

UNDISCLOSED, The State v. Dennis Perry
Episode 8 - Reason Why
August 27th, 2018

[02:39] Colin Miller: Hello, and welcome to our 8th episode in Undisclosed: The State v Dennis Perry. I'm Colin Miller, an Associate Dean and Professor at the University of South Carolina School of Law, and I blog @EvidenceProfBlog. If you follow her on Twitter, you know Rabia is currently out of the country and travelling, so this week, I'm joined by my colleague, Susan Simpson.

Susan Simpson: Hi, this is Susan Simpson, I'm an attorney in Washington, DC, and I blog @ TheViewFromLL2.

[05:09] Colin Miller: Over the years, there have been two main theories about why the Swains were killed. Either the killer was someone with a personal connection to Harold Swain, and he'd gone to Rising Daughter that night in order to kill him, or the killer was someone with no particular connection to Rising Daughter, and he'd gone there to commit a robbery, before things had gone horribly wrong. In either scenario, the murder of Thelma Swain would seem to have been unintentional -- not something the killer had gone to Rising Daughter planning to do. Shooting her had merely been a reaction to seeing someone burst through the double doors into the vestibule -- the killer didn't seem to have taken any time to identify who he was shooting at when he fired the shot that killed her.

But as for Harold Swain, and why he was killed, the answer isn'tt so obvious. The young white man in the vestibule of Rising Daughter could either be someone who wanted Harold Swain dead, or it could be someone who just wanted his money.

And when it comes to this question of whether this was a premeditated murder or an armed robbery gone wrong, the evidence from the crime scene has a maddening, almost intentional-seeming ambiguity to it. Sometimes it feels as if this case was purposefully scripted to be noncommittal about whether this was a crime of opportunity committed by a stranger, or whether this was crime motivated by some unknown connection between the killer and the Swains.

Based on the reported dialogue, both options seem to fit equally. Because when Vanzola Williams ran into the man in the vestibule that night, and asked him what he was there for, the man specifically identified Harold Swain as the person he wanted to

speak to. That would seem to suggest he'd known who Harold Swain was, and that's why he was there. Then again, the man in the vestibule never actually used Harold Swain's name. He just said, "him," and then pointed at Harold, who was the only man in attendance that night. So that doesn't really tell us whether the man in the vestibule actually knew who Harold Swain was.

And as for whether Harold Swain had recognized the man in the vestibule, it's equally ambiguous. Most of the women did not believe that Harold Swain had recognized him, but Cora Fisher thought he had known who he was, and was surprised only because he didn't expect to see this person at the church. She testified that she'd heard Harold say, "I wonder what that boy wants with me?" as he walked up the aisle towards the vestibule. But this response that Cora Fisher describes, well, it too could work either way, whether the Harold Swain knew who the blond man was and was surprised to see him at the church, or that Harold Swain had no idea who he was and thought it curious that the stranger had singled him out as someone to speak to.

And, over the years, investigators who have worked on this case often flipped back in forth in how they answered this question. Based on new leads, and new possible suspects, they would sometimes feel one way, and sometimes the other. For instance, in 1988, when GBI Agent Joe Gregory was interviewed by Unsolved Mysteries for their episode on the Swain case, he was leaning towards the theory that this murder had been a robbery that had gone wrong.

FBI Agent Joe Gregory:

They say your first hunch is usually your best. Everything that night pointed to a transient attempting to pull a robbery.

[8:04] Colin Miller: This has not always been Agent Gregory's lead theory about this case, either in the years before his interview with Unsolved Mysteries, or in the years after. But it was his first theory in the case. It was pretty much everyone's first theory, really. In the days after the murder, Camden County Sheriff Bill Smith was quoted in numerous articles taking the position that the killer, whoever it had been, had gone to the church with the hope of robbing the people he found there:

Sheriff Smith said that he still felt like robbery was the motive in the killings, even though nothing was taken. "I think he was about to make his move when he was startled by the lady leaving early," he explained.

Sheriff Smith said that investigation and talks with witnesses have led him to conclude that Swain refused to be robbed when he was approached by the suspect, which led to the scuffle. According to what witnesses told investigators, Swain had a grip on the gunman until the gun was fired.

The sheriff said that he felt like if the suspect was going to rob the group, he may have wanted to get Swain out of the way. "The suspect had to act before he was ready, because of the woman finding him as she was leaving. She surprised him," noted Smith... A .25 caliber semi-automatic pistol, was not a typical assassin's weapon, and that the suspect never referred to Swain by name.

The Sheriff did admit that drugs might have played a role in supplying a motive for the robbery if the suspect was desperate for money. "Drugs were at play in this... I think he will probably strike again. This is the type that goes around preying on unsuspecting people," Smith explained.

[9:34] Colin Miller: Three years later, though, when Sheriff Smith was interviewed by Unsolved Mysteries, he had changed his mind about what had happened at Rising Daughter, and no longer believed that an attempted armed robbery explained the murders.

Sheriff Bill Smith:

My feelings are, in that the individual did not get any money. He went around to check to find out if there was a phone, and then cut those lines, and singled out one individual from the church, and brought him out to the vestibule. Shot him, and then, in my opinion, intended that he be dead. He shot him the last round in the temple. There's no question that his intent was to kill Harold Swain.

Colin Miller: If this was a hit, if the killer's goal that night had specifically been to kill Harold Swain, that would explain why nothing was actually robbed that night. Harold Swain still had his wallet with him, along with three hundred dollars in cash in his pocket. And Thelma's pocketbook was untouched as well -- it was still lying in the church sanctuary where she had left it. And it wasn't just her pocketbook that was found there -- when the other women had run for safety, most of them had left their pocketbooks behind as well, as they fled deeper in the church's back rooms. But none of their pocketbooks had been stolen either. As far as investigators could tell, there was nothing that had been stolen.

Then again, like Sheriff Smith said back in 1985 when this crime had first happened, the fact that nothing was actually robbed doesn't mean the killer hadn't gone to Rising Daughter with the intention to commit a robbery.

[11:11] Susan Simpson: Although investigators have generally focused on whether this crime was a planned hit or an armed robbery gone wrong, there's at least one other possible explanation for why the Swains were killed that would make this crime neither a premeditated plan to kill Harold Swain, nor an armed robbery that had escalated into a killing.

