

UNDISCLOSED, the State v. Dennis Perry
Episode 3 - How to Unring a Bell
July 23, 2018

[0:20] Rabia Chaudry: Hi and welcome to *Undisclosed, The State v. Dennis Perry*. This is Episode 3, and this series is about how a double homicide in Camden County, Georgia turned into a cold case, and how 15 years later Dennis Perry was convicted of the crime. 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, 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](#).

[1:21] Susan Simpson: As a teenager, Dennis Perry moved around a lot. Mostly, he lived with his mother, but sometimes he lived with other relatives as well. Mostly, he was in Georgia, though in his 9th grade year he was briefly enrolled in a high school in South Carolina. After leaving South Carolina, he ended up with his grandparents in Camden County, and attended high school there for a couple years until moving back to Atlanta with his mother. But then, when Dennis found out he was going to be held back at his new high school, instead of going in at the same grade he's left at, he decided to drop out instead, and started working. That's how he ended up meeting Clayton Tomlinson.

[1:56] Clayton Tomlinson:

He got a job at working at McDonald's doing maintenance. He was doing the maintenance after we shut down. Maintenance, cleaning, oil vats and all that kind of stuff, and I was working at McDonald's, I mean it was my first tax paying job. That was it, we were connected.

Clayton and Dennis became fast friends, and, through them, their families became close as well.

[2:11] Clayton Tomlinson:

Anybody who knew me and Dennis? We were connected at the hip. My parents adopted him, his parents adopted me, and our moms knew everything about us.

A few years later on, Clayton had joined the Air Force and moved out to Texas, but he and Dennis remained close, and whenever Clayton was home on leave, hanging out with Dennis was part of the agenda.

[2:32] Clayton Tomlinson:

That was my big brother. So he's just a tad older than me, a year maybe. Our relationship - I just know him. I know him, I know him, I know him. I know his walks, his sneezes, we were just two peas in a pod. If you knew us, and you saw one of us, the other wasn't far. That's how everybody knew us.

I asked Clayton if he'd ever known Dennis to be violent, or seen anything that maybe could explain why people would have decided he was a likely suspect a murder. And Clayton told me that he knows how, when there's been some sort of horrific crime, and then someone gets arrested for it, you always hear these stories after about how there'd been these warning signs all along, about how the person who has been arrested had all these red flags were overlooked at the time, but now in hindsight seem to explain so much. And if that's what I was trying to find out about Dennis Perry, well, Clayton said, I could give up the search right now.

[3:27] Clayton Tomlinson:

Everybody looks back, they investigate back on those childhoods, and they always come up with these elaborate stories, how people knew these individuals, and how they were different, and there ain't nobody, there ain't no way anyone is going to find anybody that is going to say that any of that stuff about Dennis. Just not going to happen.

Clayton was right. There's no one I've spoken to who has told me that they could recall Dennis Perry ever acting violently, in any way, or threatening violence, or anything like that.

[3:57] Clayton Tomlinson:

And I can't say anything bad about him, I mean I can tell you stupid stuff that we did as stupid boys, but we never got in trouble with the law, we never got in trouble with the police, we never got in trouble with adults....

Clayton's mother, Donna Nash, told me that she couldn't even recall Dennis ever roughhousing like the rest of the boys -- that just wasn't his nature.

[4:20] Donna Nash:

Dennis was just quiet. The others when they graduated they all went to went to the Marine Corps, the Air Force, like my son went to the Air Force, the Army...but Dennis didn't. He just was a, he's just a simple young man military, that uh, you know he's got an education, bless his heart, since he's been in the prison. Which, I'm so proud of him for that. I'm telling you, there is nobody, *no body*, in Clayton County or Riverdale that can say anything about that boy. And he lived in Locust Grove for a while, so you can go down there. He was never a problem. He never got in trouble.

In 1998, the police showed up on Donna Nash's doorstep one afternoon, and asked to speak with her about Dennis Perry. They were trying to find information that could prove he didn't have an alibi for the day of the murders. But to Donna, the whole thing had just seemed completely absurd. Who cares where Dennis Perry was on some date 14 years ago?

[5:20] Donna Nash:

They asked me a question, if I would look at the guy. And I said, have you guys ever met this young man? Meeting him, you know his demeanor is nothing -- he couldn't do this. I mean, it never happened, I promise you, I give you my word, I put my grandbabies' life on the line for it, all of them. He would never have done that.

According to Clayton, Dennis was a laidback, fun-loving guy who would do anything for you. And that's how everyone who knew Dennis back in 1985 described him to me, more or less, although not everyone would've used the exact same words Clayton did. Dennis Perry was friendly and unable to harm a fly, they all told me, but where Clayton described Dennis to me as "easy-going," other people might have described him as "a bit unmotivated" or "lacking direction." Other people, for instance, like Dennis' brother, Daniel Perry:

[6:17] Daniel Perry:

I mean he always depended on us. We called him a bum. [laughter] But, you know, he just hung around mama for a long long long time, in and out. At that point, I don't even know if there's medical records, but he fell out of tree, deer hunting, broke a bone in his back and it was a few weeks before he could even move around, so he had to go stay with mom. And that was before those murders happened.

[6:45] Colin Miller: That accident happened in December of 1984. Dennis was a month away from turning 23, and still in no particular hurry to completely fledge the nest. He'd worked various construction jobs and other odd jobs for a few years, and floated between Camden County and Atlanta and a few other places in Georgia, but he wasn't earning much, and didn't have his own car. Which didn't seem to bother Dennis much -- he got along just fine without one. Though, I get the sense that some of his family may have been less than thrilled with the situation.

[7:11] Daniel Perry:

He was there with us, and didn't have any way of traveling. Any time in his whole life he had had to go somewhere, had to get somebody to take him.

Daniel and Dennis were only a couple years apart in age, but to Daniel the gap between him and his brother often felt much bigger than that. By 1985, Daniel was just finishing up his career in the military, had a wife and a couple kids, while his brother Dennis, just a few years behind him, was still at home for the most part.

