

**UNDISCLOSED, The State v. Dennis Perry**  
**Episode 22 - You'll Have Your Answer**  
**May 3, 2020**

**[0:11] Rabia Chaudry:** In 2018, we covered the case of Dennis Perry, in Season 3 of our podcast. Dennis is now serving two life sentences for the murder of Harold and Thelma Swain, who were shot down in the entryway of their small rural church in Waverly, Georgia in 1985. It wasn't until 15 years later, that Dennis Perry was arrested for the crime, after the case was reopened and a new investigator was brought on to solve what was, by then, Camden County's most notorious unsolved cold case. At Dennis's trial, the evidence against him consisted primarily of two problematic eyewitness identifications, the testimony of a woman named Jane Beaver, who claimed Dennis told her in advance of his plans to commit a murder, but who had secretly been promised \$25,000 if her testimony resulted in his conviction, and a statement made by Dennis after his arrest which police officers would describe as a confession, despite the fact not one of them had made a record of any statements Dennis made that can be described as an admission of being involved in any crime.

It was on this evidence that Dennis Perry was convicted. The jury was just about to begin deliberations on whether Dennis should be executed, when the prosecutor came to him with an offer: forfeit any right to appeal your conviction, the prosecutor told him, and your life will be spared. Instead of the death penalty, you'll get two life sentences. Dennis accepted the sentencing agreement. But he has never stopped maintaining his innocence in this crime.

A few months after Season 3 of this podcast came to a close, Dennis's attorneys at the Georgia Innocence Project and King & Spalding filed a habeas petition on his behalf, challenging his conviction on the basis of numerous due process violations, including the prosecutor's intentional withholding of exculpatory evidence, and the resulting ineffective assistance of counsel.

The Attorney General's office moved to dismiss Dennis's petition, arguing, among other things, that Dennis Perry was procedurally barred from raising a challenge to his conviction because it had taken him too long to discover the State's Brady violations. As a result, the State claimed, Dennis had forfeited any right to complain about it. The State's motion to dismiss has been pending before the court ever since. It was scheduled to be heard later this month, along with the merits of Dennis's habeas

petition, at a hearing before the Superior Court of Coffee County, where Dennis is currently incarcerated.

But all of that was before the COVID-19 pandemic happened. There are no hearings being held now, and it is unclear when Dennis's habeas petition will have a chance to come before the court.

Last week, though, Dennis's attorneys filed a new motion. This time, in Glynn County Superior Court, where Dennis Perry was convicted. And this time, his attorneys were not filing a habeas petition. Instead, they filed an Extraordinary Motion for a New Trial, on the grounds that a new DNA test that had been conducted in Dennis's case, and that the result of that DNA testing was so material that, had this evidence been available at the time of Dennis's original trial, the jury would have likely reached a different verdict.

~~~~~

**Rabia Chaudry:** Hi and welcome to Undisclosed. This is an update episode on the State vs Dennis Perry. My name is Rabia Chaudry, I'm an attorney and author of *Adnan's Story*, and I'm here with my colleagues, Susan Simpson, and Colin Miller.

**Susan Simpson:** Hi, my name is Susan Simpson. I'm an attorney in Washington, D.C., and I blog @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 @EvidenceProfBlog.

~~~~~

**[4:00] Susan Simpson:** At the end of Season 3 of our podcast, I felt confident that I knew what had happened to Dennis Perry, and how it came to be that he was convicted of a crime that he had not, and could not have, committed. There are a lot of reasons that I think that -- in fact, there are 21 episodes worth, and counting -- but for me, one of the most compelling reasons to believe in Dennis Perry's innocence has never needed any particular sort of investigation to uncover. Instead, it's based on one of the case's most basic facts.

Because when investigators arrived at the Rising Daughter Baptist Church on the night the Swains were killed, they found a pair of glasses, lying just inches from Harold Swain's body, cast on the floor amid the bullet casings and shirt buttons that were

strewn about the small entryway. One of the glasses' lenses had been popped out. They were prescription glasses for someone who was extremely far-sighted, and these glasses had been assembled out of the pieces of three other glasses, combined together to make one working pair. The lenses of the glasses were pitted, as if they had been worn by someone who had used them as a welder.

Those glasses did not belong to Harold and they did not belong to Thelma. And the hairs caught that were caught in the glasses' hinges were blond and brown. The glasses had been worn by someone who was white, and therefore not a member of anyone in Rising Daughter's African American congregation.

In my view, anyway, it is painfully, blindingly, obvious how those glasses got there. They were dropped by whoever killed the Swains. By the young white man with shoulder length hair, and who, according to at least one of the witnesses, had been seen wearing glasses shortly before Harold Swain and him scuffled in the entryway.

And no, we don't have direct evidence that proves that the killer dropped those glasses, but as prosecutors love to tell juries, if you look outside one morning and see fresh snow on the ground, you don't need any witness to tell you that it snowed overnight. The circumstantial evidence is proof enough of that. And, here, in this case? I don't need a witness to tell me that those glasses were dropped by whoever shot Harold and Thelma Swain. Or at the very least, if those glasses were not dropped by the killer, I'm going to need some convincing evidence that shows some other way that they got there. And for me, any explanation for who killed the Swains that does not include an explanation for how those glasses ended up there, is not an explanation at all.

So, that's one reason that I'm confident that Dennis Perry couldn't have committed this crime. Because we have what are, most probably, the killer's glasses. And those glasses did not belong to Dennis Perry. And while those glasses themselves went missing somewhere along the way over the past 34 years since the Swains were killed, and are still missing today, the hairs that were found in the glasses' hinges were recovered, and in 2001 they were submitted for DNA testing, and a mitochondrial DNA profile was obtained. And that DNA did not belong to Dennis Perry either.