Christina Cribbs was Dennis Perry's attorney at the Georgia Innocence Project, and the first person I spoke to when I began working on this case. And when she told me about the murders at Rising Daughter Baptist Church, the very first thing that came to mind was that this might have been a hate crime.

Christina Cribb: None of the women said that they recognized this guy, though. The white guy.

Susan Simpson: Yeah, when you started talking, I was like is this an early Dylann Roof situation? But, why go

Christina Cribb: Now, that's an interesting parallel.

Susan Simpson: Why go for one?

Christina Cribb: I didn't think of that.

Susan Simpson: I mean, the whole point of that, you'd assume, would be to kill as many as possible.

Susan Simpson: On the evening of June 17, 2015, a slender white man in his early 20s with shaggy, sandy blond hair walked into Emanuel African Methodist Episcopal Church in Charleston, South Carolina, where members of the church were attending a bible study that evening. The young white man was Dylann Roof, and he sat in on the meeting for a while. Then, he drew a handgun from a fanny pack he'd worn in, and began firing. By the time he was done, Dylann Roof had killed 9 members of the congregation. His hope was that the shooting would ignite a race war.

There were enough similarities between the Charleston church shootings and the murders at Rising Daughter that when Christina told me about the case, Dylan Roof was the first thing that came to mind. But, as I began going through the case file, and learned more about what investigators had done in this case over the years, I was startled to see that I didn't have much company in making the connection between what had happened to the Swains, and with other hate crimes like it. To me, that it might have been racially motivated seemed like an obvious possibility to consider, and an option that I would've left on the table until there was a clear reason to take it off. But back in 1985, whether this had been a racially motivated killing seems to have been barely an afterthought in the case, at least as far as the written record goes. Even in the very first few hours and days after the shooting happened, no one seemed to think that was a serious explanation for what had happened. The only time that the question of whether this might be a hate crime seemed to come up was in a handful of news articles where Sheriff Bill Smith specifically rejecting the possibility that this was a hate crime:

Smith described the Swains as "an exemplary couple," well-liked and respected by both blacks and whites.

...

The sheriff stressed that he did not believe the crime was racially motivated. "For those who knew Harold and Thelma Swain, they were well thought of in the community," he said. "They had no enemies in the community. Race is not the issue, crime and robbery are the issues."

[13:58] Susan Simpson: It's not that investigators completely ignored this angle. A few weeks after the murders, they did make inquiries into whether any known members of anti-black or extremist organizations might reside in Camden County. And, for at least one suspect, his white supremacist ties were considered as a possible reason that he may have had for doing this. But, overall, investigators were not inclined towards the possibility that this was a hate crime. And, based on everything I've seen now in this case, I think they were probably right. Other than the superficial similarities to the Charleston church shooting, there was nothing here to clearly suggest this was racially motivated. Even still, I remain surprised at just how quickly the Camden County Sheriff's Department rejected it as a possible theory.

[14:50] Colin Miller: Years later, when the Swain case was reopened, investigators found no reason to pursue the theory that this could have been a hate crime. In 1999, when Dale Bundy went to Texas to interview Dennis Perry's friend Clayton Tomlinson,

Clayton tried to tell him that there was no way Dennis Perry could have done some kind of hate crime like this. And Dale Bundy corrected him: this was no hate crime.

Clayton Tomlinson

You won't be able to change my opinion... I ** with the guy-

Dale Bundy

I'm trying to change your opinion. That's, that's not why we're here.

Clayton Tomlinson

For a hate crime to take place like that, of that nature, what was said in the papers, uh, that's...

Dale Bundy

First off, (inaudible crosstalk), this was definitely not a hate crime. This was something that happened between the person that committed this crime, we also believe there was another person present. There was a transaction that was to occur between the person that actually did the shooting and the victim, and things went down from there.

To Dale Bundy, the murder of Harold and Thelma Swain was definitely not a hate crime, and was also definitely not a robbery. It had been about some kind of personal connection between Harold Swain and his killer. That there had been some kind of transaction between Harold Swain and whoever killed him. That's the word that Dale Bundy keeps going back to, to describe whatever relationship Harold Swain and his killer had: that they had planned to make a transaction, of some unspecified sort. In Dale Bundy's second interview with Dennis Perry, which was the one interview of Dennis that was recorded, Dale Bundy had described it in the same way: the killer had some transaction, for some unknown reason, with Harold Swain.

[16:25] Dennis Perry

I would never do nothin' like that. I don't have the heart to do somethin' like that.

Dale Bundy

Well, if you got put in a situation where you had to do something like that (inaudible), like I told you when I was here before, whoever went in that church that night might have gone, might have gone to get something from Mr. Swain,

had some reason to have some transaction with Mr. Swain, and a fight broke out. He was a pretty good-sized fellow. As silly as it sounds, maybe it was self-defense. Somebody jumps on me, I'll shoot at them.

In this interview, you can hear Dale Bundy tell Dennis that the killing of Harold Swain might not have been intentional. He tells Dennis that it might've been something almost like self-defense even. There's reason to think, though, this may not have been Dale Bundy's actual belief about what happened at Rising Daughter. Because what he's saying here is right out of the Reid Technique playbook. The Reid Technique is an interrogation method that is aimed at getting a suspect to confess to a crime, and step number 2 of the Reid Technique is exactly what Bundy was doing in that clip. In step 2, interrogators work on, quote, 'developing themes that can psychologically justify or excuse the suspect's actions in committing the crime.' In short, what it sounds like is Bundy was trying to help Dennis Perry find a more socially acceptable reason he could use in confessing to the Swains' murder, by suggesting it might've been self-defense.

Whoever it was that killed the Swains, though, and whatever it is their motivation may have been, this theory that Bundy suggests to Dennis -- that the killing of Harold Swain may have been almost something like self-defense -- is one theory, at least, that we can probably rule out. The evidence from the crime scene makes it clear that whoever went to Rising Daughter night did not have friendly intentions.

Christina Cribbs

The women, after this happened, of course they all like ran to the opposite side of the church and they're freaking out. They go to call 911 and the phone lines were cut.

Susan Simpson

(gasps). Whoa, that's creepy.