[7:38] Daniel Perry:

And he was always with mom, like I said. When mom was there, he was there. You know, until he was like 23 years old. We always made fun of him about that.

Whether Dennis Perry at 23 years old was a free spirit who was close with his family, or whether he was a slacker who was a bit of a mama's boy, is an open question, and the answer would probably depend upon your point of view. And probably neither answer is more accurate than the other.

[9:53] Rabia Chaudry: In 1983, Dennis' mother Helen had another baby -- Shane, Dennis' little brother, was 21 years his junior. Around that time, Dennis had moved out again from his mother's place, and ended up back in Camden County again with his grandparents, Zeke and Suzie Wilson, in their little house over on Dover Bluff Road, in the tiny community of Waverly.

There wasn't much of a plan to it. Dennis worked the odd construction job here and there, and helped his grandmother out with tasks, because his grandfather had some trouble getting around after an injury he'd suffered years before, during a family gathering out at a lake north of Camden County. Zeke Wilson and Dennis had been out on a boat ride, along with a few other family members, when it happened. Here's Dennis' uncle, Ed Wilson, describing the incident:

[10:36] Ed Wilson:

I was in Europe, in the Army, and he and the family were having a mother's day thing outside of Savannah, and some guy just went crazy and shot him and my sister. She got shot in the leg. He got shot 4 or 5 times.

Susan Simpson:

Some kind of boating rage...accident?

Ed Wilson:

Um-hmm....yeah, you know just all of a sudden the guy just lost it.

Ed's sister wasn't as seriously injured, but Ed's father -- Dennis' grandfather -- was partially paralyzed. So, sometimes Dennis had ended up staying with his grandparents, to help out his grandmother as needed.

[10:36] Ed Wilson:

Like I said he stayed with my mom and dad when he was young, and dad still had trouble getting around, cuz of being shot.

When Dennis moved in with his grandparents in 1983, it wasn't his first time living in Camden County. Back in the late 70's, Dennis Perry had ended up there before, and attended high school there for a couple years. But that had been a few years ago, and other than his grandparents, and his great uncle's family, who lived just a few doors down from them, Dennis didn't really know too many people in the area. He did have one family friend who lived nearby though -- a guy named Keith Warren. Keith had actually first been friends with Dennis' brother Daniel, but when Dennis moved back to Camden County he and Keith had become fast friends.

And it was through Keith Warren that Dennis Perry would end up meeting a girl down in Camden County. Her name was Carol Anne, but most people call her Buzz, a nickname she still goes by today.

Buzz was a few years older than Dennis, and had a young son from a previous relationship. She worked at a convenience store over on Blythe Island, just across the river in Glynn County, and most evenings after she got off of work, she and Dennis would hang out together. Buzz lived right around the corner from Dennis' grandparents, and Dennis could walk to her place in just a couple minutes. And, since Dennis didn't have a car, that worked out pretty well. Besides, once he and Buzz started dating,

Dennis hadn't really needed a car of his own -- Buzz could drive him wherever he needed to go.

Buzz and Dennis would end up dating for the two years Dennis was in Camden County, from 1983 to 1985. In an alternate universe, where Dennis Perry had stayed in Camden County, they might've ended up married -- that's how some of the people around them had expected things to end up, anyway. But then, the hunting accident happened, and Dennis couldn't stay in Camden County, and Dennis's and Buzz's lives went in different directions.

But although Dennis had no way of knowing it at the time, his relationship with Buzz would, eventually, change the trajectory of his entire life. It would just take 15 years before Dennis would find out how.

[13:20] Colin Miller: On December 5, 1984, while staying with his grandparents down in Camden County, Dennis had gone out deer hunting, and had misjudged a tree limb that he'd been using as a deer stand. The limb came crashing down, with Dennis on it, and it was a 20 foot fall at least, if not more. At first, Dennis had tried to walk it off, but the next day, when it became clear that this was *not* the sort of thing that could be simply be walked off, he'd gone to Carol Anne to drive him to the hospital in Brunswick. There, it was determined he'd fractured a vertebrae, and was admitted to the hospital for a few days, and he was told that once he was released he'd not be in a position to care for himself for a bit. Dennis' mother, Helen, drove down to Brunswick to pick him up, and then drove him back to her place in Jonesboro to recuperate.

[14:00] Donna Nash:

When Dennis, when he broke his back, he fell off a house and broke his back, and he was in a body brace, and he came back up here to be with his mother. And he lived with her in trailer at that trailer park. It was hard for me to find it the first time I went over there. Well then he got a job right across the street from the cemetery. And it used to be, um, there's a little plaza there, and he worked at the gas station there.

Dennis had been supposed to wear the body brace for at least three months, but he'd quickly grown restless. A few weeks in, he decided to ditch the brace early on and go back to work. He got a job at the gas station across the street, because it was the only job he could get to on foot, and he didn't have any other way of getting around. He didn't stay at the gas station long, though. When he was feeling a bit stronger, he got a job at

a concrete place -- the one that, 15 years later, would be his alibi for a double homicide, though he wouldn't have any records to prove it. Dennis' neighbor Charlie worked at a concrete plant too, which was the only reason that Dennis was able to work there -- Charlie could give Dennis a ride to and from work.

And so, he started a new chapter of his life in Atlanta. But there was only one complication: his girlfriend Buzz was still in Camden County. After Dennis' mom drove him back to Jonesboro to recuperate from the accident, he and Buzz had decided they'd try to give the long distance thing a shot, and they'd remained boyfriend and girlfriend throughout the first few months of at least of 1985. They talked on the phone, and they'd seen each other when they could. On at least two occasions, Buzz had come from Camden County to Atlanta to visit him, and Dennis had looked for ways to visit her, though visits going in the other direction were harder, owing to Dennis' lack of a car.

