

**UNDISCLOSED, the State v. Dennis Perry**  
**Episode 4 - The Hat Rack Alibi**  
**July 30, 2018**

**[0:45] Susan Simpson:** Sometimes, while working on this case, I feel as if I've started on a puzzle knowing in advance that some of the pieces were probably missing, only to discover halfway through that not only are most of the pieces missing, but, in fact, many of them were never made in the first place. The task hasn't been so much figuring out how to assemble the pieces -- it's been trying to find people who can tell me what the pieces that don't actually exist were supposed to look like.

And the problem isn't that this is an older case. Harold and Thelma Swain were murdered in 1985, and yes, in all cases from decades ago, time and entropy are going to play a part in making it more difficult to figure out what really happened. But whether this case was 33 years old or 3 years old, the real barrier to investigating it would still be the same, and that's the fact that much of this case has been preserved only as an oral history, and not in written records.

Because, for the original investigation, from 1985 to 1990, many of the records documenting what investigators did have been lost. And for the reopened investigation, from 1998 to 2003, little of what was done was ever documented in the first place. Which means that for much of the evidence against Dennis Perry, we're left with nothing more than dueling memories from witnesses, with one set saying things are one way and another set saying that they are another, with few or no external benchmarks to compare those memories against. Which is why Dennis Perry may have once had a robust defense to raise against the State's claims, but by the time of his trial, it was all just one big he said, she said.

So, the original investigators say that Dennis Perry's alibi was investigated and confirmed. But the investigators from the reopened case say that it was not.

The original investigators say that after his photo was put in a photo array and shown to an eyewitness who could not identify him, Dennis Perry was ruled out as a suspect. But the investigators from the reopened case say this never happened.

And these conflicts in the oral history of the case extend beyond the contradictions between the original the reopened investigations. They also go right to the heart of the State's case against Dennis Perry. Because for all of the major components of the

State's case against Dennis Perry, there are no contemporaneous records of what those witnesses first said to investigators. For some witnesses, if we're lucky, we may have a short paragraph summarizing a witness said that was written out by an investigator weeks or months after the interview took place. But for some witnesses, key witnesses even, we don't even have that.

Which means, in attempting to figure out where Dennis Perry was on March 11th, 1985, we don't have that much to go on. The State claims that Dennis Perry was in Camden County around the time of the murders -- because, obviously, he had to be, in order to commit them -- but in all of the files from the reopened case, there are exactly two sentences, on two pages, that provide any support for this claim. The investigators say that Dennis Perry's ex-girlfriend told them that Dennis Perry was in Camden County on March 10th, 1985, the weekend immediately prior to the murders. But Dennis Perry's ex-girlfriend says that she never said that.

Which means, once again, in order to figure out where Dennis Perry really was on March 11th, 1985, we're left trying to sort through haphazard witness memories, with little in the way of written records to go on. And, once again, I'm left wondering why, in a case where the State was seeking to execute a man, investigators hardly ever remembered to write down what they were doing.

**[4:48] Rabia Chaudry:** Hi, and welcome to Undisclosed; The State v. Dennis Perry. This is Episode 4 of our series on Dennis Perry, who was convicted of a double homicide in Camden County that, before his arrest in 2000, had been a cold case for 15 years. My name is Rabia Chaudry. I'm an attorney and author of the book, *Adnan's Story*, and I'm here, as always 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.

**[9:10] Rabia Chaudry:** In August of 1998, when Deputy Dale Bundy first went to Jacksonville to interview Dennis Perry, Dale Bundy straight up told Dennis Perry why he was there: "You're a suspect in the murders of Harold and Thelma Swain," he said, "and I am investigating you." And if you do happen to know anything that might prove you didn't do this, well, you better help us out.

That first interview was not recorded, but at a second interview, about six months later, Bundy told Dennis Perry one of the reasons why he was a suspect: people say you were in Camden County at the time of the murders.

**[9:33] Dale Bundy:**

I'm not saying you're a liar. I'm just trying to understand. Why are all these people

coming to me and saying you were in the area? These are people that knew you. These are people who have named not a guy, but have named Dennis Perry, Zeke Wilson's grandson.

**Dennis Perry:**

I wasn't there, I don't know. I was not there at the time, you know. I don't know nothing about it. The only thing I know is what my grandmother told me, and what I seen on TV. And that's all I can tell you.

After his first interview with Bundy, Dennis Perry and his wife Karen began calling Dennis' family and friends, trying to figure out what was going on, what he should do, or if they could help Dennis figure out where he'd been on March 11th, 1985.

**[10:30] Clayton Tomlinson:**

We just blew it off, I mean, we ignored it. It was silly! Really, this was like, 14 years later. Who in their right mind can remember that I was sitting on the pot, at 3:37... in the morning on a given date and month ... it was ludicrous.

That's Clayton Tomlinson, a close friend of Dennis Perry's. Dennis' brother, Daniel, had a similar reaction.

**Daniel Perry:**

We didn't talk about it until 1998. And then I said, this is crazy, and then they kept investigating and investigating and coming to our house and talking to us... then I thought, this is serious. And I got really upset, at that point. And then, I started paying attention.

When the investigators kept coming back to their doorsteps, and made it clear that this investigation wasn't going away on its own, Dennis' friends and family began trying to figure out where on earth Dennis Perry had been fourteen years ago on some random Monday evening in March. When he was interviewed by Dale Bundy in September of 1999, Clayton told Bundy how they'd all worked together to try to piece things together.

**[11:37] Clayton Tomlinson:**

All I know is he called and he was scared and he was trying to figure out where he was. He said, where was I? What was I doing? We're piecing all of our heads together, when we last saw each other around this time -- where -- what we were doing, where I was living, where was he living -- he didn't know. I had to try to figure out, and remember, what's going on, because, I mean, questions about this time period in my life, it's like, okay. And we started going- hashing it and hashing it.

The first thing they figured out was that this murder had taken place around the time Dennis Perry had injured himself by falling out of a tree.