But all of this is also why I've never been able to convince myself that this case's primary alternate suspect, a man from Florida named Donnie Barrentine, is actually responsible for killing the Swains. Because those glasses, and that DNA, didn't come from Donnie Barrentine either.

**[7:29] Colin Miller:** As we discussed in Episode 9, the case against Donnie Barrentine is flawed for much the same reasons that the case against Dennis Perry was flawed. And in many ways, the evidence against Donnie Barrentine is a mirror image of the evidence against Dennis Perry -- for both, the evidence of their guilt is based on statements from witnesses who claimed they heard confessions, but who had serious credibility problems, as well as on eyewitnesses who identified each of them as the man they'd seen that night. That is, the same eyewitnesses who had identified Perry had both also identified Barrentine as the young white man they'd seen in church that night, and made both identifications with equal confidence.

Likewise, many of the weaknesses in the case against Dennis Perry are the same weaknesses in the case against Donnie Barrentine. Both Perry and Barrentine had alibis for the day in question – both had been working at jobs that were a good four to five hours away from Camden County, Georgia. And of course neither Perry nor Barrentine wore glasses.

**[8:29] Rabia Chaudry:** And as we discussed before, there are a lot of reasons to think that Donnie Barrentine may not provide a convincing answer to the question of who is actually guilty of this crime.

On Undisclosed, our focus is on wrongful convictions, and how the criminal justice system can end up getting things wrong. Sometimes that does involve looking at other suspects in a case, as alternative suspects often impact the trajectory of cases against wrongfully convicted defendants. Suspects in a case remain in the periphery of what happened to the defendant who was ultimately convicted, and outside the scope of what we focus on, on Undisclosed..

In this episode, though, we're going to do something a bit different. Our focus is not going to be on the case against Dennis Perry. Instead, we're going to look at the evidence for who is actually responsible for the murder of Harold and Thelma Swain.

**[9:38] Colin Miller:** In broad terms, the suspects in this case fall into three general categories. The first category is what we'll call the Brantley County crowd. Brantley County is the county directly to the north of Camden. It's a rural county, more rural than Camden even. But in this case, even though the crime took place in Camden County, it seems like all roads end up leading to Brantley County, somehow.

Donnie Barrentine falls under this category of suspect-- Brantley County is where he stayed when he was up in Georgia, at his cousin Greg's place, in a little community

called Waynesville. But the Brantley County suspects go far beyond just the Barrentines. Brantley is also where the Morgan family lived, and law enforcement in the area knew that the Barrentines and the Morgans frequently worked together as part of a drug smuggling operation that ran drugs up from South and Central America up to ports and airstrips in southeast Georgia.

At some point in the mid-1990s, someone in the Camden County Sheriff's office typed up a list of suspects for further scrutiny. It's a long list -- there are 71 names on it in all. And a full 15% of those suspects are various members of the Morgan family. It's possible that has something to do with Jeff Kittrell, the witness who implicated Donnie Barrentine in the Swain murders. Kittrell's story was that Barrentine had been running around with some blond-headed friend of his, and the two of them had confessed to the church murders. Kittrell didn't know the blond-headed man's name, but said he wore glasses.

In 2001, after Dennis Perry's arrest, but before his trial, Camden County Sheriff's Deputy Dale Bundy and GBI agent Ron Rhodes went down to Florida to interview Jeff Kittrell. And during the interview, Agent Rhodes asked Kittrell about this blond-headed guy, and where Kittrell had seen him.

**Agent Rhodes:**

The guy that you said was with Donnie ... and he was bragging about that shooting and all ... blond headed guy? Do you know if he lived in Georgia? Was he from down here or ...

**Jeff Kittrell:**

He had lived in Georgia cause -

**Dale Bundy:**

You saw him up here on Morgan Hill.

**Jeff Kittrell:**

I see up on the hill, and plus, when we went to Debbie Morgan's that was the second time I ever seen the blond-headed guy. And the last time I seen him.

In the interview, you can hear Bundy jump in and answer Agent Rhode's question before Kittrell even gets a chance to: up there on Morgan Hill, Bundy says. And Kittrell confirms it.

**[12:00] Susan Simpson:** When I talked to Deputy Dale Bundy in 2018, I asked him about all the Morgan suspects that were listed in the case file, to try to pinpoint the origins of all this interest in Brantley County.

**Dale Bundy:**

But, there was a bunch of people called the Morgans who are ne'er-do-wells, and rumor had it that one of them had said something that ... said something about knowing about the murder. Ron Rhodes and I went over and dealt with those idiots for like 3 nights, and again, it ended up being a kind of a dead end thing.

**Susan Simpson:**

There are a lot of Morgans in the file. It's a whole family, I guess.

**Dale Bundy:**

Yeah.

**Susan Simpson:**

So you're just trying to figure out which one may have said it, or ... do you know what the rumor came from, or which ...

**Dale Bundy:**

I don't know. That was a long time ago. I'm not trying to hide anything from you.

Bundy told me that he no longer remembers what this rumor about the Morgans was, or where it came from, or why it was so important at the time. And, as with so much in this case, any reports that were ever made about this rumor about the Morgans, has long since disappeared, so there's nothing to go on there. But, assuming Bundy's memory is right, there was something about the Morgans, some kind of tip that got called in or some kind of lead they received, that caused Bundy to put in some serious time trying to chase it down.

**[13:22] Rabia Chaudry:** The second category of suspects in this case are the look-alikes. The men who looked exactly like the composite image that had been prepared by the church witnesses, at least according to whoever it was that had called their names in to the police. This is easily the biggest of the three suspect categories. In the case file, there are dozens and dozens of them listed as suspects, and over the years, significant investigative resources were spent looking into them further.

