

**UNDISCLOSED, the State v. Dennis Perry**  
**Episode 5 - Turnip's Blood**  
**August 6, 2018**

**[0:46] Susan Simpson:** In making a case against Dennis Perry for the murders of Harold and Thelma Swain, the State argued that some of the best evidence against came not from the witnesses who testified against him, but from Dennis Perry's own statements to investigators. Dennis Perry was interviewed on three different occasions: once in 1998, once in 1999, and once in 2000. That second interview, in '99, was secretly recorded, but in that interview, Dennis did not say anything of interest to investigators. It was only in the two unrecorded interviews that the State claims Dennis Perry said things that made it seem like he was guilty.

In that first interview, from '98, the state claims that Dennis Perry told Deputy Dale Bundy things that suggest he knew more about the murders at Rising Daughter Baptist Church than he ought to have known. And in that third interview, after his arrest for the murders, the state says that Dennis Perry said things that were almost a confession.

So, the question is: Did the State just get unlucky here, and somehow never recorded Dennis Perry when he made statements that were incriminating? Or was the State able to make those statements seem incriminating because they weren't recorded?

**[2:18] Rabia Chaudry:** Hi, and welcome to Undisclosed; This is Episode 5 of The State v. Dennis Perry. My name is Rabia Chaudry. I'm an attorney and author of *Adnan's Story*, and I'm here with my colleagues, Susan Simpson, and Colin Miller.

**Susan Simpson:** Hi, 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](#).

**[3:00] Rabia Chaudry:** After breaking his back in 1984, Dennis Perry had moved in with his mom up in Jonesboro, near Atlanta, but he hadn't ended up staying there for too long. A few years later, he left Georgia and ended up back in the city where he had been born: Jacksonville, Florida, about 20 minutes south of Camden County over the Florida-Georgia border.

And it was there, in about 1990, one of Dennis's friends introduced him to Karen.

**[3:23] Karen Perry:**

We just started hanging out, he asked me on a date, we started going out on dates for about a year or two, then he asked me to marry him.

**Susan Simpson:**

How did he propose?

**Karen Perry:**

On the beach...[laughs] we were walking on the beach, and he just stopped, and got on his knees, and gave me a ring and asked me to marry him.

Dennis and Karen Perry settled down together, living and working in the Jacksonville area. And by the late 1990s, things had really started coming together for them. By 1998, they had their own property out on Black Hammock Island, where they lived with their two dogs, and a cockatiel named Squeaky.

**[3:59] Karen Perry:**

So we found two acres on an island, over on the north side, and bought a house out there. And the land, got a really good price on it. And we lived out there up until the time the Georgia police started coming around.

A couple years into their marriage, Karen Perry learned about the Swain case for the first time. She and Dennis had been at home one night, just hanging out and watching TV, when a rerun had come on from the first season of *Unsolved Mysteries*.

**[4:29] Karen Perry:**

We were sitting at home, and we were actually watching TV, we were on the sofa. And, ah, we were watching *Unsolved Mysteries*. And this is about three years after him and I were married. That is when he told me, he says "Well, I need to tell you about this" He goes "They actually thought I'd had something to do with this." And I said "Really?" I questioned him, you know, he just told me they actually thought he had something to do with it. And of course they showed the composite sketches of the person, the perpetrator, and it did have kind of a resemblance to him, but um, I mean, I think I would have known something after 15 years of marriage, of being married to someone? That if something like that happened....

For many years after that, Karen and Dennis had no real reason to think about the Swain case. But in 1998, all that would change. That's when Deputy Dale Bundy had been assigned to re-open the cold case, and to see if he could finally solve it. Bundy very quickly identified Dennis Perry as his prime suspect in the case, and in August of 1998, thirteen years after the murder of Harold and Thelma Swain, he drove down to Florida to interview Dennis for the first time.

**[7:22] Susan Simpson:** That little house on Black Hammock Island is where Deputy Dale Bundy went, in August of 1998, to interview Dennis Perry, the lead suspect in his investigation, for the first time. This was not the interview that was recorded, and the only record of what was said comes from the memo that Bundy made months later. But, Dennis's wife at that time, Karen, was there, and she recalls the time that Dale Bundy came to their house to talk about the Swain case, and to tell Dennis Perry that he was a suspect. Karen didn't know it at the time, but that would be the beginning of the end of the life she had been living with Dennis.

**[7:55] Karen Perry:**

I answered the door, and Dennis hadn't gotten home from work yet. He had, they had just pulled up about the time he would've got home.

Karen now wonders if Bundy had been scoping there place out in advance, to know what time Dennis usually got home. And although Bundy's report does not mention anyone else coming with him to this interview, Karen thinks there may have been another deputy there too.

**[8:20] Karen Perry:**

They showed me their badges and what they were here for, and I said "Well Dennis isn't home." They wanted to speak to Dennis. And I said "He's not home from work yet, but you are welcome to come inside, sit down and wait."

Karen made small talk with the officers for a bit, and not too long after, Dennis pulled up.

**[8:36] Karen Perry:**

And I thought, well, let's all go sit somewhere and we'll chat with 'em, you know, we didn't have anything to hide.

Deputy Bundy quickly made it clear though that this wasn't just a friendly visit. We're reopening the Swain case, he told Dennis. And we think you may have killed them.

**[8:52] Karen Perry:**

He just, I mean just told him, you know. I guess you probably know what we're here for. We're here to talk to you about the Swain case. Dennis says, okay. I don't recall exactly word to word what he said, but he told Dennis: you are a suspect in this case, and always has been. Because of the resemblance of the sketch.

It's not clear how long the interview lasted, but there were a few things Dennis Perry said that day that Dale Bundy found incriminating. Like a comment Dennis made about how, "I've never even owned a handgun." Which, on the one hand, could suggest Dennis Perry knew a big detail about the crime scene. Or, on the other hand, it could suggest that he watched the Unsolved Mysteries episodes and saw the reenactment of the shooting. There's also a suggestion that Karen's reaction to Bundy's arrival was suspicious -- the Swains' niece, Cynthia Clayton, remembers Dale Bundy telling her about that first interview.

