

UNDISCLOSED, The State v. Dennis Perry
Episode 15 - The Money Side of the Highway
November 5, 2018

[1:08] Susan Simpson: The first time I learned that seized drug money might've played a role in Dennis Perry's conviction was when I came across an article about it in the Atlanta Journal Constitution. It had been published in January of 2000, just a few days after Dennis Perry was arrested for the murders of Harold and Thelma Swain. The headline read, "Camden Payoff: Confiscated Drug Money May Solve 1985 Murder," and the article went on to describe how Sheriff Bill Smith of Camden County had used money seized from drug traffickers in order to hire a full-time investigator for the Swain case. Later, when I was talking to Deputy Dale Bundy, I'd asked him about the article. Not for any real reason -- pretty much just because I was curious about it.

[1:50] Susan Simpson:

I brought up an, I think it was an AJC article on it, about how they got the money for funding? There was something about \$40,000 they got in a drug seizure?

Deputy Dale Bundy:

No.

Susan Simpson:

Really?

Deputy Dale Bundy:

No. I was paid under a grant. I was paid under a federal grant.

Susan Simpson:

Oh! So there is an article somewhere that talks about...

Deputy Dale Bundy:

If you read Susan Green's article from Las Vegas...

Susan Simpson:

Possibly...is it..

Deputy Dale Bundy:

I would take that article with a grain of salt. Much of what Susan Green was told, she was told by Joe Gregory. I would take anything that was in that article with a grain of salt because of the source that it came from.

I was pretty sure that the article I'd read hadn't been from Las Vegas, but I wasn't going to argue the point. The next time I talked to Dale Bundy though, he was the one who brought the subject up again.

[2:35] Deputy Dale Bundy:

Somebody asked me yesterday how I was paid - wasn't I paid out of the seized assets. No ma'am. Again, I found the name - I believe it's still called the COPS Grant. C-O-P-S Grant. But you cannot pay anyone a salary out of seized assets. It is for equipment and training only. So I was not paid out of seized assets. I don't know where you got that information but it is absolutely not true.

The night before though, after talking to Bundy the first time, I'd pulled up the article I'd remembered reading, just to make sure I hadn't imagined it. I'd still had it pulled up on my computer, so I showed it to Bundy.

Susan Simpson:

This is what - the article I saw. It says "Confiscated drug money may solve '85 murders".

Deputy Dale Bundy:

I don't know who wrote that...

Susan Simpson:

Bill Smith actually is the quote. So I figured he'd...he says "Because deputies patrol part of the I-95, they routinely seize large amounts of cash from drug dealers....Some of that returns to Smith's office. Eighteen months ago he got clearance to spend about \$40,000 of recovered drug money ..."

Deputy Dale Bundy:

He may have. I don't know...but I was told I was working under the COPS Grant.

Susan Simpson:

OK.

Deputy Dale Bundy:

Didn't make any difference to me, I got a paycheck every two weeks , that's uh, [crosstalk] I didn't know where it came from, but it was my understanding, and it still is true, that seized assets...now he may have gotten approval from the Attorney General's office. That would have been who that would have had to come from. But, you know, that's news to me.

Susan Simpson:

OK. I only wondered because I saw the quotes were from him so I figured..

Deputy Dale Bundy:

And I wasn't trying to mislead you or anything, but that was my thought, that I was working under a grant. Because I was told, you know, the grant's expiring and we're hoping they renew it, and if not we don't know what we're gonna do with you. And I was...if I gotta go out the door, I go.

Dale Bundy is not the kind of guy who sounds flustered or defensive very often. I'd asked him plenty of questions about Dennis Perry's case that I'd have thought would be much more challenging or difficult to answer, and they didn't give him pause at all. But this question, about how Bundy had been paid, was pretty much the only time Bundy had reacted as if I'd caught him off guard on something. And I hadn't even been trying to.

Anyway, that's pretty much the entire story of why, earlier this year, I developed a sudden interest in civil asset forfeiture laws. And this episode is the story about what I found as a result.

[5:28] Colin Miller: Hello and welcome to Undisclosed. This is our 15th episode in *The State vs. Dennis Perry*. I'm Colin Miller, an associate dean and professor at the University of South Carolina School of Law. Rabia is out of town this week, so I am joined by my co-host Susan Simpson.

Susan Simpson: Hi, this is Susan Simpson. I'm an attorney in Washington D.C. and I blog at [TheViewFromLL2](#).

REVENUE WARS

[6:45] Susan Simpson: On the same day that I talked to Dale Bundy, the issue of how seized drug money got used in Camden County came up for a second time. I was down

in Woodbine with Clare Gilbert and the Georgia Innocence Project interns, and we'd gone out to dinner. We started talking to our waitress, and when she found out why we were down in Camden County, she told us that we needed to go to YouTube and look up a video called Camden County Revenue Wars.

That evening, we tried to find the video, but had some difficulty. None of the Google results we got seemed particularly promising. Finally, after playing around with the search terms for a bit, we came across a YouTube video that someone had filmed while driving around Camden County, and it primarily featuring shots of patrol cars from the Camden County Sheriff's Department. And that's when we realized that the name of the video the waitress had told us to watch had *not* been Camden County Revenue **wars**:

[7:37] Narrator in video:

There they are - the Camden County revenue whores.

Colin Miller: The guy behind the camera is named Jeff Gray. He refers to himself as a citizen journalist, and through his work with the group Photography is Not a Crime, he documents examples of alleged government misconduct, and posts those videos online. A lot of his work is done down in Florida, but for this video, he'd made a trip up to Camden County. He was there to investigate the asset seizure practices of the Sheriff's Office.

From Video:

Jeff Gray:

These guys right here, would be glad to seize your property, ruin your life. Take everything you got.

Hey how's it going?

Deputy:

Why are you filming me?

A sheriff's deputy pulls up next to Jeff Gray and begins questioning him about what he's doing. It's actually the second time in this brief video that Gray has been stopped and questioned by Sheriff's Deputies. This time, the deputy doesn't hide his irritation.

Deputy:

...I have no idea but someone following me with a camera. Don't look right.

Jeff Gray:

OK, well, I'm a journalist...

Deputy:

Following an officer and doing this, this ain't legal.

Jeff Gray:

Yes it is.

Deputy:

It is? Get in the car with me, and I'll tell you everything you want to know.

Jeff Gray:

I'd rather not get in the car.

Deputy:

Is that because you're not doing something reputable.

Jeff Gray:

You guys are the ones that are sneaky.

I-95 is a U.S. interstate highway that begins in Miami, and runs up the entire length of the entire eastern seaboard until it crosses the border into Canada, and stops being a U.S. highway. Construction on I-95 began in the mid-1950s, under President Eisenhower. Last month marked a big milestone in I-95's history, when the highway was, after 60 years, finally completed. The gap in I-95 at the New Jersey/Pennsylvania border was finally completed, and now you can drive from Florida to Maine without ever getting off of I-95.

In all, the interstate is nearly 2000 miles long. 26 of those miles run through Camden County, Georgia. And the reason Jeff Gray was in Camden County filming patrol cars has to do with a particular phenomenon you can observe while driving along that stretch of the highway.

Jeff Gray:

On Interstate 95, in Camden County Georgia. Now notice, how they always have their butts to the northbound traffic - I'm travelling northbound - and they are always facing southbound. Always facing southbound. Because southbound is the money side of the road. There's three of them sittin' there.

In the video, just like Jeff Gray describes, you can see a series of patrol cars that have stationed themselves in the median of I-95. And all of them have their butts to the north, and their noses to the south.

What Jeff Gray is suggesting in his video is that there is a financial reason for why the patrol cars arrange themselves in this southerly fashion along the interstate. Because, see, I-95 also has a nickname it goes by. Cocaine Lane. I-95 is a major artery for traffickers who smuggle drugs into the US through ports in Florida, and who then to distribute those drugs elsewhere in the U.S., up and out of Florida. That makes the northbound lanes of I-95 the drug side of the highway.

