

**UNDISCLOSED, the State v. Dennis Perry**  
**Episode 7 - Mix Tape**  
**August 20th, 2018**

**Rabia Chaudry:** Hi listeners. If you love Undisclosed, I have two small favors to ask you. First of all, I am so excited to announce that Undisclosed has finally launched a Patreon page. Now if you've ever wondered how you can support our work, this is finally one way you can do so. Of course, by listening to us you support us, and we are so grateful for that. When you subscribe and give us 5 star ratings, I am so grateful for that. But to be honest, production costs money. When you drop 2 episodes a week, it takes resources. It doesn't just take our time, it costs money. We have folks to pay in order to produce these podcasts and we have defendants and their families counting on us to continue doing this work. So. You can become a patron of Undisclosed for as little as \$5 a month. All you gotta do is go to [patreon.com/undisclosedpod](https://patreon.com/undisclosedpod) and sign up there. Now, along with feeling great about yourself because you are supporting the work of fighting for the wrongfully convicted, guess what? You also get a bonus episode. Every single month Susan, Colin and I will drop a bonus episode that's only for patrons, in which we're going to do something a little bit different. We're going to be discussing other cases from other true crime series that we find fascinating. Now, our very first episode in the Patreon feed is all about the case at the heart of the latest season of In The Dark. We're talking about the Curtis Flowers case and we are talking about it the way we talk about all cases on Undisclosed - like 3 lawyers looking at the facts. So, if you loved the In The Dark season 2 series, and you're fascinated with the Curtis Flowers case which is ongoing, and you want to know what Susan, Colin, and I think about it, well become a patron and check it out. And if there are other cases that you have heard about on different true crime series that you would really love to hear Susan, Colin, and I unpack, then definitely let us know. Tweet at us, post on our Facebook, send us an email, and we will definitely take a look. So, check out our Patreon page at [patreon.com/undisclosedpod](https://patreon.com/undisclosedpod).

And the second favor I'd like to ask you is this: please support our sponsors, because they support us. Check out their great products and services using the unique Undisclosed codes and URLs that we provide every week so that we can keep coming back to you week after week. Thanks so much for listening, and now, here is this week's episode.

**[2:28] Susan Simpson:** As you've probably figured out by now, there is a lot that has gone missing in this case. Things like Dennis Perry's timecards, the photo arrays done by the original investigators, the notes taken by both the GBI and the Camden County Sheriff's Office... who knows where those records are now. And to date, every single piece of physical evidence in this case has been lost. Not just things like the glasses, which went missing before trial years and years ago -- the rest of it only became lost in the past two years. Same goes for the trial exhibits -- no one seems to know where those can be found now.

But if I had a magic wand that would allow me to summon back into existence a single category of missing evidence from this case, I know exactly what I'd choose: Deputy Butch Kennedy's tape cassette recordings.

Part of that is because, well, I'm making a podcast about this case, and for that reason alone, any kind of original audio is worth its weight in gold. But even putting the podcast aside, just from the standpoint of someone who is interested in investigating this case, I wish so much those tapes were still around. I'm not even sure what all would be on those tapes -- I don't know how many there are, or who all was interviewed. Which is part of why I want them -- just to know for sure who was actually interviewed in this case. It kind of kills me to know that there could be recorded interviews out there, with witnesses that, based on the available case file, I don't even know exist.

But if we had those tapes, I think we'd have a better picture about what actually happened at Rising Daughter Baptist Church on March 11th, 1985. We'd know more about the witnesses' first impressions, more details about the crime scene and just things that witnesses saw that, at the time were overlooked or forgotten, but if we knew now, might help us to put together the whole picture. Because the women I have referred to as the church ladies -- the witnesses who were there at Rising Daughter that night -- they are the only witnesses the State presented at trial. But they are far from the only witnesses who may have seen the killer, and Butch Kennedy's tapes may have helped us figure out what those other witnesses saw.

**[5:14] Colin Miller:** Hello and welcome to Undisclosed, The State vs. Dennis Perry. This is our seventh in a series of episodes about the murders of Harold and Thelma Swain in Waverly, Georgia in 1985. I'm Colin Miller, an associate dean and professor at the University of South Carolina School of Law, and I blog at Evidence Prof Blog. Rabia is out of town this week, so I'm joined by my colleague, Susan Simpson.

**[5:32] Susan Simpson:** Hi, this is Susan Simpson. I'm an attorney in Washington D.C. and I blog at The View from LL2.

**[5:51] Colin Miller:** It's worth noting that Butch Kennedy's tapes are not the only audio recordings from this case that're no longer available. Unfortunately, there's hardly any original audio available at all. At least not now there isn't. At one point, though, there would have been quite a bit. No one seems to know where it is now, though. Clare Gilbert, the director of the Georgia Innocence Project, asked Deputy Dale Bundy about where that audio might be, and he didn't know either.

**Clare Gilbert:**

There... we had an intern look at this last summer, and there were it looks on the order of about 80 different audio recordings made between the sheriff's office and the GBI. Do you know where any of those are?

**Dale Bundy:**

No ma'am I don't. Before I picked up the case I don't know anything about any recordings or whatnot. Back in those days... we didn't even have recorders that had been issued us by the sheriff's office. If we wanted a recorder we had to go out and buy one.

In addition to the missing audio, there are a lot of interviews that were just never recorded, for whatever reason. For instance, during the re-opened investigation from 1998 to 2003, not a single recording was made of any witness that was potentially a witness for the State. GBI agents assigned to the case *did* make secret recordings of the interviews with most of the potential defense witnesses in the case. Although maybe they'd be better described as semi-secret -- Karen Perry, who was married to Dennis at the time of his arrest, remembers actually seeing the recorder that GBI Agent Ron Rhodes was using during one of the interviews.