But for most of these suspects, anything that linked them to the crime beyond their physical appearance was tenuous at best – usually nothing more than rumor and innuendo, or maybe the fact someone had seen them with a .25 caliber gun one time. And, given how many men out there are apparently dead-ringers for that composite image, it doesn't even seem like having a resemblance to the composite should've been enough to get you on the suspect list at all.

Dennis Perry was a category 2 suspect. Or, at least that's why he was initially added to the suspect list. His neighbor had called in his name in to the police in 1988, claiming, "His physical make up was very similar to the composite of the assailant in the homicide." There wasn't any real reason beyond that to think he might've had anything to do with the shootings at Rising Daughter. And it wasn't until 1998, when Bundy spoke to Jane Beaver, and heard her story about Dennis confiding in her about his plans to kill Harold Swain, that Dennis Perry joined the third category of suspects.

**[14:50] Colin Miller:** The third and final category of suspects is what we'll call the good leads. The suspects for whom there were good, concrete reasons to think they might've been involved in the Swains' murder. The suspects who had been identified as suspects for reasons *more* than just their physical appearance. For reasons that make you stop and think, Oh yeah, that guy really needs to be checked out.

And actually, despite the fact this was an open case for 15 years, and had literally thousands of tips called in to it, the list of good leads isn't all that long. Maybe a dozen names in all. And when Susan asked Bundy if he'd ever seen any leads in this case besides Dennis Perry that had ever caught his interest, he was only able to think of one.

**Susan Simpson:**

Were there any leads that caught your interest, other than Dennis?

**Dale Bundy:**

Other than the guy on the motorcycle, which I forget who called about that and says, "hey you need to take a look at this guy," and I found out about him, which wasn't hard. I think he was in Kansas City, and I called the Kansas City DA, and she says "Oh yeah, I know about this guy, ". He was actually, after he got out of the hospital he went to prison. But he was hospitalized, wrapped up like a mummy from head to toe at that time.

**[15:48] Susan Simpson:** The suspect that Bundy is talking about here had been called in by someone with some detailed and compelling information about why he should be a suspect. It was definitely a lead worth checking out. But, once again, all of the paperwork documenting Bundy's work here is mysteriously missing from the case file, so I don't know what he received exactly from Kansas that made him rule this guy out. But from the records I was able to find, Bundy was right – the suspect had been in a horrible fire in Kansas shortly before the Swains were killed, and even if by some miracle he'd been able to leave the hospital and travel down to Georgia, it seems impossible that not a single witness at the church would've noticed his fresh scarring.

And then there was the California suspect, for instance. He too was called in by someone with some detailed and compelling reasons to think he might've killed the Swains. Original case investigators Deputy Butch Kennedy and Agent Joe Gregory even flew all the way out to California to talk to people about him. And all of it seemed really, really promising.

But then they talked to the suspect's eye doctor. And learned that although he wore glasses, his prescription was essentially the exact opposite as the glasses from Rising Daughter. Where the glasses found in the church were for someone who was far-sighted, this suspect was near-sighted. So it couldn't have been him either.

Most of the suspects on the good leads list ended this way. They were good potential suspects, yes, but there were pretty good reasons for ruling them out.

But not *all* the good leads ended this way. There were a couple good suspects who had been ruled out, yet for reasons that didn't seem quite so good. For instance, there was one suspect who had been ruled out because he passed a polygraph. Which can in no way be considered a valid basis for ruling out a suspect. That alone instantly put that guy back on my own mental list of possible suspects.

And then there was this other suspect. A suspect who, on paper, looked real good. The kind of suspect that makes you say "omg" when you see the summary of it -- no, seriously, that was literally the first thing Dennis Perry's attorney at GIP said to me, when she came on the case and saw the records on him for the first time.

That suspect was a guy named Erik Sparre.

But here's the thing. Sparre wasn't just a Category 3 suspect. He was, unsurprisingly, also a Category 2 suspect -- in fact, a version of the composite image was done up to

match Sparre's facial hair, and yeah, he could be another one of the dozens of dead-ringers for that drawing.

But he was also a Category 1 suspect. He lived in Brantley County. In Waynesville. Just a stone's throw away from the Morgans and the Barrentines.

And the list of possible reasons to be interested in Sparre as a suspect only grows from there.

**[18:36] Rabia Chaudry:** If you listened to Season 3 and don't remember Erik Sparre, don't worry, it wouldn't have been hard to miss. He's the only suspect besides Donnie Barrentine who got identified by his name, but he was mentioned only briefly. Technically, Erik Sparre had nothing to do with the story of how Dennis Perry came to be convicted. It's not even clear his defense attorneys even knew about him. His name never came up in the context of their investigation. But his name was known to both the original case investigators, and to Dale Bundy, who reopened the case in 1998.

As we discussed in Episode 7, Erik Sparre became a suspect after his ex-wife's family contacted Camden County Sheriff's Deputy Butch Kennedy. Erik Sparre had been making threatening phone calls to his ex-wife's family for months, and they were finally able to record one of these calls. In the recording, Erik Sparre said: "I'm the mother fucker that killed the two [black people] in that church and I'm going to kill you and the whole damn family if I have to do it in church." And yeah, in case you're wondering, the word Erik Sparre used wasn't "black people."

On March 10, 1986 -- one day short of a year from the murders at Rising Daughter -- Deputy Kennedy and Agent Gregory met with Assistant District Attorney John Johnson, and the decision was made to get a search warrant on Sparre. The supporting affidavit for the search warrant described the tape recording of Sparre's admissions, and laid out the other evidence against him. The list included the following:

- Sometime during the week of March 11, 1985, Sparre's then-wife Emily Head saw him leave home in the morning in dark clothing, and came back the next day in a white t-shirt, and he frequently wears a pair of lizard skin boots, matching witness descriptions of what the killer wore.
- Another thing is that sometime during that same week, Sparre lost a pair of glasses that he'd made by assembling parts from three other pairs of glasses. When Emily was given a line-up of glasses that included the glasses from the church, she picked out the pair found at Rising Daughter.