But this northbound trip is only half of the drug trafficking life cycle. Once those drugs have been moved up north, they're sold off to buyers, and for obvious reasons, most of those purchases are going to be in cash. And all that cash has to make the same journey all over again, only this time in reverse, back down to Florida, on the other side of I-95.

And that's why, according to Jeff Gray, all those patrol cars were pointed south. Because that's where the money would be found.

[11:11] Susan Simpson: It was an interesting theory, anyway. Jeff Gray seemed sincere, but his video admittedly had something of a breathlessly conspiratorial vibe to it, so I had some doubts. Sure, a lot of patrol cars in Camden County did seem to have a noticeably southern tilt, but was that really evidence of some kind of money making scheme, like he suggested?

Dan Alban:

Ah, so that's not a conspiracy theory.

That's Dan Alban. He's an attorney with the Institute for Justice, a nonprofit law firm that has been at the forefront of litigating against the seizure of private property by the police, even in cases where no crime has been committed by its owner.

Dan Alban:

It's called forfeiture, or civil asset forfeiture, where the government can seize and permanently keep someone's property without ever charging them with a crime. And we think that's a tremendous violation of not only due process, but also the right to have and hold property.

When I'd asked him about this theory about why all the patrol cars in Camden County were usually pointed southbound, I think I'd half-expected him to tell me, no, don't be silly, that's not what's going on here.

Dan Alban:

I wish you'd asked me to guess which direction they were headed, because I think I would have gotten it right. Generally the way law enforcement views drug trafficking corridors in terms of highways is that anything north-south, the drugs are headed to the north, the cash is headed to the south.

This does not always hold true. The direction the patrol cars needs to face can change based on the specific place where they are and highways. But when it comes to I-95, and that stretch that runs up across the Florida-Georgia border and through Camden County, southbound is definitely the money side. And for highways that run east to west, there's a similar pattern at work. The general rule is, drugs go east and north, towards the more heavily populated areas of the United States, and the money goes the other way, towards the southern border and the west coast, where the drugs came in.

Dan Alban:

But, as an example of this, a news channel in Nashville did an investigation on I-40 west east of Nashville, and found that a drug task force there spent 90% of their time set up on the side of the road where they expected the cash to be going, the westbound direction. And only 10% of the time on the side of the freeway where they would expect the drugs to be going, the eastbound direction.

[12:34] Colin Miller: If you're wondering how it is that the government can take your property without ever proving that you committed a crime, well, you can blame pirates for that. At least a little bit.

Dan Alban:

Originally the law came from admiralty law. This dates back to the age of pirates and smugglers, and the idea was, we're talking about the 1700's basically, the very founding of the country. If someone was smuggling goods into a port, or was a pirate, and their ship was captured, that person might not actually be with ship.

In the United States today, the pirates have largely gone extinct, but 35 years ago, the civil forfeiture laws were revived. In 1984, Congress passed the Comprehensive Crime

Control Act, which authorized a more expansive use of civil forfeiture as a remedy when law enforcement agencies encountered suspected narcotics traffickers.

Dan Alban:

And so they just converted these sort of old admiralty laws into modern forfeiture laws, and suddenly you have forfeiture laws authorizing people to just pull over someone driving down the highway because of a real or imagined minor traffic offense, such as not turning off your turn blinker, or not signaling a lane change, or supposedly straying out of your lane. And searching the car, seizing the cash, and keeping the cash, even when no drugs or anything else illegal is found, just simply based on the suspicion that the cash must be involved in drug trafficking of some sort, because, why would you have cash and be travelling on an interstate highway?

If a cop really wants to make a traffic stop, they can find a way. Whatever it is, the car is stopped, the officers convince the person they've pulled over to agree to a search, and while looking around they find some cash in the person's care. That's when the civil asset forfeiture process begins.

Susan Simpson:

So they get a car, they pull it over, they find no drugs, but they find, I don't know \$20,000 and change in cash, in some luggage or something. What happens next?

Dan Alban:

So at that point they seize the cash. And they usually do it on the suspicion that the cash is drug proceeds of some sort, or that's it's going to be used for a drug buy, though drug proceeds is a more common assumption. But sometimes they'll say it's being used for a drug buy.

Susan Simpson:

But what do they need to be able to do that?

Dan Alban:

To seize all they need is probable cause. So seizure is relatively simple, and that's true in just about every state, and under federal law. And our issue with civil forfeiture is not the standard for seizure. It is awfully loose, and there probably could be better standards, but in the heat of the moment an officer has discretion as long as there is probable cause to seize things that he thinks are

involved in some sort of illegal activity, because he might be able to stop some criminal plot or something and with a little further investigation maybe all of that would kind of unravel. The problem with civil forfeiture is what happens next. Usually at the side of the road, the person is given a property receipt, and usually they are sent along on their way without any criminal charges, and often officers don't even write them up for whatever the traffic violation is that they were pulled over for.

At that point, it doesn't take much for the government to successfully become the new owner of your property.

Dan Alban:

The standard to win under Georgia state law, the standard for the government to win and keep someone's property permanently is just a preponderance of the evidence, which just means more likely than not. So a preponderance of the evidence basically means like 51% likely. That's a lot, lot lower than the standard that people are familiar with from a criminal case, you know, beyond a reasonable doubt. The problem is that's just a very low standard. Because all you have to do, if you're the prosecutor there, is get two or three of the officers that were at the traffic stop to go up on the stand, and they'll say "Well, in my experience as a law enforcement officer for the past 25 years I have noticed the following things that are very common in drug dealers." And they'll list off several things, you know, you're driving on the interstate, you're headed between two drug dealing locations, which is pretty much every city in the country. They're driving a rental car with out of state plates. They're driving too fast, too slow, exactly the speed limit. The person was nervous when he was pulled over. The person gave inconsistent answers to questions because once we asked him where he was going and he said Maryland, and another we asked him where he was going, he said Baltimore.

Now the problem is that there are a lot of non-criminal reasons that someone might be driving with cash in their car. WABE, Atlanta Public Radio, reported on a case from 2012. Alda Gentile had driven with her family from New York to Florida, to hunt for a vacation home. They didn't find any condos they liked, though, and so they headed back to New York. Alda Gentile still had the the eleven hundred dollars in cash she'd brought with her as a possible down payment.

Alda Gentile:

This is where the nightmare started in the car. We were singing 'Itsy Bitsy Spider' to the baby, and suddenly we see sirens, came out of nowhere.

WABE Reporter:

Police stopped them across the Florida border in Camden County Georgia, allegedly for speeding. She says for hours officers made them sit by the side of the road while they questioned why she had the money, and asked if she was a drug dealer. They eventually seized her cash, even though they didn't find any drugs in the car. She was never charged with a crime.

Alda Gentile:

I was so baffled at the whole thing, and I remember thinking that "You guys are not police officers, you're just pirates with badges. That's what you remind me of right now"

Alda Gentile's story is unusual. She went to court to fight the seizure, and she got her money back. Minus attorneys' fees. But her story is the exception. If your property has been seized by the government, then yes, theoretically, you can go to trial to try to get it back. But if your property has been seized and the government is seeking civil forfeiture, then statistically it is unlikely that you'll ever see your day in court.

Dan Alban:

No, actually the vast majority of the time, and this is sort of one of the dirty little secrets of civil forfeiture, something like 80-90% of the time it's a default. We're talking about people, for one thing, who are often from out of state have a difficult time coming back to contest the forfeiture, have a difficult time contacting attorneys in the state, or they couldn't afford to hire an attorney, which is a very common reason. Civil forfeiture laws are very complex, it's incredibly difficult to fight them yourself, and the vast majority of people can't afford to hire an attorney because the levels of cash seized are often actually very low.