**Karen Perry:**

He had a clipboard... he was writin' notes. But he also had a little handheld recorder, and he had it in his hand up under the clipboard. I noticed that right away. He had it in his hand, but he had his hand up under, you know, up under the clipboard, kind of hiding it.

So what we do have are recordings of the interviews from Dennis Perry's mom and brother and step-father and his friend Clayton's, and Clayton's mom as well, all

recorded in the same way that Karen Perry described. You have heard some of those recordings in earlier episodes.

Those recordings, though, were exclusively made of witnesses that could potentially testify on Dennis Perry's behalf. Witnesses that might be able to give him an alibi, or otherwise add to the defense's case. Witnesses that could have potentially have testified on the State's behalf were never recorded, which is why we don't have recorded interviews for any of the church ladies, or Jane Beaver, or Carrol Anne. At trial, GBI Agent Rhodes testified that there were no particular reasons for this divide. It just hadn't occurred to him to make any recordings of those particular witnesses. Though given how stark the discrepancy is, with almost all defense witnesses recorded but not a single state witness, it's hard to believe that could be due to just coincidence.

The missing audio in this case isn't all the State's doing, though. There were also taped interviews done by the defense investigators, the ones working on Dennis Perry's behalf. But we don't have those, either. They did record a lot of interviews during their three years of working on the case -- we can see that in their reports and the transcripts that were made of those recordings. But somehow, over the past 18 years, those recordings have been lost. Some were made by Defense Investigator Ben Parks, but he passed away several years ago, and best we can tell, his recordings in the case were thrown out after he died. And some were made by investigator John Bradley, but no one seems to know now where those might've ended up. So those recordings too are no longer available.

**[9:22] Susan Simpson:** And that brings us to Butch Kennedy's cassette tapes -- a collection of witness interviews that were recorded, and would be available for us now, if only they hadn't gone missing years ago. Here's what we know about those tapes. They were made on a handheld recorder, with multiple different witnesses included on each tape. Basically, Butch Kennedy would start an interview on one tape and keep going with new interviews until that tape was filled up, and then he started a new tape. The very first recording for this case should begin as Butch Kennedy arrived at Rising Daughter on the night that Harold and Thelma Swain were killed. Kennedy recorded just a monologue of what he saw, what he did, who he talked to, stream of consciousness style. And that first tape should also include the very first statements that were given by some of the church witnesses that night, as they were speaking to Deputy Kennedy in the Rising Daughter churchyard not even two hours after the murders had taken place. Butch Kennedy remembers making those recordings, though there are no documents now that reflect their existence.

And then we have two stray pages of handwritten notes that are tucked into a pile of other case records, and those two pages give use another clue about what the contents of those tapes may have been. Those handwritten notes provide an index of sorts for at least some of the Kennedy recordings anyway -- there must've been at least four tapes, because Tapes W, X, Y, and Z are listed there, and for each tape there's a list of people who were interviewed on it. Most of the names listed there are names that I recognize, and many of those interviews we actually do have transcripts for. But not all of them. And some of the names I barely recognize, or don't recognize at all. Names like Anne Spradley, Lori Anne, Rena Clements, and Henry Middleton -- I'm still not sure why Butch Kennedy would have been speaking to them about this case, and no transcripts of those interviews are in the file. And without those records, it's not clear we'll ever know what these interviews were really about.

**[13:46] Colin Miller:** But it's at least possible the original audio recordings of these interviews still exist today, and that Butch Kennedy's tape cassettes are currently tucked away on a random shelf somewhere in Camden County, just waiting to be found. After all, it seems unlikely that either the Sheriff's Office or the DA's Office would have intentionally destroyed something like that. It's possible they did, for whatever reason, but it's also possible that they've just been misplaced somehow. So, when Susan spoke to Butch Kennedy, one of the goals was to figure out any possible leads on where those tapes might have ended up. She asked him about anything and everything he could recall about his records from the case, how they were kept, and where they were stored, in the hopes that he may be able to provide some clues as to where those tape cassettes might be now.

**[14:26] Butch Kennedy:**

It's all in one box. I had an office behind the Sheriff's office - the new Sheriff's office, and was an old state small mobile home. And they said, "You know it's been sitting out there for so long, so you guys can have it, do what you want to." So I took it for my office, and I had a desk at this end of it, and over here was where a huge generator was. And it was in a box, a huge box, and that box stayed on top of that generator, so it was easy to to through, easy to get to, and I could just do what I had to do.

And Butch Kennedy believed the taped interviews ought to still be in that box, wherever it might be.

**Susan Simpson:**

There were transcripts that were made. So we have those.

**Butch Kennedy:**

Okay.

**Susan Simpson:**

Not the audio.

**Butch Kennedy:**

Well then the tapes are still there.

**Susan Simpson:**

There ... the tapes have been gone. I think the whole box went away.

**Butch Kennedy:**

That box contained leads from Unsolved Mysteries.

**Susan Simpson:**

We still have those, so why'd the tapes go away?

**Butch Kennedy:**

You have, you have ...?

**Susan Simpson:**

We have those, so those are still there.

But why the Unsolved Mysteries lead sheets are still around today, and the taped interviews are not, is something Butch Kennedy cannot explain. The tapes were there when he was fired and left the Sheriff's Office, and that's all he knows about what happened to them.