**Clayton Tomlinson:**

And Dennis was, had injured his back, we were trying to -- going back in the history. Trying to re-walk the path. Where he was at...

**Susan Simpson:** In September 1998, they pulled Dennis' medical records, and discovered that had happened in December '84, before the murders. The medical records meant Dennis Perry couldn't have been living in Camden County at the time this all happened, because he'd already moved back to Jonesboro with his mother. And from there, Dennis' friends and family found three more events they could use to triangulate this time in their lives.

**[12:48] Daniel Perry:**

I had just gotten out of service. Feb 26, 1985, you see. That's when the murders happened, right after that.

**Susan Simpson:**

So right then.

**Daniel Perry:**

I knew where I was during those few weeks because I was out house hunting in Jonesboro, Georgia. I just happened to know where he was. You know, they didn't even ask us until 13 years later, and then they were wondering how I remembered that, and I said, "Cause, that's when I got out of the service."

**Rabia Chaudry:** That's how Dennis' brother Daniel realized he'd actually been staying with Dennis and his mother in Jonesboro at the time of the murders:

**Daniel Perry:**

I owned a house in Fort Bragg, North Carolina. I was trying to sell it, my wife and kids were still there, so I would take some trips down here to try to find a house. And when I was here, I didn't get a hotel- my mom wouldn't let me, so I stayed there with her. I would rather have gotten a hotel... but you know how it is [laughs].

**[14:00] Rabia Chaudry:** And then Dennis' friend Clayton realized two more things: he'd left Jonesboro and gone into the Army not long before all this happened, so he'd been living in Texas at the time, but for his first week of leave from the military, he'd come home to see his mom for her birthday:

**Clayton Tomlinson:**

At the time we had pinned down that Danny was home. I had come home and brought-- me, Dennis, and Danny, came to my house and put together a hat / coat thing for my mom -- I think it was her birthday.

And this was an event that Daniel Perry and Clayton's mom Donna Nash all remembered: the night Clayton had given his mom a hat rack.

**[14:36] Daniel Perry**

And we were all drivin' around, and there's a quarry there. We would drive up in that quarry and we would all just sit around there and party, you know. They were a lot younger than I was, I was kinda watchin' out for 'em, makin' sure they didn't get in any trouble. And uh, it was his mother's birthday, and he had bought her a hat rack thing, that you put together, or, some kind of thing you put at the front door where you hang everything. And it was wooden, you had to put it together. So we had to all stop by there while he was doin' that on her birthday, so we went and said happy birthday and all, and he put that thing together, put it in there. And I remember that night because it was her birthday. It was one of the few things I had to remember back, you know, after the fact, kind of thing you don't usually remember but when you're thinkin' back after something like this, you try to remember everything.

**[15:30] Donna Nash**

My son was here from Texas, Dallas Texas He was in the air force. Dennis Perry's brother had just been released from the army in North Carolina, I get a doorbell ringin' at 8:30 and here's two drunks and the brother standin' there and

they're giggling. They had been out drinkin'. But they had this old, they had bought me a tree stand, a coat stand from Thrifty Drug Store. I have a great memory, I have a memory like an elf.

**Susan Simpson**

Wait, they brought you a what? (laughs)

**Donna Nash**

They brought me a coat rack! It's 1999 at Thrifty Drug Store, I mean, the ugliest thing, I couldn't even give it away for 30 years. (laughs). It had to be used for firewood I'm sure. But Dennis and Clayton were drinkin' and they were gigglin' and I said shh, your dad is home, Clayton, he's asleep. So they, Dennis Perry introduced me to his brother Danny, I had 'em come in the kitchen and I said you guys cannot be loud! And Danny was the driver, so he wasn't drinking. And when my two boys, when the two boys got together it was chaos, I mean they couldn't do anything but be silly.

**[16:41] Rabia Chaudry:** That's why, when Dale Bundy went to interview Dennis' brother Daniel for a second time in May of 1999, Daniel told them that he knew where Dennis had been at the time of murders. Dennis had an alibi. They'd put it together and found out where Dennis had been when the crime had taken place.

**[16:56] Daniel Perry**

Just the things I figured out since I talked to y'all last...

**Dale Bundy**

What was that?

**Daniel Perry**

Well, the day that that thing happened, and I didn't know which day this was, and I had mentioned to y'all but around that time I was with him and a friend of his and there was not many times I was with both of them in my life, and this particular time, Clay Tomlinson's mother... it was her birthday. Her birthday is the day that man got killed down there. So that puts him here during that time, now I don't know what time it was and all of that, but I know that day he was with me until about 1:00 that morning and we got in late because my mother locks the door at 1am.

**Dale Bundy**

You don't remember what you did after the party?

**Daniel Perry**

There wasn't no party, we was just runnin' around...

**Dale Bundy**

I mean, y'all went to that birthday party...

**Daniel Perry**

It wasn't even a party. It was just, he was droppin' by to put that thing together for her, and then we went out, more or less partying.

Now, there were two problems with this alibi. The first is that there is no way to be completely certain now whether the hat rack even happened exactly on Clayton's mom's birthday, or if it maybe it happened around the time of her birthday, maybe a few days before or after. Because the murders at Rising Daughter happened on a Monday, and Donna Nash, Clayton's mom, told the police that the day the boys had come by with a hat rack had probably been on a weekend, because, well, she wouldn't have had a party on a weekday.

**Dale Bundy**

But you don't know for sure what day your birthday party was on?

**Donna Nash**

Well, like I said, it has to be, it has to be Friday, Saturday, or Sunday. It has to have been one of them three days. It would never be during the week because I worked.

**Dale Bundy**

So you never had your, like, if your birthday falls in the middle of the week, you're not having a party...

**Donna Nash**

No. Because both my husband and I worked.

But Daniel Perry is confident that this whole hat rack thing, that time he and Dennis and Clayton went to Clayton's mother's house -- had actually happened on Clayton's mother's real birthday.

**Daniel Perry**

Yeah, because he, because we didn't wanna do it, but it was her birthday and he had to do it!

