

UNDISCLOSED, the State v. Dennis Perry
Episode 2 - Real Sheriffs of Camden County
July 16, 2018

[0:06] Susan Simpson: Previously, on this season of Undisclosed...

"Next, the story of a double murder in a tiny Baptist church in rural Georgia. The only clue was a pair of ordinary glasses left behind by the killer."

"There are a couple of hairs found on those glasses.."

"Glasses...glasses."

"Do you remember those hairs at all?"

"Blonde..."

"I'm very proud to say we did finally solve it. And I feel like we got the right individual..."

[0:39] Susan Simpson: If there's one thing about Dennis Perry's conviction that I'm sure of, it's that it was nothing personal. There's nothing I've seen in any of the files and nothing I've learned from anyone I've interviewed, that would lead me to believe that any of the investigators or prosecutors involved in this case have ever targeted Dennis Perry due to any sort of personal dislike, or that they were ever motivated by any sort of animus directed towards Dennis Perry in particular. Because that would have required the investigators and prosecutors to have feelings of some kind about Dennis Perry as a person, and by and large, they just didn't.

Most the law enforcement officials I spoke to in Camden County, including several who had actually worked on this case, could no longer even recall Dennis Perry's name.

[1:20] Former Camden County Deputy:

Um, what's his name that's in prison now? Um...

Susan Simpson:

Dennis Perry?

Former Camden County Deputy:

Dennis perry had an argument, or somethin' like that....

It's not that investigators didn't care about the case, because they did. They cared about the case a lot. But Dennis Perry has become something of a footnote to the murders that he is currently serving two life sentences for. His identity is one of those details that they would have been aware of back then, at the time that this was all going on, but that now, 15 years later, they have no particular reason to remember.

There are at least three investigators, though, who still clearly remember the name Dennis Perry.

The first of those investigators is Deputy Dale Bundy, who was brought on to re-open and re-investigate the Swain case in 1998. He remembers Dennis Perry, because that's the man that his investigation has proven was guilty of the murders of Harold and Thelma Swain.

[2:11] Investigator Dale Bundy:

I worked this case for about 2 years before we ever took it to a grand jury. I developed his name as a suspect quickly by doing simple police investigations 101. I went back and reviewed -- and interviewed the witnesses. That's all it took.

And the other two investigators who remember Dennis Perry are Deputy Butch Kennedy and Special Agent Joe Gregory, the initial investigators in this case. The ones assigned to it back in 1985. And they remember Dennis Perry, because that's the man that their investigation has proven was innocent of the murders of Harold and Thelma Swain.

[2:57] Agent Joe Gregory:

My son calls me, he says, "dad, you're not gonna believe this. Bundy actually made an arrest in the Swain case." And I was tickled to death at first. And I says really, who was it? And he said Dennis Perry. And I had to think for a while because Dennis Perry was not on our radar -- we had cleared him. I spoke with Butch and it hit me all of a sudden, it hit my like a ton of bricks who they were talking about. And I just couldn't believe it because, my goodness!

In a universe where Dale Bundy was never assigned to the Swain case, Deputy Kennedy and Agent Gregory would probably have also forgotten who Dennis Perry was, because after they had ruled him out as a suspect back in 1988, they had no reason to go back to him again. But years later, Dale Bundy was assigned to the case. That same suspect that Kennedy and Gregory thought they had ruled out, wound up being charged with the murders. And now they can't forget him, because their belief in his innocence was not enough to stop him from being sentenced to life in prison.

[3:56] Susan Simpson:

But you...you're not convinced by the evidence?

Deputy Butch Kennedy:

No ma'am.

To understand how Dennis Perry ended up being convicted of the murders of Harold and Thelma Swain, you first have to understand the politics of Camden County. Because this conviction may not have been personal, but it was political. And even setting aside the question of Dennis Perry's factual guilt or factual innocence, the only reason that a conviction here was possible was that at the time of his arrest and trial, the law enforcement officials who believed that he is innocent had less political power than those who believed that he was guilty.

Agent Joe Gregory:

From top to bottom, Dennis Perry, excuse my French, but Dennis Perry got screwed.

[5:04] Rabia Chaudry: Hi and welcome to Season 3 of Undisclosed: the State vs. Dennis Perry. This is Episode 2 of our series on how a double homicide in Camden County Georgia turned into a cold case, and how 18 years later a man named Dennis Perry was convicted of the crime. My name is Rabia Chaudry, I'm an attorney and author of the book, *Adnan's Story*, and I'm here with my colleagues Susan Simpson and Colin Miller.

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

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

[7:44] Susan Simpson: When it comes to Dennis Perry, it's not just some of the law enforcement officials who have hazy memories of who he is. In fact, while most people in Camden County that I spoke to have heard of the Swain case -- or the church murders, as many know it by -- a significant number of them had never heard that the case had been solved at all, let alone known who had been convicted. More than once I've even spoken to members of Rising Daughter Baptist Church who thought this was

still a cold case, and who hadn't known until I told them that the murders of Harold and Thelma Swain had actually been solved.

So most people in Camden County don't have a clue who Dennis Perry is. And even for the small handful of people I've spoken to in Waverly who both remembered Dennis Perry and thought he might be guilty, they seemed more baffled than angry about the fact that it was Dennis Perry who had supposedly killed the Swains.

Carlton:

I was, I was shocked that he done it!

Susan:

Why, you didn't think he'd be the type, or...?

