the scene. Bullet casings. Two pair of glasses. One we were able to determine had belonged to Harold Swain. The other pair, no one knew who they belonged to.

[36:33] Susan Simpson: The glasses weren't Harold's, and they weren't Thelma's, and as there don't seem to be many other options for who else could have lost a pair of glasses in the Rising Daughter Baptist Church vestibule that night, the obvious inference is that they belonged to the killer. And, to Special Agent Gregory, the glasses give us some insight into who the killer might have been.

Joe Gregory: The first gut reaction I had was a transient. Because the glasses appeared to belong to a person who did not have money to properly maintain their glasses, or to buy glasses when they needed them.

[37:00] Susan Simpson: We don't know where those glasses are now. They went missing at some point in the 90s, or at least as best as we can tell, they did. And there has been a lot of finger pointing all around about who exactly is to blame for that situation. But while it's frustrating and concerning any time evidence goes missing in a case, here at least there may be some cold comfort to be had from the fact that those glasses clearly wouldn't be any good for any sort of DNA testing, even if we did have them. Or, if they ever were found, and DNA testing was done on them, the results would probably just show that Robert Stack was the killer.

[37:32] Rabia Chaudry: At the end of the *Unsolved Mysteries* episode, there was an appeal from Robert Stack to listeners: If you know something, say something. Call it in.

Robert Stack Voiceover: For every mystery, someone, somewhere, knows the truth. Perhaps that someone is watching. Perhaps, it's you.

There was no shortage of callers, and what many of the resulting tips may have lacked in quality, they certainly made up for it in quantity. But despite Robert Stack presenting the case to the entire nation, *Unsolved Mysteries* would not lead to a break in the case. Or at least not right away.

[38:12] Colin Miller: That *Unsolved Mysteries* episode would continue to be aired on national TV, off and on over the years, even after investigators had closed the file, having exhausted all the available leads. For over a decade, if you happened to be watching daytime TV and caught a rerun of that particular episode of *Unsolved Mysteries*, you'd see that same segment played, unchanged, with that same plea to the public for tips to be called in.

Later on, in the 2000's, the *Unsolved Mysteries* franchise was bought by Spike TV. Old episodes of the series were repackaged into a shorter format, and re-narrated by a new host, Dennis Farina. And so a new, shortened version of the "Slain Swain" episode was released, redubbed with Farina's voice instead of Stack's.

This time, though, the Slain Swain segment had a different ending.

[38:57] Dennis Farina narrating on *Unsolved Mysteries*:

The killings of Harold and Thelma Swain remained a mystery. Were they just random killings committed by a violent transient? Or were they a planned and premeditated murder? And if so, why?

Update: 15 years after the murders, police arrested a man named Dennis Arnold Perry who lived near the church. Perry evidently had a grudge against Harold Swain, he felt that Swain had ridiculed him when he asked to borrow some money. Perry pleaded guilty to the murder of Harold and Thelma Swain, and was given two consecutive life sentences.

[39:45] Susan Simpson: Like we mentioned before, there were some things in this episode of *Unsolved Mysteries* that it didn't exactly get right, and this update is one of them. Dennis Arnold Perry was arrested in 2000 for the murders at Rising Daughter Baptist Church, but there was no guilty plea. Dennis Perry went to trial, and was convicted by a jury in 2003. The prosecution was seeking the death penalty, and while awaiting sentencing, after his conviction, Perry's attorney told him that the jury that had

just convicted him of two murders was likely to send him to the electric chair. That's when the prosecution approached the defense with an offer: Give up any right to appeal, they said, and we'll take the death penalty off the table. You'll live.

The offer was accepted.

There are also some smaller details about that update that weren't quite right. Like the part about Dennis Perry living near the church -- that wasn't true at the time. Dennis' grandparents *did* live nearby, about a half mile up the road, and Dennis had been living with them for a while. But in 1984, he'd moved out and gone to live with his mother, up in a suburb of Atlanta, and at the time the Swains were killed, Dennis Perry was living and working up in Jonesboro, a half day's drive from Waverly.

[41:01] Rabia Chaudry: But as for the explanation for why Harold and Thelma had been killed, *Unsolved Mysteries* was right about that being the State's theory of what had happened that night. A few weeks before the Swains were killed at Rising Baptist Church, the State argued at trial, Dennis Perry had bumped into Harold Swain somewhere, most likely at his grandparents' house. That's when Dennis had asked Harold Swain if he could borrow some money. But Harold had laughed in Dennis' face, and made fun of him for being poor. Dennis had been upset by the deacon's ridicule, but he'd also seen a silver lining in this whole unfortunate encounter. Because Dennis Perry had always wondered what it was like to kill a black person -- although "black person" is not the word he would have used -- and now he would have had an opportunity to find out. So on the day of the murders, or maybe the day before, Dennis had left Atlanta and made his way back down to Waverly in order to ambush Harold Swain in the church. Killing Thelma hadn't been part of the plan, not really, just incidental. A split decision he'd made as she had come through the doors. And then, after that, Dennis Perry had found his way back to Atlanta, and for the next 15 years would live out his life as if the whole thing had never happened.