Christina Cribbs

Yeah. Very creepy.

Susan Simpson

Were they really cut?

Christina

Yeah--

Susan Simpson

Like they found cut wires?

Christina

They did, they actually, and they actually collected the phone wires.

[18:50] Susan Simpson: When Christina first told me about how the phone wires at the church had been cut that night, it stood out to me as something that seemed incredibly significant. My gut reaction was that this detail meant *something*, that it gave us some kind of clue about the killer's motivations, his reasons for doing this. That it told us that this was not just a run-of-the-mill robbery -- this was something bigger, and more sinister. Cutting phone wires was something that the Manson family and the Golden State Killer did, not something that a random transient committing a robbery might think to do. I'm not saying you'd have to be a Bond villain or anything to come up with a criminal conspiracy that involved cutting the phone wires, but still, it seemed something more complicated than your average criminal would do.

Christina

It's definitely a really weird twist to it, because it--

Susan Simpson

He was not going to talk. He was going to kill someone.

Christina

Right. Right! It seems pretty intentional.

But later, as I began looking more into this case, and more into other cases like it, I began to think my gut reaction had been completely wrong. And I came to agree with Special Agent Joe Gregory had said in 1988 when he was interviewed by Unsolved Mysteries.

Joe Gregory

The telephone lines at the church had been cut, which could or could not say that, uh, there was a premeditated murder. It could have been a premeditated armed robbery attempt.

I think Agent Gregory has it right here. The cut phone lines could mean everything, or they could mean absolutely nothing. The only thing the cut wires really tell us was that whoever killed the Swains had gone to the church that night with something less than

friendly intentions. They weren't there for a simple chat. But it doesn't tell us whether it was more likely the man was there to commit a murder or if he was there to commit a robbery.

And I kinda think my initial reaction to the cut phone wires may have been an artifact of time more than anything else. The cut phone wires do seem like something out of a movie, and that's probably because, in 2018, there aren't a whole lot of places and times in real life where cutting the phone lines would actually help you in commit a crime.

But back in the time before cell phones, like back in 1985, cutting phone wires was kind of just what criminals did. In murders, and rapes, and robberies. All kinds of crimes. And it wasn't just the sophisticated criminals that did this, either, the bumbling ones did it too. There are plenty of reports out there of attempted armed robberies where the suspects had cut the phone wires in advance, only to discover that either they'd cut the wrong phone wires for the wrong building and their victims were still able to call out for help, or else that when they'd cut the phone wires, they'd automatically triggered an alarm, and police were already on their way to their location.

[21:29] Colin Miller: While most crimes involving cut phone wires took place at private residences, it was a common enough MO in robberies at commercial establishments as well. For instance, a report from an armed robbery in 1984 describes how a man held up a gas station in Hudson Florida, and afterwards, when the clerk tried to call for help, she'd found the phone lines had been cut. Or a report from Tampa, in January of 1985, where two masked men went on a four-hour armed robbery spree, cutting the phone lines of gas stations and other retail establishments before going in, robbing the people who worked there, and then heading off to the next place. Or a report from Columbus Georgia, also in January of 1985, where two Army Rangers cut the phone lines of a home before raiding it and stealing the weapons inside. Or yet another report, again in January of 1985, about a slender, short white man with a mustache who had gone to a church in Fort Myers, cut the church's phone wires, and then held up a woman he found inside, demanding she hand over the church's cash box, before fleeing on foot.

So armed robberies where the criminals took the time to cut the phone lines before committing the robbery weren't exactly an uncommon occurrence. And there is no basis for assuming that whoever cut the phone wires at Rising Daughter Baptist Church had done so with a plan to do anything more than commit a robbery there.

Then again, Dale Bundy, the lead investigator in the reopened investigation doesn't believe it's safe to assume that the cut phone wires are even connected to this murder at all. And if that's correct -- if the cut phone wires really are unconnected to the murders -- that would mean that the murders of Harold and Thelma Swain might've not been what the killer intended. And it would open up the possibility that whoever went to Rising Daughter that night may have actually gone there with the intention to commit no crimes at all.

Susan Simpson

So when you say it was not planned, you mean like the murder wasn't planned? Because the cutting of the telephone wires--

Dale Bundy

It wasn't, it wasn't like a hit, or somebody didn't go there with the intent to kill Harold and Thelma Swain.

Susan Simpson

But they intended to commit a crime, right? You'd assume, I mean I assume from the phone wires cut that it was not a friendly chat.

Dale Bundy

We don't know if the phone wires were cut that night or not.

Susan Simpson

Oh, so there's not... I assumed we knew that. We don't know?

Dale Bundy

Nope. The people had been in the church on Sunday and uh, this meeting was held the next night, so again, the phone wires may have been cut that night, okay? But they found wires, unless somebody used the phone in the kitchen of that church on Sunday, and I don't think they had a meal there because I checked that out, nobody would have had a reason to go back to the kitchen to use the telephone. So we don't know if the phone wires were cut then or not.

[24:12] Susan Simpson: While investigating this case, I've spoken to a lot of people who've felt the location of where this all took place, of where the Swains had been killed, had some kind of special significance. That it indicated something about the killer's connection to the Swains, or to Camden County. Or that it somehow indicated that this

was more than just a robbery. Someone wouldn't go to a church to commit a crime like this, would they?

But after looking at crimes like this in the region from that time period, I tend to think that, at least from the killer's perspective, there was nothing particularly special about the location, other than perhaps thinking that a church might make for a softer target than would a gas station or a convenience store.

And armed robberies at churches were not unheard of. If anything, armed robberies at churches were even more common than armed robberies where the phone lines had been cut. That's not something I expected to find, I don't think, but after I started looking, it began to seem like this was something that just happened all the time, and it wasn't hard to find scores of reports from the mid-1980s of armed robberies at places of worship. Like a report from June of 1986, shortly after a Sunday morning service had concluded in Easley South Carolina. A man brandishing a small caliber revolver had come in and forced one of the deacons at gunpoint to tie up the other deacons that were still at the church. The gunman then tied up the third deacon, took the cash that had been collected at the morning service, and left.