Carlton:

Yeah I figured he probably wouldn't be the type, yeah.

[8:38] Colin Miller: Even for the family member of Harold and Thelma Swain, there feelings about Dennis Perry seem to reflect the long passage of time that took place after the horrible crime he committed that night in March of 1985, and how different a point in his life he was at when he was finally arrested in January of 2000.

Cynthia Clayton:

You know when, when Dale first called me, and said this guy is tryin' to have a life. You know, and it's like, you know, you now have a wife and a family, and it's been so many years, and maybe he thought that he could just go on. And you know, and I just kinda felt sorry for him. Um, you now tryin' to live, and you know, and when you... sometime when you do things and as you get older and you look back, you wish you could undo it. Um, but I just kinda felt sorry for the place that he was at, at that point.

And it was the family members of the Swains who had wanted Dennis Perry's life spared, even after he was convicted and facing the death penalty. Although prosecutors had tried this as a capital case, with a death qualified jury and all that entails, the family of the victims had not wanted a capital punishment to be imposed.

Cynthia Clayton:

But I do remember them meeting with us, and talking to us about the death penalty, and we were saying no, we didn't want that. I think it was because of our

faith, you know, our Christian faith. You know, and I guess... I mean, what good would it do? It's not gonna bring -- to kill him wouldn't bring Thelma and Uncle Harold back. What good would it do?

[10:13] Rabia Chaudry: The general absence of any sort of personal hate for Dennis Perry was kind of a confusing part of the case at times, because something like that might have helped explain how Perry had gotten convicted in the first place. In some cases, where direct evidence of guilt might not be so strong, if the defendant gets portrayed at the trial as a terrible, no-good, human being -- well, you can see how that perception of the defendant might override certain weaknesses in the State's evidence.

So that was one of the first questions Susan had about the case when she first spoke to Christina Cribbs, who had worked on Dennis' case while she was at the Georgia Innocence Project. Although she left GIP a couple years ago, and is now a staff attorney for the Appellate Division of the Georgia Public Defender Council, she had filed the most recent motion in Dennis' case, a request for DNA testing, and was closely familiar with the case's facts. So Susan called Christina and asked her about whether there was something we were missing that might explain why Dennis Perry would be a particularly unsympathetic defendant.

[11:25] Susan Simpson:

But this guy doesn't sound like he was really an asshole. Or even portrayable as one.

Christina Cribbs:

No! I mean, the only..

Susan Simpson:

So is he a racist? Is there evidence that he's like a raging racist inside, or something? Other than Beaver?

Christina Cribbs:

No. No, other than Beaver, no. I mean, Beaver makes him look like a shitty person from what she says.

Susan Simpson:

That's one person. That's not really...

Christina Cribbs:

Yeah. No, it's not a Joey situation. It's not like, oh he's, ya know, he likes to fight and he does some stupid stuff. Like, no, none of that. There's no people...there's no parade of people who were like, "We hate Dennis Perry. He's a terrible person. He's racist. He's, ya know, a criminal. He's a drunk." Nothing like that.

While Dennis Perry's conviction may not have been in any way personal, it was political in just about every way possible. And it still is. For reasons that have nothing to do with Dennis Perry, there a lot of people who had, and still have, a stake in this case's outcome.

The fact that this case became a political football is not at all that surprising. In fact, it was probably inevitable. Because in Camden County, like a lot of counties, the role of Sheriff can be about politics first, and law enforcement second. And in a cold case that spans decades, politics can become so intertwined with the criminal investigations that it's impossible to understand one without the other.

Agent Joe Gregory:

When Bundy took over the investigation, uh Bill Smith wanted somebody arrested. I don't think he cared who -- he wanted somebody arrested because he was running for reelection. He needed a big feather in his cap.

[13:07] Colin Miller: Back at the very beginning, right after the Swains were murdered at Rising Daughter Baptist Church, there was nothing divisive or overtly political about the case. Everyone was unified in their horror and outrage over the deaths, and everyone just wanted the case solved. The community came together to raise a reward fund, and three investigators from the Georgia Bureau of Investigation were dedicated to the case, to help the multiple Sheriff's deputies working on it.

But as time went on and questions were raised about why the case had not been solved, well, that's when politics began to creep in. And the identities of the investigators took on more importance in the case's history, as did questions about who had failed to solve the case, and why they had failed to solve it, and later, questions about who had solved the case, and why they succeeded in solving it when others had failed.

By then, investigation into the Swain case could be divided into two main phases: the first phase, from 1985 until 1990, and the second phase, from 1998 to 2003.

[14:14] Colin Miller: In the first phase, the lead investigators were Deputy Butch Kennedy and Special Agent Joe Gregory from the GBI. It began in 1985, when the Swains were killed at Rising Daughter Church, and it ended in 1990, when the case was closed, after all leads had been exhausted.

Then in the second phase, the lead investigator was Deputy Dale Bundy. That phase began in 1998, when Bundy was hired by the Camden County Sheriff's Department to work the Swain case and only the Swain case, with the aim of finally closing Camden County's most notorious unsolved crime. It then ended in 2003, with the conviction of Dennis Perry.

And to understand how and why this case became so political, we have to go back to the very beginning, on the evening of March 11, 1985, when the investigation into the murder of Harold and Thelma Swain first began.