[15:40] Susan Simpson: One solution to Dennis' lack of a car would have been for him just to rent one out. And Dennis had actually tried that once, a few months before he'd broken his back by falling out of a tree, during a short spell when he'd been up in Jonesboro, living there with his mother. He'd wanted to get back to Camden County to see Buzz, so he'd asked his mom to rent a car in her name, since he didn't have a stable enough credit history to rent one out himself. And she'd agreed and rented the car, and Dennis had paid for it in cash at the counter, and off he went to Camden County. But just an hour out from Waverly, he'd rear-ended another car at a stoplight, and totaled the rental car. His mom then had to drive down from Jonesboro to pick him up. And since the place where Dennis had wrecked had been almost in Waverly already, Dennis' mother had decided just to drive the rest of the way to his grandparents' house so they could stay there for the night, before leaving the next morning back to Jonesboro, without the wrecked rental car.

So, for Dennis and Buzz, the long distance had been problematic. They had no regular way of seeing each other, with no sign that they'd be able to fix that anytime soon. And so, at some point in 1985, they'd finally given in to the inevitable and gone their separate ways. It was an amicable split, with no hard feelings on either side. Dennis remained on friendly terms with Buzz and her family. And then, in 1988, Buzz's mother, Jane Beaver, moved into a trailer just down the road from Dennis' grandparents, and for a few years after that, whenever Dennis was back in Camden County for a family event, he'd stop by Buzz's mother house to check on her, just to say hi and see how she was doing. Though, Dennis had admitted to me with a kinda embarrassed laugh, these friendly visits might have been motivated less out of the concern for Jane Beaver's welfare, and more out of a hope he might run into Buzz there and see if maybe they

could strike things up again. They never did though, and eventually, after Dennis moved to Jacksonville and met his wife Karen, the friendly visits to Jane Beaver became more and more infrequent, and at the time of his arrest in 2000, he hadn't seen her in years.

[17:44] Rabia Chaudry: On November 2, 1988, the Unsolved Mysteries episode on the Swain case aired for the first time, at 8pm that evening. 52 minutes after the episode ended, a man named Corky Rozier called up the Unsolved Mysteries tip line, and whoever took the call recorded these notes from his call:

"Dennis Perry fits the composite drawing. Harold Swain owned land. Dennis perry dealt drugs to Harold's nephews. Harold found out about these dealings. Dennis lives about a miles from the church. Visiting with his grandparents. He drove a beige Plymouth Duster. He was giving this info to Butch Kennedy - the investigator. He does [have] a photograph of this guy."

In the standard re-telling of this investigation, this is how Dennis Perry's name first appeared in the Swain investigation. Through this tip, called in to Unsolved Mysteries. But that's not completely true -- that's actually the second time there's a record of Dennis Perry's name being submitted.

[18:38] Susan Simpson:

This is the.... this as far as I can tell, is the very first reference to Dennis Perry that ever appears in the casefile. The first time that Dennis Perry's name is ever associated with the murder of Harold and Thelma Swain.

On August 1, 1988, a few months before the Unsolved Mysteries tip was called in, Deputy Butch Kennedy received a tip in the Swain case. There's a case report on it, a one-page summary filled out on a sheet titled "Investigator's Case Activity Summary." Susan showed Butch Kennedy the report to see what he might be able to tell her about it.

[19:08] Susan Simpson:

And it says...Who is BJ Smiley?

Deputy Butch Kennedy:

BJ was a... a police officer or an investigator in Kingsland at one time, and then he later moved to the Sheriff's office.

Susan Simpson:

So, he obtained information from a confidential source, and then...but confidential to me means like, confidential - you're not gonna tell the outside world. Would it mean confidential, as in he can't tell the lead investigator who the source is? Is that common?

Deputy Butch Kennedy:

Usually not [laughing].

Susan Simpson:

So his source who was -- wants to be confidential, says that Zeke Wilson's grandson, Dennis Perry, was visiting at the time of the homicide and left the next day and has not returned. His source was familiar with the Wilsons and knew Perry, and his physical makeup was similar to the composite. Further, an overheard conversation by a third party by Harold Swain and a grandson, Williams, indicated that the grandson was growing marijuana on some of Harold's land and Harold wanted the marijuana destroyed or he was gonna notify the authorities. Detective Smiley's source stated the next day Mr. Swain was killed.

Although the tip was initially anonymous, it doesn't seem to have taken Butch Kennedy long to figure out who it came from. The tipster was again, actually Corky Rozier -- the same man who called into Unsolved Mysteries about Dennis Perry a few months later in November.

Corky Rozier passed away a few years ago, but Susan spoke to his wife Glenda, and his youngest daughter Laurie. Laurie had been pretty young at the time that all this was all going on and she wasn't aware of what actually had gone on with the tip that Corky Rozier had phoned in, but she did remember that it had actually been her sister, Vicki, who'd first brought up Dennis Perry's name.

[21:01] Laurie Rozier:

We were all sitting around watching the news, and my oldest sister, Vicki, which is the investigator, she umm, she was watching TV, and they showed a picture, a drawing, and she said, "daddy, that looks like Dennis." And he said, "Dennis who?" And she said, "Dennis Perry, they guy I went to school with." That's how that whole thing got started.

Corky Rozier hadn't just given the police the tip about Dennis Perry. He'd also given them a photo of Dennis as well -- actually, it was Dennis Perry's high school ID, from his freshman year at West Hardeeville High School in South Carolina.

[21:35] Laurie Rozier:

So that was all he had said, was "hey, my daughter said that look like Dennis." So she had a picture of him and she took the picture and handed it to daddy and he showed the investigator.

Susan Simpson:

What picture was it, do you know?

Laurie Rozier:

Some high school picture...

Laurie couldn't remember anything about her father calling in a tip to a TV show, but Glenda remembered that at some point, Corky had also made some kind of call to Unsolved Mysteries.

[21:58] Glenda Rozier:

'Cause he did call Unsolved Mysteries, but I can't think of which one it was, or what it was that a, we kinda figured, ya know, figured it out.

Laurie Rozier:

I don't know about that...

Susan Simpson:

Was it just this case?

Glenda Rozier:

I'm not sure if it's that case...

Susan Simpson:

Oh, it's this case. His name's on it, so it had to be that.

Glenda Rozier:

Oh, he did call Unsolved Mysteries?