All of that is what the State says happened, anyway. But Dennis Perry has always maintained his innocence. He has been in prison for 18 years now.

[42:12] Susan Simpson: This case brings up a lot of bad memories for a lot of people in Camden County. And all of it happened so long ago now -- the Swains' murder, Dennis' arrest and conviction, all of that is decades in the past. I think, for a lot of people, they just want it to be a chapter in their lives that has an ending.

But part of why people still talk about the case is that, even with a conviction, so much about it feels unanswered. The case doesn't feel solved. Because, if Dennis Perry is guilty, if he really did kill Harold and Thelma Swain, then that would leave one very important question about the crime scene completely unanswered: who dropped that pair of glasses found in the vestibule?

As far as clues go, a pair of glasses left at a crime scene seems like such an important piece of evidence. Short of a wallet, or something engraved with a name, it's hard to think of many objects that are tied up so personally with their owner. And the particular glasses found at Rising Daughter, with their strange tint and their pockmarked surface from welding, would seem to tell us more about their owner than most glasses would. From the very beginning, they seemed like the best hope of getting this case solved: Find the owner of those glasses, and you've found your killer.

But from the very first day that Dennis Perry was identified as the prime suspect in the case, those glasses would become a problem. Because they were prescription glasses for someone who was extremely farsighted. Dennis Perry's vision was tested and found to be 20/20 in each eye. For Dennis, wearing those glasses would have as good as blinded him.

[43:56] Susan Simpson: Those glasses have been lost for years now. Even before Dennis Perry became the State's lead suspect, no one had been able to find them. But as time went on those missing glasses only became more of a problem for the State's case. And that's because in the days after the Swains were murdered, those glasses were sent to the GBI and processed for trace evidence. The lab analyst found some -- three short hairs caught up in some tape wrapped around one of the temple pieces. The hairs were varying shades of blonde and brown, and there's a note in the file that says that "BOTH MAY BE RAZOR CUT."

Those hairs were extracted and preserved. And, unlike the glasses, the hairs were not lost.

[44:38] Colin Miller: In 2001 -- almost two years after Dennis Perry was arrested for the Swains' murder, and over a year before he went to trial -- those hairs were sent to a lab for DNA testing. By that time, one of the hairs was too degraded, and it fell apart during testing. No profile could be obtained. But the other two hairs were in better shape. Mitochondrial DNA was obtained from both, and it was determined that both hairs came from the same person.

And that person could not be Dennis Perry. Those were not his hairs, and those were not his glasses.

But if Dennis Perry didn't leave those glasses at the crime scene... who did?

Voiceover:

In a cold case that all of the sudden turns into a trial, there's always places to pick at.

Voiceover: But because of the severity of the case, it was one of the few like this, where you see so much corruption at the top. Keep working this as hard as you can, because the real killers got away with this.

Butch Kennedy: If I could find out he was guilty, it sure would make me feel a lot better. I don't think he is.

[46:14] Susan Simpson: And that's Episode 1 of Undisclosed: The State V. Dennis Perry. We'll be back on Thursday, with our Addendum episode, hosted by John Cryer, to discuss this new series. So, don't forget to send any questions you have for us over Twitter, and use the hashtag: #UDAddendum. We'll return next Monday, with episode two. Mital Telhan is our Executive Producer. Our logo was designed by Baluki, and theme music is by Ramiro Marquez, and Patrick Cortez. Audio Production is by Rebecca Lavoie, of Partners in Crime Media, who also hosts the fabulous "Crime Writers On" podcast. Transcripts of this episode, and past episodes are available on our website, at Undisclosed-Podcast.com. And a huge thanks goes out to our team of volunteer transcribers: Brita Bliss, Erica Fladell, Dawn Loges, and Skylar Park. Without them, that would not be available. If you want to read more into Dennis Perry's case, check out the Georgia Innocence Project's website, at GeorgialInnocenceProject.org. And a special thanks goes out to Ed Costikyan, in turn for GIP, for his dedicated work on the case. And of course, thank you to all of our sponsors, making it possible for us to come back week after week. Don't forget to follow us online, on all our social media accounts. Our handle is @undisclosedpod. That's Instagram, Facebook, and Twitter. That's all for this week, and thanks so much for listening.

Transcript compiled by Brita Bliss, Dawn Loges, Skylar Park, and Erica Fladell