[15:02] Susan Simpson: After the shooting in the vestibule at Rising Daughter Baptist Church, the other women who had been in attendance at the meeting that night fled the sanctuary, taking shelter in the church's back rooms. In the initial panic, the women split up, losing track of one another. Some of the women ended up in the pastor's office, where they tried and failed to call out for help, not realizing that someone had cut the phone lines. Others ended up hiding in the bathroom, locking themselves in stalls and standing up on the toilets in the hopes that maybe if the killer came in, he might check for feet, and not realize they were there. It wasn't until approximately 20 minutes after the shooting that one of the women, Miss Margie Moore, had taken her broom for protection and made a run for help to the Reed's Store.

At 9:15 pm that night, dispatch received a call. There had been a shooting. Send everyone you can.

[15:48] Deputy Butch Kennedy:

And at that time we probably only had, and I think maybe one unit that was out. One one-man unit.

[15:56] Colin Miller: That's Butch Kennedy. He'd joined the Camden County Sheriff's Department in 1973, and was a deputy at the time of the Swain murders. He would become the case's lead investigator for the next seven years.

Deputy Butch Kennedy:

We weren't a very big department at that time. You know, we were ind of a jack of all trades, traffic, warrant service, patrol, whatever, we just did it all.

Having spent most his time in law enforcement in Camden County, his experience didn't include many crimes like the one he was faced with that night, and Butch Kennedy knew he had his work cut out for him:

[16:29] Susan Simpson:

So what did you think when you got to the scene, or when you found out that the Swains had been murdered?

Deputy Butch Kennedy:

Oh hell. We'd never had anything like that.

Susan Simpson:

Yeah.

While still on his way to the crime scene, Butch Kennedy's first thought was on how to draw upon what resources they did have available to do this right.

[16:48] Deputy Butch Kennedy:

What to do. C'mon, get your shit -- excuse me, get your stuff together, and let's get this right, you know. We didn't have any equipment, we didn't have anything. Except what we could pick up somewhere along the line and try to build something together. No crime scene stuff.

And that's where the Georgia Bureau of Investigations came in. The GBI had the sort of experience and training that local law enforcement in rural counties would often lack the opportunity and obtain for themselves. That night, March 11, 1985, Special Agent Joe Gregory got the call about a double homicide in Camden County, Georgia. Joe Gregory and Butch Kennedy would work together on the case for the next five years.

[17:32] Agent Joe Gregory:

Butch and I went in through the vestibule of the church, there was an elderly black man and an elderly black female lying in the vestibule. These were apparent gunshot wounds. I could tell they have been shot, but we can't really say that before the autopsy.

The first thing that Butch Kennedy wanted to do that night, even before the evidence technicians and agents got there, was to document as much as possible of what he saw. He had a little portable tape recorder, and he'd use that to document the scene in real time.

[18:06] Deputy Butch Kennedy:

The first tape explains what I saw when I got there.

Susan Simpson:

So it's you talking to yourself?

Deputy Butch Kennedy:

Mhmm. Explains what I saw. I saw this, that, this that, this that. No order. No order, just when I saw it, I would say at such and such and a place the shell casings are on the floor. Thelma is up. Harold's been rolled over. Here's a pair of glasses. There's two pair of glasses here. Uh, blood. Just what I saw, so that I could go back and say, "Put this together." There was interviews with each one of the witnesses.

We don't know what happened to that recording, or the other recordings that Butch Kennedy made in those first few hours and days after the killings. Deputy Kennedy's habit was to fill up one tape with notes and interviews until the tape was full, and then start a new tape, and later have the tapes transcribed. There were at least a few tapes that Butch Kennedy made like this in the first few days following the murders.

Some of the transcripts made from these recordings still exist. But the tapes themselves -- well, no one knows what happened to those, or where they got to. According to Butch Kennedy, those tapes were still there with the rest of the records on the Swain case when he left the Camden County Sheriff's Department. But at trial, Sheriff Bill Smith implied that Kennedy had been the one responsible for those tapes going missing, and as well as all the other evidence in the case that's been lost over the years.

[19:34] Susan Simpson asking question:

Have you fired anybody for losing all this stuff?

Colin Miller as Sheriff Bill Smith:

Well, Mr. Kennedy is gone but he resigned.

[19:44] Susan Simpson: Unfortunately, the tape that Butch Kennedy made of his observations at the crime scene that night is one of the recordings that we don't even have a transcript for, let alone the tape itself. Luckily, we do have the detailed diagrams of the crime scene that Butch Kennedy and Joe Gregory prepared, which provide a lot of information about what evidence was found where that night.

[20:03] Deputy Butch Kennedy:

I think we got the shell casings... the buttons... the glasses. Joe got the measurements. And then they removed the bodies

[20:16] Colin Miller: Five shell casings were found at the scene, all from a .25 caliber automatic. Four of the casings were CCI brand, and one was R-P brand.

There were also five dark blue plastic buttons, scattered around the church vestibule. They must have come from the killer's shirt, torn loose by Harold Swain during the struggle in the vestibule. The crime lab later determined that "THE BUTTONS WERE ONCE PART OF A DARK BLUE GARMENT CONSTRUCTED USING DACRON POLYESTER/COTTON BLEND MATERIAL."

And then there were the glasses that were found at the crime scene. Actually, there were three pairs of glasses found in all -- Thelma was still wearing hers, and two pairs were found on the floor almost under the bodies. After checking the prescription, one pair was found to belong to Harold Swain, but the owner of that third pair of glasses was and is a mystery.

A number of other items from the scene were collected and tested for fingerprints. Even while still at the scene, investigators could see that at least a few items had visible finger impressions on them.