**Susan Simpson**

Oh, so you recall it being like, it had to be that date.

**Daniel Perry**

Yeah, because we didn't wanna do it, we were heading out to the quarry and just messin' around. Lordy mercy, I never put that together.

But even if the hat rack trip really did happen on Clayton's mom's actual birthday, well there was an even bigger problem with the hat rack alibi. Because after Daniel Perry told investigators that Dennis Perry had an alibi, the investigators set off trying to figure out ways to disprove it, and it didn't take them very long to do so. They discovered it as soon as they spoke to Clayton's mom, Donna Nash:

**Dale Bundy**

Well what I want to do is, he said that he was, you know, involved in the murder or the homicide down in Camden County, he said that he was here the night of the shooting, because isn't your birthday the...

**Donna Nash**

March 12th is my birthday. (Bundy, crosstalk: March 12th.) But the boys came with a tree, you know (Bundy, crosstalk: A hat stand?) they came down with a hat stand, they brought that in for my birthday present.

Donna Nash's birthday was on March 12th. The shootings were on March 11th. In 1998 and 1999, when trying to figure out where Dennis Perry had been on the night of the murders nearly 14 years earlier, Dennis and his friends had gotten mixed up, and had come to believe that the murders had actually occurred on Tuesday, March 12th, not Monday, March 11th. And so, although they thought Dennis Perry actually had an alibi, the alibi they discovered had been for the wrong day.

**Clayton Tomlinson**

We didn't have what they considered proof, they didn't, it wasn't, it wasn't viable. It wasn't the information that they were looking for.

**[21:11] Colin Miller:** While Dennis Perry was unable to prove exactly where he was on March 11th, 1985, one of the few facts in this case that no one disputes is that, in March of 1985, Dennis Perry was living in Jonesboro with his mother, a half day's drive from Rising Daughter Baptist Church down in Waverly. It's still possible he could have gone down to Camden County for a visit, and him doing so wouldn't have been especially unusual -- after all, Dennis Perry had family in Camden County and, at the time, a girlfriend down there as well. But Dennis also didn't have a car, which means if he was down in Camden County, the State needed to explain how he'd gotten there.

And that's where Dennis Perry's girlfriend, Carrol Anne, comes into the picture. Carrol Anne, who was better known by the name Buzz, had dated Dennis for two years, but at some point in 1985 they had broken up after Dennis moved down to Jonesboro.

Carrol Anne's mother, Jane Beaver, was the star witness at Dennis Perry's trial, but Carrol Anne herself had little to say that was of interest to prosecutors. And Carrol Anne also didn't have anything bad to say about Dennis Perry. She and Dennis had not remained in contact after they broke up in 1985, and by the time of Dennis' in trial, Carrol Anne had not seen him in, by her own estimate, about a hundred years. But when she was asked on the witness stand how she'd known Dennis, she answered, "He was my best friend." She had no complaints to make about him.

So Carrol Anne was only ever intended to be a very minor part of the State's case against Dennis Perry. Because there was really only one thing Carrol Anne knew that might have any relevance to the Swain case, and that was about a phone call that Dennis Perry had made to her one day in 1985, while he was down in Camden County. She testified that,

*"Yeah, [Dennis] called me, but he was calling to say hello because he didn't have time to stop. He had come down to pick up some things or something. He was turning around and going right back to Jonesboro."*

Basically, Carrol Anne said, Dennis Perry had just been calling her to say hello. She remembered that he'd called from his grandparents' house, so he was only just around the corner from where she lived, but for some reason he couldn't come see her in person. Carrol Anne couldn't recall exactly why Dennis had been stopping by Camden County in the first place -- maybe to come pick up some things or something -- but she thought maybe Dennis had told her that his brother Daniel had driven him down on the back of his motorcycle, or something like that. Maybe that's why Dennis had said he was leaving again that same day, because he'd had to catch a ride back with Daniel.

Although Carrol Anne also remembered that, in this call, Dennis had told her he'd had to break into his grandparents' house because he'd had nowhere else to stay, which seems to suggest he'd actually been staying the night, although this discrepancy is never really explained.

There are two records of the police interviewing Carrol Anne before trial, and in the reports on both of those interviews, as well as in her trial testimony, Carrol Anne's story about the phone call is basically the same. There's only one detail that's not consistent in all three statements, but that detail is the only part of Carrol Anne's story that actually matters -- and that's *when* Dennis made the phone call to her. Because according to the State, Carrol Anne told police in both interviews that this call had been made the weekend before Harold and Thelma Swain were killed.

There are no recordings of these interviews. Only Bundy was at the first interview, and he never recorded anything, and although Agent Rhodes was at the second interview, and he usually secretly recorded interviews, for some reason he hadn't recorded this one. When asked why he hadn't, Agent Rhodes testified that although he knew Carrol Anne's statement would be critical evidence against Dennis Perry, the thought of recording the interview had simply never crossed his mind.

So there is no recording of what Carrol Anne told Bundy and Rhodes in that interview. But six days later, Agent Rhodes wrote up a memo of what Carrol Anne told them, and according to that memo:

**[24:39]** *"[Carrol Anne] stated she dated DENNIS PERRY for approximately two years beginning in March 1983. [Carrol Anne] advised on March 10, 1985, she remembers receiving a telephone call from DENNIS PERRY. [Carrol Anne] advised she was not dating PERRY at this time."*

Which is why, at Dennis' trial, Prosecutor John Johnson called Carrol Anne to testify. To place Dennis in Camden County the day before the murders. But this part of the case didn't work out exactly like John Johnson had planned. Because when Carrol Anne was asked about when the phone call from Dennis Perry had happened, Carrol Anne gave a very different answer from what's written in the interview summaries:

*"I can't tell you when the telephone call was. I don't know a date."*

Three more times, the prosecutor asks Carrol Anne what date she'd told the police officers that Dennis Perry had made that call, and three times Carrol Anne says she doesn't remember a date.