Susan Simpson:

Mmm hmm.

Glenda Rozier:

I know he did it one time because he was so mad because we couldn't get, ya know, find out who did it. Because, ya know, he was tryin' to find out who did it. He was, I mean, he cared about Mr. and Mrs. Swain. I mean, they were...well, he knew him all of his life. And uh, but that's probably why, because he was tryin' to figure out who did it. Because he wanted to get even with the person that did that, 'cause that's -- that's a terrible, terrible way to go.

In the files from the original investigation into the Swain case, the one done by Butch Kennedy back in the 1980s, there are 7 pages in all about Dennis Perry, and those pages seem to have been made in the course of investigating this tip from Corky Rozier. There's a Xeroxed copy of Dennis' high school ID, four pages of Case Activity Summaries, two pages of "while you were out" notes with updates on calls that had come in for Butch Kennedy while he was out of the office, and one page of notes from a spiral bound notebook with a short section on Dennis Perry. Except for the whole "while you were out" memos, the handwriting on all of this is Butch Kennedy's. So Susan asked him what he could remember about his investigation into Dennis Perry.

[23:23] Deputy Butch Kennedy:

I honestly don't remember. I don't remember this. I know that it's mine...

Susan Simpson:

But would it be common for you to get a tip from someone and then you start checking it out like this?

Deputy Butch Kennedy:

Mmm hmm.

Susan Simpson:

Okay, so what you're seeing here doesn't surprise you as something you would do, you just don't recall doing it?

Deputy Butch Kennedy:

I don't recall doing it.

[23:58] Colin Miller: But even though Butch Kennedy has no independent memory today of that part of his investigation, by piecing together these call records and notes, we can see the steps he took back in 1988 to follow up on Corky Rozier's tip. First, there's the initial activity summary -- Butch Kennedy fills that out on August 1st. And then, four days later, on August 5th, he adds another update on the activity report: a detective with the Hardeeville, South Carolina police had been contacted, and he's attempting to locate more information on Dennis Perry. Kennedy also sends a copy of the composite image of the suspect to South Carolina.

Then, on August 8th, Butch Kennedy and the South Carolina police officer begin a brief game of phone tag, until finally, on the morning of August 12th, they connect. The South Carolina officer tells Butch Kennedy that Dennis Perry had left the South Carolina school, and his last known address was in College Park, Georgia. A little later that same morning, at 10:30am, there's another activity entry in Butch Kennedy's log: "criminal history check, attached. Driver's license and history, attached." Though, if Kennedy ever did add those attachments to the file, they're not there now.

Through these pages of notes, you can watch as Butch Kennedy follows Dennis Perry's life beginning with his freshman year in West Hardeeville, following him from jurisdiction to jurisdiction, from one last known address to the next, asking each agency along the way for more information on Dennis Perry.

[25:20] Susan Simpson:

So what it looks like to me is that, right after you get this tip, from this confidential source, you start looking into Dennis Perry. You contact a place where you thought he lived. He had moved away long ago, but you go and you try and get a photo of him, which...

Deputy Butch Kennedy:

I honestly don't remember!

There's a record of the incident report from Wayne County from the time Dennis had crashed the rental car when he'd driven down to see his girlfriend, and a record of a traffic violation he'd gotten while living in Locust Grove, as well as correspondence between Butch Kennedy and Georgia Power, in an attempt to track down Dennis or his mother through utility bills, and notes throughout about requests to various jurisdictions to see if any had a photo of Dennis Perry.

Finally, on October 7, 1988, there is one final update on Butch Kennedy's case activity summaries. It says: "Locust Grove Police Officer Patton has somewhat located someone who worked with Perry and is making an effort to locate him at this time."

And that's it. Following that October 1988 entry, the investigative file goes silent on Dennis Perry. There's the Unsolved Mysteries tip in November, tucked into thousands of other pages of similar tips, and then nothing until 1993, when a deputy named Chuck Byerly went through all of Butch Kennedy's files after he was fired. Deputy Byerly organized Kennedy's records into a set of 9 binders, arranged by topic, and prepared a list of suspects in the case and assigned them numbers. And there Dennis Perry's name appears again, designated as S-0037. And then nothing again until 1998, when Dale Bundy takes over, and then suddenly Dennis Perry's name is everywhere, on almost every sheet of paper.

[27:07] Susan Simpson: But when I first saw Butch Kennedy's notes on Dennis Perry, what stood out to me was the form he'd used for four of those pages. The pre-prepared sheets titled Investigators Case Activity Summary. Later, I'd obtain more case records, and in those thousands of pages, I'd find two more like this, both of those from August 7, 1990, and they're not about Dennis Perry, but about a different suspect in the case. But still, that makes only 6 of them in all. These forms had never been used for any other part of the investigation. Why, over the course of a 5 year investigation, had Butch Kennedy decided to use these Case Activity Summaries for those 6 pages, but never any other time?

[27:47] Susan Simpson:

So, but you'd be very surprised, you said, if...if, uh, these were the only notes you'd taken in this case, on these forms?

Deputy Butch Kennedy:

Yes...

Butch Kennedy used those forms, those Investigators Case Activity Summary sheets a *lot*. Or at least, that's how he remembers it now. But there are no other forms in any of the tens of thousands of pages we've gone through that uses this type of sheet. So, if there were more Case Activity Summaries from Butch Kennedy's investigation, they're gone now. As are the rest of the "while you were out" call memos, unless August of 1988 is the only time Butch Kennedy regularly missed calls. So maybe what we have isn't the whole file. And maybe there was more investigation done into Dennis Perry than the record we have now shows.

[28:36] Susan Simpson: From the records we do have of Butch Kennedy's investigation, it's clear that there's nothing in there that shows Dennis Perry ever being ruled out as a possible suspect. There had been an attempt by Deputy Kennedy to find Dennis Perry after the tip from Corky Rozier had come in, and it seems like Kennedy had at least gotten close to finding someone who had worked with Dennis, but that's the end of it. It's as if the whole lead had just been forgotten, and no one ever remembered to follow up on it. Though, of all the suspects in the Swain case file, Dennis Perry is not alone in that regard. Out of the hundred-plus suspects that are named there in the various pages, there are only records that rule out maybe a dozen of them, a couple dozen at most. Most of the leads are just kind of left there hanging.