[21:16] Deputy Butch Kennedy:

There were some smudge prints, it looked like on the bottom of it, where maybe a hand went down, you know, four fingers.

Susan Simpson:

So you could see like finger marks on it.

Deputy Butch Kennedy:

Finger marks on the bottom right hand corner. I don't know, it was just something like it *could* have been, maybe, they were fighting or tussling...Harold...and somebody's hand went down.

Susan Simpson:

But it was an identifiable, like, hand streak of someone.

Deputy Butch Kennedy:

Yes Ma'am.

But whether or not the prints on that mirror could have been used to make some sort of print identification is not recorded anywhere, and remains unknown. In addition to the mirror, law enforcement officials also collected the telephone connector box that had visible finger impressions on it. The telephone connector box had been attached to the outside of the church -- that's where someone had cut the telephone wires, disconnecting phone service to the church, and then had folded back the ends of the wires to make sure they didn't touch, to eliminate any chance that someone might be able to make a call out. But after the connector box was sent to the crime lab for analysis, it was determined that the prints were not detailed enough to be used for identification purposes.

In addition to the mirror and the telephone connector box, two Pepsi bottles were also collected at the scene -- one just in front of the church and one across from the church on the other side of Highway 17. They were sent to the crime lab for analysis, as was the pair of unknown glasses, but no prints were found on either.

Now like we mentioned last episode, the mystery glasses found in the church vestibule have been missing for a long time. According to Investigator Dale Bundy, at the time that he began his investigation in June of 1998, those glasses had long since vanished, along with the Pepsi bottles and some of the other items. There were only a few items of physical evidence still around by the time that he was working the case.

[23:02] Investigator Dale Bundy:

There was a lot of stuff that went missing, got disorganized, during those period of time. If those glasses were in the file, I don't know. The only evidence I ever saw from that case, and I believe has been made available to the Innocence Project 2 or 3 times, were the shirt buttons, a pair of glasses that had been identified as belonging to Harold Swain, and some wire clippings. And that's it.

Actually, at the moment, now in 2018, *all* the physical evidence in this case is MIA, and cannot currently be located by the agencies that were last known to have it. But at least as recently as 2016, those items of physical evidence that Dale Bundy mentioned could still be found: the buttons, the casings, the telephone wires, all of them were still in the government's possession. In 2015, the Georgia Innocence Project requested DNA testing on them, in the hopes that touch DNA might be developed, but there was insufficient DNA to make any determination as to who the donor might have been. As of right now, we haven't been able to determine what happened to those items after they were sent in for testing -- all of the agencies that could potentially have possession of the evidence have told us they have no idea where they might be today.

But as for the evidence that first went missing a decade ago, the dispute about what exactly happened to it is still something of a sore point, even today, for those involved in the case.

[24:24] Susan Simpson:

How about who was the guy...

Investigator Dale Bundy:

Last time I saw those glasses, was Robert Stack had them on television. Those glasses were given to them by Joe Gregory from the GBI, and I have no idea what happened to those glasses.

[24:40] Susan Simpson: But according to Special Agent Joe Gregory, it hadn't been him who sent those glasses off to Hollywood. That had been Sheriff Bill Smith.

[24:46] Susan Simpson

He made the call to end the glasses?

Agent Joe Gregory:

Oh yeah, he didn't tell Butch and I! Butch and I, like, the night the show was on the air, Butch called me, he says "Those look like the real glasses!". And I said "Man, they look like it to me." I said "No way that they have those!" And the next day we found out oh yeah they did. Welp, we knew we had lost some of our best evidence, right there. Out the window.

[25:18] Susan Simpson: That pair of glasses had been critical to the State's case, but as far as Dennis Perry is concerned, the glasses were probably not the most important thing that was lost during the investigation.

For Dennis Perry, the most important thing that got lost was probably a set of records that had been allegedly prepared by Joe Gregory and Butch Kennedy, documenting their investigation into Dennis Perry.

Because on one of the nights that the Slain Swain episode of *Unsolved Mysteries* had run, someone from Camden County called in a tip. The tip gave Dennis Perry's name, and referenced land that had been owned by Harold Swain, as well as nephews of Harold Swain that supposedly Dennis Perry had known and dealt drugs to. And, the tip said, Dennis Perry looks like a composite drawing that some of the women from the church had prepared.

The tip was vague and confusing, but its reference to Dennis Perry was specific enough to be a lead. And at least according to Deputy Butch Kennedy and Agent Joe Gregory, that lead was investigated, cleared, and dismissed. Dennis Perry had an alibi -- he had been at work in Atlanta, a half day's drive away from Waverly, on the day of the murders.

[26:20] Susan Simpson:

Did you check into the alibi for Dennis Perry?

Agent Joe Gregory:

Oh yes. Oh yes. Talked to foreman on the job, who said that he was there from start to finish. It was all verified.

After moving in with his mother in Jonesboro at some point in late 1984, Dennis Perry had gotten a job at Allied Products, a concrete company in College Park, near Atlanta. Dennis didn't have a car of his own at the time, so to get anywhere he'd have to catch a ride with someone, and so every weekday morning he'd catch a ride to work with his neighbor Charlie Williamson, and then in the evenings, he'd ride back home with Charlie. By the time 1998 rolled around, there was no longer any way to obtain Dennis' time cards from Allied Products, so we don't know when exactly Dennis Perry would have gotten off work that day, but Charlie Williamson testified at Dennis' trial and said that the soonest they'd get back to his and Dennis' house after work would have been around 5:30 pm. That would have given Dennis Perry 3 hours and 20 minutes to find some kind of ride- to borrow or to rent- and drive the 260 plus miles to Waverly, to arrive at the church no later than 8:50 pm and meet Vanzola Williams in the vestibule. And then Dennis would have had to turn around and drive back to his mom's house, snuck in

without anyone noticing, late at night, and been ready for work at 5:30 am the next morning.