**[16:14] Susan Simpson:** These missing recordings were also an issue at Dennis Perry's trial. In his opening statement, Defense Attorney Dale Westling went through a litany of all the evidence in this case that no longer existed, all the things and records and photos that, as of 2003, had gone missing, and so were all the things that Deputy Dale Bundy, in his reopening of the investigation, had never had an opportunity to see for himself. The defense was trying to make it clear for the jury that, hey, something is

wrong here -- this isn't normal. All this evidence that the State somehow can't find? That's not how it's supposed to work. And so, Dale Westling told the jury,

*"Detective Bundy will testify that to this day, he has never seen the photo spread that Joe Gregory showed; he's never seen the photographs of the lineup that Ms. Vanzola witnessed or looked at. He has no idea where that Pepsi bottle is. He will tell you he has no idea where the glasses are, where the taped interviews are of all the witnesses one hour after the commission of the crime. He don't know where they are."*

And this part of the defense's opening statement is why, during the trial, Prosecutor John Johnson made a point of showing the jury that, in fact, transcripts of those recorded interviews did exist and were available. Because during his direct examination of Butch Kennedy, John Johnson asked him about the written transcripts, and apparently, while doing so, he was waving about copies of these transcripts and making sure the jury saw them. He didn't actually introduce these transcripts into evidence or anything like that -- he just held up copies of the them while talking about them, so the jury would be sure to know that they existed and were available. Defense counsel objected:

**Dale Westling:** *"Judge, I'm not quite sure what the purpose of showing the detective the alleged typed transcript without introducing it is, but I'm going to object. [...] he hasn't offered them, but he's getting a whole lot of mileage out by just saying, "Hey, were they typed?" and holding them and walking them back to the podium."*

**John Johnson:** *"Well, Judge, I regret that counsel doesn't understand why that's been done because apparently he didn't listen to his own opening when he talked extensively about these interview tapes being missing. I've got a right to show that while they may be missing, we do have memorialized contents of those. [. . .] [W]hat [defense counsel] wants to be able to do, Judge, is he wants to be able to say that these tapes are missing and [ ] there's nothing out there that we have that can show what these ladies said, and he's made -- raised that issue in [. . .] his opening. I've got a right to show what was done."*

In other words, John Johnson wanted to prove to the jury that even if the tape recordings were missing, there were still transcripts made of those interviews, so it wasn't as if any evidence had truly been lost. It was still recorded, just in written form. It was as if John Johnson was trying to tell the jury, see, we still know what the witnesses

said here/ There was nothing lost -- no harm, no foul. It's not really *that* big a deal that we don't have the audio for these tapes.

But it was a big deal. And we don't have the transcripts for all of those recordings that Butch Kennedy made. And the loss of those tapes represents a real loss of data that we can't get back now. Take, for instance, that very first recording that Butch Kennedy made -- the one of him walking around Rising Daughter and recording his observations. Because, due to the loss of many of the original police reports and photographs, we don't actually know now where much of that physical evidence was located at the crime scene. Butch Kennedy's tapes might have been able to fill in those gaps in our knowledge. Some of that information might not have been all that important -- like, for instance, location of the cigarette butts that were found in the church yard and are depicted in some of the photographs. Sure, maybe the killer left those there, but they could have just as easily come from someone else. And anyway, they were never collected, so any evidentiary value is gone now.

But, then there were the two Pepsis, or Pepsi cans - it's not clear which, that were found somewhere near the church. It seems like photos of those were taken, because I've had witnesses describe them to me, but the photos are gone now, and it's not clear where exactly they Pepsis were found. But those Pepsis were collected, and if they still exist today, could be a source of DNA evidence in this case. And there's reason to think those Pepsis were connected to the crime.

Plus there are other photos of the crime scene that we do have, but that depict items that are not recorded in any written reports, and we're left now just to wonder about. Things that Butch Kennedy's tapes might've given us more context for. For instance, one of the crime scene photos is an out of focus shot of the church yard, showing a fuzzy image of teal and yellow branded bag that looks like it once contained some kind of snack, probably. I couldn't figure out what it was, at first -- it didn't seem like any brand of snack food I'd ever seen before. So I posted it on Twitter, and quickly learned that while a lot of people also had no idea what it was, to a large segment of the U.S. population, primarily in the northeast, it was instantly recognizable: it was a Wise potato chips bag, a brand primarily distributed up north. But, if the investigators were as puzzled by the bag as I was, or also thought it was a brand that might not have been so common locally, there's no mention of it in the files. So maybe it didn't seem out of the ordinary to them.

**[21:56] Colin Miller:** One of the transcripts we do have is from Butch Kennedy's interview with a woman named Lottie Bell Clayton. And actually that transcript is the

only thing we know about her, and what she had to say. Nothing that Lottie Bell Clayton told Butch Kennedy is referenced anywhere else in the available files.

Which seems odd, because what Lottie Bell Clayton had to say seems like it had the potential to be have been hugely important. Because Lottie Bell Clayton told Butch Kennedy that at Sunday service the week before the Swains were killed, she had spoken to a white man with shaggy blond hair who had come to Rising Daughter. And Lottie Bell Clayton said he'd told her he wanted to speak to someone inside the church.

**Butch Kennedy:** *Did the man say anything to you?*

**Lottie Bell Clayton:** *Well, he said lived here in Woodbine, said he'd like to talk to the pastor.*

**Butch Kennedy:** *He didn't call him by name?*

**Lottie Bell Clayton:** *No, he didn't call him by name. Just said he'd like to talk to the pastor. So, um, me and my daughter we were ushers, you know, we met him at the door, and so we went and told our Pastor that uh., he wanted to see him. So, they went back to the Pastor's study in the back there. But uh, what he told Reverend Strickland, I don't know but his wife said he wanted to borrow \$20.00 from him, see. Pay him back. So she said her husband did, Reverend Strickland did give him the \$20.00.*

What Lottie Bell Clayton described in her interview with Butch Kennedy seems like an eerie foreshadowing of the events that would take place at Rising Daughter just one week later. A white man with longish blond hair appeared on Rising Daughter's doorstep, and stopped a woman he'd encountered there. He told her he wanted to speak to the man in charge, though he didn't exactly say the man's name, just indicated him by description.