But it is true that there's nothing in the file to document conclusively that Dennis Perry had been eliminated as a suspect. Which is apparently why when Dale Bundy took over the case in 1998, he considered Dennis Perry to be a viable suspect.

But as small as Butch Kennedy's file is on Dennis Perry, if you're going by page count, then Dale Bundy's file on Dennis Perry is actually even smaller -- it's only six pages long, compared to the 7 pages that Butch Kennedy has. But that's not because pages from Dale Bundy's file might have gone missing -- Bundy just never made the file to begin with.

[28:54] Investigator Dale Bundy:

I worked this case for a while on my own. And then uh, I was assigned assistance from the GBI by a fellow named Ron Rhodes, who now works for the DEA. And Ron was the note taker and the recorder, etcetera, etcetera, because the GBI had the ability to have his notes transcribed and dictated and things like that. Plus, you get two reports going in an investigation, you know as well as I do that's not a good idea. So, you know, we worked as a team on this case after a certain point.

By his own admission, Dale Bundy is not really much of a note taker, and as a result there are no contemporaneous records of the first five months of Dale Bundy's investigation into the Swain case. Instead of making records while the investigation was ongoing, Bundy waited until November of 1998, and then he wrote up a 6 page summary of all the work he had done on the case from July to November.

Luckily, at the end of 1998, the GBI was brought in to assist Bundy, so we do have some records about what happened during the reopened investigation into the Swain case. The GBI made and kept regular records of the work they did, and to date, the GBI has only lost some of those records. So starting in November of 1998, there is at least a semi-regular documentation of what the GBI was doing on this case. But, as for what happened in those first few months of the investigation, when Dale Bundy came on and developed Dennis Perry as a suspect? Well, that six page Bundy report is all we have to go on.

[31:50] Rabia Chaudry: The Bundy report begins on July 1st, 1998. On that day, Dale Bundy was assigned primary responsibility on the Swain case, and from July 1st to July 7th, he reviewed the GBI and Sheriff's Office reports on the case from the past 13 years. Through the course of that review, Bundy realized that the eyewitnesses in the case had not been re-interviewed since the murders took place, 13 years previously. He decided that that would be the best place to begin his investigation.

[32:21] Investigator Dale Bundy:

The witnesses were old black people, that lived in Waverly Georgia. And I have learned something as a police officer, that people like that grew up in a time when it was even harder to be black than it is now. Much harder. They don't tell people things unless they're asked, and they have to trust you to talk to you. I drove my own vehicle up there. I would go and sit on the porch with these people with shorts and tennis shoes and a t-shirt on because they did not want anybody to know the police were visiting and talking to them about things. Because they knew that the man that killed the Swains came and went from Camden County regularly. They knew who he was. They told me who he was. And they were afraid that if they said anything the same thing would happen to them. His grandfather lived right up on Dover Bluff Road.

By interviewing the original witnesses in the case, Dale Bundy very quickly began to make progress in his case.

[33:20] Susan Simpson:

When you say "told you who he was", you mean they told you about like...did they give you a name, or did they give you a description?

Investigator Dale Bundy:

Here's how, here's how this went. There was one lady that was, in my opinion, was key to this. She's dead now, her name was Cora Fisher.

Cora Fisher was the very first witness Dale Bundy spoke to in his investigation. On July 8th, one week after being assigned to the case, he went to her house to conduct an interview.

[33:48] Investigator Dale Bundy:

Miss Cora was sitting by the organ when the shootings happened. When Thelma Swain ran to the back of the church - "They're killing Harold" - she flies through these little doors into the narthex. Cora Fisher saw Thelma get murdered, and she passed out. She fainted. But she had a very vivid memory of what she saw. And when I went and sat down with Cora and talked to her about it, I had to play 20 questions with her. Things like...and I just, I could tell by the way she was talking to me she had something else she wanted to say, and I asked her, I says "Cora, do you think you know who killed Harold and Thelma Swain?" She said "I don't think anything, I know who killed Harold and Thelma Swain." Well the world stopped.

At that point, Dale Bundy knew he was on the verge of solving the case. There was just one problem: convincing Cora Fisher it was safe to tell him what she knew.

[34:50] Investigator Dale Bundy:

I said "Who?", she said "I'm not going to tell you a name, because I don't want same thing to happen to me".

But Cora Fisher did agree to share one clue about the man's identity. At some point in the early to mid-1990s, this man had started parking in front of her house and watching her. Here's Dale Bundy, recounting what Cora Fisher had told him during that first interview, and his questions to her about it.

[35:13] Investigator Dale Bundy:

He started coming down here and would sit in front of my house in his grandfather's car and stare at me. And I said, "Okay...ah..." And I had found out a little bit about Dennis, just reading up on things, and I said "Does his grandfather live up on Dover Bluff Road?" She says "Yes, but I'm not going to tell you any names." Okay. Well I knew right then who she was talking about.

Cora Fisher might have been too scared to give Dale Bundy any names, but Dale Bundy didn't need any names to know who she was talking about: Dennis Perry.

[36:01] Colin Miller: The next entry in the Bundy report is from two days later. The report reads,

“On July 9th, 1998: I sent a fax to the records department in Jacksonville Florida Sheriff's Department requesting a picture of Perry. He'd been arrested there in 1991.”

On July 13th, Jacksonville sent Bundy back a mugshot of Dennis Perry, from a misdemeanor breach of peace arrest in 1990. Dale Bundy called Cora Fisher, hoping to set up an interview, but when she answered the phone, Bundy could tell immediately from Cora's voice that something was wrong. She'd fallen down the steps, she told him, and had been injured.