Susan Simpson:

Is it in the thousands though?

Dan Alban:

It's often in the thousands, yeah. I mean in some places, I mean in Philadelphia, they were seizing less than \$100 from some people on the street.

After the police seize your property, they then transfer it to a prosecutor, who initiates the legal proceedings.

Dan Alban:

There is a procedure called equitable sharing, wherein you can partner with the feds, if you're a local or state law enforcement agency, let them kind of take over the heavy lifting once you've done the seizure, and if successful, you'll get back 80% of the proceeds, and the feds keep 20%.

The "heavy lifting" Dan Alban referenced is all the legal work needed to finalize and close out the seizure. State governments have their own equitable sharing programs to, where instead of the feds handling the backend, the state does.

Dan Alban:

State law enforcement officers often prefer to pursue a federal forfeiture because the federal standards are lower. As it happens the very low federal standards are nearly identical to Georgia's very low standards, so there is no particular advantage in Georgia to doing this.

In Georgia, either way you go, it's a win win. The local agency seizes the money, ships it off to a prosecutor under federal and/or state equitable sharing program, and the lawyers take care of the rest. They then keep, say, 20% for themselves, depending on the agreement, and ship 80% back to the law enforcement agencies that collected it in the first place.

Dan Alban:

And all of that money was available only to be spent by law enforcement agencies, so it created this perverse incentive for law enforcement agencies to focus their efforts on getting cash, sometimes even at the expense of actually seizing drugs or other illegal contraband because if they seize that stuff, and they're honest, they just have to destroy it. But if they seize the cash, they can use it for all sorts of things.

[21:54] Susan Simpson: To give me an idea of just how absurd and disturbing these cases can be, Dan Alban told me about a case that the Institute for Justice had worked on a couple of years ago, involving the Klo Kwe Music Team. The Klo Kwe Music Team is a band from Myanmar, and they were in the US on a charity tour to raise money for an orphanage. The band held concerts across the United States, mostly at churches,

where they'd raise money from ticket sales and donations. And then, one day, the band's manager tried to drive through Muskogee Oklahoma.

Dan Alban:

The case involving Eh Wah -- the band manager for this band from Burma -- he actually was charged with a felony, felony possession of drug proceeds. He had \$53,000 in his car. He was pulled over, because he had a supposedly broken tail light, that fixed itself, and he had all this money because he was the band's manager, and so he had all the money they had raised. And so he had all these envelopes they had labeled, like Tulsa all the different names of all the towns they'd been to on their tour.

Eh Wah tried to explain to the officers that this cash, tucked away into carefully labeled envelopes, was money that had been raised by band while on a charity tour.

Dan Alban:

He put the officers on phone with the band to confirm, like yes, this is really what I'm doing. I'm on this charitable tour with this band from Burma, we raised all this money, and we're going to take it back to give to this orphanage, and we're going to take it back to give to this college, this non-profit college in Burma. And the officers couldn't really understand the band leader, the actual...his name is Marvelous, from Burma. His English is...ok? Good enough that he and I can converse ok, but I can totally see how over a cell phone in a very confusing situation when officers are suddenly asking you a bunch of questions, why there can be difficulties, and just based on that, the police report basically just says "There was difficulty in communication. We plan to file charges".

Dan Alban showed me the envelopes that Eh Wah had with him that day.

Dan Alban:

Here are a bunch of the orphanage envelopes. And you can see they've been torn open, and they were torn open by Muskogee County Sheriff's Deputies. And these were all from, you'll see written on them....

Susan Simpson:

I mean yes they're not all in English, but top says the Has Thoo Lei Orphanage, IDP learning Center.

Dan Alban:

Yeah. and it has their address, it has their phone number, it has their email address. Most of the language on it is actually Karin, because these folks are Karin refugees.

It was kind of shocking to see the proof laid out like that, to see how inexcusable this seizure had been. I just kept picturing the Muskogee Deputies pulling over a car with out of state tags, searching the car, seeing *these* envelopes, and then deciding... yeah. This? This is money that we can take and keep for ourselves.

Dan Alban:

I'll show you some of the rest of it...

Susan Simpson:

This isn't even like a question though. Like literally, officers grabbed these things, and knew they were taking money from orphans.

Dan Alban:

Yes. You had to, because it says on the front, at the top of the page: Has Thoo Lei Orphanage, IDP Learning Center, and it even has their emblem in color.

Luckily for Eh Wah and the Klo Kwe Music team, the Institute for Justice got involved.

Dan Alban:

So yeah, he was facing felony charges and the day we got involved and got a front page story in the Washington Post, he actually had a hearing in his criminal case. We didn't represent him criminally, but we worked with his criminal defense attorney. The judge denied that morning the motion to have a hearing on probable cause. Just said nope, you're going to trial. And so, as of 9am that morning he was heading to trial in July. And by 3:30 that afternoon we got a call from the Muskogee County DA's office saying "Oh yeah, we've decided to drop all charges, return all the money, and we need an address to send the check to." And that shows you the flimsy house of cards this is all built on.

[26:05] Susan Simpson: It doesn't always end that way, though. If the Klo Kweh Music Team hadn't been able to get an attorney, hadn't gotten connected with the Institute for Justice, who was able to publicize the case and get the money returned, then, well. The Muskogee County Sheriff's Office might've been \$40,000 richer, after the seizure was

finalized and they received their share of the proceeds. Those deputies could've bought themselves a shiny new patrol car, courtesy of some orphans in Myanmar.

Because with civil forfeiture, if a motorist has been found driving around with cash, that becomes, effectively, presumptive evidence of a crime. The government needs only to say, your honor, the officers stopped a car, they found cash in it, and from experience, that's how criminals move money. And the burden is then on the person whose property was been taken to prove that their property is not crime related.

Dan Alban

That is exactly the problem with civil forfeiture. It flips the burden of proof on its head, and so what everyone thinks about due process and the criminal justice system, it's exactly the opposite. It's sort of the Alice in Wonderland of civil forfeiture, and it is impossible to prove a negative. How do you prove a negative? How do I prove that this envelope that says "\$200 St. Paul" is from a donation from a Karin parishioner in St. Paul and not some drug deal?

The reason this all happens -- the reason that we have police officers sitting on the money side of the highway and taking money from orphans -- is because of what happens next, after the seizure is completed. That's when the law enforcement agency gets to figure out how it's going to spend all this free money.

Camden County Seizures

[29:04] Colin Miller: In 2008, when NPR did a four part series on civil forfeiture abuses, the series finale was dedicated to the abuses going on in Camden County.

Robert Siegel (NPR):

NPR's John Burnett has our final report on dirty money.

John Burnett:

Camden County Georgia is famous for Cumberland Island National Seashore, the King's Bay Submarine Base, the historic town of St. Mary's, and Sheriff Bill Smith. The tanned, white-haired lawman is now running for his seventh term...

During Sheriff Bill Smith's time in office, the Camden County Sheriff's Office was a civil forfeiture powerhouse. Due to lax recordkeeping, total amounts are unknown, but can be counted in the tens of millions of dollars.

John Burnett:

Over the past decade and a half, his highway interdiction team has grabbed more than 20 million dollars from drug money couriers.

Bill Smith:

I'd say Camden County has probably been one of the most successful agencies on the eastern seaboard in seizing money belonging to the drug dealers.

Using highways to generate revenue for local government agencies is something of a tradition in Camden County. Bill Smith didn't invent the practice, he just tried to perfect it. But years before he took office, and before civil forfeiture laws had been enacted, Woodbine had been using a notorious speed trap. In fact, in 1972, the mayor of Woodbine was forced to acknowledge that most of the town's operating revenue came not from taxes or licensing fees on its citizens, but from traffic fines generated by a speed trap the town operated on US-17. The speed trap was only shut down when the State of Georgia revoked Woodbine's authority to arrest motorists.