Based on that timing, Dennis Perry could not have possibly made it to Rising Daughter Baptist Church on the night of the murders.

[27:48] Agent Joe Gregory:

It would have been physically impossible for him to have got off of work, when everybody says he got off of work. Even flying, he couldn't made it.

Had Butch Kennedy and Joe Gregory remained in charge of the case, Dennis Perry would not have become a suspect again. To Kennedy and Gregory, he had been ruled out. But Gregory and Kennedy would not remain in charge of this case forever.

[28:17] Rabia Chaudry: In the beginning, deputies and agents assigned to the Swain case had been optimistic about their ability to solve it.

Deputy Butch Kennedy:

You know, actually in '85, we thought... We'll solve this. We'll have this thing solved in no time. [Chuckles] Boy, was that a surprise.

When Butch Kennedy left the Sheriff's office seven years later, the case had still not been solved. And he's had a lot of time over the years to reflect on missteps that he made, or thinks he made, in the case. At Dennis Perry's trial, both the prosecution and the defense questioned Butch Kennedy in ways that seemed designed to cast doubt on whether he had appropriately handled the crime scene. The take away for many of the jurors was that perhaps many of the irregularities in the evidence in this case could be explained away as the work of ill-equipped and ill-trained local officials, something that happened by accident instead of design.

[29:12] Deputy Butch Kennedy:

You know, I've been ridiculed so much about the things that we didn't do, or that I didn't do... and I understand. You know, I didn't. I didn't do a lot of things. I just... I cannot for the life of me think that he did that.

To Butch Kennedy, it seems undeniable that his investigation into the Swain case must have failed in some way. He must have done something wrong, because if he'd done everything right, then the wrong man wouldn't be in prison today.

But as for what happened to the missing evidence in the case, Butch Kennedy is unable to take any responsibility for that. Because the very last time he saw the evidence, everything was still where it had always been, in a box by his desk where he filed everything away.

[29:55] Susan Simpson:

When's the last time that you saw that box?

Deputy Butch Kennedy:

'93.

Susan Simpson:

How do you know? Is that when... how do you know that date?

Deputy Butch Kennedy:

That's the day I got fired.

Whatever happened to that box of evidence, Butch Kennedy says, he can't say. Because he was let go from the Sheriff's Office after Bill Smith won his election in 1992, and he wasn't around to see what happened to it after that.

Susan Simpson:

So he fired you?

Deputy Butch Kennedy:

Mhmm.

Susan Simpson:

Was he the Sheriff at the time? Or...

Deputy Butch Kennedy:

He had just been re elected. And my best friend ran against him [laughs].

Susan Simpson:

Who was that?

Deputy Butch Kennedy:

Bobby Clark.

Susan Simpson:

So you supported Bobby Clark.

Deputy Butch Kennedy:

I didn't say that [laughs again].

Susan Simpson:

But *he* thought you supported Bobby Clark?

Deputy Butch Kennedy:

Yes.

Susan Simpson:

So he fired you.

Deputy Butch Kennedy:

Because I wasn't loyal. That was the word he told me. He said, I know you haven't been loyal to me, and I have to-- you have to go.

[30:53] Rabia Chaudry: But even if Butch Kennedy's perceived support for Sheriff Smith's rival had been what triggered Kennedy's departure from the department, in some ways Deputy Kennedy's termination might have been inevitable. And Butch Kennedy acknowledged that he and the sheriff didn't have the best working relationship at the time.

Deputy Butch Kennedy:

Bill Smith and I didn't see eye to eye on some of his things. Some of the things I thought was one way, he thought was the other. We just... we -- couldn't make it. We just couldn't make it. I don't hold any grudge against him, and I don't think -- he and I *can* talk now. But before it was always something that- you know. Just always something.

And one thing Butch Kennedy and Sheriff Bill Smith still do not see eye to eye on is the outcome of the case. Sheriff Smith does not share Kennedy's doubts about Dennis Perry's guilt.

Sheriff Bill Smith:

I feel very confident that we have the right person.

And Bill Smith told Susan that, although this case had ultimately ended up as a cold case, if things had been done differently it could actually have been solved as early as 1988, when Dennis Perry's name was first called in to the Sheriff's Department.

Sheriff Bill Smith:

First investigator was Kennedy, Butch Kennedy, and he just did not do follow ups on information that we had. Someone has given us that name. We went on national TV, I don't know if you remember it or not-

Susan Simpson:

I've seen it. The *Unsolved Mysteries*.

Deputy Butch Kennedy:

Right. Robert Stack. As a result of that, we were able to develop some pretty good leads, and unfortunately they were not followed up by the investigator. After 10 years- I think it was almost 10 years, wasn't it? Before Dale Bundy was assigned to the investigation.

When Dale Bundy came on in 1998, he would take the lead that Sheriff Smith is talking about, and he would run with it. That's how the Camden County Sheriff's Department ultimately got their man in this case. But according to Sheriff Smith, the case could have been solved ten years earlier, if it hadn't been for Butch Kennedy's failures.