The similarities between Lottie Bell Clayton's story and Vanzola Williams' story raise an obvious question: was the man that Lottie spoke to at Rising Daughter on March 3rd the same man that Vanzola encountered there on March 11th? If they were the same man, that would have serious implications for Dennis' case -- because there are no suggestions from any of the witnesses that Dennis Perry was in Waverly two weekends in a row. But Lottie Bell Clayton died in 1989, and her daughter, who also spoke to the young white man, died in 2003. So there's no way now to ask them for more information

about the young white man, or whether they ever had any reason to believe he was somehow connected to the Swain case.

But after speaking to Lottie Bell Clayton and her daughter, the obvious next witness to speak to about all this would have been Reverend Bethel Strickland. And that appears to be exactly what Butch Kennedy did. Because on the handwritten index of Butch Kennedy's tapes, the very next name that appears after Lottie Bell Clayton is Reverend Bethel Strickland.

**[24:28] Susan Simpson:**

So I found this ... is that your handwriting? What I think that is a record of the tapes you would have made.

**Butch Kennedy:**

Sammy I know is the one that saw the car.

**Susan Simpson:**

We have a transcript of that.

**Butch Kennedy:**

Franklin is dead...

**Susan Simpson:**

Mm-hmm.

**Butch Kennedy:**

Bethel Strickland.

**Susan Simpson:**

I don't know who she is...

**Butch Kennedy:**

Him. Bethel is a -

**Susan Simpson:**

Oh, him?

**Butch Kennedy:**

Mm-hmm. He is a -- I don't know if he's still alive or not ...

**Susan Simpson:**

Oh that was the pastor.

Presumably, Butch Kennedy interviewed Bethel Strickland about what Lottie Bell Clayton had said in her interview. But that's just a guess -- there's no record anywhere about what Reverend Strickland actually told Butch Kennedy, and Butch Kennedy doesn't remember now what that interview was about. And Reverend Bethel Strickland and his wife both passed away many years ago, so there's no way to ask them about it now.

Which means we're left with no clear way of knowing what all of this may have been about. And no clear way of knowing whether the blond man who spoke to Lottie Bell Clayton was just a random drifter in need of a hand out, or whether he might have in some way been connected to the murder of Harold and Thelma Swain.

**[25:40] Susan Simpson:** Another witness who may have been recorded on Butch Kennedy's tapes is Leona Hamilton Reed. On the night of the shootings at Rising Daughter Baptist Church, she had been working at the Reed's Store, there on the corner of US 17 and Dover Bluff Road. And she'd been there when Margie Moore had come in after fleeing from the church. Leona had been the one to call 911 to report the shooting.

And Leona Reed may have also been an eyewitness in this case. But the important part of Leona Reed's story is not what she'd seen after the shooting, when Margie Moore came into the store, but what she'd seen before, at about 8:16 pm that evening, because that's the exact time, according to the cash register tape, that Leona Reed had sold a Pepsi to a white man with collar length blond hair.

We do know Leona Reed was interviewed several times, and we do at least have reports from law enforcement officials about these interviews. And her name also appears in the handwritten notes alongside the names of other witnesses whom Butch Kennedy recorded, which suggests that an interview with Leona Reed, may have been among the ones that were recorded by Butch Kennedy.

Leona Reed passed away some years ago, but Cynthia Clayton, the Swain's niece, remembers talking to her about what she'd seen that night.

**[26:39] Cynthia Clayton:**

I also heard, and the person who worked at Reed that night, is deceased as well.

**Susan Simpson:**

Leona?

**Cynthia Clayton:**

Uh-huh. That he was up at the store that night to the point where, you know, he scared her. And i think she even called someone just to, you know, to say how she was feeling. And then i had also hear that she had sold him some Pepsi-Cola.

Cynthia Clayton thought the man Leona Reed had seen that night had been Dennis Perry, but Leona Reed never identified the man. She'd told police that she hadn't known who he was. The rest of Cynthia's story is right, though.

The day after the shootings, she was interviewed by a GBI agent. She told him about the customer who'd come into the store the night before. He was a white male, late twenties or early thirties, 5'6" to 5'8", approximately 150 pounds, with blonde collar length hair that was a little bit darker on top and lighter at the ends. He had thick, dark eyebrows and was wearing thick, dark glasses, and was driving an orange or burnt orange Plymouth type vehicle. The man had come into the store and asked if they sold Coca Cola, and she told him yes, and he'd bought a Pepsi. The total cost was 55 cents. The man had pulled two quarters out of his shirt pocket and given them to her, but then for the last five cents he'd had to go back to his car and rummage around for some change. Leona Reed remembered him dropping the pennies into her hand, one by one, counting them out. And then the man had left, heading south on US 17, in an older Plymouth type vehicle. And according to a report that Bundy had written in 1998, Leona Reed had identified the man's car not just by sight, but also by sound, because based on the noise the starter had made, she'd thought the car had been an older Chrysler.

And, like Cynthia Clayton said, Leona Reed had been scared of the man. It wasn't that there'd been anything overtly threatening or all that strange about him necessarily, but for some reason, that Leona couldn't quite put into words, his presence had made her uneasy. From the time he'd entered the store until the time he'd left, she'd been worried that the man was planning to rob her. In the end, he hadn't, though -- he just bought his Pepsi, paid his 55 cents, and he'd been on his way.

And that's probably all we'll know about what Leona Reed saw that night. She was subpoenaed by the State for Dennis Perry's trial, but she was never called to testify. And it's hard not to wonder if that's because her story does nothing to point to Dennis Perry's guilt, and would seem to be strong circumstantial evidence of his innocence. Leona hadn't recognized the man, and her description of him doesn't match Dennis. He was shorter, with longer, blonder hair, and thick glasses. And the man had been driving a car -- something Dennis Perry didn't have.

That's why, after all, the State had argued that Dennis Perry had ridden a motorcycle to get down to Camden County. Besides, Dennis Perry lived four doors down from the Reed's store, if he was going there he would have walked.

