

UNDISCLOSED, The State v. Dennis Perry
Episode 11 - Ms. Lavinia
October 1, 2018

[00:52] Susan Simpson: During my first trip to Camden County, Camden County Sheriff's Deputy Dale Bundy agreed to talk to me about the Swain case and his investigation into Dennis Perry. He knew that I was working with the Georgia Innocence Project to investigate Dennis' case as a possible wrongful conviction, and he thought our interest in Dennis Perry was misplaced, but he respected our goals and was willing to share with me what he knew.

[1:14] Susan Simpson: Obviously we're interested in the case in that we have questions about it, is there anything you ... from your perspective, can you see why we're curious about the case, why we think there's ... we have questions about it?

Dale Bundy:

I can't.

Susan Simpson:

Okay. That's what I'm wondering. To you, is it mystifying that-

Dale Bundy:

Your jobs are to be the devil's advocates. To blow apart what we did. And if you can do it, and prove it, more power to ya, ladies and gentlemen. I admire you for what you do. That's why I bared my soul. I get off at 5:00 and it's 20 after and I'm still sittin' here-

Susan Simpson:

Oh, you need to get home! Thank you so much, I appreciate it. And it does mean a lot that you talked to us. A lot of times investigators won't talk, and you're like, "What're you trying to hide?"

Dale Bundy:

I have nothin' to hide. I have absolutely nothin' to hide. I believed him. I thought he was wrong about the case, but it just seemed like he wouldn't have been that willing to share what he knew if he hadn't thought his case against Dennis was

solid. Sure, he could guess that we were going to find things in the case to nitpick at, as he put it, but... he didn't act like someone who had any fear of the truth coming out.

Then, one morning, a couple days later, I got an email. I was still in Woodbine at the time, with the Georgia Innocence Project, and Clare Gilbert, Christina Cribbs, and I had been sitting out on the porch making plans for the day when the email came in.

[2:35] Susan Simpson:

We can read the email from Bundy.

Clare Gilbert, reading:

Susan, as expected, I thought of what I wanted to ask you not long after we parted ways on Friday. There has been much hearsay after the fact using opinions ad nauseum about the case against Dennis Perry. There have been claims made about pictures, photo lineups, etc. etc. that have no basis in fact. My question on all this information is simply this: Why wasn't any of this part of the defense case in the trial? Dennis had a well-known, competent attorney from Jacksonville, but none of these allegations against Jane Beaver, the clearing of the suspect by payroll records, etc, were part of the defense case. I wish you well in your endeavors and tried to be as truthful and accurate as I could. I must say though, I feel as though I was originally misled as to your role and feel I was somewhat taken advantage of by you to further your cause. I told you the truth to the best of my recollection. You will find the truth harder to obtain as your search continues.

Susan Simpson:

I don't understand why... he didn't explain why he thinks I took advantage of him though.

Ed Costikyan:

Maybe he Googled you?

Susan Simpson:

But I told.. Like I told him...

Cristina Cribbs:

Well it was very clear, it was very clear.

Susan Simpson:

But why does he think... I'm really confused!

Clare Gilbert:

I don't think it has anything to do with you, it has to do with the facts of the investigation. I think... there's no way he can not come across looking badly if the facts are accurately portrayed. So... not badly as a person, but just like a shotty investigation. I mean this man is sentenced to two life sentences based on eyewitness identifications secured thirteen years after the fact, after they were given single picture show ups... I mean it's ludicrous. But I wouldn't take that... he's probably just realizing the implications of talking to you.

Susan Simpson:

"You will find the truth harder to obtain as your search continues."

Cristina Cribbs:

The truth? Doesn't he think we already know the truth, that Dennis Perry did it? What does that even mean?

Clare Gilbert:

That suggests to me that people aren't gonna talk.

Cristina Cribbs:

I mean what does that mean? If he thinks Dennis Perry committed the crime, what truth is there to find? We already know it, according to him.

Clare Gilbert:

Right.

Susan Simpson:

"You will find the truth harder to obtain as your search continues."

I think about that phrase a lot. I don't know what Bundy meant by it, and if he was making a prediction, he wasn't wrong. In some ways, what he'd written seemed kind of discouraging -- in this case the truth had already been hard enough to obtain, anything that made it harder just seemed unfair.

But I came to realize, what Bundy had written wasn't discouraging at all. It was the opposite. Because when someone tells you that the truth is going to become harder to

obtain, what it means is there's still a truth out there that you don't know about yet. You just have to find it.

Hi and welcome episode 11 of Undisclosed, the State vs. Dennis Perry. I'm Susan Simpson, an attorney in Washington D.C. and I blog at TheViewFromLL2. And this episode will be a bit different from usual. Colin and Rabia will be back next week, but for this week, it'll just be me. Because this episode is the story about a visit I made to Camden County, and what I found there.

WITNESSES

One reason the truth has become harder to obtain in this case has nothing to do with Dale Bundy, or anyone in the Camden County Sheriff's Office. Just due to the passage of time though, many witnesses are no longer with us, and many of the people who might have had answers to some of the questions I have are no longer around for me to ask. The women who were at Rising Daughter on the night the Swains were killed were mostly in their 50's and 60's, and in the years since then, many have passed away. But in 1998, when Dale Bundy reopened his investigation, all but one of the witnesses were still alive. And yet, only a handful of them were ever interviewed.

[7:28] Susan Simpson:

So you think it was Vanzola and Cora, were the two that you were able to talk to. And not possibly Vandora... Vandora was still alive... I think she's still alive.

Dale Bundy:

Vanzola Williams was still alive, Cora was still alive, she wasn't in a nursing home. Um... I don't remember who else I talked to without diggin' into it.

That part of the reopened investigation bothered me, a lot: when you have 9 witnesses to a murder, how come there were only two who were ever really talked to?

Bundy didn't rule out the possibility he'd interviewed other witnesses, but he didn't recall doing so, either. That meant that there were 8 women in all who'd been there that night, still alive, but Bundy was only interested in hearing from Cora and Vanzola. And Dennis Perry's defense team wasn't much different in its approach to the case. In 2001, a defense investigator went out and interviewed Cora Fisher at her nursing home, and tried to interview Vanzola Williams, but she'd refused to talk to them. The only other church lady the defense talked to was Vandora Baker, who they'd asked for an interview and she had agreed.

But that left six other witnesses who they never tried to talk to at all. One of those six, Lettie Frazier, actually did testify at Dennis Perry's trial, but for the rest of the church ladies the defense just never heard from at all, full stop.

Today, in 2018, of the 9 women who were in the church that night when Harold and Thelma were killed, I knew of only two that were still alive: Vandora Baker, and Gwen Owens. Both had been in their 30s at the time of the murders, and both still lived in Waverly today. And since there were so few witnesses left in this case, I was really hoping that both of them would speak to me about it. Especially Gwen Owens, with whom no interview had been recorded in the past 33 years.

And so, during trips to Camden County, GIP intern Ed Costikyan and I went out to find them.