[30:32] Susan Simpson: Dan Alban told me this was actually a pretty common story. Towns that were once known for their speed traps often became towns that were known for their extensive highway interdiction efforts. The reason, of course, is pretty simple. Doing so results in millions of dollars that law enforcement agencies can more or less use however they see fit.

Dan Alban:

Theoretically there are limitations on what this money can be spent on, as a practical matter there's very little oversight. You are not supposed to, for instance, spend the money on extravagant expenses, that's actually a term from the DOJ guidelines.

I asked Dan Alban about some of the examples I'd seen from Camden County, to see where they fell on this extravagance scale.

Dan Alban:

It's unclear what the limitations are on extravagant.

Susan Simpson:

So what about a \$250,000 donation to college for a scholarship in your name?

Dan Alban:

(Laughs). Uh, that sounds absolutely outrageous. But that sounds very much like examples of forfeiture abuse that I've heard of.

In 2002, Bill Smith had donated a quarter of a million dollar donation to the Citadel, where he had gone to college, to establish a scholarship fund there. He didn't do this from his own money, of course -- he made this donation out of the county's seized asset accounts. He also set up at least 6 other scholarships at other schools. Typically, this would not be an allowable use for seized assets. But when I asked Sheriff Bill Smith about it, he told me that he'd sought and received permission to do this from Attorney General Janet Reno.

Sheriff Bill Smith:

When we were seizin' all this money, and I think we seized around \$27 million from the cartels out of South America, and what have you, on the interstate... what I did is I went to the attorney general, I had to go 4 or 5 times before I finally got it approved, but none of the other agencies in the country were allowed to use money to educate the young individuals who work in law enforcement.

Bill Smith is proud of the scholarships that he set up. And he's aware he's gotten criticism for how generous the scholarship to the Citadel have been, in particular, but I don't get the sense he has any real regrets about it.

Sheriff Bill Smith:

I think it brought a lot to law enforcement, because of the attorney general... I went down to Miami and talked to her, but she approved it, we were able to use a lot of money to set up scholarships. And I caught hell, I graduated from Citadel in Charleston, and I said, you know, the Citadel in Charleston would be a fine school to set up these scholarships, and I did.

As for the special permission that was supposedly granted to Camden County by Attorney General Janet Reno, well. Maybe it happened. I don't know. But I'll at least note that, at least so far, I haven't been able to turn up anything to document that kind of permission was given here.

And special permission from Janet Reno aside, not all the expenditures were questionable. Some of what Bill Smith used the civil forfeiture money for was for exactly the sort of things it's supposed to be used for -- purchases at a place called Larry's

Police Supply Depot, a line item for tasers, a new cage for Camden County's bomb dog, underwater metal detectors. Stuff like that.

These kinds of expenditures, though, were in the decisive minority. Most the disbursements were for things that had a much less obvious of a relationship to law enforcement purposes. Things like the \$8,500 spent buying jerseys for the Camden County High School football team. Or the \$20,000 on school playground equipment. The \$2,000 to the Camden County High School Theatre program. Or the \$5,000 to the Camden County wrestling club. Or the \$10,000 to something called a special commissary account. Not to mention endless expenses for charity golf tournaments, donations to the International Society of Coroners and Medical Examiners, to the United Negro College Fund, to the Cumberland Christian School. Money given to improve camp facilities for the Boy Scouts. Money to buy equipment for the cheerleading team. On and on it went.

Dan Alban:

That's sort of classic political logrolling, or what I might call just flat out bribery, of the public. Yeah, you take funds that are supposed to be spent for the public good and you spend them in ways that are clearly identified with you, \$250,000 for a scholarship named after you or something, and you know, it's clearly part of a re-election effort, it's an improper spending of public funds and unfortunately it's very effective. People remember these sorts of things, people remember, "Oh yeah, he's the guy that gave \$10,000 to our Boy Scout troop."

Dan Alban has seen a lot when it comes to how law enforcement agencies have used civil forfeiture funds, but Camden County had at least a few of its own that were new to even him.

Dan Alban:

I've heard of money being spent on tuition for law enforcement officers, I've heard-

Susan Simpson:

What about families?

Dan Alban:

Families? I haven't heard of that specifically, but that seems just as, if not more abusive than spending it on the law enforcement officers themselves.

This wasn't an uncommon expenditure. And then there were other expenses that were just, well... extravagant.

Dan Alban:

In Camden County there's also been, I think both a sports car and I believe some sort of boat, speedboat or, I'm not quite sure what it was.

[36:03] Colin Miller: Dan Alban was right. There had been a sports car bought with the seized assets fund in Camden County. It was a \$78,000 Dodge Viper, and the Sheriff's Office said they needed it for their DARE program. The seized assets fund also paid for a new sound system for the Viper, not to mention upholstery, a new alarm system, and a new paint job. All told, the Camden County DARE car cost \$93,000. Even on NPR, during an interview for a story about how the Sheriff Smith's abuses of the asset forfeiture program, the Sheriff's Office couldn't resist bragging about it.

John Burnett (NPR):

And the purchases got more exotic. There was the \$90,000 Dodge Viper for the Sheriff's DARE anti-drug program. Lieutenant William Terrell opens a trailer parked in the lot behind the substation to reveal the gleaming, low-slung sports car.

William Terrell:

The year, we took this out to Las Vegas for the national DARE convention. It was the number one DARE car in the country.

Dan Alban was right about there being a boat, too. Actually, it was boats, plural. Eleven of them. Plus the jet skis. The fleet was referred to as the Camden County Navy, and for the most part, it was all done in the open. Because the Sheriff's Office was proud of its drug money haul. Dennis Perry's uncle, Ed Wilson, recalled how the Sheriff's Office would advertised where it all came from.

Ed Wilson:

It's amazing to think what they do with the seized drug money here.

Susan Simpson:

Like what?

Ed Wilson:

Well they got a big, I don't know if they've still got it, they had a big yacht. And out on the back of it it says, "This vessel purchased with confiscated drug money in Camden County."

Susan Simpson:

A few questions... so wait why do they need a yacht?

Ed Wilson:

Beats me. And the only reason I know that is 'cause I was going to Jacksonville one time, and there was a big truck pulling a big boat in front of me, and it said on the back of it, "This vessel purchased with confiscated drug money in Camden County Sheriff's Office" or somethin' like that. And I thought, well that's amazing, I rode by it, and it's 35, 38 feet long, nice. You know. And who was driving the truck? Bill Smith. Well. Must be nice, goin' into Florida.

[39:46] Susan Simpson In addition to Dodge Vipers and yachts, here's one more thing that was paid for by the seized assets fund: Dale Bundy's salary when he was re-hired to take on the Swain case. I know that because Bill Smith himself confirmed it for me.

Sheriff Bill Smith:

One of the deputies... it's a long story, we were at the time involved in interdiction of drug money from the interstate, and we had quite a bit of money that we had seized and, I don't know, we got to talking about it, myself and Charlie Easterling, who is now dead, and other employees of the department, and we decided that maybe we should hire an investigator to come in and do nothin' but just work that case. Uh, we decided on an individual, very smart investigator by the name of Dale Bundy, and Dale came in and investigated exclusively that case.

Without knowing all the details of how Bundy's employment situation was set up, I can't say for sure, but it's entirely possible that what Bill Smith is describing here was in full compliance with all the applicable regulations. As a general matter, yeah, seized assets aren't supposed to be used for salaries. Bundy was right about that. But there are some exceptions built in, and based on how Sheriff Smith has described the way Bundy was hired and how his salary got paid out, it was probably fine, I think. I'm not sure it actually broke any rules.