Dale Bundy called an ambulance to her house, and then headed over there himself. He arrived before the ambulance did, and found Miss Cora Fisher sitting on the ground in her carport. She was calmer now, and she told Bundy that she'd hurt her knee in the fall, but otherwise, Bundy says, she seemed all right. In his report, Bundy wrote:

“I asked her if she would look at the photograph of Perry that I had received. Miss Fisher agreed to look at the photograph and appeared to be upset when she looked at the picture. She glanced at the picture and quickly turned her head away.”

Not long after that, the ambulance arrived and took Cora Fisher to the hospital, but before it got there Bundy had time to ask Cora one question:

[37:07] Investigator Dale Bundy:

I says “Is the man in that picture the man that killed Harold and Thelma Swain?” and she says “Unless he has a twin brother.”

Based on Cora Fisher's identification, Dennis Perry became Suspect #1 in the Swain case.

[37:34] Rabia Chaudry: There were nearly a dozen witnesses who were at the missionary meeting at Rising Daughter on the night that Harold and Thelma Swain were killed, but not all of them had actually seen the young white man in the vestibule. And some of the women who *had* seen him had got only the briefest of glimpses, and they were unable to help with any sort of identification. Louise Baker, for instance, never saw the man and at all, and Mattie Owens had gotten a glimpse, but she told police in the

days after the murder, that, quote, "didn't pay any attention to the man. People were always coming into the church wanting money, help, and things like that," and so she could not provide any information about him.

And Margie Moore, the woman who'd gotten the broom and run to Reed's Store for help, *had* gotten a look at the killer, but she'd passed away before Bundy got on the case.

But of all the witnesses, only one of them saw the young white man in the vestibule at close range. And that was Vanzola Williams. The other women had, at best, caught only a glimpse of the man, a brief look as he'd peeked in to the main sanctuary while standing out in the vestibule. But Vanzola had actually spoken to the man, when he'd asked to speak to Harold Swain. She was in a hurry to pick up her daughter, and hadn't paid too much attention to him at the time, but for three or four seconds at least, she'd actually looked at him and talked to him.

And Vanzola Williams is the second and last witness from the church that Dale Bundy interviewed, and showed a photo to of Dennis Perry.

[38:54] Investigator Dale Bundy:

Vanzola and Cora, because those were the two that actually saw what they saw. I mean, Vanzola walked out and spoke to Dennis. And Cora saw him shoot Thelma. So yeah, I showed them the picture.

There were other women from the church who had gotten glimpses of the shooter, and who were still alive at the time of Dennis Perry's arrest, but for various reasons, none of the other women were ever asked to identify Dennis, either from a photo or a lineup.

[39:22] Susan Simpson

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

Investigator Dale Bundy:

Gwen...[laughs] Gwen Owens isn't going to say anything to anybody. [Susan: Really?] Her husband told her to stay out of this. Her husband told her to tell the people that the man had red hair and flames shooting out of his eyes, or something similar. She had her daughter there at the church with her too, that night, and told her daughter not to say anything. So I wrote Gwen Owens off real quick. I mean, she was a non-cooperative witness. Again, she was one of these

people that was afraid to say anything because of Dennis' ties locally. That was my opinion.

So that just left Cora Fisher and Vanzola Williams as the only witnesses to identify photos of Dennis Perry as the man from the vestibule. At trial, the prosecutor had asked -- and had been granted -- permission to have Vanzola Williams make an in-court identification of Dennis Perry, but in the end, for whatever reason, the prosecutor opted to only have her identify a photo of Dennis instead. And Cora Fisher had been too ill to attend trial, so she had testified via deposition from her nursing home. Which means she was never in a position to make an in-court identification of Dennis Perry at all.

Still, Cora Fisher was adamant that the photo of Dennis Perry she had been shown was the man that she'd seen that night at Rising Daughter. In her testimony, when she was asked if the man in the photo was the man who had killed Harold and Thelma Swain, she said there was no question in her mind about it. "Ain't no doubt," she said, "that's the same boy." But Vanzola Williams' identification had always been less absolute than Cora's identification. At a pre-trial hearing, Vanzola Williams testified that when a photo of Dennis Perry had been shown to her, she thought that he did look like the man from the church that night, but that she couldn't be sure, and still wasn't sure. Cora Fisher, she told the court, had recognized the photo. But as for herself, quote, "He looked like the man that night [but] I can't say for sure that he was the man."

[41:31] Colin Miller: Within two weeks of beginning his investigation into the Swain case, Dale Bundy already had two women who had identified a photo of Dennis Perry as the shooter, and he was confident in the reliability of both their identifications. But while Dale Bundy now believed he had identified *who* had killed Harold and Thelma Swain, it did nothing to answer the question of *why* they had been killed. Sure, the initial tips from Corky Rozier back in 1988 had said that this all had something to do with some marijuana growing somewhere, or something like that, but no evidence of anything like that had ever been found to substantiate the claim.

So... why had Dennis Perry done this?

Dale Bundy didn't have an answer to that question, at first. But then he went looking for a woman named Jane Beaver.

[42:10] Investigator Dale Bundy:

So for two nights I got out, and finally I went to Jane Beaver's door. Knocking on the door. Jane Beaver came to the door. Showed her my badge, told her why I was there. She says... It's about damned time. Come on in, and I'll tell you what you need to make your case. That's how I got onto Jane Beaver.

Colin Miller: Jane Beaver is the mother of Carol Anne -- a.k.a., Buzz, Dennis Perry's ex-girlfriend from Camden County. Jane Beaver hadn't actually lived in Camden County when Dennis Perry lived there, but in 1988 she moved into a trailer near her father, just around the corner from where Dennis' grandparents lived on Dover Bluff. And that's where Dale Bundy had found her, on July 23rd, 1998.

Investigator Dale Bundy:

Jane Beaver told us -- when I say us, I'm talking about Ron Rhodes and I -- that Dennis had said he tried to borrow money from Harold Swain at one time. And Harold laughed at him, and wouldn't loan him any money. And he told that to Jane Beaver, "I'm going to kill that N-word."