**[9:53] Cynthia Clayton:**

Dale Bundy called me, and what he said to me was, um, when they had gone to his house, and he was not at home, but when they got there the wife said "I know why you all are here, y'all are here because of that preacher and his wife that were killed.

At trial, Bundy testified that when Dennis got home that day, Karen greeted him by saying, "Dennis, this is a man from the Camden County Sheriff's Department and he's here to talk to you about the murders in Camden County." So, on the one hand, it could show that Karen had been very worried about this murder investigation from the start, and suspected Dennis's guilt in it. On the other hand, it could show that when Dennis got home, Karen told him what the investigators had told her about why they were there.

**[10:43] Colin Miller:** The most important part of Dennis Perry's first interview with Dale Bundy is Dennis's admission that he knew Harold Swain had very large hands. This knowledge about how big Harold Swain's hands had been was, according to the prosecution at Dennis's trial, evidence that he'd known Harold Swain well enough to have had a grudge against him for some reason.

While we don't have a recording of Dennis Perry's first interview with Dale Bundy, we do have a recording of the second interview, which took place 6 months later. At the beginning of that interview, Dennis is sitting out on the porch with Deputy Bundy and Agent Rhodes. Dennis's wife Karen hasn't joined them quite yet -- she's still in the house for the start of it. And Dale Bundy begins the interview by talking about what Dennis Perry had said six months ago, the last time that Bundy had been there, and how Dennis had told him then that he'd never met Harold Swain.

**[11:27] Dennis Perry:**

I never met him. My grandfather had. But I'd never met the man. Never had any reason to have anything to do with him...[ dogs barking]

**Dale Bundy:**

...Hi Karen how you doing. Never had any reason to have anything against him, anything like that?

**Dennis Perry:**

No sir.

Dennis Perry tells Deputy Bundy, no, I'd never met Harold Swain. I know my grandfather knew him, but I never had any dealings with him.

In this second, recorded interview, there is no mention of Harold Swain's hands. That topic doesn't come up. But at Dennis Perry's first interview, the one in August of 1998, Harold Swain's hands were apparently a very important part of the discussion. In Dale Bundy's report on this interview, from the six page summary that he made outlining the entirety of his investigation, Bundy has two paragraphs describing this first interview with Dennis, and they include the following two sentences:

*"Perry stated that he only knew of Harold Swain and had never met him. Perry at one time stated that he (Swain) had large pulpwooder's hands."*

And for Dale Bundy, this statement helped to solidify his conviction that Dennis Perry was guilty.

**[12:28] Dale Bundy**

One of the first times I talked to Dennis, I said you know I'm here working on this case, he said 'oh yeah, I heard about that', and what not, and he says, uh "I don't know anything about it, I don't even own a handgun." And of course this was

before I had even mentioned gun, and I says "Well", I said, "Dennis, you know, somebody may have gone there and Harold Swain wanted him out of church and jumped on him". I said "Harold Swain was a big man." He said "Yeah, he had those big pulpwooder's hands too." That was right after Dennis Perry told me that he had never really met Harold Swain, but he knew he had the big pulpwooder's hands.

The significance here is the supposed contradiction in what Dennis Perry was saying. On the one hand, Dennis Perry says he doesn't know Harold Swain. On the other, he said something that revealed he had knowledge about the size of Harold Swain's hands. And that contradiction could point at guilt.

**[13:21] Susan Simpson:** Now, before we get further, it's worth noting that Dennis Perry says that this is not how things went down during the interview. According to Dennis, it was Dale Bundy, and not him, who brought up Harold Swain's hands. So there is a factual issue here of whether or not it was Dale Bundy or Dennis Perry who first said the phrase "pulpwooders hands,"

But I'm not going to lie. When I first heard about this part of the case, I just kind of found the whole thing ridiculous. I couldn't see why it mattered at all who had said the phrase "pulpwooders hands". So what if Dennis Perry had known that a prominent local figure had large hands, and brought it up in a conversation?

But, it does matter. Because this is some of the evidence the jury found compelling, and one of the reasons they thought he had committed murder. It's one of the reasons that Dennis Perry is serving two life sentences today.

During one trip down to Camden County, GIP intern Ed Costikyan spoke to a number of jurors. And afterwards Ed told me about how one of the jurors had evaluated Dennis Perry's statements from this first interview with Dale Bundy.

**[14:24] Susan Simpson**

And y'all talked to like three of the jurors. And what was the one telling you?

**Ed Costikyan:**

Yeah, this juror, um, we were asking him a lot about the different things he remembers about the trial and also what the jury had discussed during deliberations, um, and one of the things he had sort of fixated on or remembered was Dale Bundy's story about interviewing Dennis and Dennis mentioning the

deacon having big pulpwooder's hands, and knowing based on Dennis saying that, that Dennis knew who the deacon was despite him claiming that he didn't. And he also had theorized that the reason that Dennis had brought a gun into the church on that night was that he knew that the deacon, even though he was an older man, was this big strong pulpwooder and that he wouldn't be able to take him without a gun.

**[15:12] Susan Simpson:** And to be fair, the state did highlight the "pulpwooder's hands" comment at Dennis's trial, and made it a featured part of their case, so it's not unreasonable for the jury to have decided that this was significant. The comment was even part of the prosecution's opening statement at Dennis Perry's trial. John Johnson, the prosecutor, told the jury:

*"Police officers began to put this together. And one of the things that they did was to go talk to Dennis Perry. And we expect the evidence to show that Dennis Perry at a point in time, while denying that he knew Deacon Swain, talked about his hands. Just in an off-hand comment: Yeah, he had big pulpwood hands."*

And the first witness called at Dennis's trial was Sheriff Bill Smith. And in his testimony, he made sure to drive this point home, about how big Harold Swain's hands were:

**Q:** *Was there anything significant about [Deacon Swain's] physical appearance?*

**A:** *The thing that I remembered most about him, though, was that when you shook his hand, and a lot of men realize this more than women, but you knew that you had shaken a man's hand. He had real big hand.*

And there's the big contradiction. Dennis claims he didn't know Harold Swain. But he knew about Harold Swain's hands. Therefore Dennis's claim not to have any dealings with Harold Swain seems like a lie, and the only reason he'd tell a lie like that is if he was the killer.