VANDORA BAKER

At 31 years old, Ms. Vandora Baker had been the youngest of the women there that night at Rising Daughter. And she'd been one of the witnesses who'd gotten a glimpse of the white man in the vestibule who had shot and killed Harold and Thelma. Though, it hadn't been a very good glimpse, she said. She'd seen just a flash as she looked back towards those swinging double doors, and the detail that had stood out to her most strongly was his hair, shoulder-length and blond. And he was a small man, she'd seen enough to know that -- slender in build, she said, about 5'6" to 5'8". But then the shooting had begun, and she'd just started running and hadn't looked back.

When Ed and I showed up on her doorstep, and she agreed to talk to us. And we talked there in front of her house, for about an hour. For the most part, she told us the same story she'd given at least four times before - even now, after 33 years, none of the details of Vandora's story have really changed.

Vandora hadn't wanted us to recorded the interview, but as we left her house, Ed Costikyan and I talked about how the interview had gone.

[13:02] Ed Costikyan:

She seemed anxious.

Susan Simpson:

Yeah, yeah. That's a better way of putting it. She wasn't excited to talk to us, but she would do it. She was definitely not excited to talk to us. But um, poor woman. They should have all had some kind of therapy. My god.

Ed Costikyan:

Oh yeah, absolutely.

Susan Simpson:

So they just never talked about it. They all just went back and tried to forget it, except for Cora Fisher.

Ed Costikyan:

Yeah. It's always shocking to me... like no one followed up with them, they didn't search it out on their own but I guess...

Susan Simpson:

She knew almost nothing about the case. I was really struck by that fact. And she was reading it in the paper, so it's not like she didn't want to know, she was seeking out some information.

Vandora Baker had known very little about the case beyond what she had witnessed for herself that night at Rising Daughter. That's not because she hadn't wanted to know. She didn't like remembering the murders, but she'd made an effort to keep up with what was reported on the case in the media. She'd wanted to know about what had happened to the Swains, and to her, and the other women. But she'd never been told much by investigators, and she and the other women from the church just never really talked about it with one another. She'd only found out about someone being arrested for the murders by reading it in the paper.

She'd never heard anything about why it was that Dennis Perry had supposedly killed the Swains, though she'd heard a rumor once that Harold Swain had walked up on someone doing something they shouldn't have, and thought maybe it could be that.

Vandora had been glad though, when someone had been arrested. She'd felt relief, knowing they finally got the guy. But, she said, she'd never heard why it was they thought Dennis Perry was the guy. She had simply taken their word for it; she'd had no reason to doubt it.

GWEN OWENS

The other surviving witness to the murders at Rising Daughter was Gwen Owens. Gwen's daughter Leslie was also technically a witness, as she'd been there in the church that night with her mom, but Leslie had been so young at the time she hadn't really known what was going on. But Gwen Owens had - she'd gotten one of the best looks of the shooter, and she'd assisted in making two composites of the man, one that she prepared by herself, and one that she and three other ladies from the church made together.

From the transcripts we have of Gwen Owens' recorded interview, back in March of '85, she seemed to be exactly the kind of witness you'd want to hear from. Detailed, and careful in her words, and also she'd been able to get a glimpse of Harold and the man as they grappled with one another in the vestibule, something that only Margie Moore had also seen. When I brought up Gwen Owens with Dale Bundy though, he told me not to get my hopes up about talking to her.

Susan Simpson:

And there's two more... that actually saw him sort of, Gwen Owens is one of them-

Dale Bundy:

Gwen Owens isn't going to say anything to anybody. Her husband told her to stay outta this.

According to Bundy, Gwen Owens and her daughter had given investigators false descriptions of the man they'd seen in the church that night. Not because it was malicious, but just because she was just too afraid of what would happen to her and her daughter if she'd given an accurate description of the killer.

Dale Bundy:

I know she made the statement... or her daughter... it may have been her daughter that made the statement. "My daddy told me to say that the man had red hair and flames comin' out of his eyes." But, you know. Gwendolyn kind of

ung on that too. I think it was more to protect their daughter than it was her, because her daughter was in that church.

Susan Simpson:

Yeah.

Red hair, and flames shooting out of his eyes, like some kind of demon. I still don't know exactly where exactly Bundy got this from -- or the flames part, anyway, I've never seen it in any report. In 1985, Leslie, Gwen's daughter, did investigate the man had red hair and a red mustache, which was not something that any other witness had reported, and yeah, it's kind of a weird detail. But she was also like 6 years old, which I feel is a fact that should be taken into account here before deciding that it was some attempt to be intentionally misleading. And Leslie's mother Gwen, well, her descriptions of the man had been very much in line with what other witnesses had said. Gwen said the man had blond hair, shoulder length, parted in the middle. He was slender and maybe 5'6" to 5'8" in height. There were no red hair, no flames, no devil coming into the vestibule doors.

Still, Bundy had come to the conclusion that the Owens' descriptions of the man had been intentionally fabricated.

[17:35] Dale Bundy:

So I wrote Gwen Owens off real quick, I mean she was a non-cooperative witness. Again, she was one of these people that was afraid to say anything because of Dennis' ties locally.

At that point, when I was talking to Bundy, I'd seen nothing in the file yet about Gwen Owens being uncooperative -- in fact, everything I'd seen had given me the opposite impression.

Susan Simpson:

She did cooperate initially, at least, I guess the day after...

Dale Bundy:

If you look in there, if you look in the old notes on this case, you'll find a page where somebody wrote that Gwendolyn Owens' husband had told her to tell them that the man had red hair and flames comin' out of his... or somethin', had bright red hair, didn't fit the description at all. So that was her way of gettin' out of it.

Later on, we did receive some additional files from the Swain case, and in those records, there was a memo from Vickie Moore, the investigator for the Camden County DA's office. It was written in September of 1999, and it was an update for the prosecutor on various matters related to the ongoing Dennis Perry investigation. It said:

"I just spoke to Dale [Bundy] about having Gwendolyn and Leslie Owens interviewed. Dale advised that he did interview Gwendolyn last year and she won't cooperate -- she said that the composite picture doesn't look like the man she saw that night, then she says that she didn't get a good look at the man. Ron Rhodes attempted to interview Leslie Owens (the girl) and she won't talk. (It would help if they document this stuff!)"

14 years ago when Gwendolyn and Leslie were interviewed, they were interviewed together. Leslie's description was that the man had red bushy hair, and then she says something to the effect of: that's what Daddy ... (now Dale believes that her Daddy told her to say this because the killer was someone local and they were trying to protect her). Dale said that he would reinterview if you want but [he] knows that they won't cooperate."

So Dale Bundy *had* interviewed Gwen Owens. There's no other record at all in the files about this interview, nor are there any notes in the GBI file about Agent Ron Rhodes' attempt to interview Gwen's daughter, but apparently it did happen at some point.

[19:33] Deputy Dale Bundy:

You know, the last time I talked to her, I said, "Gwendolyn, I know you know more than you're telling me, but I appreciate the fact you wanna stay out of it. Have a nice day."