Which makes it really weird to me that Dale Bundy is so insistent on disagreeing with Bill Smith about both how and why he was hired to come work on the Swain case, and why he's still sticking with his story about some kind of grant being received.

Deputy Dale Bundy:

It was myself and two other people that were workin' under this grant, I forget the name of the grant but it was a grant they gave to hire extra people with, and I filled one of those slots.

Susan Simpson:

What did the other two people come on to work on, like cold cases? Or-

Deputy Dale Bundy:

I have not got the foggiest idea.

Susan Simpson:

But it was like, task based kind of? Like they came on with a, like I'm guessing Bill Smith set the agenda, like here's the case you're gonna work on, or... Did you have other cases you were given?

Deputy Dale Bundy:

Yeah, I worked other cases.

Part of me has to think that Dale Bundy knows this story isn't the entire truth, because the use of the seized asset fund to hire Dale Bundy to work on the Swain case, that wasn't a secret. It was well known enough to be a topic of political humor in Camden County. I don't know exactly where it came from, but in the DA's file, there's a copy of this political cartoon that must've been published in some local paper. There's a handwritten date on it -- January 19, 2000. Just six days after Dennis Perry's arrest.

The cartoon depicts Sheriff Smith and Dale Bundy out on a fishing boat, and its captioned, "Catch of the Day." Dale Bundy is reeling in a huge, confused-looking fish. You can tell it's confused because this fish has eyebrows, and they're raised up in a baffled sort of expression. Plus, in case the eyebrows don't make it clear enough, there's also a question mark over the fish's forehead. The fish is a metaphor for Dennis

Perry. And we can tell that because the fish is helpfully labeled, with "Suspect in a 15 year old murder case."

Anyway, in this cartoon Bundy is reeling in this poor confused fish, and Sheriff Bill Smith is there reaching out with a net, just about to scoop it up and bring it onto the boat. And because this is a political cartoon, the boat, too, is a metaphor. The boat's name is written across its side: "Seized Drug Money."

I wonder what the artist who drew this cartoon knew about the Swain investigation, and the use of seized drug money to solve it. The artist couldn't have known the whole story, though, because at that point, in January of 2000, the boat metaphor from this cartoon hadn't fully played out yet. In arresting Dennis Perry, Dale Bundy and Bill Smith had successfully hooked their fish, but they still had to get it into the boat. Which, in the context of the boat metaphor, would mean convicting Dennis Perry of the double homicide. And, it turned out, seized drug money would keep Dale Bundy and Bill Smith afloat through all of it.

John Burnett (NPR):

The accusation that Sheriff Bill Smith used forfeiture funds at his whim is at the heart of wider criticism that there are scant controls over how seized drug money is used. Again, Commissioner Steve Berry:

Steve Berry:

And that's really the root of the problem. You have one man in total control of \$25-\$30 million with no checks and balances. Now you can imagine what would happen at that point. I mean the old adage of, "absolute power corrupts absolutely..." is proven perfectly there.

REWARD

[44:40] Susan Simpson: At the risk of stating the obvious: money talks. Money can influence how law enforcement agencies patrol their highways, and it can influence how and when witnesses come forward. Which is why the civil forfeiture fund was not the only money in this case that I was interested in learning more about. There was also the matter of the reward money.

Even before I learned about *Prime Suspect* and the \$25,000 it had offered, I'd heard lots of talk around Camden County about who in Dennis Perry's case might've be compensated for their testimony, but it was all just that. Talk.

Most of it, I tuned out. But when that talk came from former Deputy Butch Kennedy, I paid more attention. Although, the talk he'd heard didn't really make much sense to me.

Deputy Butch Kennedy:

Rozier ended up gettin' some of the reward... Carol's mother and him split that. My information is... I don't *know* that, I honestly don't.

Rozier is Corky Rozier. And if you're wondering why he would've gotten paid an award in this case, don't worry, you haven't missed anything. I don't get it either. But Corky Rozier was the neighbor of Dennis Perry's grandparents who'd once called in a tip about him to Unsolved Mysteries. He was the one who suggested Dennis Perry had killed Harold Swain after Harold has discovered a secret marijuana field and Dennis was somehow helping to cultivate it.

Susan Simpson:

What was this reward?

Deputy Butch Kennedy:

Pardon?

Susan Simpson:

What was the reward?

Deputy Butch Kennedy:

I'd be afraid to even speculate, I don't, I don't remember.

Susan Simpson:

But you, you heard that the Roziers and Jane Beaver split it?

Deputy Butch Kennedy:

Jane Beaver, yeah. Yep. And I know Rozier got some.

But the reason it made no sense to me that Corky Rozier could have gotten this reward, is that Corky Rozier didn't even testify at Dennis Perry's trial. And that part probably isn't surprising because when Corky Rozier and his wife Glenda were interviewed by Dale Bundy in December of 1998, they told a story that was radically different from the story Jane Beaver had told. Here's how GBI agent Ron Rhodes summarized that interview:

MR. ROZIER stated he remembered seeing DENNIS PERRY the weekend before the murder of the SWAIN's. MR. ROZIER advised he knew PERRY because his daughter went to school with him. MR. ROZIER said he lived next door to ZEIK WILSON, who is PERRY's grandfather. MR. ROZIER advised he remembered seeing a brown Plymouth Duster, which PERRY drove, at WILSON's residence on the Saturday before the shooting occurred.

MR. ROZIER advised about three months after the murder occurred ROBERT MASSEY told him about an argument that took place between one of MACK WILLIAM's sons and HAROLD SWAIN. MR. ROZIER said PERRY was present during the argument. MR. ROZIER explained the argument was over one of the WILLIAM's boys growing marijuana on HAROLD SWAIN's property. SWAIN told the WILLIAMS boy to get the dope off of his property or he would call the police. MS. ROZIER stated she saw PERRY up and down the road the whole weekend before the shooting. MS. ROZIER said she saw DENNIS driving a tan Plymouth Duster.

There are some big problems here with Corky Rozier's story. First, this brown Duster that Dennis Perry was supposedly driving around in? It doesn't exist. Not in reality, and also not as a matter of the prosecution's theory of the case. Because neither Dennis Perry nor his grandparents owned a Duster. The GBI had tried to confirm that they actually had one, like Rozier had said, and they couldn't. Besides, Dennis Perry having his own car is actually bad news for the State's case. Because according to the State, Dennis Perry had to ride down to Waverly on the back of a motorcycle, and had to walk to Rising Daughter to get there. Neither of which are things that someone with a car would have done, probably.

[48:25] Colin Miller: And second, there's also the problem that Corky Rozier's 1998 story was just a rehashing of his original Unsolved Mysteries tip. It's just another variation of the same rumor about everyone in Waverly has heard at this point, about how Harold Swain was killed because he discovered a marijuana field. But Dennis Perry wasn't friends with Mack Williams' sons, and there's nothing I've seen outside of Corky Rozier's claims about Mack Williams' sons having a secret marijuana field on the Swains' property. It doesn't seem as if Dale Bundy had believed Corky's story either -- because there's no evidence he even tried to interview Robert Massey or Mack Williams' sons to try and verify it.

Butch Kennedy recalled that back in the 1980s, when he was working on the case, he'd interviewed Corky too, after he'd called in the tip about Dennis Perry to Unsolved

Mysteries. Even though there's no record of this interview now, Kennedy is confident that it happened.

Deputy Butch Kennedy:

Maybe not reduced to writing because I didn't believe it. (Laughs).

Susan Simpson:

But you remember talking to him about this case?

Deputy Butch Kennedy:

Yeah. Because Corky, Corky's... was a shady character. He was... he wasn't a bad guy, he was just a crook.

Prosecutor John Johnson apparently found Corky Rozier and his wife Glenda more credible. He subpoenaed both of them to testify at Dennis Perry's trial, and in his opening statement, he told the jury that they'd be hearing from both Corky and Glenda during the trial. At some point during the trial though John Johnson changed his mind, because he never did call them to the stand.