Sheriff Bill Smith:

Butch just didn't follow up on it. I think they went and talked with the family, and they said, "Oh, he's in Atlanta." I believe those were the words they used for his... Butch never even contacted anybody to find out *if* in fact he was up there. No, Butch did not do a very thorough investigation.

According to Sheriff Smith, once Butch Kennedy had been told that Dennis Perry had an alibi, Kennedy had simply accepted that such an alibi existed and had never done anything to verify it. This had led to the case going cold for a decade longer than it ought to have been. And, Sheriff Smith said, it was incidents like that had ultimately led to Butch Kennedy deciding to leave the Sheriff's Department.

Sheriff Bill Smith:

In my opinion as the Sheriff, he had a lot to do. His credibility got to where I couldn't trust him at all- I'm talking about Butch. And, anyways, that's one of the reasons why he resigned. I'm talking about the next election. He stayed there for

4 years. I guess I had just gotten elected. And then the next election, right after the election, he resigned, and went to work for the county. Did he tell you that, too?

Susan Simpson:

He told me he was fired.

Sheriff Bill Smith:

He was not fired. He was given the opportunity to resign, or be fired.

Susan Simpson:

OK.

Sheriff Bill Smith:

He was... do you know the word 'incompetent?'

Susan Simpson:

I do.

Sheriff Bill Smith:

As an investigator, he was very incompetent. Oh, God. Anyway. I can't believe we're even talking about--

Susan Simpson:

Do you have any good examples for me? Or any examples of that?

Sheriff Bill Smith:

No.

[34:54] Rabia Chaudry: Susan told Sheriff Smith that it wasn't just Butch Kennedy, though, who thought the wrong guy might have been convicted. Other investigators on the case, including Joe Gregory, also thought Dennis Perry was innocent.

Sheriff Bill Smith:

Joe Gregory told you that? Former GBI agent?

Susan Simpson:

Yeah. He did.

Sheriff Bill Smith:

Ha. That's a joke.

Susan Simpson:

Why's that?

Sheriff Bill Smith:

You ought to go into his background. And find out what he was involved in.

Susan Simpson:

Can you give me some [...] where to look?

Sheriff Bill Smith:

He was a crooked cop. Joe was. That's my opinion.

When it comes to Agent Joe Gregory and Sheriff Bill Smith, their feelings for one another are definitely mutual. And their shared disdain for one another long predates the Swain case. But Joe Gregory was not a deputy for Camden County, he worked for state law enforcement agencies, and unlike Butch Kennedy, Joe Gregory didn't have to worry about losing his job if Bill Smith wasn't happy with him.

Agent Joe Gregory:

Well, old loudmouth me, even back when I was a Trooper, I wasn't the most popular, uh, "Smoky Bear" in the county. But, fortunately we had some good, honest Post Commanders that didn't pay any attention to half the stuff the Sheriffs were saying. They didn't want me in their county. And when I joined the GBI, Bill Smith was really tickled to death to see me be in his county.

Despite this low-key feud between Agent Gregory and Sheriff Smith, Agent Gregory remembers one time when Sheriff Smith had relaxed his loyalty requirements when it came to his hiring decisions.

Agent Joe Gregory:

I've gotta give him credit for one thing. And a lot of people thought it was kinda weird- he hired my son. Tommy had worked his way up over the years, to be like, the number 3 man in the department.

But then, in 2008, things would suddenly change at the Camden County Sheriff's Office. Sheriff Smith's winning streak was about to come to an end.

Sheriff Bill Smith:

Once I got in, for a pretty good while I didn't even have opposition. And then I did get opposition, and I guess after 24 years, I was finally defeated.

That opposition was Tommy Gregory, the son of Agent Joe Gregory. In the 2008 election, Tommy Gregory decided to make a run for the office of Sheriff. Which was surprising, because: (A) Tommy Gregory was a relative outsider to the Camden County political scene, and (B) At that point, there was no one at all who was even bothering to run against Sheriff Smith when election years rolled around. Tommy Gregory shouldn't have had a chance.

But, somehow, Tommy Gregory won. Sheriff Smith, who had been Sheriff of Camden County for 24 years, was defeated, and Sheriff Gregory became the new High Sheriff of Camden County.

To some in Camden County, the implication of all this is that Joe Gregory's belief in Dennis Perry's innocence may be less than entirely genuine. Back in 2007, the year before Sheriff Tommy Gregory's election, the Denver Post published an article on this case that quoted Joe Gregory. And to Dale Bundy, Joe Gregory was less concerned about a possible wrongful conviction, and more concerned about using this case as a way of attacking Sheriff Smith.

Investigator Dale Bundy:

Much of what Susan Greene was told, she was told by Joe Gregory, who at that point in time had left the GBI, and his son was getting ready to run against Sheriff Smith for Sheriff, and he beat Sheriff Smith in the election, as a matter of fact. But I would take anything that's in that article with a grain of salt, because of the source that it came from.

[39:08] Susan Simpson: When I've asked people in Camden about Dale Bundy, one of the first things I was told is that Bundy is actually a McCarthy, which meant nothing to me at first, but I came to learn that the McCarthys are one of a handful of prominent families in Camden County, and they're known for their holdings in the timber business that makes up much of Camden County's economy.

Deputy Butch Kennedy:

His family is well thought-of in the county, Bundy's. Upper echelon. McCarthys.