Susan Simpson:

That could explain why she has not returned my calls.

Deputy Dale Bundy:

She's not going to return anybody's calls on anything that has to do with this case. I'd be surprised if she did. I dunno, maybe age has mellowed her out a bit.

[21:16] Susan Simpson: I can't say I hadn't been warned by Bundy, but I was going to try to talk to Gwen and Leslie anyway. And besides, the idea that Gwen Owens

somehow wouldn't cooperate with investigators was just hard to square with what I'd seen in the files.

And the Swains' niece, Cynthia Clayton, had told me that the story wasn't anywhere near as dramatic as Dale Bundy had made it out to be. Yes, at some point over the years, Gwen Owens had become frustrated with the investigation, but Cynthia thought that this had happened only years later, as the investigation wore on.

[21:46] Cynthia Clayton:

It's just always reliving it, and I think, for her, it's like ... I just, ya know, it's done and I'm just gonna be out of it. I think that has been the stance that she has taken.

So, one day earlier this year, Ed Costikyan and I stopped by a house where I'd thought maybe Leslie Owens lived now. The woman who came to the door was older than Leslie would've been, and when I asked for Leslie and explained why I'd wanted to talk to her, the woman gruffly told us that her daughter wasn't home and wouldn't be home any time soon, and then closed the door on us.

The woman, I realized must have been Gwen Owens, but we'd apparently lost our chance to talk to her. So, Ed and I were heading back to the car, and I began recording an update on how the interview had gone.

[22:32] Susan Simpson:

Well, so much for that. We tried.

Gwen Owens:

[inaudible].

Susan Simpson:

I did. I think I ... yeah.

Gwen Owens:

Do you have another one?

Susan Simpson:

I do.

The woman that I thought must be Gwen Owens had called out to us from the house, wanting to know if I had a business card that I could give her, so I turned around and headed back to the house again. She took the card and was about to send me off again, but this time, she only closed the screen door on me, so I could still talk to her through the screen door. And, figuring that I might not get another chance again, I decided to try and talk to her about the case.

[23:10] Susan Simpson:

Are you Gwen Owens?

Gwen Owens:

Yes I am.

Susan Simpson:

I'd actually like to speak to you, if you wouldn't mind. So what I'm doing, is I'm a reporter, and I'm looking into the Swain case.

Gwen Owens:

Oh, I'm not getting into that.

Susan Simpson:

Okay ...

Gwen Owens:

No, that's finished. Nobody ...

Susan Simpson:

Can I ask you one question though? I was actually talking to Dale Bundy and he told me that he thought that y'all had always known who the killer was but were too afraid to tell them back them.

Gwen Owens:

That's a lie.

Susan Simpson:

Okay, that's all I wanted to know. Thank you ma'am.

Gwen Owens' answer had been immediate and forceful: that's a lie. But she made it clear that she wasn't interested in talking to us any further. And so, once again we

headed back to the car -- and, once again, just before we got back to where I'd parked, a voice from the house called out to us.

[23:57] Gwen Owens:

[inaudible]

Susan Simpson:

What was the problem?

Gwen Owens:

Nobody believed us.

"Nobody believed us," Gwen Owens had said. But I hadn't heard what she'd said after that, so for the third time, I turned around and went back to the house.

Susan Simpson:

What didn't they believe?

Gwen Owens:

[Inaudible] That's all I can say.

Susan Simpson:

See, I read the reports ...she was what, eight years old?

Gwen Owens:

She was little, she was little.

Susan Simpson:

And I've read your statements, and to me it seemed like you were trying to be as helpful as you could, so I didn't know ...

Gwen Owens:

I was. Everybody saw something different.

I was prepared to be sent off once again, for Gwen Owens to say once more that this was old and finished business, and she wasn't going to talk about it. But this time, she kept talking.

[24:36] Susan Simpson:

Did someone tell your daughter to lie?

Gwen Owens:

Why would they do that? She's a child. That's a damn lie. Excuse me, I'm gonna get angry now.

Susan Simpson:

I'm sorry ... no, but I talked to Bundy for awhile, what he told me is that ...

Gwen Owens:

Who is that? A detective?

Susan Simpson:

Dale Bundy.

Gwen Owens:

Well I don't believe a thing he says.

Susan Simpson:

What he told me was that someone told your daughter to ...

Gwen Owens:

That's a lie. And how would he know that?

Susan Simpson:

I don't know, that's why I'm ...

Gwen Owens:

That's a darn lie.

Susan Simpson:

Can I ...?

Gwen Owens:

I'm a Christian, so please don't make me curse anymore.

Gwen Owens was clearly irritated by my questions. But she was also curious now. And so, finally, she came out. And I talked to Gwen Owens the same way I seem to end up talking to a lot of witnesses in Camden County -- while standing out on their front porch,

in a thousand percent humidity, being absolutely eaten alive by a million bugs. It was worth it, though, because it turns out Gwen Owens had a lot to say.

I think it's fair to say that Gwen Owens had something of a no nonsense personality, but as we talked, she'd quickly relaxed and she was friendly and funny, and not at all like the woman I'd expected to meet based on how Dale Bundy had described her.

She told me the story of what she'd seen that night in the church, and how traumatic it had all been. "We were spared," she said, "but the nightmares still came for a long time." And, like with Vandora Baker, there was so much about the case that Gwen Owens had never known, and that no one had ever been willing to tell her. She'd been listed as a witness for the State, so even though she'd never been called to the stand, it had meant that she'd been sequestered during the trial, so she hadn't seen any of it.

She didn't know why she hadn't been called as a witness, but she'd guessed it was because she had been deemed to be one of the less credible witnesses. That's what she had meant when she'd called out to me that third time as I was leaving, to say that they hadn't been believed. And it wasn't just herself that she thought hadn't been believed -- Gwen thought that all the contradicting descriptions of the shooter that the women had given had caused the investigators not to believe them. And worst yet, that it caused the investigators to be unable to solve the case.

"I thought what I had said was pretty accurate," Gwen Owens told me. "But when other people were interviewed, they thought what they had said was accurate too. All I can say is there was several of us in the church, and evidently, none of us got it right."

Gwen Owens described how she'd always felt this deep sense of disappointment about it, about how she and the other women couldn't agree on what the man looked like. About how their descriptions of the shooter had all been different.

And Gwen's use of the word *disappointment* had seemed striking to me; not something I expected. I asked her, did you feel like you'd failed?

"I think we felt like that for a lot of years," she said. "And then as years went by, we just kinda got over it. And anytime we got over it, it was right back." And then she gave Ed and I kind of a sharp look, before adding, "and now, it's back again."

After the interview, both Ed and I had both been struck by this sense of failure that Gwen Owens had carried with her, for all those years.

[27:38] Susan Simpson:

I was kinda ... was really sad to hear her talk about how, like, they felt that ... and they were disappointed that they couldn't -

Ed Costikyan:

Yeah.