But even knowing the jury found this persuasive, I still struggle to see the relevance. On two fronts. Because, first of all, Dennis Perry says it was really Bundy who brought this phrase up in conversation. The only other witness to that conversation was Karen Perry, his wife -- and while she does recall the phrase "pulpwooder's hands" being said, she doesn't recall now who might've said it first.

**Susan Simpson:**

Dennis says he thinks Bundy said this to him, and not him saying it to Bundy.

**Karen Perry:**

That's possible. 'Cause he would say a lot of things, and put it in- instead of giving us, answering us a question, he would already have the answer. In other words, he'd have the question and the answer, right then. And of course, looking at Dennis and I, we might've said yeah, possibly, no, we don't know.

**Colin Miller:** But Karen still remembers how frustrated she'd been by Dale Bundy's questioning, and how, when he'd ask a question, it would seem like he was assuming he already knew the answer.

**Karen Perry:**

He was like putting words in your mouth. This is how it was.

And while this gets us into he-said she-said territory once again, at least based on the recordings of Dale Bundy's other interviews with Dennis's friends and family, it is not at all implausible that Dale Bundy might have said something like that in his interview with Dennis.

For instance, in Dale Bundy's second interview of Dennis Perry, which was recorded, you can hear Dale Bundy repeatedly emphasizing Harold Swain's size. To the point where you almost wonder if Bundy was trying to prompt Dennis into making a comment agreeing with Bundy about it, or for Dennis to say something like, yes, Mr. Swain was a big guy.

**[17:57] Dennis Perry:**

I never knew Mr. Swain, never met him. Like I said, I wouldn't know the guy if I passed him on the sidewalk.

**Dale Bundy:**

He was a pretty big fella, pretty big size.

That's not the only time in that interview Dale Bundy brings up Harold Swain's size either, but at no point does Dennis comment on it. And in other interviews, with other witnesses, Deputy Bundy does something similar. Like in his interview with Dennis's Stepfather, Richard.



**Dale Bundy:**

Mr. Swain was a big man... he was a pulpwooder. He was a large strong black man.

**Colin Miller:** "Mr. Swain was a big man," Dale Bundy says, "He was a pulpwooder. He was a large, strong black man."

But even if Bundy's memo is correct -- even if Dennis Perry really did say during that first interview, "Harold Swain has big hands" -- well, that still leaves the question of what exactly that is supposed to prove. Yes, Dennis says he never met Harold Swain and wouldn't recognize him, but he knew *of* Harold Swain. He knew he was a man that lived in the neighborhood that his grandfather knew, and that some of his other relatives had met. Like his uncle Ed Wilson.

**Susan Simpson:**

Did you know the Swains, or know of them?

**Ed Wilson:**

I knew of them. That's it. I've met him once or twice, probably, here in town. And that was it.

And his mother, Helen, who told police that Dennis's grandfather mentioned Harold Swain from time to time.

**Helen:**

All I know about him is what my dad - like I said, my daddy knew him for years, and I've heard my dad mention him from time to time.

**[20:33] Rabia Chaudry:** Six months later, in February of 1999, Dale Bundy showed up at Dennis and Karen's house on Black Hammock Island once again. This time, Bundy had GBI Agent Ron Rhodes in tow, and Agent Rhodes had a tape recorder he was using to secretly record the interview.

**Dale Bundy:**

How you been doing?

**Dennis Perry:**

All right. Working.

**Dale Bundy:**

Still doing carpentry work?

**Dennis Perry:**

I am.

**Dale Bundy:**

We gonna sit down and talk to you about that case. Got a little while?

**Dennis Perry:**

Yessir.

Karen Perry remembers that, this time around, during this second interview with investigators, she'd had less patience for Dale Bundy's questions. The fact they were back a second time made her more concerned that this investigation really was looking into Dennis as a suspect, and this was something that was just going to pass on by, and she'd been more on edge.

**Susan Simpson:**

The second time they came out, do you recall that?

**Karen Perry:**

They just came out to ask Dennis more questions, and pretty much, I think at that point we told them that they needed to leave. That we weren't gonna talk to them without an attorney present. Of course, Bundy, he was bit of a, he always had an attitude. Like a chip on his shoulder.

**Susan Simpson:**

Do you recall anything that was said at all? Anything stand out to you?

**Karen Perry:**

No, 'cause I think we pretty much told 'em that they had to leave.

It doesn't seem like we have a recording of the entire second interview, though. Because from Agent Rhodes' report, there's about 16 minutes of the interview that's not present in the tapes we obtained from the DA's office, and in the 28 or so minutes that did get recorded, neither Karen nor Dennis actually tell Bundy that he needs to leave, so if that did happen, it must be after the tape cuts off. Still, in the part of the interview we

do have, Karen was pretty much telling them that they had to leave, only in a polite, southern sort of way.

**Karen Perry:**

Y'all know how much longer this is gonna be? My dad just had surgery, he had a gallbladder operation. I really wanna try and get something' to eat and go to his house.

**Dale Bundy:**

We will, I don't think we'll be too awful long.

**[22:38] Rabia Chaudry:** The investigators didn't leave, though, and Karen excused herself from the conversation, leaving Dennis to talk to Bundy and Rhodes for nearly another half hour. Although, later on, you can hear Karen make yet another attempt to push Bundy and Rhodes out of the house by getting on the phone, and very loudly making plans on the phone to go see her father.

**Karen Perry (in background, on phone):**

Hey Daddy. How you feelin'?

In a normal conversation, Bundy would've taken that as his cue to say, "Well, I won't keep you folks any longer, I'll be on my way." But this was not a normal conversation, and polite hinting was not going to dissuade Bundy. He and Dennis kept talking.

But the interview itself is fairly uneventful. Bundy kept pressing Dennis for answers, trying to get Dennis to tell him something about the crime, but Dennis just keeps saying he doesn't know anything. Finally Bundy says, look, we have witnesses telling us they saw you in Camden County that weekend, and we have witnesses saying that they know you did this murder. Tell us why they're saying that.

**[22:38] Dennis Perry:**

Like I said I don't even know the guy, I don't see how someone can say I said something about him, when I don't even know the guy.