Now it turns out that was probably a good call on John Johnson's part. When Susan had mentioned to GBI Agent Joe Gregory how confused she was about what was going on with Corky Rozier and his failure to make an appearance at Dennis' trial, Gregory told her about the trap the defense had set, and would've sprung, if the prosecution had tried to call him.

Susan Simpson:

They did not put Rozier on the stand. They, for some reason-

Agent Joe Gregory:

Oh no... they knew better than that! Because Perry's attorney was waiting to pounce on him about his previous perjuries. And we had aerial photographs that was gonna prove it was impossible for him to see what he claimed to see.

For a lot of reasons, then, it just really doesn't make much sense that Corky Rozier of all people would've been the one to get the reward money in this case. So probably I would've dismissed it all as just empty talk, if it wasn't for the fact that the rumors about it that Butch Kennedy had heard, well, they had come from a very specific source.

Susan Simpson:

So, Jane Beaver, I was curious to find out what the money was she might have gotten, where it might have come from.

Deputy Butch Kennedy:

I can't be honest and tell you that that actually happened-

Susan Simpson:

That's what you heard.

Deputy Butch Kennedy:

Yeah. But I do know, when I was workin' at the tax office, Corky's wife came in there and she said that they used some of the money for Corky's surgery on one of his hands.

INTERVIEW WITH THE ROZIER

[52:42] Susan Simpson: Corky Rozier passed away a few years ago, but his wife Glenda still lives in Woodbine, and my hope was that she might know more about why her husband had been subpoenaed by the State as a witness for Dennis's trial. After all, she'd been subpoenaed for it too. When I went to her house to talk to her, she immediately invited me in. She was very friendly and welcoming... and right away I began to doubt that I would be getting the whole story from her.

Susan Simpson:

Do you know how your name came to be in the police file?

Glenda Rozier:

Maybe because we lived next door to 'em? Because that's where we lived, you know? Right next to 'em.

Susan Simpson:

So the first time I noted that I'd seen your name in the file is from *Unsolved Mysteries*. Do you recall seeing a show about this case?

Glenda Rozier:

I'm not sure.

Susan Simpson: The curious thing about trying to interview Glenda Rozier was that she couldn't recall anything about her role in Dennis Perry's case until I'd first explained to her what about it I already knew. At which point she, too, would recall the thing I'd just told her about. But she'd recall no more than that.

Susan Simpson:

Did you know your husband called in Dennis Perry as a tip?

Glenda Rozier:

Who did?

Susan Simpson:

Uh, your husband did.

Glenda Rozier:

He did?

Susan Simpson:

Mhm. That's why y'all got interviewed.

Glenda Rozier:

Oh. Okay. Well, he probably knew somethin', you know? And he thought maybe that would help.

[54:04] Susan Simpson: She was definitely what I would call evasive. But at the same time, it didn't come across as if she was trying to be *completely* unhelpful, either. For any questions I had that were unrelated to her involvement or her husband's involvement in the case, she would try to answer. At one point, when she'd forgotten the name of someone she thought she'd talked to, she called up her daughter to see if she knew the answer. Glenda's daughter Laurie, it turned out, is a police officer up in McIntosh County, but she was off work that day, and when Laurie found out why her mother had rung her up to ask after the name of some long-ago acquaintance, she'd rushed over to her mother's house to find out what was going on.

Susan Simpson:

So, here's what I have-- Hi!

Laurie Rozier:

Hi.

Susan Simpson:

I'm Susan.

Laurie Rozier:

Laurie.

Susan Simpson:

I was just showing her...

Glenda Rozier:

Come sit on this side, so you can see.

Susan Simpson:

... both read it.

Laurie Rozier:

Who are you?? ... Investigating for??

Susan Simpson: Laurie Rozier was clearly alarmed by my presence, but after I introduced myself and explained why I was there, she seemed to relax. Whatever she had been worried about, apparently I wasn't it.

Laurie Rozier:

We had a whole bunch of stuff go on that said that my daddy took a whole bunch of money, for some kind of reward for this. And then they went on the blog and they posted that he was crooked, my sister planted evidence- my sister was in high school. As you can see, he went to school with her. My sister was not even in law enforcement at the time. So, they twisted everything around, sayin' my daddy took this reward money. We never saw any reward money, or whatever. So, I don't know where they're gettin' this information from, but for a long time, he got blamed for a lot of stuff.

Susan Simpson:

I'm not familiar with what you're talking about, but I'd be very curious to see it, if you...

Laurie Rozier:

It's the "Topic" thing, that they used to...

Susan Simpson:

Oh, this is Topix? Okay. I've not really... You're not the first person that I've heard talk about it, but I don't know what it is, really.

Laurie Rozier:

Yeah, and they were sayin' something about... that daddy was the one that asked this lady if it was Dennis that she saw, and my daddy had nothing to do with the investigation.

Susan Simpson: As Laurie was explaining this whole backstory to me, I was left feeling like I'd walked in halfway through a conversation on something that I knew nothing about. But I could at least assure her that, no, I wasn't from Topix and I wasn't one the bloggers.

Laurie Rozier:

Well, that's why I came down here, to find out who you were, because I didn't want somebody from there comin' here, harrassin' her.

[56:27] Susan Simpson: As I would later come to learn, all of this drama with the bloggers had actually taken place over a decade ago now. And it had actually all begun on Topix, a website that provides message boards where members of the same local community to talk to one another online. Back in 2006 and 2007, when Dennis Perry's conviction had been a popular discussion topic there, and for months on end, comment threads had been full of arguments and accusations about what had really happened in the case, and who was to blame. Eventually the combat had spilled out of Topix and into warring Blogspot sites. And the Roziers hadn't been the only victims of the Great Camden County Topix War -- Dale Bundy had been a casualty of it, too.

Susan Simpson:

When we started, you mentioned something about being drug through the ringer, or something on this case. Can you tell me what you mean by that?

Deputy Dale Bundy:

I've been accused of framing Dennis Perry and all that stuff from a local blogger named Rick Rogers.

Susan Simpson:

Okay. So I was wondering about the court stuff, but you're... Who's this blogger?

Deputy Dale Bundy:

Just some idiot that takes things that... he did everything he could to make Sheriff Smith look bad. And drug me through the ringer with it. I'm used to it. I got thick skin. You can't do what I do without havin' thick skin.

Susan Simpson:

Is he a local or is he...?

Deputy Dale Bundy:

Yeah. He's an idiot.

Susan Simpson: After being assured, though, that I wasn't from Topix, Laurie Rozier had been more than happy to talk, and share everything she knew. Which wasn't all that much -- she'd been a kid when the Swains were killed, and hadn't followed the trial. Mostly what she knew came from reading the online attacks against her family.

Glenda Rozier:

I knew... that was his grandma and them, right?

Laurie Rozier:

That's where this whole thing went crazy, it's because everyone was blamin' daddy, because we knew the sheriff. And just because they asked daddy about this argument, or whatever they had, everybody come back that daddy was supposedly gettin' this reward money.

Susan Simpson:

What reward money?

Laurie Rozier:

There was some kinda reward for the murders.

Glenda Rozier:

For turnin' somebody in for doin' it.

Laurie Rozier:

There was some kinda reward for the murders.

Susan Simpson:

Are you sure there was a reward?

Laurie Rozier:

That's what they said. 'Cause he got accused of takin' some kinda reward money for conviction of the murderer.

Glenda Rozier:

But, no. He didn't get no money outta nothin'.

[58:39] Susan Simpson: Laurie Rozier was very aware of the fact that her own feelings about Dennis Perry's case was so mixed up with her feelings about Topix and the bloggers that it was hard for her to separate the two.