Or a report from Miami Florida, in 1983, when a man with a revolver had broken into a church during an evening music class, and ordered the churchgoers to hand over their wallets. In total, the robbery only netted him \$40-\$50.

Or take a report from South Dade, Florida, in 1987. A man came into an evening service at a Catholic church, armed with something that a priest described as looking like a little toy pistol. The man waved the gun around and told the parishioners to lie down. He collected their wallets and purses and fled.

[26:11] Colin Miller: Sometimes these church robberies were done by lone individuals, in what appeared to be spur of the moment crimes, but plenty of times they were done by organized groups as well. Like in Atlanta, in 1988, a series of churches were robbed by two armed men who'd show up in the middle of evening church meetings, wave guns around, and order the churchgoers, "Freeze, hit the floor, and get those wallets out." Then, they'd collect the valuables and leave again. Or like in Murfreesboro, Tennessee, where, in December of 1984, during a Christmas service, three men came in and robbed the worshippers at gunpoint.

In most of these church robberies, though, no one was harmed. A gunman would come in, wave a weapon around, order everyone to hand over their wallets, scoop out the money in the collection plate, and be on his way. But, sometimes, things went wrong. Like in a Milwaukee church in December of 1985. An armed man came into the church during the middle of a service, and demanded that the worshippers give him their money. One of the deacons fought back, though, and tried to subdue the man. During the struggle, the gun went off, and the deacon was struck and killed. Or, like in a New Orleans church, in February 1984, a 70 year old man was shot and killed, and another man was shot three times but survived, in an armed robbery that netted the killer only \$30.

Sometimes these church robberies didn't go well for the thieves, either. In 1981, a man armed with a shotgun attempted to hold up a church in Mississippi. He came in to a service and ordered the congregation to put their money and jewelry into collection plates, but while he was collecting the valuables, the reverend took his chance and tackled the gunman, and successfully disarmed him. While waiting for police to arrive, the congregation sang Amazing Grace to the man, to, quote, "kind of calm him down." And, in 1984, in Fort Lauderdale, an armed man interrupted an evening meeting and attempted a hold up. One of the members of the congregation resisted, though, and in the struggle, the man's gun went off, striking a woman in the ankle. The would-be robber was beaten and subdued by the others at the church meeting, though not long after police arrived, he collapsed and died, reportedly due to a heart attack.

[28:12] Susan Simpson: After reading reports on church robberies all over the south, what had happened at Rising Daughter started to seem less strange to me than it had at first. And it began to seem much more possible that, rather than being some kind of planned murder, this had just been another armed robbery, and then something had gone horribly wrong. Maybe someone had been driving down US-17 that night, and as they passed by Rising Daughter, they could tell from the cars gathered in the church yard that there was a meeting at the church that night. So maybe they'd pulled over to check things out. The man had walked around the church, perhaps looking in windows and perhaps seeing what was going on inside, and then he'd found a box on the side of the church where the phone wires connected up. He'd opened the box up, and later that evening, after it was all over, a visible fingerprint would be found there later on the box's cover, although examiners would conclude later it lacked sufficient details to be used for identification. After opening the box, the man cut the phone wires, and ensured that no one in the church could see him and get suspicious and then call the police without him knowing about it. So at the very least, he wouldn't be surprised by police suddenly pulling up at the scene.

And then perhaps the man had gone into the vestibule of the church. It seems like he was there for a while, because for at least 15 minutes before the murders happened, women in the church had heard him there, opening doors and closing them. They hadn't been alarmed, they assumed he was just someone there waiting for one of them. But when Vanzola Williams excused herself early that night, and had tried to leave the church, she had encountered him there in the vestibule. The man had asked her to speak to the only man in the church -- not because he knew who the man was, but simply because he represented the biggest threat to the robber. Maybe the man's plan was to get Harold Swain out in the hallway, use the gun to coerce his cooperation, and then go into the sanctuary and rob the women there, order them to hand over the offering plate and hand over their pocketbooks.

Only, things went wrong. Harold Swain saw the gun and immediately fought back, and in the struggle, the man had ended up shooting Harold, and then he'd shot Harold's wife when she burst through the doors. And, in a panic after just having just killed two people, the man fled, without bothering to search for a wallet in Harold or to go into the sanctuary and look for Thelma's pocketbook. It wouldn't be the first time that someone who tried to do a robbery had given up on the idea after the attempted robbery had turned into a murder instead.

[30:41] Colin Miller: But if that is what happened here, and if the young white man at Rising Daughter than night had been a transient who only intended to commit a robbery, then the man who killed Harold and Thelma Swain could be just about anywhere now. It would mean the killer could be pretty much be any white male in the U.S., who, as of March of 1985, was in his early twenties to mid-thirties, was shorter than 6 feet tall and had a slender build, and might've had some reason to be traveling through southeast Georgia. The killer could easily be someone with no connections to the Swains, no connections to Camden County, no connections to Georgia, or even no connections to the south in general. If the Swains were killed because of an armed robbery that went wrong, then it's very likely there may be no leads at all that could ever lead you to this killer. You could investigate forever, and never have a hope of finding him.

And maybe that's one reason why, over the years, many investigators have tended toward believing this was not just a simple robbery, and have come to think instead that the man in the vestibule at Rising Daughter had gone there intending all along to kill Harold Swain.

Because if the man in the vestibule had some kind of reason for wanting Harold Swain dead, that would mean there was some kind of link between Harold Swain and the man who had killed him. And if investigators could find that link, they may be able to find the killer.

[31:52] Susan Simpson: The problem was, pretty much every investigator that looked into the possibility that this was an intentional murder got stumped at the very next step: trying to figure out what possible reason someone could have to want to kill Harold or Thelma Swain. The Swain's had no known enemies, and no reason to have any unknown enemies that anyone could think of.

One possibility that was considered was that the killer was someone who had both been motivated by money and who'd also known Harold Swain. Perhaps it had been a robbery after all, but not by a transient, but instead by someone who'd known that Harold Swain had money with him that day. Because Harold Swain had had quite a bit of cash on him when he was killed -- there was \$300 found in his pocket.