- Also Sparre worked as a welder, and in March of 85, he had shoulder length brown hair, and piercing blue eyes, and his description matched that given by witnesses from Rising Daughter.
- And finally, Sparre had a documented history of assaulting and threatening a person of color.

**[21:11] Colin Miller:** The search warrant was carried out at Sparre's father's house in Glynn County, but nothing of interest was found, and interest in Sparre seems to have fizzled out. The GBI's case file shows that a few days later, Agent Joe Gregory had a conversation with a man named Donald A. Mobley, Erik Sparre's supervisor at a Winn-Dixie over in Brunswick, where, according to the report, Sparre worked as a stock boy. The supervisor said he'd get Sparre's time cards from corporate. A couple weeks later, Mobley called back. According to the GBI report, Mobley said the work records showed that Sparre had worked all evening on the night of the murder, from 3:06pm to 6:41am. And, Mobley said, people who worked with Sparre that night remember him being there.

After that, Sparre disappeared from the case file for 12 years. He didn't reappear in it again, not even in the typed-up list of 71 suspects, until 1998, when Deputy Dale Bundy was on the now reopened case. GBI Agent Ron Rhodes got a call from a Glynn county officer, putting him in touch with Sparre's second wife. The one he married after his first wife left him, in March of 1985.

The second wife's story, at least according to Agent Rhodes' report from when they interviewed her, is odd, but doesn't necessarily seem all that relevant. The second wife told them, according to the report, that she had once told Erik Sparre, you could have killed those people in Camden County," and Sparre had agreed, saying, "Yeah, I could have killed those people."

Which doesn't sound that much like a confession, really. And by that point, Deputy Bundy was already certain that he knew who had killed the Swains, and that it wasn't Erik Sparre. It was Dennis Perry.

So the second wife's story was that she had once accused her husband of the murders, and he had agreed with her that he "could have" done it. Or at least that's what her story was, according to the GBI report. But when Susan asked Dale Bundy about it, in 2018, Bundy remembered things a bit different:

**Dale Bundy:**

There was a guy over in Charlton County that claimed he killed the Swains, and his wife called up here and says, "Yeah I think I know who did it. My husband said he went over there and blew their heads off with a shotgun". And well, that's not what happened at all. So what he was tryin' to do was scare his wife. Which this guy did on a regular basis

When Susan was speaking to Bundy, it had been 20 years since he had interviewed the second wife, and it makes sense that his memory of these events wouldn't be perfect. For instance, Sparre was over in Brantley County, not Charlton County, like Bundy had recalled. But his memory about what the second wife said is directly at odds with what's in Agent Rhodes's report. And that detail about the shotgun -- that comes from nowhere that we can find.

And when Susan asked Bundy about Sparre in another interview the following day, Bundy's memory about what the second wife had actually said remained the same:

**Susan Simpson:**

Erik Sparre.

**Dale Bundy:**

Yeah. I think he's the one that said he shot them with a shotgun or something.

**Susan Simpson:**

He is a white supremeicist.

**Dale Bundy:**

That sounds like him, the one that said he blew their heads off with a shotgun.

**[24:20] Susan Simpson:** When our series on Dennis Perry's case came to a close at the end of 2018, Erik Sparre remained a subject of interest in the continuing investigation into the Swain case, but he was far from the only person I still had questions about. Still, at some point along the way, it's fair to say he became more of a focus. In my investigation cheat sheet for the case, where I kept a summary of the state of the investigation and laid out the leads still left to be followed, Sparre wasn't the only name listed there, but I had him marked as the person who, if I were suddenly granted the magic power to choose one person in the world to DNA test in this case, he'd probably have been my pick.

And there were a lot of reasons for that. Yes, Sparre had an alibi. But an underwhelming one. After all, is an overnight stock boy job really the kind of job where your coworkers are going to recall and confirm that, on a specific day, over a year before, that yeah, you were there for your shift at the grocery store, all sixteen hours of it, and never left? And is it really the kind of job where you'd have a nearly 16 hour shift in the first place?

And then there were the repeated confessions to his ex-wives had never been adequately explained, especially in regards to what Emily Head, Sparre's first wife, told the police back in 1986. If what she told them had been true, it seemed hard to explain away, especially the part about him missing glasses. And she *had* correctly picked out the glasses from Rising Daughter as the ones that looked like Erik Sparre's. Unfortunately, in the records left now, there are gaps about what she said and what happened, and we can't ask her about them because she was found murdered in her home in Camden County back in 2013.

There were other things in the case file too that spoke of lost opportunities, lost leads, that might've gone somewhere, if more had been done to follow them at the time. For instance, take a report made by Marjorie Moore a few weeks after the murders. Marjorie Moore had been at the church the night the Swains were killed, and when the shooting broke out, she fled with the other women into the church's back rooms, where they'd gone to call for help, only to discover that the phone line was dead. It had been cut from the outside. It was Marjorie who finally worked up the courage to go for help, arming herself with a broom and running to her car. She told investigators that, as she pulled away, she saw a car she didn't recognize in the church yard. It's possible the killer was still there when she left.

And in late March, Marjorie Moore contacted the police again, to tell them that she'd been receiving obscene and threatening calls from an unknown caller, who to Marjorie sounded like a white man. The caller said some kind of obscene things to her, and then told her, "You're the smarty that slipped off and got help -- watch your step!" A trap was placed on Marjorie Moore's phone, but nothing seems to have come of it.