**Dale Bundy:**

Well, I've got people that have come forth -- and these are people, a lot of these people come to us, word spread that \*\*\* this investigation, that are willing to go to court and testify that you were in town the weekend before the shooting, at your

grandma's house. Now, if you know something about this -- and I don't want to call you a liar, son, please don't misunderstand. But if you know something about this, we can work with you.

**Dennis Perry:**

You can't get blood out of a turnip, 'cause...

**Dale Bundy:**

I'm not trying to squeeze you. If you know something about it, there's things we can do to protect you.

**[24:41] Colin Miller:** From a law enforcement perspective, this whole interview was really just a big waste of time. Of the three interviews that Bundy had with Dennis Perry, this was the only interview that was recorded, and it was also the only interview in which Dennis Perry just happened to not say anything that was remotely of interest to the prosecution's case against him. Because there's nothing that Dennis Perry says on the entire tape that could really be used to implicate him in the murders.

And so, the investigators left Jacksonville and returned to Camden County once again. They wouldn't return for nearly a year. But this time when they came back to Black Hammock Island, they came bearing an arrest warrant for Dennis Perry.

**[25:28] Susan Simpson:** On January 13, 2000, the first sign that Karen Perry had that something wasn't right, came while she was driving home from work that afternoon.

**Karen Perry:**

I was coming home from work, and I got off work about 3:30, and it took me an hour to get home, and I seen his truck on the side of the road. And, to get to our house, you have to go out to the island, it was like a long road, and then the island is like that. Okay, well we lived on the second block. Well, his truck was on the side of the road. Keys, everything was still there.

**Susan Simpson:**

Anyone around?

**Karen Perry:**

Nobody was around. I said, oh great, I said, his truck broke down. Maybe he's at the house. Got home, he wasn't there.

**Susan Simpson:**

His keys were still in the car?

**Karen Perry:**

Yeah. And there was a bag of groceries sitting on the front seat, 'cause Dennis had stopped at the store to pick up dinner and come home. We were going to grill out, or something, and that was still sitting there. I grabbed the bag of groceries, took them home. I said, okay, well, maybe he's at home, and he wasn't there.

Karen was still trying to figure out what had happened to her husband when the Camden County Sheriff's Dept made its third and final visit to that house on Black Hammock Island.

**Karen Perry:**

30 minutes later, or 15, 20 minutes later, the police pulled up, and it was Bundy again. Then they came out here to tell me that they had arrested Dennis. And charged him for the murders of Harold and Thelma Swain. I told them, you got the wrong person.

The police also executed a search warrant on the residence.

**Karen Perry:**

They searched the house.

**Susan Simpson:**

Did they take anything?

**Karen Perry:**

No, they didn't take anything. They just came to tell me that they had arrested Dennis. And that he was being taken back to Camden County. And they had locked him up there, but they were in fear of his life being in that jail, that they moved him and they transported him to Glen County. And that's where he was for 3 years, before a trial was ever set.

That night, though, he'd not been moved back to Georgia yet. He was still in Jacksonville, Florida. After his arrest on the side of the road, investigators had driven him downtown to the Florida Dept of Law Enforcement's building, so that they could question him about the murders. And it was there at the FDLE building that the the

investigators would get their best evidence in the case -- a series of statements from Dennis Perry that they would say were a confession, or at least close enough to one.

Our only record of that interrogation, though, is a brief, four-page memo from the GBI's case file, prepared by GBI Agent Ron Rhodes. And only about a page of that memo actually addresses the part of Dennis's interview that the State claims is almost a confession.

**[28:35] Rabia Chaudry:** According to the Rhodes memo, Dennis's interrogation began at 7:32 pm that evening. Dennis Perry was placed in a cubicle in the FDLE building, where he was questioned by three investigators: Camden County Sheriff's Deputy Bundy, GBI Agent Rhodes, and an agent with the Florida Department of Law Enforcement named Terry Mullen.

**Susan Simpson:**

How did the interrogation go? I have a one page summary, but it doesn't really give much detail about what went on. What was your approach to him?

**Dale Bundy:**

Well, Dennis was read his rights as soon as we picked him up, and he was taken to the FDLE office, I think we talked to him for about 2 ½ hours. I think the defense said that we were at him all night long trying to get him to confess, and I think it was about 2 ½ hours.

**Susan Simpson:**

And what did he tell you?

**Dale Bundy:**

Ron Rhodes and Terry Mullen did more of the interview than I did.

**Susan Simpson:**

And at first, he just denied it? Or?

**Dale Bundy:**

At first he denied it, then he got real quiet. Ron Rhodes spent some time talking to him, one on one.

Finally, approximately 50 minutes after arriving at the FDLE and beginning the interrogation, the investigators decided it was time to call it a night. They'd gotten

nowhere with Dennis, who was still telling them he knew nothing about the murders and didn't have anything he could tell them. And so, they started to shut things down for the night, and got ready to take Dennis on over to the jail for booking.

**Dale Bundy:**

And then... Dennis wanted to use the restroom, I took him to the restroom, when he came out, you know, I said, I told him I says, "Dennis we'd like to know what went on in this." And I, 'cause he told us, he says, "I want you to just take me on to jail, you know, if you've got enough to charge me, if you'd just go ahead and take me on to jail then." I said, okay, I said "This is gonna be your one shot to tell us your side of this, you know, are you sure there's nothin' you want to say?" And he says, "Well, you mentioned me comin' down on a motorcycle." He says, "I did ride a motorcycle down here with someone that weekend." And I said "Okay, stop right there." We took him back in the office.

What Bundy says at the end there -- about how Dennis told him affirmatively he *did* go to Camden County that weekend -- seems to be a slight misremembering, though. At trial, when the memory was fresher in his mind, Bundy testified that what Dennis had told him in the restroom was "You know, I *could have* ridden a motorcycle down to Camden County." And, according to Bundy's testimony, there was no time frame given for when this trip happened -- just that it could have happened. Bundy's trial testimony matches what's recorded in the Rhodes memo, which says that Dennis only stated that he "*could have* taken a motorcycle trip to Camden County around the time of the murder."

That mostly matches what Dennis recalls of his interrogation too. He remembers talking to Bundy in the bathroom, though he thinks the statement about how he could have ridden a motorcycle down with his brother didn't happen until he was brought back to the interrogation room.