Susan Simpson:

-come up with the guy. And no one ever told them that like that's absolutely normal.

Ed Costikyan:

Yeah, I was surprised to hear that, but yeah. Definitely cuts against the whole, "They knew who it was the whole time." Like, that's actually pretty disrespectful, that Bundy would say that ...

Susan Simpson:

It was totally disrespectful.

Dale Bundy was wrong. Gwen Owens had wanted to help very badly, and it became clear to me that the reason Bundy had thought Gwen Owens was uncooperative had nothing to do with Gwen Owens not being willing to help, and everything to do with what Gwen Owens had to say not being helpful to Bundy's case.

Because Bundy's case was based in large part on a composite image. One that Gwen Owens and Margie Moore and Cora Fisher and Vanzola Williams had all made together in March of '85. And that composite image had been used to convict Dennis Perry, based on his resemblance to the man depicted there. But when I showed the composite to Gwen Owens and asked her if this looked like the man she'd seen that night at Rising Daughter, she'd studied it for a moment, and then said, "No. It doesn't."

And that's probably why Dale Bundy, during his investigation, had never shown Gwen Owens a photo of his lead suspect, Dennis Perry. In fact, Gwen Owens had never seen Dennis Perry at all. "We never got a chance to see that particular man that they put on trial," she told us. But she was interested in seeing what he looked like and she asked me to show her a photo -- which I had not been planning on doing, and really kinda didn't wanna do. Because the absolute last thing I wanted to do was reenact what Jane Beaver had done all those years ago, going to the church ladies' houses and showing

them a single photo of Dennis Perry. But Gwen Owens was... insistent, and I figured that if I didn't show her one, she'd just go look it up online as soon as I left. So, I pulled up the only photo that I had access to at the time, from an email I'd looked at earlier that GIP had sent out, showing Dennis Perry, in prison, at a graduation ceremony, receiving his GED.

She looked at the photo for a long moment, studying it, and then she just said, "He looks... kind of tall." "Well, kinda tall, I guess," I told her, "He's 5'10", and she was surprised. The man in the vestibule had seemed much smaller to her, she said. "To tell you the truth," she told us, "the fellow we'd seen with the glasses looked kind of nerdy."

We were talking about how Cora Fisher and Vanzola Williams had identified that man as the one they'd seen in Rising Daughter, when Gwen Owens gave us something of a warning: not everything we'd heard from the witnesses at Rising Daughter was necessarily true, she said. "Like I told you, some of the ladies might exaggerate." Not *all* of the ladies, Gwen Owens said, but some of them. And this had been a problem. For one thing, Gwen Owens said, a bunch of lies had gotten out, about what went on during this process. Some of the people that were there had exaggerated and made things up.

I asked Gwen Owens about what she meant, who she meant, but she wouldn't give names. That would have been rude and accusatory, and she wasn't gonna go there, not for some strangers that had shown up on her doorstep.

"I'll just tell you," she repeated, "some of what was said was exaggerated." To Gwen Owens, it was important to note that the real hero that night had been Margie Moore, who'd had the courage to go outside and seek help, armed with nothing more than a broom. And some of the other ladies there might have described things in a way that make it seem like they were the heroes of the story... but it was Ms. Margie, and Ms. Margie Moore alone, who'd been the hero, according to Gwen Owens.

Gwen Owens wouldn't come out and say exactly what she meant, but, we noticed, whenever Gwen Owens would try and warn us about how some of the stories that had been told about that night might be exaggerations, she'd suddenly switch the topic back to Cora Fisher, and ask us about what, exactly, Cora Fisher had said. And when we'd tell her, she would nod, eyebrows raised, as if to say, well, that's exactly the sort of thing I'd expected Cora Fisher to say.

Ed and I had gotten the point.

[31:54] Susan Simpson:

Oh my god though, she was ... she was a sharp one.

Ed Costikyan:

Yeah, for sure.

Susan Simpson:

I like how she was doing her, "I'm not gonna say who was a liar ... but Cora Fisher's a damn liar." [Laughing] And I think she brought it up again to make sure I got the point she was trying to say.

Ed Costikyan:

Yeah, I mean, a number of people have said that, so ...

Susan Simpson:

Yeah.

Ed and I both left that interview convinced that Gwen Owens would have been an extremely credible witness at trial. Her story... just made sense, in a way that the testimony of some of the other church ladies never had. And she'd seen the shooter -- she'd seen his glasses, and she'd seen how short he was, and how nerdy looking. And she'd seen the long blond hair. The man she'd described did not sound like Dennis Perry. And she would have testified that the composite image, the one that had convinced Dale Bundy that Dennis Perry was guilty, did not resemble the man who'd killed Harold and Thelma Swain.

And Gwen Owens had also contradicted, at least implicitly, just about everything Cora Fisher had said. As Ed and I drove away from Gwen Owens house, we wondered how things might've gone at Dennis Perry's trial, had the defense called Gwen Owens to the stand.

[33:10] Susan Simpson:

Can you imagine her verses Cora on the stand?

Ed Costikyan:

Yeah ...

Susan Simpson:

And Cora wasn't even on the stand, Cora -

Ed Costikyan:

Yeah, that was just a deposition.

Susan Simpson:

Written words. I think that Gwen Owens would have, like, torn her testimony up.

Ed Costikyan:

Yeah.

Cora Fisher was the only witness who had confidently ID'ed Dennis Perry as the white man at Rising Daughter. But her story was also strange and erratic, and had all kinds of asides that I could never really make sense of. But despite these possible gaps or questions about her testimony, the defense had never really put any evidence on to contradict it.

But if Gwen Owen's had been called to the stand, well, that would have painted a very different picture for the jury. But she hadn't been called -- the defense hadn't known to call her. That's not because no one realized that Gwen Owens might be important to the case. In January of 2002, Dennis' then-wife, Karen Perry, wrote a letter to Dennis' attorneys, setting out a list of investigative leads in Dennis' case that she felt were important, and that she wanted the defense team to investigate. The letter stated,

"Frankly, i don't understand why some of this has not already been done."

And in number four on her list of below, Karen had listed the following task for Dennis' defense team:

"Interview with Gwen Owens and her daughter. I have been asking you time and time again about why we have not talk[ed] to her. She too saw a man with glasses. Gwen Owens did give a composite drawing."

Dennis Perry's defense attorneys never did do as Karen had asked, and so they never learned that the problem with Gwen Owens as a witness was not that she's seen a man with red hair and flaming eyes, like Dale Bundy had said, but that she'd seen a man that didn't match the man that Dale Bundy wanted to be guilty.

LAVINIA

[37:55] Throughout the trial transcripts and case file notes, there were three places where there was a reference made to someone who'd been at the church that night that I didn't quite understand. There were 9 church ladies -- 9 women who'd been at Rising Daughter with Harold and Thelma Swain, plus little Leslie, Gwen's young daughter. But at three places in the whole file, it was almost as if there's a 10th name being referenced. Once by Cora Fisher. Once by Vanzola Williams. And once by an unknown notetaker, on a page of notes tucked into the police file.