Finally, John Johnson made his question as specific as possible, trying to get Carrol Anne to confirm the exact date of the phone call she was talking about:

**Q:** Okay. I understand that. I guess I'm being specific about my question. State whether or not you told the officers that it was on March 10th, 1985. That you used those words, "March 10th, 1985."

**A:** I would have to say no.

**Q:** Okay. I have nothing further, your honor.

On cross-examination, Dennis Perry's attorney Dale Westling asked Carrol Anne about her prior interviews with the investigators, and she answered that she hadn't much liked how Deputy Dale Bundy and Agent Rhodes had questioned her. It had felt like they were putting words in her mouth, she said, trying to get her to say specific things they wanted her to say. And in particular she hadn't liked how Dale Bundy had questioned her. Carrol Anne told the court: "He was insinuating I knew more than I did, and I didn't know anything."

Having struck out with Carrol Anne, Prosecutor John Johnson decided to go for a back-up method of introducing evidence that Dennis Perry had been in Camden County around the time of the murders at Rising Church. He called GBI Agent Ron Rhodes to the stand, and had him repeat what had been in his report on his interview with Carrol Anne. He testified that, "When I interviewed her, she told me this call had happened on March 10th, 1985." That date, specifically.

**Q:** Question: You were a policeman at the time, law enforcement?

**A:** Yes, sir.

**Q:** Okay. And you had a witness tell you and an investigator, "Thirteen years and eight months ago, in the afternoon, I received a call from Dennis Perry and he said 'such and such,'" and you never once said to her, "How do you know it was that date?"

**A:** I never said that to her, no, I didn't.

**Q:** Here's my question: Did you and Detective Bundy -- when this woman said, "Hey, I remember something that happened thirteen years and seven months ago," did you take any steps to independently verify the accuracy of her information or her memory?

**A:** No, sir, I did not.

**[27:22] Colin Miller:** And so, even if Carrol Anne says she did not and could not have told investigators that Dennis Perry had called her on March 10th, 1985, because by the time she was asked about it in 1998, she'd didn't have a clue what date that call had happened on, the prosecution hadn't needed Carrol Anne to get in evidence that this call had happened exactly one day before the murders. That was the date written in Agent Rhodes' summary of the interview, and the jury found that to be sufficient evidence to prove that Dennis Perry had been in Camden County at the time Harold and Thelma Swain were killed.

**[28:10] Susan Simpson:** Even if Carrol Anne was ultimately shaky on the dates and would not testify that Dennis Perry had been in town on the weekend of March 10th, 1985, she did at least give the State a way to answer a question it hadn't been otherwise able to answer: how exactly did Dennis Perry get from Jonesboro to Camden County in order to kill Harold and Thelma Swain at Rising Daughter Baptist Church? Because Dennis Perry had no way of driving himself there.

**Susan Simpson:**

He could have, he would have had to sneak out.

**Daniel Perry:**

Without all of us knowing, because he didn't have a car and he never owned one, and one of us had to take him somewhere, and he lived with Mama.

According to Carrol Anne, the answer was simple: Dennis had come down on a motorcycle. Which meant investigators were in luck, because on the week that Harold and Thelma Swain were killed, there was not one but two possible motorcycles that might've been available for Dennis Perry to use.

Because in March of 1985, Dennis' brother Daniel had just left the military, and he had come down to Jonesboro from North Carolina to do some house hunting. And Dennis'

best friend Clayton, who was stationed down in Texas with the Air Force, had been on leave that week and had driven back to Jonesboro for his mother's birthday.

And both of them had driven their motorcycles to get there.

**[29:18] Donna Nash:**

Clayton drove home on his, on the, his Eddie Lawton special, when he was home on leave. He got a ticket at Stone Mountain, not Stone Mountain, but Six Flags. Yes he did, I remember that.

**Daniel Perry:**

I came down there with my motorcycle because it was cheaper on gas.

And both Clayton and Daniel are adamant that the *only* way Dennis could have been traveling on their motorcycles is if they had been the ones driving it and were giving Dennis a ride.

**[29:43] Daniel Perry:**

Let me tell you this. He never rode my motorcycle except one time, right there in front of my house, in the driveway, he says, "Lemme take it up to the corner." It was a stop sign. And he took it up there and he turned around and brought it back, and when he got back in the driveway he dropped it! And I said, (laughs), you are never gonna touch my motorcycle again. He scratched it up. And I picked it up, and he never touched it again, I'll tell you that.

Which is why Dale Bundy and other investigators were pretty sure that Dennis Perry had not been alone when he came back to Camden County, and that in committing the murders of Harold and Thelma Swain, he must have had an accomplice, or at least an accessory after the fact. To them, the only question was whether it had been his friend Clayton, or his brother Daniel.

**[30:46] Colin Miller:** Clayton Tomlinson and Dennis Perry had been close friends since they were teenagers, and through their friendship, their families became close, and they were also close with each other's families. Close enough where Dennis probably talked to Clayton's mother more often than Clayton did himself. Even as adults, if Clayton had forgotten to call home for a bit, Dennis Perry would be the one to call him up and tell him he ought to call his mom more often.

**[31:06] Clayton Tomlinson:**

Uhhh...gosh, this is -- I had just found this picture not too long ago.

That's Clay Tomlinson describing an old photo of him and Dennis together that he's kept around. It doesn't seem to be a photo of any particular event -- it's just the two of them sitting on a couple of lawn chairs pulled up in someone's garage. Dennis has on a cowboy hat, and in the photo, his head is thrown back mid-laugh.

**Clayton Tomlinson:**

The thing about the picture is, he's got the laugh of life, like he always had. And I'm looking at him like I'm looking up to him. And, that's how I've always felt about him. Umm, I've always been the one with the feet on the ground kinda thing. And both of us been wildcatters. You never messed with one without messing with the other.

That's part of why they were always so close, Clayton says. Dennis was fiercely loyal to his friends, and if you needed him, he was there for you.

**Clayton Tomlinson:**

Dennis is the person you want in your corner. 'Cause he's always in your corner.

Clayton told Dale Bundy similar things, back when he was interviewed by the police.