And \$300 did seem like a lot of cash just to be carrying around. I wasn't even sure why Harold Swain had had that money with him -- I didn't know if he'd normally had that much, or if something had happened that day that was different from normal, or what. I finally got an answer though, when I spoke to Steve Rawl. Back in 1985, Steve Rawl had owned the store that was just off of the Dover Bluff exit on I-95, and Harold Swain had worked there part-time as a laborer, doing odd jobs like cutting firewood and painting. And, Steve Rawl told me, the day that Harold Swain was killed, he'd actually been out at Steve Rawl's place doing some work, and before he left, Steve Rawl had given him his pay -- that's where the \$300 in Harold Swain's pocket had come from. But since that \$300 hadn't been stolen, it didn't seem like whoever had killed him and known about the money, or had been after that, specifically.

One other theory that investigators considered, though, was that Harold Swain's murder had been about money -- just, in a more indirect way. Because although initially no one could think of anyone who might have a reason to be upset with Harold Swain, in October of 1985, a man named Nolan Frazier went to the investigators and told them there was, in fact, at least one person who had been upset with Harold Swain, not long before he died. Lawrence Brown was related to the Swain's by marriage, Nolan Frazier told them, and not long before Harold had been killed, there'd been a disagreement between Harold and Lawrence Brown. According to the GBI memo, Nolan Frazier told investigators:

"I just want to let you know that you should investigate Lawrence Brown. Back before the shootings, Lawrence tried to borrow \$2,500 from Harold. I really don't know what the money was for, but I feel that it was probably for attorneys fees in his drug trial. Harold went to Springfield before the shootings, [] and he told Lawrence that he would not be able to loan him the money. When [Harold] got back, Harold said that Lawrence was really upset."

Back during the original investigation, Lawrence Brown was investigated, and had been named a suspect, and even in the reopened investigation, Lawrence Brown was considered a possible lead. In the DA's files, Brown was one of only four suspects who were actually named and considered important enough to have a own write-up in the file. But, Dale Bundy told me, he'd looked into that lead, and run it down, and found that there was nothing there.

[34:50] Dale Bundy:

But, uh, the bit about somebody coming to the house who was gonna kill Harold and Thelma, to shut Lawrence up, to keep him from testifying and all that stuff, that was run down pretty good. I think Ron and I went there ... where did we ... did we go talk ... I think we actually sat down and tried to talk to Lawrence Brown, or somebody did. And that basically turned into a dead end street.

Susan Simpson:

So I think I just heard you say that, he was ... someone was saying that Lawrence Brown wanted to shut him up? What do you mean by that?

Dale Bundy:

Yeah, I think Lawrence Brown was getting read ... he was gonna be a federal witness. He'd flipped on some people and they thought that maybe some of the people he had flipped on were gonna come by and kill Harold and Thelma Swain to scare him into shutting up. That was what the rumor was.

Susan Simpson:

Do you know where that rumor came from, or ... ?

Dale Bundy:

No, I do not know.

Susan Simpson:

'Cause the rumor I heard was that he had owed money on a drug deal or something.

Dale Bundy:

I don't know. Again, that was stuff from ... that had been worked in the original case.

As far as rumors go, the most popular and widespread one is what I've come to call the Marijuana Theory. There are endless permutations of this theory, and by now I've probably heard a dozen different versions of it. Here's Carlton Johnson, who works at the Minit Mart in Waverly, telling me the basic, barebones version of this theory:

[36:12] Carleton Johnson:

Everybody said that ... here's what happened, that Harold stumbled upon somebody's marijuana field, that's what they said. And that's why they said he had to go.

The details of the marijuana theory change from telling to telling, but in every version of this rumor, the basic idea is the same: somehow, somewhere, Harold Swain discovered that someone was growing marijuana, and that's why he had to go.

Of course, the next obvious question is whose marijuana this might have been. And that part of the rumor is almost never the same twice -- no one can seem to agree on who, exactly, was growing this marijuana that Harold Swain supposedly found. There is at least one version of the Marijuana Theory, though, that involves Dennis Perry, and that's the version of the story that came from Corky Rozier. At the time of the murders, Corky and his wife Glenda lived just off of Dover Bluff -- they were neighbors of both the Swains and Dennis' grandparents. And it was Corky who, in 1988, called in the first recorded tip that we have that named Dennis Perry as a suspect.

Corky Rozier's tip was kinda vague and confusing, though, because what he told authorities was something about how Harold Swain's grandson had been growing marijuana, and that Harold had found it, and the very next day Harold was killed, and that Dennis Perry was friends with Harold Swain's grandson and somehow involved in all this. There's one big problem with this tip, though: Harold Swain didn't have a grandson. So I have no idea who Corky Rozier might have been talking about, or why he thought Dennis Perry would have somehow been involved in this, whatever this was.

Corky Rozier passed away a few years ago now, but I was hoping that his wife Glenda might be able to tell me more about what Corky's tip had been about. Maybe she remembered more about the Marijuana Theory, or why Corky had thought that Dennis might be involved in it.

[38:02] Susan Simpson:

Your husband called and said he'd spoken to Butch before about it, and that the Swain's had like a property somewhere, and that Mr. Swain had been walking and found some marijuana growing there...

Glenda Rozier:

Oh yeah...

Susan Simpson:

And he'd gotten upset and told whoever it was that they needed to get rid of it, and that was like the day before he got killed. Um, and that he just found the weed and said, "Get rid of it, or else."

Glenda Rozier:

Yeah. I don't know ... I remember something about some stuff being ... growing out there, but I don't know who or what.

Glenda Rozier remembered something about a marijuana field somewhere, but nothing specific about where the field might've been, or who might've been growing marijuana there. And unfortunately, Glenda and Corky's daughter Laurie, who I also talked to, was unable to shed any light on this either:

[38:52] Susan Simpson:

Yeah, so I've heard the story about the marijuana field from a bunch of people in different ways, and I'm trying to figure out what the origin of it is, or where. Is that anything you ever heard of? No?

Laurie Rozier:

I was probably too little for them to discuss that in front of me.

Susan Simpson:

Yeah. How old would you have been?

Laurie Rozier:

What year was it?

Susan Simpson:

'85.

Laurie Rozier:

11, 12 ...

Susan Simpson:

Oh, you wouldn't know about marijuana fields over there (laughing).