At first, I didn't think all that much about it. Confusion in the case file over who was at the church that night wasn't that unusual -- over the decades that this case has gone on for now, new investigators have repeatedly come in, looked at the file, and repeatedly had gotten confused about who all the church ladies were. For instance, one of the women had the full name of Melvin Louise Baker. She went by Louise, but sometimes she was referred to as Melvin Baker. So at times, you can see notes and memos reflecting where various people looking at the file have seen "Melvin Baker" listed there, and gone, Wait what? Who? Not realizing this was actually Louise Baker. So the fact there were so confusing descriptions of who was at the church that night wasn't unexpected.

But these three stray references were different. For one thing, the three references were all to different names. For an example, it was like if you had, on three separate documents, references to three women. The first document lists the name Martha Smith, the second document lists the name Anna, and the third document has the name, Ms. Smith. So there's... sort of an overlap there, but it's not at all clear that these documents could be referring to the same person.

So I had dismissed these references as being just some kind of transcription error of some sort, but it kept nagging at me. Were these nicknames for a woman that was there? Were they typos? Were they maiden names maybe of people at church?

But then, we got a new document. A new stray page of notes from the files we'd recently obtained from the Camden County DA's office. With yet another reference to a woman's name that I didn't recognize. And to continue with the earlier example, it was as if this name was something like, say, Ms. Anna Smith. And seeing that name finally made it click with me that these notes could all be talking about a single woman. A single witness. A single *new* witness.

After some searching, I found a listing for a woman in Waverly that seemed to match. This is not her real name, but again, going on the previous example, think of it as being something like Ann Marie Smith. Not exactly the name from the files, but it borrowed from pieces of all those references I hadn't understood before.

And the listing I'd found had a phone number. So I gave it a call.

[40:51] Lavinia:

Hello?

At first, the woman on the other end didn't seem to know what I was talking about. Which made sense to me -- because, after all, this all had to be some kind of misunderstanding. I just wanted to figure out how this woman's name, assuming this was her name, had gotten into the file in the first place.

[41:08] Lavinia:

A what - a crime witness to who?

Susan Simpson:

All I know...so I'm looking into a crime from 1985, involving the murder of Harold and Thelma Swain?

Lavinia:

Oh, uh huh.

Susan Simpson:

And I have a list of the women who were present that night. And one of them, at least on one of the police reports, is listed as [redacted].

Lavinia:

Mhmm.

Susan Simpson:

Would that be you?

Lavinia:

Yes.

Susan Simpson:

Was that you there that night?

Lavinia:

Yes.

Susan Simpson:

Oh you *were* there!

Lavinia:

Mhmm.

Susan Simpson:

Okay, um.

I had not expected to suddenly be talking to an eyewitness from the crime. I mean, yes, I had called this woman because I'd wanted to find out if she'd been at Rising Daughter that night. But I'd been expecting her to tell me that this was all a mistake, that she hadn't been there, so I was completely unprepared. Luckily for me, the woman on the other end of the line was caught less off guard than I had been.

[42:06] Susan Simpson:

Could you tell me about what happened that night, and what you recall?

Lavinia:

Oohh, it's been so long. I recall talking to him, and sitting across from him, and somebody came in the front door of the church and asked for somebody. And one of the ladies came and got him and took him to the front door. And I heard -- "No I'm not going to talk to you" or something to that effect. And he said, "Yes you are", and then I heard shots. And, of course I didn't know what shots were. So, but anyway, I looked back, and I saw, like him going down.

I had already known just about every word of the story she was telling me, but it was surreal to hear it being told to me by someone who had been there, in person, who had seen it happen, but that I'd had no idea had been a witness in this case.

Lavinia:

And his wife -- it's coming back to me now. She was in front of me, as the secretary of the church. Because when she looked up, and then she said, "Oh, It's just a white man, they're always looking for something". And she went back to

her secretarial work. And then we heard a -- that noise. When she heard the shots, she said, "Oh my god, Harold". And she ran to the door and that person was waiting for her. Right at the door.

I had five million questions for her, but I realized I needed to talk to her in person. So I asked if I could meet with her the next time I was in Camden County, and she said of course, just let me know when you're here.

After I got off the phone with her, I immediately made a phone call to the Georgia Innocence Project, to tell Clare Gilbert and Ed Costikyan what I'd just learned.

[44:14] Ed Costikyan:

Hi Susan? We're both here.

Susan Simpson:

So guess what.

Clare Gilbert:

Oh no, that doesn't sound very good.

Susan Simpson:

Well, it's not bad, it's just like, wtf. There is another eyewitness to the shooting. A woman who saw the shooting, was there that night, and no officer ever spoke to.

Clare Gilbert:

What are you talking about?

Susan Simpson:

I just spoke to her. She's like 80. But very sweet, and seems very lucid. She was there that night. Saw the shooting. Was never spoken to.

Clare Gilbert:

Well, okay. Explain.

Susan Simpson:

So, in the notes, there's like a seating chart. The new notes we got, someone did a... it's a different set of...it's the church that night, who is sitting where. But it doesn't match the other charts they've done at other times. There's a woman on it that's not listed anywhere else, named [redacted]. But there was no [redacted]

there that night. We have all the witness statements, we have the diagrams that they made, there was no [redacted] there. And I was trying to figure it out, and I'm like well, screw it, I think she's still alive, I'm going to call her, thinking it would be like nothing She answers, and shes like happy to chat.

Clare Gilbert:

Wait, so how did you know the name?

Ed Costikyan:

Because in Cora's testimony. She mentions someone named [redacted] being there, and Susan and I both thought it was like [Clare: her imagining it], and saying random names.

Clare Gilbert:

Holy shit.

Meeting Lavinia

A couple weeks later, while I was down in Waverly, I pulled up to a little house only a mile down the road from where Dennis Perry had once lived. I was there to meet with this new witness. It was early afternoon, so the cicadas were firing on all cylinders, at times drowning out even the cars that drove past us.

She came out to meet me before I even got to her door, and we sat out on her porch to talk. She is a tiny woman, but not frail. I knew from my research that she was in her 80s, but doesn't look it. She is energetic and very expressive when she talks.

[46:25] Susan Simpson:

So, I do a podcast...do you know what a podcast is?

Lavinia:

I've heard of it.

Susan Simpson:

It's like an internet radio show

She asked me not to use her real name on the podcast. It wasn't that she considered it to be a secret or anything that she'd been at Rising Daughter that night, but when she

found out from me that her name wasn't really in the case file, and at least as far as the public records went, she decided that she'd prefer to leave it that way.

Susan Simpson:

What should I call you then?

Lavinia:

Oh whatever you want. Witness number 2, or whatever. Witness number 3, whatever, however you want to do it.

Susan Simpson:

No made up name? I'll make up a name for you. What should it be? You can choose.

Lavinia:

Um, hmmm...Lavinia.