And many years later, during the reopened investigation, another church witness, Cora Fisher, would tell investigators an odd and sometimes confusing story about the killer driving by her house to stare at her. She told Bundy that "[s]hortly after the Unsolved Mysteries episode [had] aired," in 1988, "the suspect had driven down the road she

lives on and had sat in front of her house and stared at her on two different occasions." In her deposition, she testified to something similar.

I've never known for sure what to make of either of these statements from Marjorie Moore and Cora Fisher. I still don't. But reading through records of police reports involving Erik Sparre from the past three and a half decades, there's a pattern of behavior described there that sounds not dissimilar to what Marjorie Moore and Cora Fisher described. Because over the years, there have been plenty of people who have filed police reports about Erik Sparre for his habit of calling them up and threatening to kill them, or their spouses, or their children. As described in one such report about Sparre,

*"This officer responded to a prowler call at the address listed. When I arrived the victim stated that she is testifying against a subject for several charges, and she thinks that he is the offender that was prowling around her house. The victim stated that she has seen the offender ride by her house several times, and he has called several times and made threats."*

The thing about Sparre though, is that the leads just refused to come to a dead end. For every new fact we learned, it felt like a hundred new questions would be spawned from it.

But this is an old case now, and many of the witnesses who might've once been able to help are now gone. And, realistically, if Sparre was involved, there was probably only one thing that could ever demonstrate that to a degree of certainty. And that would be DNA evidence. Which, luckily, this case happens to have.

So in the spring of last year, I had taken up a new hobby: genealogy. Only it wasn't my family tree I was interested in. It was Erik Sparre's. And also it wasn't his whole family tree that I was interested in -- it was just the maternal branch of it.

See, it seemed unlikely Erik Sparre would ever cooperate with a request for a sample of his DNA to be used for testing. But the thing was -- for the kind of testing that needed to be done here, you wouldn't actually need Sparre's cooperation. Because the DNA in this case isn't autosomal. It's not the kind of DNA that's unique to individuals. It's mitochondrial DNA, the kind of DNA comes from the mitochondria in your cells, and it's not unique to you. With autosomal DNA, half of it comes from your mother and half of it comes from your father, but with mitochondrial DNA, all of it comes from your mother, or rather, from the

mitochondria in your mother's egg cells. Which means your mitochondrial DNA is the same as your mother's mitochondrial DNA, and her mother's, and her mother's mother's, and so on.

**[30:16]** Which means every relative related to Sparre through a direct maternal line would also have the same mitochondrial DNA that he did.

So, theoretically, to figure out Sparre's mitochondrial DNA profile, all I had to do was trace back his mother's mother's mother's mother until I found whichever of his ancestors first arrived in Georgia -- turns out it was his great great great great grandmother -- and then trace her daughters' daughters and so on back down until I got to the people who were still alive today. And theoretically, if all else failed, maybe one day, one of those people would let us test their DNA. At least then we'd know, one way or another, what Sparre's mitochondrial DNA haplogroup was.

In the end, though, it would turn out that all my genealogy research would be unnecessary, and The Georgia Innocence Project would find a much more direct way of solving this particular problem.

Undisclosed and the Georgia Innocence Project aren't the only ones who'd been looking into the Swain case. Last year, a reporter from the Atlanta Journal-Constitution spent significant time down in Camden County, reporting on this case.

**[31:28] Joshua Sharpe:**

Yes, I'm Joshua Sharpe, I'm a reporter for the Atlanta Journal-Constitution newspaper. I cover crime and criminal justice, I try to focus on the criminal justice part as much as I can- working on how people are treated by citizens of power in the state of Georgia.

**Rabia Chaudry:** Josh is from southeast Georgia, and actually grew up not all that far from Camden County.

**Joshua Sharpe:**

I'm interested in all of Georgia, but southeast Georgia has a special place in my mind and heart and any time I get to cover those communities down there, it's exciting for me for one because I get a free trip home to visit, but

I also get to highlight some cases and people from a part of the state where the media has shrunk a lot in the past ten years.

Last year, Josh began looking into the Dennis Perry case.

**Joshua Sharpe:**

I heard about your podcast and I listened to your podcast and I thought- and at the same time, I had been looking for story ideas- and this seemed like a hell of a case for a story and based on what you all had found, it seemed like there were a lot of different things that I could explore and a lot of questions that I could ask.

Josh began digging into the case as well. There are no shortage of questions in this case that remain unanswered, and plenty of things for him to look at, but one loose thread in particular stood out to him:

**Joshua Sharpe:**

The thing after listening to y'all's podcast and all the wild things that you discovered, the thing that stuck out to me where there could be a little bit more looking, was Erik Sparre. You all mention Erik Sparre on the podcast, obviously, and I was wondering why would this person allegedly tell his first wife that he committed these murders and then seemingly strongly suggest to his second wife- his second ex-wife, years later, that he had been involved in the murders?

And I knew that he had an alibi, but I know that sometimes things aren't quite what they seem.

And that wasn't the only question raised by the investigation into Sparre.

**Joshua Sharpe:**

What I wonder about is what about what we don't know? And what are the things that we don't know about why Sparre was dropped as a suspect by both investigators. We don't really know why Kennedy and Gregory dropped him as a-- well, we know that he was dropped by Kennedy and Gregory because Nat had an alibi, but we don't know if they had any other reasons.

**[34:28] Rabia Chaudry:** There is a lot we don't know about what happened with Sparre, or why both sets of investigators were so quick to dismiss him from the case. But from interviews with original case investigator GBI Agent Joe Gregory and the reopened case investigator Deputy Dale Bundy, it seems that both sets of investigators may have shared a common assumption: that Sparre's confessions were less credible, because they were confessions that had been made in the context of threatening the lives of women he had been married to.