Laurie Rozier:

I just got tired of... readin' it? Because it kept makin' me mad. Especially since my dad's gone. So, I just kinda, like, pushed it off. 'Cause I don't wanna hold him responsible or have an ill feeling towards him because of what everybody else is sayin'.

Susan Simpson:

You mean Dennis?

Laurie Rozier:

Yeah. Because in my job that I do, I can't do that. I can't base opinions. Because you never know when they're innocent. You're innocent until proven guilty. I understand he's had his trial, he's been convicted and everything, but sometimes that's not always right.

Susan Simpson: In the end, I didn't learn much about the Swain case from the Roziers. And I didn't get the answers I'd been hoping to find out. But following that first trip down to Camden County, I did come away with two new research hobbies. The first had been civil forfeiture laws. And the second was the Great Camden County Topix War of 2007. As it would turn out, those two things had a lot more in common than you might think.

THE RECORDS

[1:00:00] There are a lot of political bloggers in Camden County. Or at least there were around 2007, which is the time period I was interested in. There were also a lot people who were busy having flame wars on Topix over obscure matters of local county governance. Out of all of them, one of the most prolific posters was this guy named Rick Rogers. He doesn't live in Camden County anymore -- actually, Dale Bundy told me at one point that Rick Rogers had been run out of the county, and I'm still not sure if he meant it in a literal or metaphorical sense. Either way, today, Rick Rogers wants nothing to do with Camden County, or even the whole state of Georgia.

But ten years ago, he talked about Camden County a lot. And he blogged about it, a lot. Like, a lot, a lot. And he had quite a few blogs -- he even had one that was entirely dedicated to Dennis Perry's case, where he methodically posted copies of the available transcripts from Dennis Perry's trial. And, that blog is relatively low key in tone.

But, Rick had other blogs, too. And some of them are... well, less low key. Take, for instance, the "Real School Police" blog. For that site's logo, Rick chose a World War 2 photo of soldiers crossing a trench, and superimposed on it is some text that says, "PARENTS DECLARE WAR ON SCHOOL BOARD." I think this blog started off as a place where Rick Rogers could protest certain policies that had been implemented by the Camden County School Board, but the scope quickly expanded, and for years, Rick Rogers used the site to wage a one-blogger crusade against the rampant corruption that he saw all around him in Camden County.

It is not the easiest blog to read. It's got a little bit of that old school GeoCities feel to it, and Rick Rogers is the kind of guy who posts a 30 page word document not as a single .pdf, but as 30 individual .jpegs. And the comment pages on his blog are a straight-up mess. In part that's because they're just fragments of a broader meta-conversation going on, as the blogs were really just a new battlefield for the ongoing Topix war. And, like on Topix, while sometimes the conversations in the comments were civil, but just as often they were strings of all caps text filled with vitriol and misspelled insults. To read Rick Rogers' blog is to dive in to a years-long internet flame war, in which all the usual tensions are magnified by the fact that, in this case, the people involved are all local, and anytime they leave their house or step into a grocery store, they risk running into one another. Also, everyone is constantly threatening to sue everyone else, and once in a blue moon, someone actually does it.

[1:02:35] Susan Simpson: All of which is to say, I loved everything about it. I'd gone to Rick Roger's blogs because of what I'd been told by people I'd interviewed, but I kept reading because, well, if I'm being completely honest, gawking at a good internet train

wreck is one of my favorite things. And if you like that sort of thing, well, Rick's blogs are a treasure. Also, I know I'm not the only one to feels like that because when I talked to Mike Ellerson, the former Deputy from the Camden County Sheriff's Office, he'd been just as entertained by it all as I had been.

Mike Ellerson:

Readin' that stuff back in the day was some funny shit. It was funny. It's like, oh, God, they just called out such and such, and I'd get on the phone, and go- Hey, you readin' Topix? Like, what?! It's like, hey, Rick Rogers is talkin' about such and such and such! Get on there and check it out! And you know, we'd be on the phone talkin'... Oh, Shit! You know.

The Topix wars were hilarious. But also vicious. It quickly became clear to me why Dale Bundy and the Roziers had still been upset about the bloggers even after all these years -- many of the comments about them were angry attacks on their character, their families, and these attacks were often as brutal as they were incoherent.

The thing is, though, the stuff written on the "Real School Police" blog wasn't made up, it just lacked all sense of proportion. For Rick Rogers, it didn't seem to matter whether he'd discovered evidence that some Camden County employee had used a work computer to look at his blog during work hours, or if he'd submitted an open records request and had unearthed genuine evidence of a Camden County government official taking a bribe, because he would write about both with the exact same degree of urgency and alarm. They were equal scandals in his eyes, and deserving of an equal number of exclamation points. And there was no shortage of exclamation points to go around.

All of that made Rick Rogers *really* easy to dismiss. Which is sort of unfortunate. Because the guy was actually putting in some serious work to his role as citizen watch dog. He was submitting tons of Open Records requests to various government agencies in Camden County, and dumping the results on his blog. Usually without much in the way of context about why these documents were important. But still, the documents were there. Buried deep within pages of flame wars and petty complaints, but there.

Which is why, ten years ago, when Rick Rogers found something huge in Dennis Perry's case, no one who could have done anything about it actually noticed. Because in 2007, Rick Rogers obtained records of an audit that had been done on the equitable sharing accounts of the Camden County Sheriff's Office, including bank records for

those accounts from 2002 and 2003. And those records show that on April 3, 2003, just weeks after Dennis Perry's conviction, Jane Beaver and Corky Rozier were both paid \$12,000 each, out of the seized assets fund.

Oh, and just to dispel any doubt that there might have been as to what these payments were actually for, in the audit records, there's also a helpful little note in the description line. It reads, "Reward."

Twelve thousand and twelve thousand is 24 thousand. Very close to the 25 thousand that had been advertised on *Prime Suspect*. In other words, it looks exactly like Corky Rozier and Jane Beaver had split the reward for their help in convicting Dennis Perry. And all of this was kept secret from the defense.

I asked Dan Alban from the Institute for Justice about it, to see if this was something he'd encountered before.

Dan Alban:

Yeah, I don't recall seeing something like that. It's possible that it happens. It's not immediately obvious to me that it's entirely improper in ways that go beyond paying any witness for anything.

Susan Simpson: Dan Alban was right about this. I looked more into it later, and the use of civil forfeiture funds to pay rewards or to give money to informants under the Federal guidelines, at least in terms of civil forfeiture regulations, these payments to Jane Beaver and Corky Rozier were a far more appropriate use of the seized asset money than were most the disbursements that Sheriff Smith had made from that account.

But the question of whether this payment would be appropriate as a matter of Federal Seized Asset Guidelines, that's unrelated to the question of whether these payments were appropriate as a matter of due process, when it comes to Dennis Perry's trial. And that Jane Beaver was expecting, and had received, compensation- yeah, that's unquestionably material to her credibility as a witness.

And that money was paid out. When I asked Dale Bundy about it, he didn't deny that the payments had been made. He just denied having any involvement in the decision to make those payments. And when I spoke to Jane Beaver's daughter, Carrol Ann, she confirmed to me that Jane Beaver had gotten the reward money. Or, actually, she confirmed that, Jane Beaver gotten *half* of the reward money. Jane Beaver, it turns out, had been pretty ticked off about that, Carrol Ann told me that Jane Beaver had felt like

that money should've been all hers -- after all, no one else in the case had come forward with anything nearly as helpful as Jane Beaver had.

And I gotta say, I kinda agree with Jane Beaver on this one. Corky Rozier hadn't done anything I could see that would warrant splitting the reward with him.

Actually, if that reward was going to be split at all, it should've been split between Cora Fisher and Vanzola Williams. They're the ones who really earned it. They'd come forward and testified, even though they'd been scared, because they'd felt it was the right thing to do.