Susan Simpson:

I'll do that

So that's how I met Ms. Lavinia. The tenth witness to the murders of Harold and Thelma Swain. An eyewitness to a murder that happened 33 years ago, and no one in the case since then has ever known about.

Lavinia told me the same story she had said on the phone. About how there had been nothing particularly notable about the meeting itself that night at the Rising Daughter. How they'd just had their missionary meeting like usual. Lavinia remembers that things were winding down for the evening, and the group was taking care of some administrative matters.

[47:44] Lavinia:

As I went to pay my dues, I shook hands with Harold over here. And I was telling him something about how we were going to make it more interesting. So not to interfere with secretary or anybody, we sat on front seat and we chatted a little bit. Then he went back and got on his seat, and I went back and got on, I was on the third seat, I went back on the third seat.

As she talks, Lavinia uses her hands to illustrate what she's explaining, with one hand representing Harold and the other representing herself, and the little porch table we're

sitting at becomes a map of Rising Daughter Baptist Church. She shows me how, after paying her dues, she'd started a conversation with Harold, but since Harold had been sitting in the first pew where Thelma and Margie Moore were trying to take care of church business, she and Harold had moved off to the side for a bit to talk, before returning to their seats in the center row.

And that's when Vanzola Williams had left the meeting, a few minutes early.

Lavinia:

So she was counting the money, and this lady that I was telling you about -- she had to go get her daughter from work, whatever. She went to the door. 'Cuz we kept hearing the door creaking. And I thought, 'Oh, It's her husband. He drinks, and when he drinks he's going to [chuckles], come get her, protect her, take care of her. But anyway, I looked back and I glimpsed a face, and I didn't pay any attention at that point.

The other women at the meeting didn't pay much attention to it either.

Lavinia:

This person said, oh, it's just somebody, some white man stopping by there, always stopping by for handouts at the church, which they did do. So she went to the door, and he said to her, "I want to speak to that man over there". At this point, there was no other man in the church, and he was sitting there. So the usher, whoever she was, I can't remember her name, Vanzola? I don't know, whatever, she got him and she took him to the door and she started on her way. At that point, somebody said "Oh, they're scuffling". And I thought, maybe as men do, they're joking around. And then somebody else said, "Oh, they're fighting".

And then the gun shots began. But Ms. Lavinia hadn't realize it at first -- it wasn't until another woman identified it as gunfire that Lavinia had really understood what was going on.

Lavinia:

And then she said -- Oh -- there's a gun, guns are shooting! And of course I'm used to a lot of noise, I didn't know what a gun sounded like, really.

Lavinia remembers that she wasn't the only woman who'd been slow to react to the threat. Thelma Swain hadn't initially reacted to the scuffling either. At the time that Harold had stepped out into the vestibule to talk to the young man, Thelma had been

busy in her duties as the Missionary Society's secretary, taking notes and counting the dues.

Lavinia:

She was down like this, writing. And she jumped up. "Oh my god, Harold". And she ran to the door. And he was waiting for her at the door. And I said -- the reason I say he was waiting for her -- when I finally did look -- I ducked down. And I looked under the seats. And I... I saw feet, like this. And that stuck in my mind, because feet don't stand up like this normally. They fall over. They were standing straight up in between the vestibule door. And I said to myself. "She's dead". I thought to myself, she's dead, simply because of the feet.

After a time that probably wasn't that long but felt like forever, Lavinia had checked to make sure there was no one else around. And then, she'd gotten up, and gone for safety.

[52:33] Lavinia:

And I went all through the church and I couldn't find nobody. And they were in the pastor's study, and I said, we all can't stay in here if there's a killer out here. He could kill all of us at one time. At that point, Margie went to look to see if he was-- instead of going in the church, she went to the back door of the vestibule, like the pastor's study, back there. The dining room. And she opened the door, and instead of looking, she just kept running. And that's about the size of it.

In those seconds after the gun first went off, most the other women had scattered, but Lavinia had still been trying to figure out what had happened, and what was going on. While the other women had run, Lavinia had gone to the floor, hiding amid the pews, and peering out under them to see if there was anyone coming after her.

Susan Simpson:

So you think you were alone in the sanctuary?

Lavinia:

Yeah. 'Cause when I finally found out, you know, that it was real, everybody had gone, because like I said, I was used to a lot of noise, and I didn't know what the noise-- and when I didn't see nobody in there I said, oh my God. It must have been somethin' happenin'. There wasn't a soul in there but me.

Lavinia had been alone in the sanctuary. But before she left, she'd heard something, out there in the vestibule, that made her realize one or both of the Swains might still be alive.

[54:07] Lavinia:

But when she ran to the door, I could hear groaning and groaning and dragging, as if he was trying to get to her. And someone did tell... I was going to go to see because ... I gotta go help him. I gotta go help him. He's out there. He's trying to help her. And someone said to me, you can't go out there. You didn't wanna see that. But he was trying to get to her. And that's why I said I heard moaning and groaning. And someone did tell me that they were hand to hand. He was trying to reach out.

Susan Simpson:

They were.

Lavinia:

Really?

Susan Simpson:

Her hand was under his head, and he was reaching out to her.

Lavinia:

Oh my goodness.

After speaking to Lavinia, I walked away from the interview not sure how to process everything I'd just heard. But I also had a deeply lingering concern that, somehow, maybe, I had just been catfished by an 80 year old woman. And that either Lavinia was not as mentally sound as she'd seemed to me to be, during our conversation, or else the story she'd told me had been some elaborate fabrication. And that would explain the reason the police had never talked to her, that the defense attorneys, the prosecutor had never found her -- she hadn't really been there.

In fact, Lavinia herself had suggested to me that something like that might've been tried before. That there were women who'd claimed to have been at the church that night, but weren't. She told me that, at some point she *had* been interviewed by a police officer, and that this interview happened because the police were afraid about someone doing just that.

[55:57] Lavinia:

This man, I guess, came to find out who I was and where I was and did I live here and make sure I was at the church, not ridin' the bandwagon. So, that's all I know.

Susan Simpson:

What do you mean, riding the bandwagon?

Lavinia:

Possibly after it happened, somebody might have been sayin' I was there just to get in the news. Not realizin' how serious the situation-- but you've got people like that. Who want to be in the news.

Lavinia had been convincing, and had knowledge that a witness would have if they'd been in the church that night. But this was also a high profile case, and Lavinia had sat through at least part of the trial. So she would have known a lot about the case even if she hadn't been there. It was at least conceivable that's where she'd gotten everything she told me.

There were people I'd spoken to from Rising Daughter I'd spoken to, and none had mentioned Lavinia to me. So, feeling somewhat paranoid, I called them to make sure that Lavinia had actually been a witness. And they all told me the same thing.

Susan Simpson:

Do you know her well?

Cynthia Clayton:

I - I do.

Susan Simpson:

Was she at the church that night?

Cynthia Clayton:

She was.

Susan Simpson:

Okay. I just spoke to her and I was kind of shocked because she's not listed in the paperwork anywhere.

Cynthia Clayton:

Okay. Yeah, well she was there.