But that assumption, if it was the one that the investigators were making, doesn't seem to be the kind of assumption that can bear the weight that was being put on it. So Josh Sharpe began investigating Erik Sparre as well. And, eventually, he was able to speak to him.

**Joshua Sharpe:**

Sparre and I had spoken on the phone and he told me that he did not kill the Swains.

***Voice of Erik Sparre, phone call:***

*I hope y'all find out who actually did it, I had nothing to do with this, I want it to stay where it is- gone.*

**Joshua Sharpe:**

And he told me that he had never even been to the church-

***Erik Sparre:***

*You know, I don't even know where the church is. Even though I'm from over there and I know the area, I've never been to the church. Don't know where it is, don't care to.*

**Joshua Sharpe:**

He told me that he never told anyone that he killed the Swains.

***Joshua Sharpe, phone call with Erik Sparre:***

*Well, there was someone else who also said that you told them you did it. But I'd just like to say--*

***Erik Sparre:***

*Let me tell you something, I've never said that, nor would I say that. Nor*

*do I condone anybody killing anybody, except maybe to protect their own life.*

**[35:56] Colin Miller:** On this last point, about whether he had ever told his ex-wives that he'd done the murders, Erik Sparre's story would eventually change some.

**Joshua Sharpe:**

And another time, he conceded that he had said that, that he had said that he killed the Swains, but he suggested that he was lying about it- he told me that he was a stupid young kid just trying to scare his wife.

Josh had a few calls with Sparre, but before too long, the calls came to a sudden end.

**Joshua Sharpe:**

Another day, he called me and he said that - he sounded rattled in this phone call when he called me. He said that his mother had just told him that an investigator had come to the house and taken a couple of her hairs.

Sparre was actually calling up to accuse *Josh* of taking his mother's hairs, but Josh hadn't even known what Sparre was talking about at this time. Because it hadn't been him who'd come to Sparre's door. It had been an investigator who was working on behalf of the Georgia Innocence Project.

Sparre lives with his mother in Brantley County, and the investigator had knocked on his door, but Sparre hadn't been home and his mother had answered instead. So the investigator explained to Sparre's mother why he was there, and asked if she'd be willing to give a few of her hairs.

**Joshua Sharpe:**

And this was- the investigator told the mother that this was the DNA test related to the Rising Daughter Murders. And I did not get to speak to Erik very long that day, but one thing that he said to me that really stands out is he said:

**Erik Sparre:**

*"This DNA will prove I didn't do it, and you'll have your answer.*

**[37:42] Colin Miller:** The Georgia Innocence Project sent the hairs from Sparre's mother to the same laboratory that had done the original testing back in 2001, on the hairs from the glasses at Rising Daughter. One month later, an answer came back, as explained in Dennis's recently filed Extraordinary Motion for a New Trial:

**Rabia Chaudry:**

“Based on its analysis, the laboratory determined that it can exclude, with 99% confidence, 99.60% of the population of North America as being a contributor of the hairs found on the glasses at the scene, but Erik Sparre cannot be excluded. In other words, Mr. Sparre falls within the 0.4% of the general population that cannot be excluded as a contributor of the DNA on the glasses that were found inches from the victims at the crime scene and are believed to belong to the Swains’ killer.”

The mitochondrial DNA found on the glasses from Rising Daughter is not unique to Sparre, or to his mother. But as mitochondrial haplogroups go, it's also not a common one. The population database used by the lab to reach this result had DNA samples from 12,386 people in North America. Of those 12,386 people, only 35 of them had shared Sparre's haplogroup.

Shortly after GIP filed its motion in Glynn County, Josh called Erik Sparre again.

**Joshua Sharpe:**

Yeah, I needed to speak with him before I publish, I wanted to get his take on these DNA results. So I give him a call, and first of all he told me that he did not want to talk, but I told him that I had something that I needed to tell him and he said okay. And I told him that the DNA test was a match, that the hairs taken from his mother matched the hairs found on a pair of glasses near the bodies, and Erik told me that he wasn't missing a pair of glasses. And I told him that his ex-wife Emily had told the police that he had a pair like the pair that was found inches from the Swain's bodies. And he said that he didn't know what they told him-- he said that he didn't know what Emily told the police, and he said again that he wanted me to leave him alone, and he hung up.

And that was about it. It was a very short conversation. Some of the other ones had been a little bit longer.

**[40:06] Susan Simpson:** And, here's what else I can say about the mitochondrial DNA from the hairs found in the glasses at Rising Daughter. Remember my little Sparre Family Tree Project? Well, here's one thing it does show.

In terms of people who were related through a direct maternal line to Erik Sparre, and so would have the same mitochondrial DNA profile- there were very very few of them who were males born in the 1950s or early 1960s and so could have been the right age to have been the unknown white man in the Rising Daughter Baptist Church.

And of that already small group, there were only two individuals who were still in family lines that remained in the Camden, Brantley, or Glynn County areas: Erik Sparre and his brother. And between the two of them, Erik is the only one to repeatedly make statements implicating himself in the murder, and the only one to have mysteriously lost a pair of glasses in March of 1985.

So, while it's possible that there could be other men around Sparre's age in the Camden County area that are members of the same DNA haplogroup, if there are, they wouldn't be from anyone who was a member of Sparre's extended family.

And there's another thing about Sparre- beyond the DNA. Remember his alibi for the night of the murders? Yeah, well. About that. Last year, Josh Sharpe, from the AJ-C went about tracking down the man who had verified his alibi: Donald A. Mobley, Sparre's manager at the Winn-Dixie.

**Joshua Sharpe:**

Donald A. Mobley said in the report that- when Gregory first called, Mobley said that he would have to check and get Sparre's time card from corporate, apparently because it had been a whole year since the time of the murders. A couple of weeks later, Mobley calls back and says, hey I figured it out. Here's what time Sparre worked, he worked from the afternoon until early the next morning, which would have included the time that the murders took place.