**[29:44] Susan Simpson:** And Leona Reed was not the only witness at the Reed's Store who may have seen the suspect in a Chrysler that night. That evening, a man named Sammy Williams had driven up US-17 on his way to the Reed's Store, and as he passed by Rising Daughter, he noticed what he thought was a car broken down on the side of the road. The only reason we even know this is that Butch Kennedy interviewed him, and this was one of the interviews that got transcribed. And according to the transcript, Sammy Williams told Deputy Kennedy:

*"I was coming by here going to the store, I noticed a brown, either Plymouth Valiant or Dodge Dart, something like that. I wouldn't say a real dark brown, just a kind of faded brown. It's an old model car maybe, around about uh, '68 or '70 model, something like that, something between there. But uh, I noticed it sittin there on the side of the road and I just had this funny feeling, and said, well shoot, somebody broke down here. I know when I come by earlier there wasn't nothing there. But when I come back by to go to the store again, there's this car on the side of the road. I said darn, this car done broke down, right in front of the church."*

Sammy Williams passed by the car, and headed on to Reed's Store. He was still there when Margie Moore pulled up, frantic, telling them about what had happened at the church. And Sammy Williams immediately thought about the car he'd seen on his way to the store. He told Butch Kennedy:

*"I knew when I'm hearing that, knowing that I seen this car on the other side of the road. I said, let me go back down here and see if this darn car is still down here. So, I jumped in my little pickup and right on back I came. Wide open, you*

*know. And when I come back by the car was gone. Anyway, like I say, it was sitting on the southbound side headed south."*

When Sammy Williams went back to check after learning of the shooting, the strange brown car had been gone. Which, to Sammy Williams, had meant the car hadn't been broken down at all -- because in the time he'd been at the store, there hadn't been enough time for someone to have fixed the car, or to have gotten gas for it. And if Sammy Williams is right -- if he did see a car outside of Rising Daughter on his way to the Reed's Store that evening, and that it was gone when he went back to check on it after the shooting -- it seems possible that the reason the car was gone is that the killer had driven it away.

**[32:10] Colin Miller:** About 30 minutes after Camden County's 911 dispatch received Leona Reed's call reporting the shooting at Rising Daughter, another call was made to law enforcement in Nassau County, Florida, about a thirty minute drive south from Rising Daughter. That call came in from a Shell station in the little town of Yulee, just off of Highway 17, the same highway that Rising Daughter is on. The caller was the gas station attendant, and she reported a drive-off -- a man in a yellow Plymouth or Dodge had filled up his tank and driven off without paying. The man was slender, with light colored hair, and had what the gas station attendant described as a "regular" haircut. He had on dark clothes and may have been wearing glasses.

And, at least for a little while, this made investigators wonder if the killer had fled to the Florida aft. An article published a few days after the murders quoted Sheriff Bill Smith as saying they believed the drive-off from the gas station could be connected to the murders:

*"Sheriff Smith said that authorities have not eliminated the possibility that a suspect who stole gasoline in a drive-off theft at a station near Interstate 95 and US Hwy 17 about an hour after the shootings could be connected to the case. "We may have that suspect already identified," said the sheriff."*

Based on the GBI files, the suspect Sheriff Smith was referring to seems to have been a man named Michael Vernon Platt. A few days after the drive-off, the woman who had been working at the Shell station, and who'd made the 911 call to report the drive-off, had been shown a picture of Platt, and she said he looked like the man who'd done the drive-off. Michael Vernon Platt was 5'7", 150 lbs, with blond hair and blue eyes. He drove a 1968 or 1969 yellowish Plymouth. Based on the admittedly skimpy details that investigators were going on at that time, Platt seems like he might have been a strong

match. But if investigators did anything more to follow up on the lead, it's not recorded anywhere. As far as the available records in the Swain case file are concerned, the drive-off in Yulee, Florida, was just another potential lead that was considered, but never followed up on.

**[34:14] Susan Simpson:** In addition to Leona Reed and Sammy Williams, there's one more witness outside of Rising Daughter Baptist who may have seen the killer's car that night. Although with this witness, at least, we can be sure he was *not* recorded on any of Butch Kennedy's tapes.

The only reason I even knew about Paul Roberson is because of a one-page, handwritten statement that had been tucked away in the DA's case file. The statement was dated March 12, 1985, the day after the murders, and the statement surprised me, because I'd never seen Paul Roberson's name before in any of the investigative files.

And that seemed odd. Because based on that that one-page statement, it seemed like Paul Roberson ought to have been one of the most important eyewitnesses in this case. And yet, there's no other mention of Paul Roberson anywhere in the police file. So I started to think that maybe, for some reason, the police just determined that Paul Roberson's statement wasn't as relevant as it seemed at first glance.

On its face though the statement seemed credible, and I found out later that Paul Roberson had actually worked for the sheriff's office at one time, though by 1985 he'd left for a new job. So I asked Butch Kennedy about it, to see what he might recall, and although Butch Kennedy did remember Paul Roberson, he did not remember ever seeing a statement from Paul Roberson in connection with the Swain case.

**[35:42] Susan Simpson:**

Do you remember Paul Roberson? I can read it for you...you do? What about him do you remember?

**Deputy Butch Kennedy:**

Paul worked with the Sheriff's Office. He was a deputy.

**Susan Simpson:**

So he was driving back from church that night. About the right time, about 9:15. He was on U.S. 17. And he saw a car that he thought was someone drunk. It ran into the edge of the pavement, twice, in less than a fourth of a mile.