So the source of Corky Rozier's tip about Harold Swain's grandson is still a mystery to me. Although this whole version of the Marijuana Theory is in many ways an outlier -- it's the only version, the Marijuana Theory, that involves Dennis Perry in some way. And the whole marijuana story was ultimately not used as part of the State's case against Dennis. At trial, the story they went with was that this dispute was over money, not drugs. Glenda and her daughter Laurie told me, though, that they were skeptical of this somewhat. To them, the money motive had never seemed to really explain why someone would have a motive to kill Harold Swain.

[39:53] Laurie Rozier:

A lot of people said he went up there for money, and I think if he went for money Mr. Swain would of gave it to him. So I don't think that would have been ...

Glenda Rozier:

No, I think he had a grudge or something ...

Laurie Rozier:

I don't think that would have been an issue with that.

And a lot of people I spoke to in Camden County, even the ones who thought that Dennis Perry was guilty, struggled to answer this question about *why* Dennis Perry might have wanted to kill Harold Swain. There was no general consensus about what his motive really would have been. Even Dale Bundy isn't sure why Dennis did this.

[40:24] Susan Simpson:

What do you think Dennis' motive was?

Dale Bundy:

Jane Beaver told us, when i say us, i'm talking about Ryan Rhodes and I, that Dennis had said he'd tried to borrowed money from Harold Swain at one time, and Harold laughed at him and wouldn't loan him any money. He told that to Jane Beaver. And he says, "I'm going to kill that N-word." I really don't know why he went to the church that night. I don't think he went there with the intent of harming Harold Swain. But Harold Swain, when he saw him standing in the north ex of the church, he looked at him and said, "What are you doing here, boy?" He knew him. He absolutely Dennis Perry. That was my impression and other people that that I've gone over this with. All of us, you know ... sounds like he knew him.

Dale Bundy can't know for sure why Dennis would have gone to the church that night, but at Dennis Perry's trial, it was Jane Beaver's story, and Jane Beaver's story alone, that was offered to explain why Dennis Perry killed the Swains.

Jane Beaver's daughter, Carrol Anne, had dated Dennis Perry around the time of the murders, and according to Jane Beaver, one day, not long before the Swains were killed, Carrol Anne had brought Dennis to her house. And, according to Jane Beaver, it was during that visit that Dennis Perry had had a conversation with his girlfriend's mother that, eighteen years later, would lead to him being tried and convicted for the murder of Harold and Thelma Swain.

[42:14] Colin Miller: According to the records kept by the Camden County Sheriff's Office, the first time that Dale Bundy spoke to Jane Beaver was on July 23rd, 1998. Bundy had a spent a few days before that going up and down US-17, knocking on doors and asking if anyone knew Dennis Perry, when finally he got to a trailer just around the corner from the Reed's Store. This time, he was in luck: when he asked the woman who answered the door about Dennis Perry, she said,

Dale Bundy:

"It's about damn time. Come on in and I'll tell you what you need to make your case."

Dale Bundy didn't make any notes about this interview at the time, but about four months later, in November of 1998, Bundy wrote up a memo of the interviews he'd conducted up until that date. And the section on this interview with Jane Beaver said,

"Three weeks prior to the murders, Perry had come to her residence and had a pair of women's glasses in his possession. She asked him about the glasses and

Perry told her that they belonged to his mother and that he needed them to read. Later that evening, Perry stated to Ms Beaver that he had tried to borrow money from the [n-word] that lived down the road from his Grandfather. Perry stated to her that when he tried to borrow money from the man, that the man laughed in his face. Perry stated to Ms Beaver, 'I'm going to kill that [n-word].' Perry further stated to Ms Beaver that he knew that the man had money because he dealt drugs at the Rawls store. Ms Beaver stated that she had confronted Perry about the murders on at least two occasions and that he had just laughed and walked away."

If you're wondering about the part of this report that mentions Dennis wearing women's glasses, and what it means, well, you're not alone in that.

[43:40] Dale Bundy:

Jane Beaver did make a statement that Dennis had had a pair of glasses that he was running around, acting silly with. But again, I didn't put any credence in that because I don't know anything about those glasses.

Susan Simpson:

The ladies glasses. Yeah, I didn't get that part of her statement. Like, what is ...?

Dale Bundy:

I don't know. All I remember her saying something about the glasses, and that's about how much credence I put on her, I just ... I don't have the glasses, can't say, "Were these the glasses?"

Susan Simpson:

So there's no story there? She just says like, "Yeah, Dennis came over, was wearing women's glasses."

So Jane Beaver's story about the women's glasses never really came up again. And the part of Dale Bundy's first memo that discusses Harold Swain's supposed drug dealing, well, that never gets explained either. In the DA's files, there's also a second Bundy memo that summarizes the Jane Beaver interview -- it's shorter, only two pages long, and there's no date on it. But from context, this memo must have been written sometime between 1999 and 2002. And this second Bundy memo tells a slightly different version of Jane Beaver's story.

“Perry was dating the daughter of Ms, Jane Beaver, Carol Ann Young, until shortly before the murders. His behavior became erratic and Ms Beaver suspected that he was using drugs. Ms Beaver initially showed the photograph of Perry to Ms. Fisher and Ms. Williams. She showed the photo shortly after the first airing of the Unsolved Mysteries television show concerning the murders. Approximately six weeks prior to the murders, Perry stated to Ms. Beaver that he was going to kill the man that lived down the road from his Grandfather. He stated that he knew the man had money because he lived in a large block house and worked for Steve Rawls. Perry stated that he had tried to borrow money from the man and he had laughed at him.”

[45:14] Colin Miller: In Bundy's second memo, which appears to have been prepared for the DA's office, Bundy wrote that Jane Beaver had told him that her conversation with Dennis had happened six weeks before the murders, not three weeks before. And this second memo from Bundy does not include Jane Beaver's claim from the first memo about how Harold Swain had been a drug dealer. And, by the way, there is no evidence whatsoever to support Jane Beaver's story that Harold Swain was a drug dealer. Assuming that ever was Jane Beaver's story, anyway. At trial, Dale Bundy testified this part of his memo was essentially a typo, and there was not real reason that line about dealing drugs was even included. Bundy denied that Jane Beaver had said anything to him about Harold Swain being a drug dealer, and that he did not remember writing those words down.