But regardless of where exactly he was when he said it, to the investigators, and to the prosecution, this statement was portrayed as Dennis Perry's breakdown moment. The point in time where he suddenly decided to start coming clean, and to admit his role in the murders of Harold and Thelma Swain. The point where he begins to confess.

But there's another way of interpreting this statement, too. One that is not at all a confession, false or otherwise. And that's that Dennis was making a simple declarative statement: Dennis Perry was acknowledging he made a trip to Camden County with his brother at some point, and he didn't know when exactly it was, but it could have

happened the weekend before the murder, like they were suggesting. In which case, Dennis's statement was just an ill-advised moment of honesty -- Dennis can't be 100% certain that his motorcycle trip did not happen on the weekend of March 10th, 1985, so sure, it could have been that weekend.

**[32:45] Colin Miller:** Dennis Perry, Agent Rhodes, and Deputy Bundy all more or less agreed on this one statement Dennis Perry made about how he could've made a trip to Camden County at some point. It's what happened after Dennis made that statement, after Dennis and Bundy got back from that bathroom break, that the factual accounts of those involved in the interrogation began to diverge.

Here is what we know, or what we think we know, of Dennis's statements to the investigators that night. At 8:22pm, Dennis Perry had that bathroom break, and began to make the statements that the prosecution claims is a confession. Dennis was in a room in the FDLE building with FDLE Agent Mullen, GBI Agent Rhodes, and, at times, Deputy Bundy, though Bundy was not there the entire time. That's what the Rhodes memo says, anyway, and it's the sole record in existence about this interrogation. And, according to the Rhodes memo, beginning just after 8:22 pm on January 13, 2000, Dennis Perry began confessing, sort of. And he didn't stop for 88 minutes, until 9:50 pm.

Using the word "confession" to describe the contents of the Rhodes memo seems to be assuming an awful lot, though. The memo itself never uses that word, and all it contains about what Dennis said during those 88 minutes is a one page, double-spaced summary of some statements Dennis made, none of which are any statements about Dennis's own involvement in the murders, or Dennis taking any responsibility for the murders, or really Dennis saying anything at all about the murders using a personal pronoun. Instead, most of what the Rhodes memo describes is a series of answers that Dennis gave to hypothetical questions.

Do you think the shooting was an accident?, Dennis was asked. Yes, Dennis answered, according to the memo. Do you think the gun went off by accident?, Dennis was asked. Yes, Dennis answered, according to that memo. What do you think happened that night?, Dennis was asked. And, according to the memo, Dennis responded, "I think someone ran out of gas and someone needed money."

In that whole memo, there is a single line that even really verges on something that might be described as a confession, and the memo provides no context for the statement or what the exact words Dennis might've used were. The memo says:



*"PERRY advised he could have been at the church the night of the incident, but could not remember."*

Though, to Bundy and the other investigators, there was another line that they consider to be a confession. At one point, FDLE Agent Mullen asked Dennis, "If you could put all this back together, and make everything right again, would you?" And Dennis answered, yes.

It wasn't until 9:50pm that any of the officers thought to ask Dennis a question about his own personal knowledge of the murders. That's when Agent Mullen, the FDLE agent, asked Dennis: what did you do with the gun? And that's when, in the words of the GBI report, Dennis Perry began to recant his statements. Although, calling what Dennis said next a recantation seems kind of bizarre -- because the actual words Dennis Perry is recorded as having responded with were, "you're trying to put words in my mouth." Dennis Perry wasn't changing any of his previous answers, so it wasn't a recantation in any real sense I can think of. What he was doing was objecting to a question that implied he was personally involved in the murders.

**[36:00] Susan Simpson:** Now, in 2018, Dale Bundy's recollection is that no recording exists of Dennis Perry's statement is because they simply had no way of recording it. They were in Jacksonville, not at home in Camden County, and because of extradition laws it wasn't like they could just drive back home across the border and question Dennis there in Camden.

**Susan Simpson:**

And what happened, um, in that interrogation? Was it recorded? Or...

**Dale Bundy:**

Uh, no, it was not. The reason why, and we were as shocked as anything else, FDLE did not have a video system down there. I would have thought the Florida Department of Law Enforcement... Agent Terry Mullen told us, we don't have, either they didn't have one or it was broken, one of the two, but we asked, 'cause I wanted to record it. But then again... there's, you know, you tell people you wanna record things, and sometimes they clam up.

**Susan Simpson:**

So, you would have recorded it if it had been an option, but because you were down in Florida...

**Dale Bundy:**

Right. We were kinda, you know, at the mercy of what we had to work with.

Using in-house equipment is not the only way of recording a statement. And GBI Agent Rhodes had made recordings of a number interviews that he and Bundy had done together during their work on the case, using a hand-held cassette recorder. And, on the night of Dennis Perry's arrest and interrogation, he'd had that recorder with him. It's just, he never turned it on. He had pulled it out at the very end, after Dennis Perry told them they were putting words in his mouth, and stopped answering questions. At trial, Agent Rhodes would testify that he hadn't tried to record the interview sooner, because of his concerns that having to deal with a tape recorder, and the worry about possibly needing to change out a tape, might have interfered with his ability to build a rapport with Dennis. Agent Rhodes testified that it was only *after* Dennis stopped answering questions that he was free to record, because at that point it became clear there was no such rapport he had been making with Dennis.

*"Well, he was asked a question and the question was where could the gun that was used in this incident be located, and at that point he stated, "You're trying to put words in my mouth," and I felt at that point he was not going to speak any further and that's when I tried to get him to speak on tape."*

And, Agent Rhodes said, no recording was made sooner, because that just wasn't how Agent Rhodes conducted interrogations. He testified:

*"Like I said earlier, normally what I do is -- in a suspect interview is interview a person and if they give some type of admission, I will ask them to speak on record on a tape recorder, on a cassette tape, where I can present it to the district attorney's office."*

Agent Mullen, the FDLE investigator, gave a similar answer about why no recording was made that night. Here's what he said, when questioned about why none of the three investigators had tried to record Dennis Perry sooner:

*"Investigatively, when we brought him back into -- we brought him back into FDLE to sit him down, at that point was the first time during the night that he actually started to make these statements that he made, and it's been my experience and training that at that juncture was not an appropriate time to tape record his statement. What we normally do in police work and investigations such as this, we usually get the whole story out on the table, and once we get the story*

*out on the table, then we go in and memorialize the statement with a tape -- with a tape recorded statement."*

What Agent Mullen and Agent Rhodes are describing here is a textbook Reid Interrogation technique. When a suspect first comes in for an interview, you get him talking, and it's not until you have him actually confessing that you flip the recorder on. That's when you have him run through it again, and record it. It's much like how Jay Wilds was interrogated in Adnan's case -- the Baltimore detectives did not record Jay's initial statements, but waited until they knew what Jay was going to say, what he was going to confess to, until they turned the recorder on.