At trial, Jane Beaver gave a similar but slightly more expansive answer to the question of what Dennis Perry had told her about his plans to kill Harold Swain, one that put a greater emphasis on a possible racial motivation for the murders. Beaver testified that a few weeks before Harold and Thelma Swain had been shot at Rising Daughter, Dennis Perry had come to her house and told her, quote, "I always wondered what it was like to kill a [n-word] and now I'm going to get me one."

If Jane Beaver's story is believed, there seems to be little doubt that Dennis Perry killed the Swains. And Dale Bundy found no reason to doubt Jane Beaver's story. Yes, she was the mother of Dennis' ex-girlfriend, but that didn't play any role in Jane Beaver's motivations for coming forward. And Bundy's right -- there is nothing at all to indicate that Jane Beaver or her daughter Buzz had any axes to grind with Dennis.

[43:55] Investigator Dale Bundy:

Jane had no reason to accuse Dennis of this, if she didn't know something. Her daughter had dated Dennis for a while.

Susan Simpson:

Yeah, I was wondering about that, if there was animosity because of that, and it doesn't seem like it was really a big deal.

Investigator Dale Bundy:

No.

Over the next year and a half of the investigation into the Swain murders, there were other bits and pieces of things that Dale Bundy would pick up over the course of his investigation that he thought pointed towards Dennis Perry's guilt. Some of that was even used at trial, but none of that evidence was as significant as the evidence that Bundy had obtained in the first three interviews he had conducted in this case. At the time of Dennis Perry's arrest, in January 2000, the case against him was largely based on those interviews from July of 1998: the identification of Dennis by Vanzola Williams and Cora Fisher, and Jane Beaver's statement about what Dennis Perry had told her not long before the murders.

But some of you may have questions, at least, about the eyewitness evidence in this case. And about the why Cora Fisher and Vanzola Williams had been shown a single photo of Dennis Perry, and asked to identify whether he was the killer based on that one photo. That's a question that Dale Bundy has been asked before.

[45:02] Investigator Dale Bundy:

There were people that said, "Why didn't you do a photo lineup?" They did one. It was very simple, the witnesses had already seen the picture of Dennis. I mean, what good would it have done to do a photo lineup? That was all done before I ever got my hands on the case.

By the time Dale Bundy had gotten to and interviewed Cora Fisher and Vanzola Williams, they had *already* been shown a photo of Dennis Perry, and had already been asked if he was the man who had killed the Swains. In fact, that was the reason Cora Fisher had been so confident that she'd known who the killer was, when Bundy first spoke to her. Cora Fisher told Bundy that a few years before, a woman had come to her and shown her a single picture of a young white man with shoulder-length hair, and asked her if he was the man who had killed Harold and Thelma Swain. And when Cora Fisher had seen that photo, she'd been so upset by seeing the face of the killer once again that she had fainted.

And in that very first interview with Dale Bundy, Cora Fisher had told him where he could find find the woman who'd come to her house with the picture of Dennis Perry.

Investigator Dale Bundy:

And I ask her, who the lady was with the picture? Again, I'm not going to tell you

any names. Where does she live? She lives between Reed's store and county line in a house trailer. Well, what's she look like? She has blonde hair, and wears thick glasses.

[46:20] Susan Simpson: That's why, in July of 1998, Dale Bundy had been going up and down US-17 between the Reed's Store and the county line, knocking on doors and asking if anyone there had any information on Dennis Perry.

Investigator Dale Bundy:

There she says: "It's about damn time. Come on in, and I'll tell you what you need to make your case." And that's how I got onto Jane Beaver. Jane Beaver told me about going to see Cora Fisher, and she named Dennis Perry, she gave me the picture she had used, the whole [*].

Susan Simpson:

Is this the one with the kid? The one with the baby?

Investigator Dale Bundy:

The photograph of him holding...

Susan Simpson:

The small child.

Investigator Dale Bundy:

That's right. Yeah.

Yeah, the woman who'd gone around showing the church witnesses a photo of Dennis Perry was Jane Beaver. The mother of Dennis Perry's ex-girlfriend, and the same witness who told Dale Bundy that Dennis had told her in advance of his plans to kill Harold Swain.

The picture had actually come from Dennis' ex-girlfriend, Buzz. They had broken up in 1985, but Buzz had kept a couple photos of Dennis. Including one snapshot in particular, that she had cut down to fit inside of a wooden oval picture frame. The photo was taken on Easter of 1984, and shows Perry lying on a living room floor, helping Shane, his baby brother, stand up. Shane is about eight months old in the photo, all giant toothless smile and chubby arm rolls. And Dennis is laying on the floor, propping Shane up on a pillow, and staring into the camera with a quiet sort of half grin, his shaggy hair tucked behind his ears. It's a good photo of him -- and you can kinda see

why maybe it's the photo of him that he'd have wanted his girlfriend to have. Though, if that photo had never been taken, it is very likely that Dennis Perry would not currently be serving two life sentences.

Jane Beaver had thought that the photo of Dennis had looked like the composite image prepared by four of the eyewitnesses, so back in 1992, give or take a year, she had decided to take this photo and go show it to the church ladies. She'd found Cora Fisher first, and gone to Cora's home to show her the photo. And then, later on, she met with Cora Fisher again, who this time had brought Vanzola Williams along with her, and Jane Beaver had shown the photo to them both.

Susan Simpson:

Did you ever talk to her? To Vanzola?

Investigator Dale Bundy:

Oh, yeah.

Susan Simpson:

Did she ever identify Dennis?

Investigator Dale Bundy:

She did.

Susan Simpson:

OK.

Investigator Dale Bundy:

I asked her about the picture that Ms. Beaver had brought around. When she went to Cora Fisher's house, Cora got on the phone and called Vanzola and said, I need you to come over here. She went to Cora Fisher's house and saw the picture.

[48:50] Colin Miller: So long before Dale Bundy had ever showed up on either of their doorsteps, Cora Fisher and Vanzola Williams had already known what Dennis Perry looked like. And Jane Beaver had shown Bundy his photo, and told him that she thought he'd killed the Swains. And when Dale Bundy had shown Cora Fisher and Vanzola Williams the single mugshot photo of Dennis Perry, Cora and Vanzola had already known that the man in the mugshot was the same as the man from the photo that Jane Beaver had shown them a photo of years before.