Instead of going into timber though, Dale Bundy took a different career path, initially in the IT field, before deciding that he wanted to go into law enforcement. He'd first joined the Camden County Sheriff's Department at the same time that Sheriff Bill Smith took office back in January of 1985, just two months before the Swains were killed. But in April of 1985, he attended the Brunswick police academy and in June he graduated second in his class.

[39:55] Colin Miller: He did a variety of jobs while a deputy for the Camden County Sheriff's Department, but the department was so small back then there wasn't really any other way of doing things. Everyone had to wear a lot of hats. But one part of the job Bundy remembers fondly is working with the department's police dogs:

Investigator Dale Bundy:

Runnin' bloodhounds was somethin' I did for 15 years of my tenure here. If you'll look at my arm you can see scars all over my arm from holding a thirty foot leash goin' through the woods, I had one dog that before he died I caught 165 people with him.

Susan Simpson:

What was his name?

Investigator Dale Bundy:

Backup (laughs). Then I had Beulah, then I had Clueless. I had several other bloodhounds.

At some point, Bundy left the Camden County Sheriff's Department, but later on had re-joined the department again, before later leaving the department once again. Why Dale Bundy kept coming and going isn't entirely clear -- at Dennis Perry's trial, Sheriff Smith testified, and was asked about whether Bundy had quit or been fired, and Sheriff Smith had initially said Bundy had quit, but when Sheriff Smith was asked the question again, he gave a different answer:

Susan, reading from the transcript:

Had he quit, or been fired?

Colin, reading from the transcript:

He had quit.

Susan:

How many times?

Colin:

I believe twice.

Susan:

Had you terminated him one of those times?

Colin:

I don't recall, I may have. I may have gotten mad with him about something, I don't remember.

[41:11] Susan Simpson: Dale Bundy had joined the Camden County Sheriff's Department shortly before the Swain murders occurred, but, he'd been off-duty that night and did not get word of the murders, and so was not one of the officers that responded to the scene at Rising Daughter Baptist Church.

Investigator Dale Bundy:

I was a fledgling deputy in 1985 when this happened, it happened March 11th of 1985. I was working the day shift, 6 in the morning to 2 in the afternoon. And as I was gettin' ready to go to bed that night I heard a siren go down my driveway. And I had just turned my scanner off and I said, eh, if they need anything they'll call me. And I went to bed. And I came walkin' in the next morning there's a press release sittin' on the radio console, and it said, you know, double homicide. And I asked the radio officer, I says, where did this happen? She says, at the Rising Daughter's church. So, I was about the only person in the sheriff's office who probably wasn't there that night. And once, once those calls were made there were a lot of people that showed up at the church.

So while Dale Bundy did work on the case during the initial phase of the investigation, it was only in a limited way.

Investigator Dale Bundy:

I uh, I spent a lot of time lookin' for the gun. I'd drive a patrol car up, park and walk down one side and walk back up, to see if the gun had been thrown out the window and ***

It would not be until 13 years later, in 1998, that Dale Bundy would take over the Swain case as the lead investigator.

[42:51] Rabia Chaudry: In June of 1998, Dale Bundy got a call from Bill Smith, asking him to come back to the Camden County Sheriff's Office for the third time.

Investigator Dale Bundy:

I had left the Sheriff's office for a while, to go back into the IT field. I had left the company that I was working for and Bill Smith contacted me and he says, how would you like to come back to work for me as an investigator, and I'd like for you to see if you can do something with the Swain case? We called it the Swain case because they were the victims.

Bundy accepted the offer. Other deputies from Camden County would assist Bundy and the case, and eventually agents from the GBI would also be assigned to it, but Bundy was in charge of the investigation.

Investigator Dale Bundy:

By the time I got ahold of this case, the leads had quit comin' in. And this case, most of the elimination work was done in this case by the time I got ahold of it. Joe Gregory and Butch had run out a lot of leads.

There were easily a hundred suspects referenced in the case file, and Joe Gregory and Butch Kennedy had ruled almost all of them out. But, according to Dale Bundy, one of the leads that had not been run down, that had not been eliminated, was Dennis Perry. And after Bundy's investigation obtained new evidence pointing towards Dennis Perry, he became the prime suspect.

[44:15] Susan Simpson:

What was your impression of Dennis' -- the work schedule alibi? I know there were no work records left by the time...

Investigator Dale Bundy:

Yeah, so that's somethin' that neither he or we could verify.

Susan Simpson:

But Joe Gregory spoke to his employer at some point.

Investigator Dale Bundy:

And the employer says that basically the same thing you just said, there were no work records or anything and he really didn't remember whether Dennis was there that weekend or not.

When Bundy got to the case, there were no records in the case file that showed Dennis Perry had been at work on March 11, 1985. And by that time, in 1998, the company that Dennis Perry claims he'd been working at on the day of the murders no longer had any records of its own about who had and who had not shown up for work on that day 13 years earlier. Any proof that Dennis was at work would have to come from the case file.

So when it comes to Dennis Perry's alibi, the one fact everyone can agree on is that there are no known records in existence that show Dennis Perry was at work that day, or that Joe Gregory and Butch Kennedy had investigated and confirmed Dennis' alibi. The disagreement is over whether those documents ever existed in the first place.