But none of the people I asked that night had actually been there at the church when this happened, so later on, when I spoke to Vandora Baker, the first thing I asked her was about who all had been at the church that night. She started rattling names off, and I waited, kind of nervously, to see if Lavinia would be among them. So, Vandora Baker began counting off the names: Cora Fisher. Lettie Frazier. Margie Moore. Vanzola Williams. And then... Lavinia. And then she finished listing off the rest of the names.

After Ed and I left Vandora's house, I have to say that, even though I had believed Lavinia's story by that point, it felt kind of relieving to know that another eyewitness had confirmed her presence.

[57:59] Susan Simpson:

And her memory was pretty good, honestly. She kept saying she couldn't remember anything, but she remembered that night pretty well.

Ed Costikyan:

Yeah. She certainly said [Redacted] right away.

Susan Simpson:

Oh I know, I know. I was like... is she gonna say it? Oh my God. I left that interview, and I was like... I don't wanna be the person who gets hoaxed. Who gets catfished by a witness who was never there. So, I am so relieved to have a lady that was actually... I felt pretty confident after everything- after hearing from Cynthia and everyone else, but like...

Which means, in all, at least three other church witnesses have described Lavinia's presence at Rising Daughter that night: Vandora Baker, Vanzola Williams, and Cora Fisher all included her in their list of the women who were there in the church when Harold and Thelma were killed.

Which means... I'm pretty sure Lavinia was there. She was the 10th eyewitness. In a case where for 33 years, everyone had believed that there were only 9.

I don't know how Lavinia got missed as a witness in this case. And I don't know how she ended up being written out of the official record. But she did get missed. No investigator

I've spoken to told me that they'd had any knowledge of her existence as a witness. When I asked them about it, neither Butch Kennedy, Joe Gregory, nor Dale Bundy had ever heard of her before.

What seems to have happened is that Lavinia left Rising Daughter before any of the officers involved in actually investigating the case had arrived, so they never had a chance to speak to her. Lavinia told me about how when she and the other women had finally emerged from the church, her husband had been there, and he'd picked her up and taken her home. And at that time, there had only been one officer there, and Lavinia hadn't known his name, but from her description, it must have been Officer Buddy Miller, from the Woodbine Police Department, who was the first one there at the scene that night.

[59:54] Lavinia:

At some point, police came, and he said, I can't go in until I get reinforcements. By that time my husband and my son had gotten there, 'Cause Margie, I don't know how she told 'em, but she told the whole neighborhood, that we were all dead down here. My husband said to the policeman, well you wait for the reinforcements. 'Cause my wife is in there, and I'm going to get her. And at that point I walked out I think. Or I met him at the door, whatever. I came out.

Susan Simpson:

Did y'all come out the side door?

Lavinia:

Yeah. Yeah, I came out the side door, 'cause we couldn't go out the front.

Officer Miller was just trying to secure the scene, and by himself, he would not approach the church until more officers arrived as backup. But when Lavinia's husband and a few others from the community arrived at the church to find out what was going on, they'd just gone on ahead into the church. That's when Lavinia's husband found her. And he'd gotten her into the car, and they had just driven away. Before a second police officer had arrived on the scene, Lavinia was already safe at home.

Still, even though most people involved in the case didn't know about her, my interview with Lavinia was not the first time she had been asked about the Swain case. She had been talked to by a police officer, she's pretty sure, at least once before, and she's is fairly certain that this happened in 1985, not long at all after the murders had happened.

Lavinia:

A man came as I said, and gave me- handed me his card which identified himself. And he just, asked me... identifying that I was who I was. That I lived here, and that I did belong to the church. It's like he had a paper with questions and he was checking it off, and checking it off. And he said, ok. That's it. That's all I needed to know. And he went away.

There is no way to know now who this officer was, or what happened to his record of talking to her, but my best guess is that it simply never made it into the Camden County Sheriff's Office file. In the very first days after the Swains were murdered, there were at least 5 GBI agents working on the case, plus just about every law enforcement officer in every law enforcement agency in all of Camden County. They had all gotten involved in some way or another.

And with all the paperwork in this case that's gone missing, it's not that hard to believe that this record of Lavinia was just another lost record that had fallen through the cracks.

When I'm out somewhere working on a case, at the end of the day, I usually to record a quick recap of everything I've done, just to help with piecing things together in case there are any gaps in my notes. That evening, while walking back to my hotel room in Brunswick, I tried to record a recap of everything I'd done that day so far, but all I could think about was Lavinia.

Susan Simpson:

So, that was... a day. I don't even know if I can process it right now. It feels like the truth of whatever happened to the Swains, was frozen that moment in time, on March 11, 1985, and we've been moving further away from it ever since. There's not any sort of sense in this case of moving closer to the truth, or uncovering it, or making progress... in any case, to suddenly have an unknown eyewitness to the murder who saw the killer, come out of nowhere... in a 33 year old case to have that, is impossibly low odds. And what it made me realize is that, we could have a million eyewitnesses in this case. We could have a million people who were there, who saw it, and I don't think it would bring us closer to the truth.

I remember feeling weirdly down that night. I was glad to have found Lavinia, yes, but any excitement was outweighed by this immense frustration I was feeling, and I'm not sure I can completely explain now why. There was just so much that had been done wrong in this case, over so many decades, and all I could focus on was, wow, Dennis

Perry got screwed. And I have no idea how all these pieces can possibly be put together again.

But I was wrong about Lavinia not getting us closer to the truth. Talking to Lavinia made me feel confident that eyewitness identifications are never going to solve this case -- after 33 years and all the missteps in the investigation, it's just impossible. But what Lavinia shows us is where the investigation into Dennis Perry went wrong, and how the defense could've changed everything if only they had found her.

First, Lavinia would have contradicted the only eyewitness to positively ID Dennis Perry. Because Lavinia's memory is clear that *she* was the last person in the sanctuary. Not Cora Fisher. And what Cora Fisher described in her deposition, cannot be reconciled with what Lavinia remembers.

Susan Simpson:

So, Cora said that she fainted when this all happened, and she was still there in the room.

Lavinia:

I...

Susan Simpson:

You're making a face.

Lavinia:

I don't know about that. I can't remember... Cora... There's somethin' that's not goin' on here.

Susan Simpson:

Well.

Lavinia asked me to turn the recorder off. It's not that she was reluctant to gossip, necessarily... but she was reluctant to gossip while the recorder was running. And what she told me seemed very much in line with what Gwen Owens had also suggested to us: that Cora Fisher's story might should be maybe taken with a grain of salt. And unlike Gwen Owens, Ms. Lavinia had been at the trial. She'd not been recognized as an eyewitness, so she had not been sequestered. She'd heard Cora Fisher's story, when the deposition was read out in court. Later on while I was talking to her, Lavinia had

given me a rather terse explanation of what her reaction had been to hearing Cora's testimony.

Susan Simpson:

You were saying earlier you heard Cora's story somewhere... and you weren't sure about it?