**[39:36] Colin Miller:** Now, there are some serious flaws with that interrogation style, but even putting aside the more generalized problems with the Reid technique, this also doesn't really explain what happened in Dennis's case. Because, again, the part of Dennis Perry's interview that supposedly involved a confession ran for 88 minutes. For 50 minutes, Dennis Perry did not make any statements that investigators considered to be a confession, so it's not surprising that officers using the Reid technique would not have recorded that part of the interview. But then he did begin to confess, for nearly an hour and a half, and yet none of the investigators thought to record it. Why?

Well, one explanation is that, while questioning Dennis during those 88 minutes, in that moment while it was all going on, the investigators didn't actually consider what they were hearing from Dennis Perry to be a confession. They were working towards one, and thought they were making progress, but they never got there. Because if they had, they would have turned the recorders on. And they didn't.

**[40:29] Rabia Chaudry** But even without video or audio recording, it would be possible to have a kind of contemporaneous recording of Dennis Perry's statements that night. Notes taken by investigators during the interrogation might have given us some insight into the actual words Dennis was using. Not a perfect recording, but at least something made in that actual moment, and not in hindsight.

We don't have any contemporaneous notes to go on here, though. According to Agent Rhodes, he *had* made notes during the interrogation, but they don't exist now. Here's what Agent Rhodes said at Dennis's trial, when asked on cross-examination about what had happened to those notes, and why they weren't available:

**Q:** *Did you make any notes?*

**A:** Yes, sir, I did.

**Q:** You did?

**A:** Yes, sir.

**Q:** Have you given those notes to Mr. Johnson?

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

**Q:** Who did you give them to?

**A:** I transformed them into a summary of what happened and then they were shredded.

**Q:** Shredded?

**A:** Yes, sir.

The day after Dennis Perry's arrest, Rhodes had used these notes to prepare a four page memo about the arrest and interrogation. That's the memo we've been referring to as the Rhodes memo. And at trial, Agent Rhodes explained that he'd destroyed his notes, quote, "shortly after this summary was completed, to make sure it was the same, one and the same."

Which... kind of makes sense, because having contemporaneous notes of an interrogation that contradict the official report of that interrogation would be problematic, obviously. And Agent Rhodes' way of ensuring that such a problem never occurred was to make sure there were never any contemporaneous notes that could contradict the official report.

But Rhodes' answer necessarily implies that his contemporaneous notes might have contained something different than the summary he prepared later. Otherwise, there'd be no reason to worry that the two *weren't* one and the same.

**[42:24] Rabia Chaudry:** The result of all this is that we're left not with a record of what Dennis Perry actually said that night, but instead a summary of how the investigators interpreted some of what he said. Which means, even if the investigators had no intention of doing so, and even if everyone involved is trying to be 100% accurate in

their recollections, it's not hard to see how investigators can end up remembering the interrogation in a way that would help their case, and not in a way that would hurt it. And that the way they later summarized Dennis Perry's words made small changes that can have a big impact on the statements' actual meaning.

For instance, everyone agrees that during the interrogation, Dennis Perry was asked and he answered a series of questions about what he thought may have happened when Harold and Thelma Swain were killed. And when asked whether he thought the shooting could have been an accident, Dennis answered, "yes." To many, this is an indication of Dennis's guilt. That's how the Swains' niece, Cynthia Clayton, understood it anyway.

**Cynthia Clayton:**

Because if you didn't do anything, you just didn't do it, there's nothin' that you can contribute to that conversation if you're not guilty. But to tell me, the way he answered those questions, you know, you're gonna be guilty and have no clue of somethin' that, um, they're charging you with and accusing you of, and that's how you answered the questions? That just doesn't, it doesn't, it just doesn't click with me.

On the one hand, Dennis's answer could have been intended to be a confession of sorts -- an attempt to minimize his guilt by seizing onto the suggestion that he didn't meant to kill Harold Swain, it had just been accident. But on the other hand, Dennis could have literally just been answering a series of hypothetical questions about the case, based on what he knew about the case from Bundy, without any awareness that investigators believed he was actually describing his own actions.

Because Dale Bundy was not shy about telling witnesses in interviews his theory of the case. Dennis Perry had heard from Bundy himself that Bundy believed the shooting was unintentional, that it had just been an accident.

**Dale Bundy:**

I believe that the person that shot the victim in this case did not go there with the intent to harm one hair on his head, that the person went there to get something from this person. Things got outta hand and a fight broke out, a gun came out, and some shots were fired. Out of total fear. And maybe, it may be almost a self defense situation.

So Dennis's responses can also be seen as him simply parroting back the same speculation that the investigators had been throwing at him. And the Rhodes' memo makes it clear that Dennis Perry never actually referred to himself when answering these questions. Now, if we had a transcript of that interview, perhaps we'd be able to see that Dennis's answers to these questions were very clearly phrased as hypotheticals -- that he never answered questions in a way that suggested he was referring to himself.

And there's at least one piece of evidence that supports that interpretation -- that when Dennis made these statements, he was unaware that he was making statements that could be interpreted as admissions of guilt, and he'd only been answering series of hypotheticals. And that evidence comes from the final question of the interrogation, when Mullen asked Dennis, "What did you do with the gun?" Because the second the questions stopped being hypothetical -- the second that Agent Mullen asked a question that implied Dennis Perry had personal knowledge of the crime -- well, Dennis shut everything down, saying, "You're putting words in my mouth." As soon as Dennis became aware that the investigators didn't think the questions were just hypotheticals, he stopped answering.