**Clayton Tomlinson:**

If Dennis called me and told me he needed help, he knows that I'd be there in a heartbeat for him, and vice-versa. And I know if I needed Dennis, he'd be there in a heartbeat.

And for an investigator working a homicide case, the existence of that kind of close friendship can also be seen as something more sinister. And, as law enforcement officials learned more about Clay Tomlinson, that's what happened here. To Dale Bundy, Clayton Tomlinson is likely the answer to some of the still unresolved details in the Swain case.

**[32:40] Susan Simpson:**

Actually I don't even know what the motorcycle thing is. Like why is there motorcycles involved in the case?

**Dale Bundy:**

That's how he got to Camden County that weekend.

**Susan Simpson:**

Whose... whose were they?

**Dale Bundy:**

Uhhh, it was a motorcycle. He rode down here, supposedly with a friend of his named Clayton Tomlinson from Texas. We went out to Texas and talked to Clayton. He lawyered up on us.

**Susan Simpson:**

So they both, like, they shared a motorcycle, or...?

**Dale Bundy:**

He rode down here on the back of a motorcycle from Atlanta.

**Susan Simpson:**

Do you know whose motorcycle it would be, or...?

**Dale Bundy:**

Clayton Tomlinson. That's what Dennis says. Clayton Tomlinson wouldn't talk to us; he lawyered up. He wasn't a suspect at the time, but he still lawyered up.

**Susan Simpson:**

Do you think he might have been there, or, you don't know?

**Dale Bundy:**

[banging noise]

Those bangs you hear are Dale Bundy shrugging, in a sort of heavily emphasized "who knows" gesture. While it's clear that Bundy thinks there's a very good chance that Clayton Tomlinson was Dennis Perry's accomplice in the murder of Harold and Thelma Swain, Bundy also knows he doesn't actually have any evidence to back this up. And so he seems content to leave it at that.

But if you think Dennis Perry is guilty and that he killed Harold and Thelma Swain, Clayton's involvement does seem to tidy up some loose ends for the case. For instance,

it solves the problem of explaining why Dennis Perry would have left Jonesboro during that brief week while his best friend was home on leave.

**[33:52] Donna Nash:**

Clay was home for a week on his first leave.

**Dale Bundy:**

Did they hang out a lot during that week?

**Donna Nash:**

They were inseparable.

That's Clayton's mother, Donna Nash. She told Bundy that while Clayton had been home, Clayton and Dennis had done everything together.

**Dale Bundy:**

That particular weekend of your party, do you know if Dennis and Clay hung out much over the weekend?

**Donna Nash:**

The whole weekend.

And if Donna Nash is right about that, well, that would mean Clayton and Dennis had been together at the time that Dennis must have been down in Camden County, if he's the one that committed the murders.

**[34:33] Susan Simpson:** So even if Clayton Tomlinson had not officially been a suspect in the case at the time that he was first contact by Camden County law enforcement, he seems to have unofficially been one. In September of 1999, Dale Bundy came out to Texas for the first time to interview Clayton. And Clayton remembers that when Bundy came out there to talk to him, one thing that Bundy had been really interested in was whether or not Dennis Perry had ever used Clayton's motorcycle.

**[34:58] Clayton Tomlinson:**

They weren't getting anywhere, and they threw out at me, well they were looking at the paperwork, and they go, is this your motorcycle? And I said yeah. And they said, 1984 GP...Kawasaki GPC900. And he says, well we have, we have information that Dennis was riding this bike during this time. I said, this conversation is over. I said, for one, you're sittin' there bone faced lying to me,

because I can tell you right now, ain't nobody in this entire world has ever rode any of my motorcycles, let alone this motorcycle, but my daddy. Y'all are on a witch hunt, and I said unless you're arresting me, I'm outta here. I'm done. I'm done with this.

But talking to both Dale Bundy and Clayton Tomlinson about this interview in Texas was a good reminder of just how inaccurate memories can be, 10 or 15 years later on. Because Clayton Tomlinson told me about getting upset during this interview when he was asked about the motorcycle, and Dale Bundy remembers that Clayton was hostile and straight up refused to talk to them at all.

But, that's not what happened. At all. They're both remembering wrong. Dale Bundy *did* interview Clayton, and that interview was recorded, and everything about it was perfectly cordial. Bundy never outright accuses Clayton of being an accomplice to murder, and Clayton was fully cooperative through the whole interview, answering all questions Bundy asked him, and there's no sort of drama to any of it. Here's the exchange between Bundy and Clayton about what kind of motorcycle Dennis Perry might have been using to get to Camden County:

**[36:46] Dale Bundy:**

Did he ever borrow your motorcycle?

**Clayton Tomlinson:**

No.

**Dale Bundy:**

There's someone who had knowledge of Dennis being in Camden County on a motorcycle along about that same time as March of 1985 ? Whose motorcycle was that?

You can hear Dale Bundy ask, "Did Dennis ever borrow your motorcycle?" And when Clayton says "no," he says, "Well there's information that shows that Dennis was there on a motorcycle. Whose was is?" And Clayton Tomlinson tells him, "I have no idea."

So, despite Clayton Tomlinson and Dale Bundy both having memories of this interview being something of a tense and uncooperative encounter, there's just not really much indication of that from the recording. And Clayton certainly did agree to talk to Dale Bundy, despite Dale Bundy's memory now that Clayton wouldn't talk at all.

**[37:56] Rabia Chaudry:** One reason that Clayton Tomlinson and Dale Bundy may have both recalled this interview as being somewhat hostile, when in fact the recording itself seems to show everything was perfectly friendly, is because of what happened after the interview was over. Later on, things *did* take a more contentious turn, and Clayton Tomlinson did go and lawyer up. But that had been due to what Clayton Tomlinson had found out when he returned home that evening, after his interview with Dale Bundy.