Paul Roberson's statement describes how, about a half mile south of Rising Daughter Baptist Church, he'd come up behind another car, and while Roberson didn't positively ID the car's make, he described it as something like an early '70s Pontiac Catalina. The car was driving erratically, and going about 10 to 15 miles slower than the normal speed of traffic for that stretch of highway. Roberson's first thought was that it was a drunk driver, based on how the car had trouble staying in its lane. So Roberson passed the car, and as he did, he saw a bare arm stuck outside the driver's-side window. The hand was covering the outside rear mirror, as if the driver was trying to shield against the glare of Roberson's headlights. Based on the hand and arm though, Roberson guessed that the driver was a white male less than 30 years old.

Roberson continued south on Hwy 17, and approximately 6 minutes later, he passed a Woodbine City Police car that was headed north, its blue lights on. That would have been Officer Buddy Miller, responding to the call from Leona Reed reporting the shooting at Rising Daughter. And while Paul Roberson couldn't have known it at the time of his report, the timing and locations described in Roberson's statement would have meant that he passed the erratic driver about a half mile south of Rising Daughter Baptist, just minutes after Margie Moore had grabbed her broom and made a brave dash for the Reed's store.

Paul Roberson had thought that the driver of that car might have been drunk, but based on his description, I wonder if there might be another explanation here. Because the slow speed, the poor driving, the attempt to shield the blinding glare of the headlights -- well, that could have been a drunk driver. Or it could have been someone who was having trouble seeing the road.

So why was Roberson's report not mentioned anywhere else in the police file? Butch Kennedy wasn't sure. But based on what he knew of Paul Roberson, he seemed to take the statement seriously.

**[38:02] Deputy Butch Kennedy:**

He would've probably have noticed that with the law enforcement experience he had, it might have been...

**Susan Simpson:**

It makes this sound more reliable because he would be someone who'd be looking for that kind of thing, and be paying attention to that kind of thing.

From what Butch Kennedy told me, there was no reason not to take Paul Roberson's statement seriously, so the next day, GIP intern Ed Costikyan and I went to his house and knocked on his door, hoping to ask him about it. But I wasn't sure if Paul Roberson would have any idea what we were talking about, or why we were there. Because it seemed very possible that, after all this time, he might not recall some brief statement he'd made and written out one day 33 years ago.

I didn't need to worry, though. Because, I didn't even hardly have time to finish my question before he had known instantly what I was there for. Paul Roberson definitely remembered making that statement. And, three decades later, he was still upset that no one had ever come to talk to him about it.

Paul Roberson didn't want to be quoted for the podcast, because he didn't think he had anything to add to his statement beyond what he'd written back in 1985. His memory of the incident at the time he'd made that statement was undoubtedly better than it was now, after all. But there was one thing that he agreed to be quoted on. He told me:

*"You can say that I wouldn't talk to you about the statement, because no one at the Sheriff's office ever cared about it when I turned it in. So there's no need in talking to you about it now. And I don't care if they know that, I'll tell them that to their faces. No one was interested in what I saw. No one ever talked to me about the written statement I turned in. No one ever questioned me, no one ever elaborated on it, you're the first to ever ask me about it in 33 years."*

After talking to Paul Roberson, Ed and I had a similar reaction.

**[39:39] Ed Costikyan:**

That sucks.

**Susan Simpson:**

They fucked up. [Ed:They really did.] Like that has, that's....I mean maybe it's not relevant, but there's a good chance it is. A really good chance.

On March 12th, 1985, after learning of the murders at Rising Daughter, Paul Roberson thought that what he'd seen the night before, outside on the highway driving home, might be important to the case and so he had taken the initiative to write up the statement himself, and gone down to the sheriff's office to hand it in. And then he'd never heard anything more about it. I still have no idea what happened to his statement, or why it was never followed up on. When I showed it to Butch Kennedy, he couldn't

recall ever seeing it before, and his reaction had been that Paul Roberson was a credible witness, so I don't understand why he wouldn't have looked into it back in 1985.

What is clear, though, is that the reason Paul Roberson's statement was ignored is not that it had been discredited in some way. Because it hadn't been. It had just never been checked out at all. And I think that there's a very strong chance that what Paul Roberson saw that night was not a drunk driver. It was someone who was driving erratically because they had been half-blinded, after losing their glasses.

**[41:23] Colin Miller:** Butch Kennedy's tapes aren't the only recordings from the initial investigation that have now gone missing. In fact, once upon a time, there existed a recording of a man confessing to the murders of Harold and Thelma Swain.

One day short of a year after Harold and Thelma Swain had been murdered, in March of 1986, Deputy Dale Bundy got a call in the case that, at first, seemed like the strongest lead investigators had received in a while. The caller told Kennedy that for the past few months, his daughter's ex-husband, a man named Erik Sparre, had been calling the family and threatening them. Finally, the family started taping the calls, and in one of the calls they recorded, Sparr said, "I'm the mother fucker that killed the two black people in that church and I'm going to kill you and the whole damn family, if I have to do it in church."

After hearing the recording of this apparent confession, Deputy Kennedy went out to interview the family of Sparre's ex-wife. And what Sparre's ex-wife had to say seemed to suggest to Kennedy that, finally, he might be on the right track in the investigation after all:

*"Sometime from March 9, 1985 until March 15, 1985 Erik left the house in the morning wearing dark clothing. Emily said the next morning, he came back wearing only a white t-shirt. She also said that he has and often wears a pair of men's lizard skinned boots. She stated that Erik wears glasses and that sometime prior to March, Erik had lost his glasses. She said that Erik got three pairs of glasses from his father Frederick K. Sparre who works with an insurance company in Brunswick. He made one pair of glasses from the three he got from his father. She also stated that Erik has worked as a welder and had worked at a trucking service as a mechanic. She described Erik as being in his twenties and in March, 1985 he had shoulder length brown hair."*

If there had been a checklist of the known attributes of the killer at Rising Daughter, the description of Erik Sparre would seem to tick off just about every box. The Frankenstein three-in-one glasses, the boots, the missing overshirt that would've been torn off in the shooting and the white t-shirt underneath that some of the witnesses had seen. Plus, Erik Sparre was a welder *and* a mechanic, the two professions suggested by the slag marks on the glasses found at the church. And Sparre had shoulder length brownish hair, not far off from what witnesses described.