And in a very real sense, Dennis wasn't wrong: the agents literally were putting words in his mouth that night. Because the Rhodes memo isn't a record of what Dennis said during his interrogation -- it's just a summary that paraphrases what Dennis said. And to show how this paraphrasing of Dennis's words can drastically change their meaning, let's look at an example. In the Rhodes Memo, Rhodes wrote,

*"PERRY did indicate he did ride a motorcycle down to Camden County with his brother the weekend before the shooting occurred. PERRY stated he does remember drinking a lot and using drugs and cannot remember a lot about what happened."*

And at trial, what Bundy recalled about what Dennis said that night was that Dennis had, quote "made a statement about possibly being on drugs and alcohol."

And okay, put like that, these statements could sound kind of damning. On the one hand, it could mean that Dennis Perry was asked, "That night when the Swains were murdered, what happened when you went to the church?" And Dennis answered, "I dunno, I may have been drunk or high and did something I don't remember." But on the other hand, it could mean that Dennis was asked, "What were you doing on the night of March 11, 1985? We know your claim about being at the birthday party isn't true, so tell

us where you really were," and Dennis, responded "I can't remember. Back then, I'd often be out drinking or smoking weed, and I can't remember now what I was doing every night."

And based on the investigators' testimony at trial, it seems like the *latter* example is a lot closer to what was really said during that interrogation. Because at trial, when asked about this "on drugs" comment, Agent Rhodes testified, "[Perry] stated that during that period of time, he used a lot of alcohol and drugs and didn't remember a lot of what happened back then." And Agent Mullen testified, "He also [...] said that he had a -- he could have had a drug and alcohol problem during this period."

**[48:02] Susan Simpson:** So, in this case it's clear that knowing the exact words Dennis used that night, that matters! Because there is a very big difference between saying that you can't remember exactly where you were 15 years ago because you were out partying a lot in that time period and you don't really know what you did on any given night, verses saying that you can't remember what happened the night you were at a church where two people were shot and murdered, 'cause you were drunk and high when it happened.

And there's another way in which the Rhodes' memo's summary of what Dennis said that night is probably even more damaging to Dennis's case: that whole thing about him, quote, "using drugs." When you heard that, I bet some of you probably thought to yourself, oh, Dennis was a druggie, maybe that explains why he'd be robbing a church. 'Cause that's what the jurors at Dennis's trial thought when they heard that.

But according to Dale Bundy, during Dennis's interrogation, Dennis didn't say he was "using drugs." He used a different word.

**[48:56] Dale Bundy:**

And he says, I'm afraid I got drunk and stoned and did somethin' I don't really remember doing.

Now, first of all, that part that Bundy just said there, about Dennis saying he was afraid he did something that he didn't remember doing? That's not part of any memos or any testimony that I see in this case. That's just not something that's come up before. I believe that's how Bundy recalls it now in 2018, but it's also a perfect example of how the investigators' memories of this interview have morphed over time into something much more damaging than it was originally. Because at trial, Bundy was asked about

Dennis saying what he could and could not remember about that night, and Bundy said he didn't remember Dennis saying anything like that.

As Dale Bundy recalls it now, what Dennis Perry said that night was not that he could have been drunk or "on drugs," but that he could have been drunk or stoned -- which makes a lot more sense because back in 1985, Dennis did drink beer and smoked pot. And there's no evidence I've seen that Dennis was "on drugs." Unless you count the time that Dennis's friend, Clayton's mom, told me about how, when Clayton and Dennis were teenagers, she once caught them smoking pot in Clayton's bedroom, and she'd been really upset about it. But that's the most serious incident of drug use I've found in Dennis's history.

And it's not just the jury who understood this testimony about Dennis being "on drugs" to mean that Dennis Perry was a drug addict, that he did something more than smoke pot. When I talked to Carrol Anne, aka Buzz, who'd been Dennis's girlfriend back in March of '85, she told me that she'd never been able to believe Dennis had done this. She said, "I never would have thought Dennis ever would have done anything like that. I didn't think he was capable of it." And she was pretty forceful about this -- Dennis had never given her any indication, she said, that he was capable of something like murder. And then she qualified her statement slightly, adding, "I read something on the internet that said he'd been on drugs, and see I never knew that part of it." She was implying that, if Dennis was secretly a druggie, like she'd read on the internet, well, then, maybe he could have been capable of things that she hadn't thought he was capable of. People on drugs do things they wouldn't normally do, after all.

So if that's what Dennis said that night, that back in March of '85 he could have been drunk or stoned, then the way the Rhodes memo paraphrased that statement I think did serious damage to Dennis's case. Because there are a lot of gaps in the State's case about why this happened or how it happened, and for the jury, I think the impression it gave of Dennis being a drug addict, or somehow being a guy who would be on drugs, filled in a lot of those gaps that otherwise would have been left unfilled.

**[51:29] Colin Miller:** Finally, there was one last part of Dennis Perry's interrogation that seems particularly relevant to whether or not Dennis Perry actually made a confession. And that's the statement that Dale Bundy testified about at Dennis Perry's trial. It's not included in the Rhodes' memo -- in fact, it's not included anywhere else. Bundy's trial testimony is the one and only occasion in which any record was ever made of this statement that Dennis Perry supposedly made during his interrogation.



*Q: What did he tell you at that point in time? You and Agent Mullen and Agent Rhodes. What did he tell you?*

*A: I had walked down the hall to make a phone call, to get a quick drink of water. There was a little kitchenette maybe twenty-five feet away. When I left the cubicle, I picked up a phone, my cell phone, to call Camden County. There was a search warrant in reference to this case being executed at that time. Agent Mullen stepped out of the cubicle and came down to me and said, "You need to get back here." [ . . . ] He made the statement that Dennis had just confessed to being at the church and that I needed to come back down here and hear what he had to say.*

*Q: Did you go back down there?*

*A: I did.*

*Q: And what did you hear Mr. Perry say?*

*A: I stopped at the entrance to the cubicle. Mr. Perry was sitting in a chair. His hands were still handcuffed in front of him. I said, "Okay, Dennis. Just relax. You were at the church that night, is that right?" He nodded his head and said, "Yes." And Agent Mullen said, "Okay, Dennis. You told us that the gun went off by accident the first time; is that correct?" He nodded his head and said, "Yes." And Mullen said, "And you told us that you were sorry that what had happened had happened, is that correct?" and Dennis nodded his head and said, "Yes." And Mullen said, "And you would go back and undo this if you could, is that correct?" and Dennis said, "Yes."*

If Dennis Perry stated that he was at the church on the night of the murders, that would be a big deal. It would be almost worthy of the term confession, and at the very least, it's undeniable that it would be an extremely incriminating thing for Dennis Perry to have said.