**[38:20] Clayton Tomlinson:**

I went home and my wife was at home. We both arrived and we both had like a ghost on our face. And it's like - you would not believe what just happened to me today! And she says, well you won't believe what happened to *me!* And I was like, what are you talkin' about? And she was says, I was at the police station! And I said, well I was at the police station too! They had us both at the police station at the same time, in different rooms. And they were telling her, they were telling her that she didn't know me -- they said, you don't know Clayton's past. And you don't know Dennis. You all just been recently married. They were scaring the crap out of her.

Immediately after Clayton Tomlinson was interviewed, his wife had been interviewed as well, although Clayton hadn't realized it at the time. And the officers interviewing her had strongly suggested that she just married a murderer, and asked her to report back to them on any sort of contact that her husband might have with his friend Dennis Perry. Clayton, of course, was livid.

**[39:12] Clayton Tomlinson:**

The biggest, angriest thing of all was them doing what they did to my wife, and what the told my wife, with my family. That was the wrong thing to do. To try to put that kind of mindset into a family, to create dissention amongst the relationship of my marriage? They don't have the right for that!

So Clayton Tomlinson went to a local attorney he knew to ask for help, and he lawyered up, Saul Goodman-style.

**Clay Tomlinson:**

So I went to Micky Shyrock and I told him what was going on. And he said -- I wasn't...he says, "do you know anything Clayton?" And I said, "I know absolutely nothing." I told him what happened in that interview, and uh, he said, "you got a dollar?" And I was thinking, "uhhh no, I can get some money..." And he says, "what do you got." I said, "well I got four quarters in my pocket." He said, "gimme

those four quarters.” I gave him those four quarters and he said, “I’m now your attorney.”

In February 2000, after Dennis Perry was arrested, the prosecutor in the case, John Johnson, wrote to Tomlinson's lawyer. In the letter, John Johnson told Clayton's attorney about how happy the family of Harold and Thelma Swain had been to learn that Dennis Perry had been arrested, and he included a copy of the indictment. He then wrote:

*“Tomlinson is, of course, a material witness in our case because Perry has attempted to use him to corroborate an alleged alibi. Your client has been truthful and assisted us in refuting this alibi. When we get ready to try this case, we will have to arrange for his transportation to Georgia.*

*I am writing you because I believe your client can help us some more. I believe, based on comments he made to the Camden County Officers, that Tomlinson knows more about what happened than he admits to. Specifically, I believe that Tomlinson had driven his motorcycle to Georgia for his mother's birthday weekend and wound up bringing Perry down to Camden County the weekend of the murders. There is some evidence that a second person was seen running away from the Church where the murders occurred and they did not fit the description of Perry. I also believe that Perry told Tomlinson what happened, what he did. Can your client help us more? I would appreciate your contacting him and talking with him about what I would like. If he can help, I would appreciate your contacting me and us talking about it.”*

**[41:33] Susan Simpson:** I have no idea what John Johnson's referring to when he says Clayton Tomlinson helped refute Dennis Perry's alibi, because there is zero record of Clayton doing anything like that. And I also have no idea what John Johnson is referring to when he talks about there being a second person running from Rising Daughter Baptist Church after the murder, because as far as I'm aware, there is no witness who ever saw anything like that.

Which makes me wonder what the real point of this letter is. I don't see how John Johnson could really believe that Clayton Tomlinson could in any way have been useful to the State's case. In which case, could it have been that John Johnson was concerned more that Clayton Tomlinson could have helped Dennis Perry's case, and was perhaps suggesting to him that should he return to Camden County, that he, himself, could be a target of the prosecution? Maybe. And if so, then perhaps the plan worked. Because

neither Clayton Tomlinson nor his mother Donna Nash were ever called by the defense at Dennis Perry's trial, and the jury never heard a word about Donna Nash's birthday or the hat rack alibi.

While Deputy Dale Bundy and Prosecutor John Johnson both seem to have believed that it was Clayton Tomlinson who was Dennis Perry's accomplice / accessory, the whole story just doesn't make that much sense. Clayton was only home on leave for a week and he was trying to spend as much time as possible with his friends and family. The idea that he'd leave everyone for a few of those days that he had home to make a motorcycle trip down to Camden County, where he didn't have any ties whatsoever, well, it doesn't really square with what we know, and it's not consistent with what anyone recalls about how Clayton Tomlinson spent that first week home on leave. Sure, maybe he could have done it as a favor to Dennis, but there's no one who recalls Clayton disappearing for a few of those days.

And besides, it's also not what the State's own witness remembers. Dennis' girlfriend Buzz, aka Carrol Anne, had told Deputy Bundy that the motorcycle trip that *she* remembered hearing about, the one that remembered Dennis Perry told her about hadn't been a trip he'd made with some friend she'd never heard of and she never met -- it had been a trip down with his brother, Daniel.

And Dennis Perry recalls something very similar He recalls a trip, with his brother, down to Camden County, on a motorcycle, at some point around 1985.

**[43:47] Colin Miller:** Dennis doesn't know when exactly this might have happened, but he thinks he did make a trip to Camden County with his brother once where they had taken his brother's motorcycle. He doesn't really have a firm idea of the timeline, though -- he thinks getting toward spring or summer, because it wasn't cold out. But of course, in Georgia, that doesn't really rule much of the year out. And it was sometime after he'd hurt his back, so it'd have to have been in 1985 or later. But he thinks he and Carrol Anne were still dating at the time -- because that's the whole reason he'd gone. His brother had been going down to see their grandparents, so Dennis had used the opportunity to make a trip down to see his girlfriend.

Dennis remembers that as they were coming into town, before they'd gotten to their grandparents' place in Waverly, they had stopped by the little Jiffy store in Glynn County where Carrol Anne worked. Then after she'd gotten off of work, they'd gone back to Dover Bluff, with their grandparents lived, and where Carrol Anne lived. Dennis thinks

Daniel spent the night in their grandparents' house, and he'd probably been a few doors over, at Carrol Anne's place.

But Carrol Anne's memory, or at least what she testified to at trial, is that Dennis Perry had only made a phone call to her, not that she'd actually seen him in person. That's why he'd called in the first place -- to tell her he was in town, but that he couldn't actually visit her. Whereas Dennis remembers actually seeing her while in town for a brief trip with his brother.