Anyway, the next time that we know of Jane Beaver giving any sort of statement comes from August 2001, when Jane Beaver testified at a pre-trial hearing. Part of her testimony was about how she'd gone to at least two of the church ladies and shown them a photo of Dennis Perry -- that part of her testimony was made in open court. But the other part of her testimony, about Dennis' confessions to her, that was not made publicly. At defense counsel's request, the courtroom was closed, and the transcript of what she said was placed under seal.

And, at this hearing, Jane Beaver apparently was not in very good health. A few days before the hearing, she called up the DA's office to ask if she could be excused from testifying, which we know because in the DA's file there's a brief memo about the call that someone in the DA's office had typed up. Jane Beaver had told the DA's office that it would be very hard for her to come to court, as she was legally blind and had severe lung disease. Apparently, though, the DA's office rejected her request, and told her she had to come to court anyway, because on the day of the hearing, Jane Beaver was there, though she had to be pushed into the courtroom in a wheelchair, and wore dark

glasses that covered most her face. She told the court that she'd recently had eye surgery, so Judge Amanda Williams let her wear them anyway. Judge Williams noted, "It's just kind of funky to see people with dark glasses in the courtroom."

[47:12] Colin Miller: So, in her wheelchair, with her face obscured by the dark glasses, Jane Beaver told the closed courtroom about the time that Dennis Perry had told her of his plans to commit murder. It had happened one evening out at her house in Brunswick. She'd been out back, working in her ceramic shop, when her daughter Carrol Anne had stopped by for a visit. She'd found her mother there in the backyard, and the two of them began working with the clay and chatting. Here's how Jane Beaver described what happened to the Court:

He came with my daughter in the evening. I had a ceramic shop, a workshop, in my backyard. So my daughter came outside. Dennis was inside. I had -- [I] did at that point not have knowledge of him being at my house. But I did not know him very well. I think maybe I had seen Dennis on maybe a half a dozen or so, more or less, occasions at that point. I learned about 20 minutes later that he was alone in the house there and I told my daughter, "You shouldn't do that. You know, I don't know him that well." And so I began -- well, I was in a mud room working with clay and I said, "I don't know him very well. You shouldn't have left him in the house like that." [] So I washed up my hands and we went in the house.

When I went in, Carol Ann went into the bathroom to wash her hands up. I had washed my hands up outside. I went in and he was sitting in the floor in my living room facing the T.V., and he was mumbling, talking to himself. And so I sort of jokingly asked him, "Do you always talk to yourself? What are you mumbling about?" I was sort of joking with him. He said to me, "I'm mad." I said, "Well, what are you mad about?" He said, "I've got to have money to go to Jonesboro and I haven't been able to get it." I said, "Well, don't look at me because I don't have any money." And he said he had been at his granddaddy's that -- [well] I assumed that it was that afternoon. Now, that's an assumption on my part there. But he said that a black man had been down there [--] he never called [that man's] name.

[Dennis] said that he had asked a black man who visited his grandfather -- [who] knew his grandfather real well. He was a neighbor to his grandfather. And th[at] man, [Dennis] asked him if he would loan him the money to get to Jonesboro.

The man -- he said the man put him down, laughed and made fun of him. And he was angry about it.

I do recall [Dennis] saying that [the man] was a neighbor, that he lived in a real fine home and that was a home he could not afford on his job, [and] that he knew where the money came from to afford a home like he afforded. ... And then he said to me -- He was angry. [He said,] "I've always wondered what it would be like to kill a [n-word] and now I'm going to get me one." And I said to him, "You ought not to talk like that. You know you wouldn't do anything like that." And so my daughter was coming out of the bathroom. She said, "Well, I have to go now." She started out the door. She said to him, "Come on," you know, because he was riding with her. So he got up and he started walking toward the door. And he turned around and I told him, I said, "You know, you ought not to talk like that. You wouldn't do anything like that." He said, "You just watch me." That was it. That was the end of the conversation. And I did - wonder about it. But I didn't really think -- I was shocked when it come out in the paper.

By 2003, when Dennis Perry's trial had finally rolled around, Jane Beaver was apparently in much better health. There was no wheelchair, no dark glasses, and none of the jurors we spoke to recalled her appearing ill in any way.

Although, it's not clear if Jane Beaver had really been all that ill at the time of her earlier appearance in court. Because at that hearing in 2001, although Jane Beaver been wheeled into court and had worn the dark glasses due to an eye surgery, several members of the defense team had seen her arrive at the courthouse that morning. And they'd watched her exit a vehicle, unaided, and walk into the courthouse, without assistance. After that hearing, Dennis Perry's defense counsel had written to the prosecutor about this, asking him to explain this apparent discrepancy in Jane Beaver's representations about her health. There's no record of any response from the prosecution, though, and the matter does not appear to have been brought up again.

For the most part, Jane Beaver's trial testimony was the same as what she'd testified to during the hearing in August of 2001. Though, at trial, she did provide a few more details than she had before. Like, for instance, about when this whole conversation with Dennis Perry was supposed to have taken place. At the hearing, Jane Beaver never specified anything about the timing, but at trial, she said Dennis had confessed his plans to her only few days or a week or so before she'd read about the murders in the paper, so sometime around March 3, 1998.

But Jane Beaver's testimony about when all this happened is hard to make sense of. As an initial matter, Jane Beaver testified at trial that only a few days or maybe a week had passed between the time that she had the conversation with Dennis and the time that the Swains were killed, but this is a significantly shorter period of time than 3 to 6 weeks described in Dale Bundy's memos about Jane Beaver and what she had told him. Still, maybe Jane Beaver had just remembered wrong by the time trial came around, or maybe it was Dale Bundy that had been mistaken when he wrote down that Jane Beaver had told him the Swains were not killed for several weeks after Dennis had told her of his plans to kill Harold. After all, Bundy's memos weren't written until months after his interviews with Jane Beaver had taken place.

[52:09] Susan Simpson: But Jane Beaver also said something else at Dennis Perry's trial that's even harder to explain away. And that's the part of her testimony about how, at the time that she'd had this conversation with Dennis, Dennis had been living in Waverly with his grandparents.