Dale Bundy acknowledges that this is not, to say the least, the standard way that eyewitnesses are asked to make photo identifications, but the circumstances here were completely beyond his control. Jane Beaver, a private party, had taken it on her own initiative to show Cora Fisher and Vanzola Williams the photos of Dennis Perry, and Dale Bundy had no possible way of unringing that bell. And besides, Bundy says, this was not the kind of case where you needed a line-up to make an accurate identification. In some situations, sure, that's the better way of doing it. But here, that wouldn't have mattered.

Investigator Dale Bundy:

I understand where you're coming from. Ideally, if the witnesses have no idea who did it -- but these people knew. These people knew. And they had seen this guy. This was not a random person. Ok? This is a lady saying, is this the person that killed Harold and Thelma Swain? And them knowing who he is.

According to Dale Bundy. Cora Fisher's identification of Dennis Perry would have happened the same regardless of the type of lineup she was shown. To Bundy, Cora's description of how she'd reacted to seeing Dennis Perry's photograph was confirmation that her identification was accurate. It didn't matter whether she was shown one photo, or six, or twelve -- she'd have known who Dennis Perry was regardless.

[50:34] Susan Simpson:

Were you ever concerned that Cora Fisher-- because she'd been shown the photo several times by Jane Beaver, that that affected her memory? And that that influenced--?

Investigator Dale Bundy:

No ma'am.

Susan Simpson:

But, isn't it possible that it could have happened-- like with someone--

Investigator Dale Bundy:

No ma'am.

Susan Simpson:

Not in Cora's case, but in general, would you not think that that could be a factor-- if someone is repeatedly shown a photo, that it *could* affect it-- right?

Investigator Dale Bundy:

Repeatedly shown a photo?

Susan Simpson:

-- of someone, and says that it's a suspect.

Investigator Dale Bundy:

Cora Fisher looked at that picture one time and fell out in the floor.

Susan Simpson:

What do you mean when you say that? Like literally fell?

Investigator Dale Bundy:

She passed out again, just like she did in the church.

Susan Simpson:

Like, literally went down to the ground.

Investigator Dale Bundy:

That's right.

Ed Costikyan:

That was the time that Ms. Beaver showed it to her. You weren't present for that?

Investigator Dale Bundy:

I was not.

[51:20] Rabia Chaudry: But Vanzola Williams had never shared Cora Fisher's certainty in the identification of Dennis Perry. And Cora Fisher's identification, standing alone, would not have been as strong on its own, had it been contradicted by Vanzola Williams, who unquestionably had a better opportunity to see and speak to the killer.

While Vanzola Williams had, in her pre-trial testimony, repeatedly hedged her answers, downplaying her identification of Dennis Perry and stressing how she couldn't be sure that it was the same man, at trial she was much more confident as a witness, insisting that the man she had seen at the church that night had looked like the man in the photograph of Dennis Perry, and acknowledging only obliquely that she could not be certain of her identification.

Still, even if Cora Fisher had been unwavering and certain in her identification, even if Dale Bundy is right that Cora Fisher could never have been moved from her statement that the photo of Dennis Perry was the same man that had killed the Swains, the same cannot be said for Vanzola Williams. Vanzola always had doubts about her identification of that photo of Dennis Perry, even if, by the time of trial, she only expressed her doubts in a guarded way. It seems more than possible that her identification could have been affected by a suggestive lineup process.

But, what if there was some way we could go back in time, and show Vanzola Williams a true lineup, right from the start? If we could go back before Jane Beaver had shown her the single photo of Dennis Perry and asked if he was the killer, and, instead, had shown her a real photo array? One that had Dennis Perry's photo alongside five other photos, and asked her if any one in the photos looked familiar? If we could unring that bell, if we could somehow, impossibly, put that genie back in the bottle, and erase the suggestive single-photo identifications from Vanzola Williams' memory and ask her to identify the killer once again, well, would she have been able to pick Dennis Perry out?

Well, according to Special Agent Joe Gregory and Deputy Butch Kennedy, we don't need a time machine to answer that question. Because, according to them, Vanzola Williams was shown exactly such a lineup in 1988. After getting a tip from Corky Rozier, Kennedy and Gregory had investigated Dennis Perry and sought a photo from him from every jurisdiction he'd had contact with -- we know that's true, because Kennedy's remaining notes from the case file document his careful attempts to track down just a picture. But while the documents in the case file do not show that Gregory and Kennedy ever succeeded in their hunt, today, both of them remember that they *were* successful. Agent Joe Gregory had finally tracked down found a photo of Dennis Perry that was taken close in time to the murders -- his driver's license picture, from the DMV, that was taken in December of 1985. And Gregory and Kennedy had taken that photo and put it a lineup alongside five other photographs, and shown all of them to Vanzola Williams, and they asked her if there was anyone in the array who had looked like the stranger in the vestibule at Rising Daughter that she had spoken to.

And Vanzola Williams had told them that there was not.

[54:20]:Agent Joe Gregory:

When Perry- That was another thing we did. When Perry's name came up, I contacted the drivers' license bureau, and they sent me a Driver's License photo that was within, I think 12 or 13 months of the date taken, within 12 or 13 months,

of the date of the crime. Put it in with 5 other photographs, and Vanzola looked at that. She could not pick out *anybody*. Nobody was even close, according to her.

[55:18] Susan Simpson: And that's all for Episode 3 of Undisclosed: The State V. Dennis Perry. As you may have noticed, despite the fact I told you at the end of last week's episode that there would be no Addendum last week, there was, in fact, an Addendum last week. However, this week, there is really no Addendum. So, we'll be back on Monday, with Episode 4.

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

You can find out more about Dennis' case at the Georgia Innocence Project's website at GeorgialInnocenceProject.org. Huge thanks to GIP intern Ed Costikyan for his assistance on this case.

Transcripts of this episode and previous episodes will be available on our website at 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

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

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