**[53:10] Susan Simpson:** But if Dennis Perry *did* say that, that leaves us with another question: why was Dennis Perry's trial the first time Dale Bundy ever thought to mention this? Because those statements, about Dennis confessing to being in the church on the night of the murders, they're not mentioned anywhere else, ever. They're not in the Rhodes memo. They're not in any police file I've ever seen. And neither Agent Mullen nor Agent Rhodes recall Dennis Perry ever stating those words.

But Dale Bundy remembers Dennis Perry saying that he was there that night. Although, Dale Bundy did not recall at trial whether Dennis Perry had ever been asked follow up questions about it. For instance, Bundy did not remember if Dennis was every asked about what had happened at the church when he was there that night. That apparently was not an important follow-up question that any investigators thought about asking.

Dennis Perry's defense attorney, Dale Westling, did just about everything he could during the trial, during cross-examination of Dale Bundy, to get across the fact that, in most cases, police officers who hear confessions make a point of documenting it.

*Q: Now, tell me in a narrative form what you remember people saying in Part Two of the interview with Dennis Perry.*

*A: I walked back down the hall with Agent Mullens. Mr. Perry was still seated at the desk. Mr. Rhodes was still in the cubicle. I walked to the entrance of the cubicle and I said, "Mr. Perry" I said, "Dennis, okay, just relax. Tell us the truth. You were at the church that night, right?" He says, "Yes," and nodded his head. Then --*

*Q: Wait a minute, now. Let me ask you, you said, "You were at the church that night?" and he said, "Yes."*

*A: Yes.*

*Q: That's pretty important, isn't it?*

*A: I think so, sir.*

*Q: How come that ain't in any report?*

*A: I don't know. I didn't write the report.*

And Dennis's defense attorney kept trying to press this point, about just how incomprehensible it was that Dennis Perry could have made these statements that really do seem like a confession, or at least the start of one, and yet those statements were never actually included in any report ever made about the interrogation. But Dale Bundy stuck to his guns; it just wasn't his practice to write down whether or not a suspect had confessed to him, so it wasn't surprising to him that that part of Dennis Perry's statement had never been recorded.

*Q: When you read Agent Rhodes report before coming up here today -- well, I don't know. Did you read it before coming up here today?*

*A: Yes.*

*Q: Did you notice, "Were you at the church that night?" "Yes." Did you notice that anywhere?*

*A: No, sir.*

*Q: Is it a fairly standard procedure for police officers to write down in reports absolute, unequivocal confessions?*

*A: I guess that depends on the reporting officer, sir.*

*Q: Do you know of any police officer that would not write down an absolute confession?*

*A: I don't know.*

**[55:38] Rabia Chaudry:** It should be noted that although Rhodes and Mullen were in the cubicle at the time these statements were supposedly made, neither officer heard the confession that Bundy described in his testimony. Both Mullen and Rhodes do recall Bundy coming back from his phone call, and Dennis repeating the statements he made to them, but neither Mullen or Rhodes recall this exchange involving any questions or admissions about whether Dennis had been at the church that night. Instead, they recalled Dennis Perry repeating his answers about whether he thought the shooting had been an accident, and what he thought the motive for the murder might have been.

**[56:15] Susan Simpson:** There is one person, though, who does not seem to find Dennis Perry's confession to be particularly compelling evidence of his guilt. And that's Deputy Dale Bundy himself.

I spoke to Dale Bundy about the case for a number of hours, and he was generous with his time and the info he was willing to share with me. He knew that I was interested in the case because I had questions about Dennis Perry's guilt, and while he didn't share those doubts, he was willing to answer my questions about the case.

But when talking about why he thought Dennis Perry was guilty, there was one thing that Dale Bundy never once brought up on his own: the confession. At least in Dale Bundy's own understanding of the case, and his own subjective reasons for being certain of Dennis's guilt, the confession just doesn't seem to be something that comes to his mind.

So finally, I asked Dale Bundy about it directly. What happened in that interrogation? What had Dennis Perry actually said after he was actually brought back from that bathroom break, into the interrogation room, after mentioning that he could've ridden a motorcycle down to Camden County?

**[57:09] Dale Bundy:**

We took him back in the office, and I went down the hall, my phone started ringing, it was the Sheriff calling, wantin' to know, ya know, and how things were going. It's just, man it was about to drive me crazy that night. And Terry came down the hall and says, "ok, he's startin' to come off it now and he's admitted to being in the church," so on and so forth. I was not there to hear exactly what Dennis said. Terry Mullens and Ron Rhodes will be the ones that can tell you that.

It's possible that in 2000, Dale Bundy really did hear Dennis Perry confess, but that over the past 18 years, he's just forgotten it. And that in 2003, when he testified, he could still remember then hearing a confession, and it was Agent Rhodes and Agent Mullen who had forgotten about it. After 18 years, it is possible to forget things like that.

But that's also why most police officers make written records when things happen like the lead suspect in a case confessing to it. Because that way, if many years later you've forgotten about the confession, there'll still a record of it somewhere.

As things stand now, there's only one record in existence of Dennis Perry making statements that place him at the crime scene, and that's the transcript of Bundy's 2003 testimony. And, given that, in their 2003 testimony, neither Agent Rhodes nor Agent Mullen recall Dennis making those statements, and given that those statements never made it into the written report that Agent Rhodes prepared the very next day, after the interrogation, it's hard to believe that it was Bundy's memory that was right, and everyone else's that was wrong.

**[59:09 Susan Simpson:** And that's all for Episode 5 of *Undisclosed: The State v. Dennis Perry*. We'll be back on Thursday with an addendum, to discuss recent episodes in this series, and a to take a deeper look at some of the evidence you've heard about so far. So, don't forget to send your questions in to #UDAddendum on Twitter.

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

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

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

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

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