Instead, this reward got split, and half given to Corky Rozier. But why? And why had the Roziers denied that Corky had gotten the money?

Glenda Rozier:

I wonder who got a reward.

Susan Simpson:

I don't know that there was a reward, but if there was, I'd be curious to find out, too.

Laurie Rozier:

I'd be curious to find out who it is that keeps sayin' all that stuff.

Susan Simpson: Corky's wife Glenda must've known exactly who had gotten that reward. Or at least she must have known exactly who'd gotten half of the reward. But I'm not convinced that Corky's daughter Laurie had been told about it, or that she actually knew the whole story. At least in part, that's because if Laurie had any reason to think that her mother had something to hide, I'm pretty sure she would've kicked me out of the house right away. Instead, she stayed to talk.

Although, I do have some questions there too. Because Laurie Rozier's name also appears in the seized asset funds. Remember those payments for tuition and textbooks? Well, in 2003 and 2005, Laurie Rozier's tuition at Valdosta State University was paid for by people who'd been interdicted on I-95.

All this Corky Rozier stuff didn't make sense to me. It still doesn't. I asked Agent Gregory if he'd ever encountered something like it.

Susan Simpson:

But, his daughter, Laurie. Why is she getting her college tuition and college textbooks paid for out of the drug fund?

Agent Joe Gregory:

Hey. You want my gut feeling, or what?

Susan Simpson:

I mean, is that normal?

Agent Joe Gregory:

No. Sounds like payoff to me.

Susan Simpson: There was one more person, though, who I thought would know the answer. And maybe he'd even tell it to me. And that was Bill Smith himself. So I asked him: why exactly did Corky Rozier get that \$12,000?

Sheriff Bill Smith:

I don't remember that. We gave him money for... what was the reason that we gave him the money? Corky?

Susan Simpson:

It says reward.

Sheriff Bill Smith:

Was it another investigation?

Susan Simpson:

It says reward in the byline. So it looks like Jane Beaver and Corky Rozier were each paid \$12,000 as a reward.

[1:10:12] Susan Simpson: Bill Smith didn't seem to have any more idea than I did about why Corky Rozier had gotten that money. And his attempts to puzzle out why it might have happened seemed to have been nothing more than guesses.

Sheriff Bill Smith:

Well, that was when we were tryin' to solve it and we needed information, which we received from those... I didn't know Corky was involved in it, though.

Susan Simpson:

I don't know what happened, exactly. I know they subpoenaed him for the trial and he was gonna testify, but he never actually did, for some reason. But I don't know why.

Sheriff Bill Smith:

He was working at the jail there. He might have received information that he was the individual or something. I don't know.

Susan Simpson:

Oh, interesting.

Susan Simpson: Whatever the reason may have been, though, Bill Smith told me, in making the decision to actually pay out the reward to Jane Beaver and Corky Rozier, he would not have been acting on his own.

Sheriff Bill Smith:

It went to Corky and her?

Susan Simpson:

Yeah, I guess they each got 12.

Sheriff Bill Smith:

I don't remember, to be honest with you. Is my name on the check or something?

Susan Simpson:

No. I don't have those records. I was just wondering if you knew why they were paid, or why the drug funds were used, or what that was about.

Sheriff Bill Smith:

I think we probably talked with the District Attorney at the time. Who was the DA that prosecuted the case? Do you remember that?

Susan Simpson:

The prosecutor was John Johnson.

Sheriff Bill Smith:

Oh, okay, yeah. Well, he would have been the person that I had gotten with to get it approved.

[1:11:39] Colin Miller: The bank records that Rick Rogers had from the Camden County seized asset fund were incomplete, and the Sheriff's Office no longer has copies going back that far, so a complete set can't be obtained from them now. But the records we do have, which span from 2001 to 2007, show that, amid all the donations to local clubs, the payments to inmates, and the \$240 lunches at Cumberland Island's prestigious Greyfield Inn, there were other disbursements beyond just the ones to Jane Beaver and Corky Rozier that may have impacted Dennis Perry's case.

Because from 2001 to 2003, during the time Dennis Perry was in jail and awaiting trial, Sheriff Bill Smith was making payments not only to the DA's Office that was prosecuting Dennis Perry's case, but also to the court whose judge was presiding over it.

And for those payments to the prosecutor's office, well, maybe there's a good explanation for why that was happening, and based on the limited records, it's hard to tell what exactly was going on. But most months, the Sheriff's Office would take a sum of money out of the seized assets fund, and then divide it between the Camden County Board of Commissioners and the DA's office. The lion's share, 90% of it, would go to the Board. Only 10% went to the DA. But still, just based on records for six months in 2001 and 2002, we're talking transfers of \$40,000. That's not nothing.

Susan Simpson: There were other payments, though, that Bill Smith was making, that I have a harder time trying to rationalize away. Like the payments that were made to the Glynn County Drug Court. Because that's the court that Judge Amanda Williams, the judge in Dennis Perry's case, had presided over. At the time, the Drug Court was relatively new. Just a few years old, but it was very much Judge Williams' pet project. And to continue to operate, it needed funding. It turns out that a significant portion of the that funding was coming from Bill Smith. Or at least from Bill Smith, through the seized asset accounts.

Susan Simpson:

... and it's making \$100,000 donations to the court that is hearing its cases.

Dan Alban:

Oh. So, that would be... so, if it were to, say, the local Health Department or something...

Susan Simpson:

No. This is to the court that's hearing the cases.

Dan Alban:

So, I mean, that actually raises really fundamental due process problems. Because, as much as police and prosecutors are supposed to not be biased, we all know that they are, to some extent, you can't help but be when your job is to catch criminals and prosecute them. You have a bias towards doing that. And so clearly, you have a bias towards seizing assets when you get some of the proceeds from those assets. But, the courts themselves are not even supposed to have an appearance of bias. There's not supposed to be an appearance of impropriety.

[1:14:17] Susan Simpson: In 2001 and 2003, there were two donations that Bill Smith made from the seized asset fund to Judge Williams' drug court. The first donation was for \$50,000, and it was made on August 7th, 2001 -- the day before a critical pretrial hearing in Dennis Perry's case, where the judge would rule against Dennis Perry's motions to exclude the eyewitness identifications of Vanzola Williams and Cora Fisher. And the second donation, also for \$50,000, was made on May 21, 2003 -- just two months after Dennis Perry's trial, and while his motion for a new trial was still pending before Judge Williams. There's no way to know for sure here if or how Judge Williams' decisions in Dennis Perry's case could have been influenced by those donations from Sheriff Smith to the drug court, but that's the whole reason for even the appearance of impropriety is so problematic in this context.

Dan Alban:

I mean, what you're telling me now makes me want to pick up the phone and call someone at DOJ and have them- like, someone in the anti-corruption side, not someone related or with anything to do with asset forfeiture, but just because DOJ investigates corruption, but that sounds like blatant corruption. I mean, it's not just something that violates due process and that lawyers would go, hmm, that sounds like a real concern. That's something that is at least an attempt to influence a judge in an active proceeding.

Susan Simpson: There's no need now though for Dan Alban to make any calls. Because about seven years ago now, someone else already did. Not in connection Dennis Perry's case, but in connection with some other cases before the same judge in which her impartiality had been called into question. That call wasn't made to the DOJ,

but instead the JQC, the Georgia Judicial Qualifications Commission. And, as a result of that, the JQC opened a wide-ranging investigation into what exactly was going on in the courtroom of Judge Amanda Williams. Next time, on Undisclosed.

Thanks for listening to Undisclosed: The State V. Dennis Perry. We'll be back on Thursday with an Addendum episode, so send us your questions with the #UDAddendum. 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 by Rebecca LaVoie of Partners in Crime Media, and host of the Crime Writers On podcast.

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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.

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