And he also said that he had talked to other people who were working that night and who remembered Sparre being at work that night.

**Susan Simpson:**

I remember the first time I started looking at this, and the part that stuck

out to me was the hours. It's 3:06 pm on the 11th to 6:41 am on the 12th. And that would include the time of the murders, which was just before 9 that evening. But that's like a 15-16 hour shift at a grocery store?

**Joshua Sharpe:**

That's a long shift. I've never been a stock boy so I don't know how unusual that is, or if it is or not. But it seemed to me to be a long shift, yeah.

**Susan Simpson:**

That's an incredibly long shift, this is a Winn-Dixie, not an oil rig.

For all I know though, it is possible that employees at Sparre's Winn-Dixie did work those kind of hours all the time. If that is the case, there's at least one person who should be able to verify it : Donald A Mobley, the supervisor.

**Joshua Sharpe:**

Yeah, and I decided to see if I could find Donald A. Mobley, and I obviously had a great deal of trouble. I couldn't find where there had ever been a Donald A. Mobley living in the Brunswick area, and I was also, through a very long process trying to track down old Winn-Dixie employees, I found a couple, a married couple, who had previously worked in the company, and they helped me find David Mobley. And David Mobley was the manager of that Winn-Dixie where Sparre supposedly worked at the time the murders took place, according to, that's what David told me, and he was firm about that. And he's since written an affidavit to that effect for the Georgia Innocence Project. But Mobley said he had no memory of anyone ever asking about the murders, which he thought he would have remembered because the murders were such a huge deal, and he also had no memory of anyone ever calling to ask about Sparre. Now, it's been a really long time, I mean we're talking about 34 years ago, so I thought, you know, it's possible that he just doesn't remember, but I checked the personal details that were listed on the report for Mobley, and you know I was thinking maybe they just got the first name wrong. [Susan: Donald, David] Yeah, Donald and David, they're similar. But it turned out that none of the personal details listed - social security number, date of birth, phone number, matched David Mobley either. As a matter of fact, David Mobley's middle initial isn't the same either.

**Susan Simpson:**

To be clear, on the sheet we have from the GBI it gives you ID data, Donald A. Mobley. And it has white male, and it has his birth date, it has an address in Brunswick, a social security number, a home phone number, and a work number.

**Joshua Sharpe:**

None of these things, none of those match or sound familiar to David Mobley, who was the manager of the store at the time in question.

**Susan Simpson:**

And the social security number we can know, whoever had it is a dead woman, definitely not Mobley's. So that one's definitely not accurate. The birth date, was that even close?

**Joshua Sharpe:**

And that woman had been dead - she died in 1978.

**Susan Simpson:**

Yeah, she'd been gone, so she's definitely not part of this. Was the birthday even close for Mobley?

**Joshua Sharpe:**

No, not really. No, it wasn't.

David Mobley couldn't verify any of the other details from the GBI report and Sparre's alibi. But here's one thing he could confirm:

**Joshua Sharpe:**

David Mobley told me unequivocally, he told me "I did not have an employee named Donald Mobley." So it's not like there was just some other supervisor named Donald Mobley, according to David. You know being the manager he feels certain he would have known if somebody there had his same last name. And especially if it's a supervisor, you know. So all of this sounded crazy to him.

If there's no Donald Mobley, Donald Mobley couldn't have verified Sparre's alibi. And David Mobley, who is a real person, has no memory whatsoever of verifying Sparre's alibi for anyone. And while it is possible that David Mobley may have forgotten doing so over the last 34 years, there are some things in the GBI report that seem unlikely to be explained away as due to a faulty memory.

**Joshua Sharpe:**

Sometimes I have to think for a minute to remember my birthday, but I always remember it. [laughs]. I certainly never get it wrong. I'm never going to tell you a birthday that is nowhere near mine. I'm not going to tell you a social that's nowhere near mine, I'm not going to tell you a phone number that's nowhere near mine, and on and on.

**Susan Simpson:**

We're not talking numbers like not transposed right, it's totally different numbers.

**Joshua Sharpe:**

Totally different.

**Susan Simpson:**

Yeah. Which means that there is no one out there to verify Erik Sparre's alibi.

While the new DNA test results that link the hairs and the glasses at Rising Daughter to Sparre's mitochondrial haplogroup go a long way to helping us figure out what happened to the Swain, there are still plenty of unanswered questions in this case. Questions like, "Why?" Why would Sparre have done this?

**Joshua Sharpe:**

Both ex-wives who spoke with the police evidently never came out and said if they had an idea of why he would have allegedly killed the Swains. The only, but one thing that they both said was that "he's racist", and that almost seemed to be suggesting that they thought race could have had something to do with it. But I just don't know. I still have so many questions.

Given that the Swains were African American, and Sparre's the kind of guy who likes to post white supremacist slogans on his social media accounts, that race may have been a motivating factor in the murders is not an unreasonable hypothesis. But as an explanation for what happened, it feels incomplete, and at odds with some of the evidence that we know about how this crime was committed. But if Sparre does have answers there about why this happened, he does not seem inclined to share them.

And there are still plenty of other wild claims and rumors about events in Brantley County that I hope to one day get an answer to. But, as for Donnie Barrentine, here's at

least one small thing I do feel certain of: he was not the man who dropped those glasses in Rising Daughter.

Last year, while working on this case, Josh Sharpe also went and spoke to Barrentine too, to see if he could get any answers.