Lavinia:

Yeah. I'm thinking Cora was at the nursing home -- how could she tell this story if she was at the nursing home? I think I heard somebody say that this is... reading out what she said. She read it out, I think. That's the way it was.

Susan Simpson:

bet that was at trial.

Lavinia:

Mmhmm. That's what I'm saying... Glynn. Mhm.

Susan Simpson:

And it didn't sound right to you?

Lavinia:

No.

Lavinia doesn't think Cora Fisher meant any harm by any of it. She just doesn't think Cora Fisher got it right.

Susan Simpson:

She says at first, the guy has black hair. And then, at trial, she says he has blonde hair.

Lavinia:

She was a little bit flighty. I didn't want to say that, 'cause that's not nice to say.

And it's not just contradicting Cora Fisher's account of what happened that night. Lavinia also contradicts what Cora Fisher says she saw. Though, Lavinia's account also gives us a glimpse into why eyewitness identifications in general can be tricky, or sometimes unreliable.

Because for the most part, Lavinia's memories seem sharp and clear, but there are parts of that night she's never been completely sure how to make sense of. It's not so much that time and the passage of 33 years have faded her memory, but there are parts of what she recalls that she's always had a little trouble making sense of.

For instance, what the man looks like. Or, rather, whether it was one man she saw, or two. Because the first time she glimpsed the man in the vestibule -- in that moment, when she first saw him for a split second -- she hadn't actually realized it was a white man at all.

Susan Simpson:

You see him once when he puts his head in the door -- then you see him again when Thelma goes through the double doors.

Lavinia:

I glimpsed, yeah. The doors were swinging, and I looked back. And I just sort of glimpsed a person, I thought it was this woman's husband, so I didn't pay any attention. But the second time when I looked back, I saw a face. But the face -- was too fat, and either too tall or short to be the husband of the woman I was thinking it was. It definitely was not her husband.

Susan Simpson:

But you assumed it was him before you saw it, so in your mind you just kind of...

Lavinia:

I thought it was him. 'Cause he always did come to church. And he was fairly light skinned, but this was too light.

Susan Simpson:

I've heard that he was... kind of controlling? And that he could be violent?

Lavinia:

Yeah.

Susan Simpson:

So he was... when you saw him -- what race did you think he was?

Lavinia:

I thought he was her husband, so. Negro. Black. Whatever you want to call it.

Lavinia's confusion kinda makes sense to me, though. That first glimpse she got of the man in the vestibule, well, she hadn't really been paying attention. She'd already *known* who was there in the vestibule, or at least she thought she had -- it was Vanzola's husband, who had come to check up on his wife. And so, even though everyone else saw a white man with blond hair look in, when Lavinia had briefly glimpsed back, she had seen what she'd expected to see. Vanzola's husband. Which she knows doesn't fit. She knows it doesn't make sense. But it's also what she recalls seeing, in that moment.

But the second time Lavinia saw the man in the vestibule, she could see clearly it was a white man. And she could clearly see it was not Vanzola's husband. What she remembers is blond hair, and a round face. A fat face, as she described it. And when I showed her the individual composites that were prepared by the other ladies -- the three composites that, to me, that look like caricatures of a slightly effeminate California surfer dude -- she thought that there could be resemblance there with the man she'd seen that night.

Susan Simpson:

Let me show you one more. Does that look...?

Lavinia:

Oh my. Ooh. It's possible, it's possible. Again, this is a close up and I was far away. But it's possible, yes. The hair, except -- it would've been here like that. Or the wind might have blown it. But it was blonde. It might have been blown across his face.

Susan Simpson:

You were just gesturing -- are you bang like?

Lavinia:

Yeah, like that.

But one face she does not recognize at all is the face of the man who was convicted of this crime.

Susan Simpson:

They never asked you to identify him? Why wouldn't they have gotten a photo?

Lavinia:

I can't... if they did I just... don't remember identifying him positively as being, you know, there. Like I said, if it were so, it would have been younger, and that person that I -- Mm, mm. I can't remember Dennis Perry.

Lavinia thinks Dennis Perry is guilty, because he was the guy that got convicted. She doesn't have any doubts about that. He was convicted -- he did it. But she also clearly struggles to make sense of why and how Dennis Perry is guilty, because although she is not certain if she saw one man or two different men, she is sure that none of the faces she saw that night could be Dennis Perry's. Her way of explaining all this seems to be a belief that there had in fact been *three* men there that night, one of whom she hadn't seen at all.

Lavinia:

It's possible that, like I said, that there was a third person. It's possible, that left.

But Lavinia does *not* believe that the white man she saw that night, the one standing behind the double doors when Thelma pushed through them, could have been Dennis Perry. Because Lavinia thinks she knows who that man is.

Lavinia:

I don't want to make unfair.... Because I could be... 5% wrong, but no more than that.

I can say with a lot of confidence that Lavinia's belief about who she may have seen that night is not correct. For a variety of reasons, I think she must have been mistaken. That man did live in northern Camden County back at the time this had all happened, and he'd once briefly been considered a suspect in this case, but I don't think it's possible that Lavinia could be correct about who she thinks she saw. But her fear about whether this man really did it, is genuine, though, and understandable. She's both afraid that it may be him and afraid of unfairly accusing someone, when she can't be completely sure.

To me, the most notable fact about Lavinia's belief about who she saw is not the man's actual identity, but the fact that this man looked nothing at all like Dennis Perry. Lavinia simply would not have identified Dennis Perry as the man she'd seen in the vestibule when Thelma pushed through the double doors.

The jury never heard from Lavinia, though. And they never heard from Gwen Owens, either. Instead, they only heard from the eyewitnesses who agreed with Dale Bundy's theory of the case. And when a jury only hears from two eyewitnesses who identify a defendant, and not from the two that didn't identify him -- well, that's one way of making sure that the truth is harder to obtain.

That's all for Episode 11 of Undisclosed: The State vs. Dennis Perry. Thanks for sticking with us through the break, and there's no addendum this week, but we'll be back next Monday with Episode 12.

Mital Telhan, is our executive producer. Our logo was designed by Ballookey, and our theme music is by Ramiro Marquez and Patrick Cortez. Audio production is done by Rebecca LaVoie of Partners in Crime Media, and the host of the Crime Writers On podcast.

To find transcripts of the episodes, timelines of key events, case related materials, and witness charts go to our website, at undisclosed-podcast.com. And transcripts of these episodes are prepared by our wonderful transcribing team of Brita Bliss, Erica Fladell, Dawn Loges, and Skylar Park. Huge thanks goes to those guys, because without them, you would not have the transcripts.

And thanks so much to our sponsors for making it possible for us to come back week after week. Don't forget to follow us online, on all our social media our handle is @UndisclosedPod. That's Instagram, Facebook, and Twitter.

And if any of our listeners out there have information on Dennis Perry's case that you'd like to share, we'd love to hear from you. You can reach us at undisclosedpodcast@gmail.com, or leave us a message at (410) 205-5563.

That's all for this week, and thanks so much for listening.

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