Because that... can't be true. Whether Dennis Perry had gone to Jane Beaver's house one week before the murders, or three weeks, or six, Dennis could not have been living in Waverly at that point. He'd been living in Jonesboro, near Atlanta, with his mother, and he'd been there since December of 1984. That's when he'd fallen out of a tree that he was using as a deer stand, and broken a vertebrae. So, for logistical reasons, Jane Beaver's story can't be right here. Dennis couldn't have been in Camden County at that time, and had no way of getting back to Camden County after going back to Jonesboro. So it's not clear how Dennis Perry came to be at Jane Beaver's house to make this confession in the first place.

[53:05] Colin Miller: But even if you put aside the question of *how* Dennis was able to make this confession to Jane Beaver, the contents of this confession are even harder to make sense of. As Jane Beaver describes it, Dennis Perry had a jumbled assortment of motives for committing the murders. He had told her he planned to kill Harold Swain because he was mad that Harold Swain wouldn't let him borrow money, because he was mad because Harold Swain making fun of him, and because also he'd always wanted to kill a black person anyway. Even out of context, that would be an odd motive in any murder case. But as applied to Dennis Perry, it's even harder to make sense of.

Take the first part of the motive described by Jane Beaver: that Dennis Perry had, quote, "wanted to borrow enough money to get to Jonesboro," and was mad that Harold Swain wouldn't loan him this money. But how could a loan have possibly helped Dennis get to Jonesboro? Dennis Perry didn't have any kind of vehicle in the first place, so it's

not like he would have been looking to borrow some gas money. And Dennis couldn't have even rented a car without someone signing the rental agreement for him, so just getting a loan wasn't going to be enough to get him back home, either. Unless Dennis was asking Harold Swain to loan him enough money to buy his own car, it's hard to understand how any loan could've helped Dennis get back to Jonesboro.

But why would Dennis Perry even be so desperate to get back to Jonesboro in the first place? When Dennis was living in Jonesboro, he did often try to find ways to get back to Camden County so he could see his girlfriend, but the reverse wouldn't be true. If Dennis Perry had been living in Camden County at the time, like Jane Beaver says he was, he could have just stayed with his grandparents in Camden County. And since his girlfriend lived just around the corner from there, he probably would've preferred that anyway. But even if Dennis Perry had been desperate to get to Jonesboro for some reason, why not just ask Carrol Anne to give him a ride? That's what Dennis Perry usually did when he needed to get around somewhere. And if Carrol Anne wouldn't drive him, he could have just called his mom and asked for her help -- after all, it wouldn't be the first time she'd had to drive down to south Georgia to pick him up.

[55:00] Susan Simpson: And Jane Beaver's explanation for why Dennis Perry would've decided to ask for a loan from Harold Swain is also hard to make sense of. According to Dale Bundy's first memo, Jane Beaver told him that Dennis wanted to borrow money from Harold Swain because he dealt drugs at Steve Rawl's store. But even if Jane Beaver never said that, and Bundy's first memo was just a complicated sort of typo, the explanation from Bundy's second memo doesn't really explain it either. Because, the second memo says Dennis Perry decided to borrow money from Harold Swain because Harold Swain lived in a large block house and worked for Steve Rawl. But while it was true that Harold and Thelma Swain did live in a cinder block house, it's not really the kind of house that would be described as extravagant, or that would lead you to think the house's owner had a lot of spare money that you might be able to borrow. And while Harold Swain did work as a part-time laborer for Steve Rawl, that doesn't really explain either why Dennis Perry would have thought that Harold Swain was someone that he could borrow money from.

So the story about Dennis Perry needing a loan to get to Jonesboro has always seemed nonsensical to me. There just isn't any logical reason that Dennis would've been asking for a loan to get to Jonesboro. I guess it's always possible that Dennis Perry had lied to Jane Beaver about his reasons for wanting the money, and Jane Beaver had no reason to know that Dennis was lying to her at the time, but if so, no one seems to have ever investigated if Dennis Perry had any more plausible reasons for asking for a loan from

Harold Swain. Or at least, when I asked Dale Bundy about this possibility, he seemed pretty indifferent to the issue.

[56:39] Susan Simpson:

Why would Dennis have told her that though? He didn't tell anyone else that it seems...

Deputy Dale Bundy:

I don't know.

Susan Simpson:

It just seems like a weird motive for anyone. Do you think it's possible he was lying to her, or talking big to her, and he had a different motive?

Deputy Dale Bundy:

I don't know.

Susan Simpson:

OK.

Jane Beaver testified that Dennis Perry had told her these things about the loan and being mad at Harold Swain, but we actually have no way of knowing if what Dennis told her is true, and there is no evidence to corroborate any of the things that Dennis Perry supposedly told her.

There's no evidence to suggest Dennis Perry ever needed a loan, or ever asked for one from Harold Swain or anyone else, and there's no one who remembers Dennis Perry and Harold Swain ever meeting or interacting with one another. And there's no other evidence that Dennis Perry harbored racist views or expressed interest in killing a black person. Or anyone. Jane Beaver's story is the only source for any of that.

But as confusing as Jane Beaver's story was, there's also something... familiar about it.

Because in the years between the murders at Rising Daughter and the arrest of Dennis Perry, investigators had at various times considered all kinds of theories about why the Swains had been killed. Maybe it was someone from out of town who was short on cash and in need of some gas money to get back home. Maybe it was someone who lived nearby, and who had a secret grudge against Harold Swain, because Harold had refused to let them borrow money. Maybe it was someone who'd learned of Steve Rawl

paying some money to Harold Swain. Maybe it was a drug-related crime. Or maybe it was racially motivated.

But each of these theories, by themselves, failed to provide investigators with the answers they were looking for. There was no single theory that, standing alone, could explain everything in this case that needed to be explained. And maybe that's why, in the end, at Dennis Perry's trial, the motive the State went with was: all of the above. Because through Jane Beaver's statement, that's what the State got: a motive for the murder of Harold and Thelma Swain that incorporated all of these prior theories into a single new theory.

[59:06] Susan Simpson: And that's all for Episode 8 of Undisclosed - The State v Dennis Perry. This Thursday, we'll be back with an Addendum episode, so send us your questions about the episode with the hashtag #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.

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