**Joshua Sharpe:**

Yeah, I mean he's said much the same as he's said to you. He's always said he didn't do it. But it was really, I think we had probably a similar experience where it was just kind of a surreal, almost a surreal interview, because like he's got roosters losing it, making all kinds of noise in the yard. And he's got dogs banging on the door of the house. You know he's got a sign on the front door that says something to the effect of "Woof, three spoiled dogs live here." Another sign that said "All dogs welcome, humans by appointment only." [laughs] One thing he said that I thought you would find funny was that he said he could tell that you, when you were there, were trying to make him confess. But he joked that he had been down that road before and he wasn't gonna [laughs] and you weren't gonna get the better of him. [laughs]...yeah.

**Susan Simpson:**

You know, I talked to Barrentine and I told him about the DNA. And you know what he told me about you?

**Joshua Sharpe:**

What did he say?

**Susan Simpson:**

He told me he thought that you might be a cop. [Laughs] I had to assure him that you were indeed a reporter. No, he was like "Somebody else came down here talking to me about it. Said he was a reporter, but you know that's what they say sometimes." I'm like "Who is they?" Like "That's what investigators say. And I'm like "No, he's really a reporter." and he's like "Are you sure?" And I'm like "Yes". So.

**Joshua Sharpe:**

So he thought I was a cop.

**Susan Simpson:**

He wasn't sure, but he thought he might have spotted a fed there, yeah.

When I told Barrentine about the DNA results, he'd sounded momentarily stunned. Then he told me about how this case had been one of the last things still tying him to the past, one of the last things that had still been unresolved.

**Joshua Sharpe:**

When you say he got emotional about it, like so really emotional? He didn't cry or anything.

**Susan Simpson:**

No, nothing like that, He sounded surprised and kind of blown back, and he...I didn't think he'd talk to me. But when I told him that he got much more chatty. And he was like "My cousin did this thing online, DNA testing, and it shows cousins everywhere. Why couldn't they have just done that sooner? Why couldn't they have done this years ago and spared me all this trouble?? And I'm like "It's complicated, but wrong kind of DNA."

Barrentine told me that he felt very glad for Dennis Perry, and he hoped that Dennis's lawyers could finally now do something to help him, now that he's proven his innocence. For his part, Barrentine said, he's always wondered about whether Dennis was actually guilty or not, but he just never knew enough to say one way or another.

**Joshua Sharpe:**

So it seems like this case has really played a big role in his life.

**Susan Simpson:**

Yeah, that's what he kept...he's just like it's been my whole life I've been dealing with this. And you know, I still have questions there for sure. But whatever happened, I mean this thing has been dogging him his entire life.

As for Dennis Perry, well, he remains in prison. Awaiting a day when some court, somewhere is able to hold a hearing on his claims.

That is not, by the way, a result that was inevitable, or some unfortunate side-effect of the whole pandemic situation. Glynn County District Attorney Jackie Johnson stated recently in an interview with the Brunswick News that Dennis's attorneys at Georgia Innocence Project and King & Spalding had informed her of the DNA results before they

filed anything in court. And if she had believed these results warranted Dennis's conviction being overturned, she could have made that happen. Since she did not do that, and instead believes that Dennis deserves to remain in prison while COVID-19 rages through Georgia's inmate population, it seems likely that the State of Georgia intends to oppose Dennis's extraordinary motion for a new trial.

In past cases, Georgia's prosecutors have sometimes responded to exculpatory DNA evidence that identifies an alternate suspect by revising their entire theory of the case, and claiming that the reason for this new DNA is that is actually there were two perpetrators all along: the defendant they originally convicted, and also whoever it is whose DNA is all over the crime scene. So, in the hopefully unfounded expectation that something like that could happen here, I'm just gonna go ahead and note now, for the record, that I have never encountered a shred of evidence in this case that would lend support to such a claim here, and any theory along those lines would be nothing more than prosecutor fanfiction.

For now though, Dennis will remain behind bars, for twenty years and counting. But the investigation into the Swain case is far from over. And Josh over at the AJC still has plenty more to share.

**Joshua Sharpe:**

But yeah, I can tell you that in next few weeks, I can't swear to a release date because that often has backfired on me, but in the next few weeks I have a rather lengthy exhaustive story coming out about the case, and about some of the crazy things that happened to me while I was looking into the case, and also touching on some of the *Undisclosed* findings, and a lot about Harold and Thelma Swain and how this case has haunted so many people for so many years. I wanted to accomplish a lot with a long story. I wanted to be able to tell people a lot about the emotions that are involved in it - the grief and the disappointment of people like Kennedy and Gregory for how the case has ended up. But I also wanted to add something new to the discussion. And I think where the big story does that is it goes into a lot more detail about Sparre and my interactions with Sparre, and the things that he's told me and the things that I learned.

As developments continue in Dennis's case, we'll be here to keep you updated every step of the way. Next time, on *Undisclosed*.

~~~~~

**Susan Simpson:** Thanks for listening to this special episode of Season 3 of Undisclosed: the Case Against Dennis Perry. Audio production for this episode is by Hannah McCarthy, and our executive producer is Mital Telhan. As always, thank you to our sponsors, who make it possible for us to do this, and if you'd like, you can support us at our Patreon, and follow us on Twitter and Instagram at @UndisclosedPod, and on Facebook at Undisclosedpodcast. You can find transcripts for this and every episode on our website, prepared by our fabulous transcript team, Erica Fladdell, Dawn Loges, Brita Bliss, and Skylar Park.

If you'd like to support the work of the Georgia Innocence Project, you can donate at [georgiainnocenceproject.org](http://georgiainnocenceproject.org). Your donations make it possible for them to do the tireless work they do behalf of Dennis Perry, Joey Watkins, and the many other wrongfully convicted defendants they represent.

---

*Transcription by Erica Fladdell, Dawn Loges, Brita Bliss, and Skylar Park*