**[44:55] Rabia Chaudry:** Dennis Perry thinks that what might be going on here is that Carrol Anne is remembering a different trip to Camden County all together. One that wasn't in 1985 at all. There was a different time he'd tried to come visit Carrol Anne, back in September of 1984, but he hadn't quite made it.

Dennis had rented a car so that he could drive down from Jonesboro to Waverly to see her, but then he'd had that wreck in Wayne County, and totaled the rental car. His mom had to drive all the way down as well to bail him out of that one, and then she drove them down to Waverly to his grandparents' place, but they hadn't stayed for long. Dennis Perry remembers that during the brief stop at his grandparents, and he'd called his girlfriend just to say hi, but after all the problems he'd caused with the wrecked car and then needing his mom to drive down to get him and take care of it all, well, he was keeping a low profile. And he was only at his grandparents until his mom decided it was time to leave and drive them back to Jonesboro -- and that's why he could only call to say hi.

That's what Dennis Perry remembers, anyway. And if that's the event Carrol Anne is remembering, it might explain a lot about what happened here, and why Carrol Anne remembers what she does. Because, if Carrol Anne had been expecting Dennis to visit her that weekend, well it makes sense that Dennis would have needed to call her and at least give her an update on the fact he wasn't going to be able to visit her after all. And it would explain why Dennis would have been in Camden County, just a two minute walk from his girlfriend, and yet still wouldn't have been able to go see her. Because after totaling the car his mom had rented for him, and having her come all the way to Wayne County to get him, he was pretty much doing whatever she told him to do. He was just stopping by his grandparents' with her, and whenever she decided it was time to leave, he'd have to leave too.

But that wreck was in September of 1984. Long before the Swains were actually murdered. And there definitely had not been any motorcycles involved. Still, Carrol

Anne was never asked about these phone calls from Dennis Perry until 1998 -- so it at least seems possible her memory might be conflating two different events. Maybe, in reality, there was a trip where he wrecked the rental car and he had called Carrol Anne to tell her he couldn't come see her, and maybe there was also a motorcycle trip with his brother, sometime in 1985. It's a good theory for explaining what Carrol Anne and Dennis remember, anyway.

**[46:58] Susan Simpson:** The only problem is that's not how Dennis' brother remembers it. Daniel Perry knows that Dennis recalls him taking a trip like this, but he's kind of skeptical that it happened.

**[47:08] Susan Simpson:**

And you don't think there was ever a time that you and Dennis went back to Camden together on a motorcycle?

**Daniel Perry:**

We may have. He says that he thinks he remembers that.

And Daniel definitely doesn't remember taking Dennis Perry to Camden County on the weekend of March 10th 1985.

**[47:24] Susan Simpson:**

It was suggested at one point that you had taken him down to Camden County that weekend, or weekend before.

**Daniel Perry:**

Right. And that was impossible, because I would have known that.

**Susan Simpson:**

Well did you ever go back to Camden County in that time period?

**Daniel Perry:**

Noo... I was in the service up until...and I was stationed in Fort Bragg, North Carolina, up until the 26th of February. And the murders the happened, what, the 12th of March?

**Susan Simpson:**

11th, yeah.

**Daniel Perry:**

11th okay.

Even if Daniel Perry doesn't remember him and his brother taking this motorcycle trip down to Camden County so that Dennis could see his girlfriend, there is at least one part of Carrol Anne's stories that does sound familiar to him. Specifically, it's the part of Carrol Anne's story that has Dennis telling her that he'd broken into his grandparent's house after coming down to Camden County. That story *is* something that Daniel remembers -- only, in his memory, that's a story about something that happened to him.

**[48:25] Daniel Perry:**

I'm trying to remember, after they reminded me, that we went down to my grandmother's, and they weren't home, but we know where the key was in the back. So I went in.

There hadn't been any break-ins at Suzie and Zeke Wilson's house, or anything like that. Not like how Carrol Anne seems to recall it. According to Daniel Perry, what had actually happened was something much more normal. At some point, Daniel had taken a trip down to Camden County to see his grandparents, but when he'd gotten there, he discovered that his grandparents had gone out of town, probably to Jacksonville, and they weren't at home. So, Daniel had let himself into his grandparents' house, with a hidden key he knew how to find, and he stayed there for the night before returning back home.

So Daniel does remember something kind of like that happening. And while Daniel doesn't have a clear memory of this being a trip involving Dennis to go see his girlfriend, he also doesn't specifically remember this *not* being what happened, either.

**[49:27] Daniel Perry:**

I guess he might've seen Carrol Anne at that time. You know, but I don't know when that was. I don't remember that.

And, after hearing about some of the other details about this trip to see Carrol Anne that possibly happened, Daniel does kind of remember something like that happening. Maybe. Or at least, at some point, it does seem like there was a trip he took with Dennis, and during the trip they had gone to see Dennis' girlfriend.

**[49:50] Susan Simpson:**

So the story I heard was that at some point, y'all got on a motorcycle and came down, and on your way into town you stopped at her workplace, like a Jiffy or something, where she worked.

**Daniel Perry:**

That's right. That's right.

**Susan Simpson:**

That sounds familiar?

**Daniel Perry:**

Yup.

That girlfriend would have to be Carrol Anne. And while there is not too much about the trip that Daniel recalls now, his memory is sort of in line with what Dennis remembers about it, more or less.

**[50:11] Susan Simpson:**

You kinda remember seeing her at the store before you got in there, or on the way into town?

**Daniel Perry:**

Yeah... I probably did. And I remember what she looks like. She has like, well I think it was, bleach blonde hair, and kind of short. She was a little stocky. Uh, I remember her. And I don't know why he was interested in her. You know, I came from that area, and I knew kind of what, you know, I knew somebody that knew her, lemme just say that.