**[43:30]** Deputy Kennedy even did a line-up identification, of sorts. He took the glasses found at the crime scene, along with two other pairs of glasses that were similar in appearance, and showed them to Sparre's ex-wife and asked her if they looked similar. She picked out the pair from Rising Daughter, and told the investigators, "Erik has a pair that looks just like these."

Then the investigators decided to check on the physical resemblance between Erik Sparre and the suspect. They got a mugshot of Sparre, and then they took the composite image and gave it the same hairstyle and mustache to match. And there was a creepy sort of resemblance between the composite and Sparre, once the changes to the hair were made.

When Susan talked to Agent Joe Gregory, he told her about how this tip that they'd received for Erik Sparre had been one of the tips that, at least initially, had seemed very promising.

**Joe Gregory:**

Some of them looked pretty good. That old boy that called about his- called his girlfriend and claimed, "Oh, I killed the two... you know, and I'll kill your whole family, blah, blah, blah..." That turned out to be nothin'.

**Colin Miller:** The search warrant on Erik Sparre turned up nothing that could link him to the murders at Rising Daughter, and further investigation showed investigators that this was not, in fact, the big break they had been hoping for.

**Joe Gregory:**

We found out where he was that night, he took a polygraph test. He was just PO'd with his ex-wife, just went off the deep end.

Agent Gregory had obtained timecards for the grocery store where Erik Sparre worked, and they showed that he had been clocked in for on an overnight shift on the night of

the murders, and had been at the grocery store from 3pm on the afternoon of the 11th until 6am on the morning of the 12th. And so, Erik Sparre was added to the list of ruled-out suspects in the investigation.

It wasn't only the original investigators who looked into Erik Sparre, though. In 1998, as Bundy was developing his case against Dennis Perry, he got a call from a different ex-wife of Erik Sparre. This wasn't the same ex-wife who made the original report to Kennedy and Gregory back in 1986, but the ex-wife he'd married a year or two later. But this second ex-wife had a similar story to tell, and though, unlike the first ex-wife, she didn't have a recording, she too had heard Sparre confess to the murders at Rising Daughter.

*"[Sparre's ex-wife] explained that in 1988, Sparre began arguing with her about dinner not being cooked on time. Sparre pinned [her] on a bed and placed a pillow over her face. [She] stated she was screaming "Don't kill me!" [She] stated she was able to get away from Sparre and told him, "You could have killed those people in Camden County." Sparre replied, "Yeah, I could have killed those people.*

*[Sparre's ex-wife] describes SPARR as being very prejudice and said he hated black people. She said SPARR was like a "white supremacist".*

**[46:06] Colin Miller:** Judging by Sparre's Facebook page today, and the 14 words on it, he wasn't just *like* a white supremacist. He was one. And in 1985, when the warrant was executed on his house, the supporting affidavit described another incident that Sparre had been involved in that seems to suggest he'd been involved in a racially motivated attack:

*Prior to the murder, Eric Sparre pulled a long rifle on a black or oriental man at Choo Choo BBQ in Camden County and threatened his life. During this altercation, he kicked out the windshield of the victim's car.*

But despite Sparre's close match to the description of the killer, and the potential motive for the killing that might be proved by Sparre's white supremacist ties, after the search warrant on Sparre's house came up empty for any evidence linking him to the murders at Rising Daughter, he was fairly quickly ruled out as a suspect. Any evidence tying him to the crime was not enough to outweigh the alibi evidence in his favor. And Dale Bundy told Susan there was also another reason for ruling him out as a possible suspect, one that neither Butch Kennedy or Joe Gregory had mentioned.

**Dale Bundy:**

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

**Susan Simpson:**

I think I know who you're talking about. He actually- she recorded it, and he actually claimed to have killed 'em.

**Dale Bundy:**

Yeah. With a shotgun. Blew their heads off with a shotgun.

**Susan Simpson:**

Yeah, he was bragging about doing it. Was that to mess with her you think?

**Dale Bundy:**

Yeah.

**Susan Simpson:**

Yeah.

That part about Erik Sparre claiming to have used a shotgun to commit the crimes is not in any of the records we've seen, though. There is a report about Sparre firing a shotgun at his ex-wife's house, but there's nothing in there about Sparre claiming to have committed the shootings at Rising Daughter with a shotgun. And it's possible that Dale Bundy is conflating these two details in his memory now, which would be an understandable sort of thing to remember wrong when talking to Susan 20 years after this all happened.

But it doesn't seem like we'll ever know now. The tape of Erik Sparre's confession is missing, along with all the rest of the recordings made during the original investigation, so there's no way to know if there's anything else Sparre said in that confession that would tend to discredit it.

In addition to the tape recorded statement of Erik Sparre's call to his ex-wife, there were other one-time suspects in this case that Butch Kennedy had recorded interviews with.

Suspects like, for instance, Toby Haymen. All other records related to this particular suspect have been lost, but Butch Kennedy interviewed him twice, and then made handwritten transcripts of the interview. And those transcripts, while hard to read, are still in the DA's case file.

Now, at least for this particular suspect, it doesn't appear that the recording of Butch Kennedy's interview with him was all that interesting, or that much of value has been lost by not having the actual recording available. And calling Toby Haymen a suspect is a bit of a stretch. Although we don't have any other records that could help put together the full picture of how or why Toby Haymen came to be a possible suspect in the Swain case, the handwritten transcripts let us fill in the gaps about what might have happened.