Dale Bundy is sensitive over the missing evidence in the case -- he's faced criticism over it before. Over the years, there has been so much blame thrown around about this case that there's pretty much no one involved in it that has made it through with their reputations wholly intact. And Bundy is aware that the loss of some of the records in the Swain case file looks somewhat awkward for the Camden County Sheriff's Office, but he had nothing to do with that. He stands by his investigation.

Investigator Dale Bundy:

I've been drug through the ringer on this case. I've been made to look like just a horrible person that framed this poor innocent man. You know, and I know I put a lot of my time in this case, I was very careful with it. The last thing I'd want to do is to put someone in prison that I didn't think was guilty. And anybody that you find a way, that's been incarcerated that shouldn't be, more power to you.

While Bundy does not know why some of the records and evidence from the Swain case had gone missing by the time he got assigned the case, he does have one theory about what may have happened, and it explains why the lost evidence is not the fault of the Camden County Sheriff's Office:

Investigator Dale Bundy:

During that period of time the GBI served a search warrant on this office. Not relating to this case. But ended up confiscating all of our case files.

Susan Simpson:

What? (laughing)

Investigator Dale Bundy:

It had to do with the former Sheriff who was accused of all kind of stuff that he was later exonerated for. But the GBI took all of our case files, and anything in those files, uh, we had to go to the GBI office in Kingsland just to get a case file. You can imagine what a pain in the you-know-what that was.

Susan Simpson:

What, what Sheriff?

Investigator Dale Bundy:

Huh?

Susan Simpson:

What Sheriff was this?

Investigator Dale Bundy:

This was Sheriff Smith. So...

[47:14] Rabia Chaudry: So perhaps a few records were lost when the GBI took all of Camden County's files. That could explain why portions of the Swain file seem to have evaporated. But Dale Bundy does not believe that anyone ever actually confirmed Dennis Perry's alibi after his name was submitted as a tip.

Investigator Dale Bundy:

Lee Sweat and Butch Kennedy went by there and then the case was turned over to Joe Gregory. It was Joe Gregory's first Status One case; his first homicide case with the GBI. And, ya know Butch Kennedy told me, he said Dennis just kind of fell through the cracks.

Dale Bundy does not know for sure why Joe Gregory says that Dennis Perry's alibi had been documented and confirmed, but he believes that Joe Gregory's memory is wrong, and that those records simply never existed.

And Joe Gregory doesn't know why the records of Dennis Perry's alibis are not in the case file, but he believes that those documents were with the rest of the GBI records

when he last saw them, and handed them over to the new investigators. As for what happened to the GBI records after that, well, Joe Gregory can only speculate.

Susan Simpson:

Well he, um, he just kept saying that there's -- I've never seen a document that shows what happened.

Agent Joe Gregory:

No he hasn't because it was in the boxes of stuff that Neal Harrel took to the Sheriff's office up there, and they destroyed that stuff. That's the only answer.

And Butch Kennedy, for his part, just doesn't know what happened to the missing records. And since the records of his own investigation are also part of the records that have been partially lost, he can no longer be truly sure of what he did and did not do to investigate this case:

Deputy Butch Kennedy:

What I'm really concerned with honestly, is if I didn't do what I was supposed to have done. I, I feel so bad. And I feel like that if I probably didn't. Because we didn't get the right person. And it makes me feel terrible that this man spent all this time in jail that I think is innocent. Personally. Personally I think he is.

[49:37] Susan Simpson: So when it comes to the case of Dennis Perry, the political lines are drawn firmly in the sand. If you believe Sheriff Bill Smith and Deputy Dale Bundy, then no records have ever existed that prove Dennis Perry was at work in Atlanta, on the day of the murders. And if you believe Agent Joe Gregory and Deputy Butch Kennedy, Dennis Perry has an alibi that was investigated and confirmed back in the 80s during the initial phase of the investigation, but that written records confirming this alibi were lost at some point after Deputy Kennedy and Agent Gregory left their jobs in law enforcement.

And that's one of the reasons that this case seems to be about so much more than just Dennis Perry. There are, of course, plenty exceptions, but in Camden County there is an undeniable correlation between the opinions people hold as to whether the Swain case was correctly solved and the opinions people hold as to whether or not Bill Smith was a good sheriff. If you think Bill Smith was a good sheriff, Dennis Perry is guilty. And, if you think Bill Smith was a bad sheriff, Dennis Perry is innocent.

But this political reality is in no way reflective of the actual reality of what happened in this case. Bill Smith could have been a bad sheriff and Dennis Perry could still be guilty. Or Bill Smith could have been a good sheriff, and Dennis Perry could still be innocent. These two things aren't connected, not in any direct way.

So what evidence did Dale Bundy have to show that Dennis Perry was guilty of these murders? And why did it take until 1998 for that evidence to be discovered?

Next time, on Undisclosed.

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Thanks for listening to Episode 2 of Undisclosed: The State v. Dennis Perry. There is no addendum this week, but we'll be back on Monday with Episode 3 of the series.

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, who hosts the fabulous Crime Writers On podcast.

You can find out more about Dennis' case at the Georgia Innocence Project's website at [GeorgialInnocenceProject.org](http://GeorgialInnocenceProject.org). Huge thanks to Christina Cribbs and to GIP intern Ed Costikyan for their assistance on this case.

Transcripts of this episode and previous episodes will be available on our website at [undisclosed-podcast.com](http://undisclosed-podcast.com), prepared by our transcribing team Brita Bliss, Erica Fladell, Dawn Loges, and Skylar Park.

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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](mailto:undisclosedpodcast@gmail.com)

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