**[50:49] Susan Simpson:** So, it's at least possible that the two trips Daniel kind of remembers -- the one where he went to Camden County only to discover that his grandparents weren't home, and the one where he and Dennis stopped in at a Jiffy store on their way to Camden County -- are actually one and the same trip. That there was one trip that Daniel and Dennis took together to see Carrol Anne, and that on that same trip, Daniel and Dennis had arrived at their grandparents' house only to discover that their grandparents weren't home, and they'd had to use a spare key to let themselves in. The story was told to Carrol Anne and it morphed into the story about a break-in at the grandparents' place. And if such a trip did happen, it seems like it was probably in the spring or maybe summer of '85, at the very least is had to be after February 26th, when Daniel got out of the military. It's not definitive, but to the extent the

memories and statements of Dennis, Daniel, and Carrol Anne can sort of be correlated, that's the best way I can make them all fit together.

But as for exactly when that trip happened, well, from the existing record in the case files from the State and the defense, I don't think it's possible to give an exact date except to say it was probably in the first half of 1985. There are a few more bits and pieces to draw from the record-- like a phone call that defense investigator made to Carrol Anne in August of 2000. There's a transcript of that call still. Carrol Anne tells the defense investigator pretty much the same thing she says at trial. Yes, she'd gotten a phone call from Dennis one weekend, but no, she doesn't recall exactly when it was. And besides, she'd always thought that Dennis was in Atlanta when the murders happened. Anyway, she says, she told investigators that maybe they could hypnotize her, and maybe then she could remember -- but they'd told her, naw, they can't do that.

And that means, if Carrol Anne was telling the truth here, that Carrol Anne had directly informed state investigators that she didn't know the date of when Dennis had made that phone call. That she was trying to remember it, but that she didn't and couldn't.

But if Carrol Anne did tell the State's investigators that, none of them ever wrote it down. Instead, the investigators wrote down that Carrol Anne had told them that call had happened on precisely March 10th, 1985. With no indication whatsoever that she'd also asked to be hypnotized in the hopes it could help her remember a date she didn't actually remember.

Given how incomplete the record is of Carrol Anne's statements, that left only one real option for finding out what Carrol Anne had to say about that phone call from Dennis Perry, and what she remembers. And that's to hear it from Carrol Anne herself.

So, I went to the same trailer that Dale Bundy had once gone to 20 years before, and knocked on the door. And Carrol Anne answered. When I told her why I was there, she told me she didn't hardly know anything about the case, and she couldn't imagine what she had to say that I'd be interested in hearing, but she agreed to talk. And I asked her: do you remember if Dennis Perry called you on March 10th, 1985? Carrol Anne laughed and said, "Do *you* remember the dates of when someone visits you? I have no idea." She was almost scoffing as she said it, which, well, fair enough. Because from her perspective, it must have seemed pretty ridiculous to have some lady show up on her doorstep and ask her if she could please recall the exact date of some random phone call she'd once received decades ago from an ex-boyfriend. Of course she couldn't.

But as we were talking about that phone call, she told me something that, as far as I'm aware, or at least as far as has ever been recorded, she's never included in any statement before. Because when I told her that, in her testimony, she'd said that Dennis had called her one day and told her he couldn't stay, that he had to get back to Atlanta, she told me, "No, that wasn't a phone call. That was the time he came by my job. He'd come down here to get something I think, I don't know what. His brother brought him down. But then he had to turn around and get back to Atlanta. That happened *after* the murder though."

And that story from Carrol Anne sounded an awful lot like the story Dennis had told me about the time he and his brother had gone down to Camden County, and they'd stopped by the Jiffy store to see Carrol Anne. There's no record of that story anywhere that I've seen in the files, and there is no way for Carrol Anne and Dennis to have talked about this story or to have learned it from one another. Which means this seems to be an independent memory that both of them have, of a time Dennis' brother took him down to Camden County one weekend. And that weekend, Carrol Anne felt very sure, had been *after* the murders. Not before. And she was confident on the timing because she recalled joking around about a composite image that was hanging up in the convenience store where she was working, and about how it kind of looked like Dennis. It was a composite image of the man who'd shot Harold and Thelma Swain. Which would definitely place this trip down to Camden County after the murders and not before.

33 years later on, I have resigned myself to the fact that I may never be able to figure out exactly what weekend in 1985 two brothers happened to drive a motorcycle down to Camden County to visit their grandparents. But I also now feel confident that the answer to that question doesn't actually matter. Because there is no reason whatsoever to think that trip really happened on March 10th, 1985, and there's no reason to think it was in any way connected to the murders at Rising Daughter Baptist Church.

The evidence that Dennis Perry had been in Camden County the weekend before the murders had been one of the three major pieces of evidence that the State had against Dennis Perry when he was arrested for the murder of Harold and Thelma Swain. The other two pieces were the eyewitness identifications by Cora Fisher and Vanzola Williams, and the statement of Jane Beaver about Dennis Perry confiding in her about his plans to commit the murders. All of this evidence was first obtained by Deputy Dale Bundy in July of 1998, during the first four interviews he conducted in the case.

But there was also a fourth major component of the State's case. One that the State didn't have until after his arrest on January 13, 2000. That part of the State's case is based on statements that Dennis Perry made to investigators during an interrogation. And it either proves everything, or nothing at all.

Because the investigators say that Dennis Perry pretty much confessed to the murders of Harold and Thelma Swain. And Dennis Perry says that he did not.

Next time, on Undisclosed.

**[57:28] Susan Simpson:** Thanks for listening to Episode 4 of Undisclosed: The State v. Dennis Perry. We're off again this week for addendums, but we'll be back next Monday with Episode 5.

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

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

You can find case-related materials, timelines of key events, and witness charts on our website at <http://undisclosed-podcast.com>. You can also find transcripts of this episode and other episodes there, prepared by our transcribing team Brita Bliss, Erica Fladell, Dawn Loges, and Skylar Park.

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And if any of our listeners out there have information on Dennis Perry's case that you'd like to share, we'd love to hear from you. You can reach us at [undisclosedpodcast@gmail.com](mailto:undisclosedpodcast@gmail.com).

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