Apparently, everyone who knew Toby Haymen seemed to think he looked like the composite image of the suspect from Rising Daughter, so it was just a matter of time before someone had called his name in to the police. Toby Haymen told Butch Kennedy that he'd known investigators were bound to drop in sooner or later to interview him, because everyone around him kept telling him he looked like the killer -- he couldn't even go down to the store without people making fun of him for it. He even drove a brown car like the killer supposedly had driven. In fact, right after the shooting happened, his wife had seen the initial reports and become concerned about how much it sounded like her husband. So she'd immediately called him up at work. "There'd been a shooting up in Woodbine," she said, "and the description of the shooter fits you to a T."

And, as Toby Haymen told Butch Kennedy and Joe Gregory, that's the reason he'd been ready with a well-researched alibi when they'd shown up to interview him. Because he'd figured that eventually *someone* would report him as a possible suspect in this case, based upon his resemblance to the composite image and the general description of the killer provided by witnesses. So he'd already gone ahead and figured out exactly where he'd been the night of the murders, and who could vouch for where he'd been, and had his alibi ready for when the investigators showed up on his doorstep. And while we don't have any record showing that Gregory or Kennedy followed up on anything that Toby Haymen said in this interview, his alibi must have checked out, because there's not another mention of Toby Haymen anywhere in the remaining case file.

**[50:32] Susan Simpson:** But there were other suspects interviewed by Butch Kennedy, too, and the recordings of those interviews were on those tapes. And for some of those suspects, it's far from clear why they were ruled out in the first place.

Take, for instance, a guy I'm going to call Kevin. Of all the suspects that have ever been identified in this case, Kevin is the only one who could have worn the glasses found in the vestibule at Rising Daughter Baptist Church, and had his vision be improved rather than made worse. Kevin was farsighted, and though doctor's records show his prescription was even stronger than the glasses that were found at Rising Daughter, he had a similar right eye astigmatism. And Kevin was a short, slender white man with shoulder-length blond hair, who drove a Pontiac Catalina, and owned a .25 caliber weapon. And, when he was interviewed by Butch Kennedy and Joe Gregory, he apparently lied to them about his alibi for March 11, 1985. Something we only know about because there are notes from a later interview with Kevin's girlfriend, where she broke down crying when she was confronted with the fact that Kevin had used her as a witness that could verify the bad alibi he'd given the police. And Kevin's father also told investigators the alibi Kevin had given them hadn't been true.

But even though Butch Kennedy recorded at least one of his interviews with Kevin, as well as at least one interview of another alibi witness who could supposedly corroborate Kevin's alibi, we don't know what exactly Kevin told the police about where he'd been that night, or whether there was any reason to think his bad alibi had just been due to a simple mistake of memory. Because no transcripts were ever prepared for any of those interviews -- or if they were, they're gone now.

From the records we do have, though, I have to assume Kevin eventually came up with an alibi that did check out, because for some reason or another, he was dropped as a suspect. But it sure would be nice to know why exactly investigators decided that he was not the guy they were looking for.

So, there are a lot of things in this case that Butch Kennedy's missing tape cassettes might help resolve. But even without a magic wand that can bring back lost evidence, I'm hopeful that those tapes are still out there, somewhere, and might still be found today. Because in the GBI's files in this case, there's one entry from May 8th, 2001, that suggests there's at least someone out there who knows where those tapes are now.

In the May 8th GBI memo, Agent Ron Rhodes wrote:

*"On Tuesday, May 8, 2001, at approximately 3:00 p.m., ASAC JOHN HEINEN and SPECIAL AGENT RONALD R. RHODES, JR. located a box containing documents related to this investigation. AGENT RHODES reviewed the documents which appeared to be printouts from the "Unsolved Mysteries" show,*

*and documents from police agencies across the United States who mailed information about possible suspects, notes taken down by investigators who previously worked on this case, and a cassette tape containing interviews of witnesses.”*

**[53:44] Susan Simpson:** So, a box of documents from the original investigators, with printouts from Unsolved Mysteries, and a cassette tape containing witness interviews. In other words, that's exactly how Butch Kennedy described to me the location of his tape cassettes, and where they'd been when he'd last seen them. And in May of 2001 -- 16 months after Dennis Perry's arrest, and 21 months before his trial -- it seems like GBI Agent Rhodes and another GBI agent found that box, with at least one of the cassette tapes still in it.

And at least some of the contents of that box did make their way into the Swain investigation case file. Because the DA's office has the printouts from Unsolved Mysteries. They're still there today, and, back before Dennis Perry's trial, those documents were given to his defense attorneys, so they're in the defense file too. But that cassette tape, the one that Agent Rhodes' memo describes as containing the recordings of witness interviews -- well, if that is Butch Kennedy's tape, the official word from the DA's office is that it doesn't exist.

Although the GBI memo doesn't state exactly what that tape cassette was, based on the known chain of custody of the GBI's own tape recordings from the case, and based on the date and location of where this one was found, well, the record strongly indicates that this cassette was not one of the GBI's. And it was not from the reopened investigation. That would mean that the only other thing it could be is one of Butch Kennedy's recordings.

I have no idea, though, if Agent Rhodes recalls now finding this box of evidence. Or if he recalls what happened to this cassette tape. He works for the ATF now, and when I talked to him, he told me that he didn't think he could speak to me about Dennis' case because the ATF wouldn't allow it. He did tell me that he'd check with the ATF to be sure, and let me know what they said, but so far, he's never responded to any of my attempts to follow-up with him about what he might know, so I have no idea if the ATF granted him permission to talk to me or not. And I have no idea if he still recalls what happened to this tape. But that tape still existed in 2001, and I remain optimistic that it still exists today. It's just a matter now of finding out what shelf it's been waiting all these years.

**[56:15]** Thanks for listening to Episode 7 of Undisclosed: The State v. Dennis Perry. We'll be back on Thursday with an addendum episode, so send us your questions with the #UDaddendum.

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 by Rebecca LaVoie of Partners in Crime Media, and host of the Crime Writers On podcast.

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

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

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