

## House Resolution 593

By: Representatives Hogan of the 179<sup>th</sup>, Sainz of the 180<sup>th</sup>, DeLoach of the 167<sup>th</sup>, Williams of the 168<sup>th</sup>, and Prince of the 127<sup>th</sup>

## A RESOLUTION

- 1 Compensating Mr. Dennis Arnold Perry; and for other purposes.
- 2 WHEREAS, on the evening of March 11, 1985, a man shot and killed Harold and Thelma  
3 Swain inside Rising Daughter Baptist Church in Waverly, Georgia; and
- 4 WHEREAS, in the course of the original investigation of the murders, the investigating  
5 officers in the Camden County Sheriff's Office and the Georgia Bureau of Investigation  
6 investigated hundreds of leads and individuals, including Dennis Arnold Perry, whom they  
7 cleared as a suspect because he was working in the Atlanta area the day of the murders and  
8 could not have been in Waverly when the murders occurred; and
- 9 WHEREAS, no physical evidence has ever connected Dennis Arnold Perry to the murders  
10 or the crime scene; and
- 11 WHEREAS, despite this lack of evidence, Dennis Arnold Perry was arrested nearly 15 years  
12 later in January, 2000, by a different investigating officer; and
- 13 WHEREAS, despite his continued proclamations of innocence, Dennis Arnold Perry was  
14 charged with the murders; and

15 WHEREAS, on February 14, 2003, Dennis Arnold Perry was convicted of two counts of  
16 murder and agreed to give up his right to a direct appeal of a sentence of life in prison in  
17 exchange for the state's agreement not to seek the death penalty; and

18 WHEREAS, Dennis Arnold Perry's conviction was primarily based upon the testimony of  
19 a witness who sought, was promised, and received a cash reward in exchange for her  
20 testimony that Mr. Perry had a motive to kill one of the victims and a successful conviction;  
21 and

22 WHEREAS, the reward paid to the state's main witness against Dennis Arnold Perry was  
23 never disclosed to Mr. Perry or his lawyers, notwithstanding multiple court orders that the  
24 state disclose such information; and

25 WHEREAS, the two officers who led the initial investigation of the murders did not believe  
26 Dennis Arnold Perry committed the murders, and both testified at his trial; and

27 WHEREAS, three hairs were recovered from a pair of glasses believed to have belonged to  
28 the killer and found at the crime scene, and DNA testing excluded Dennis Arnold Perry as  
29 a contributor of those hairs; and

30 WHEREAS, DNA testing in 2020 revealed that mitochondrial DNA from the hairs found at  
31 the crime scene matched the mitochondrial DNA of another suspect, who, according to  
32 multiple witnesses, had bragged about committing the murders at Rising Daughter Baptist  
33 Church; and

34 WHEREAS, in 2020, evidence was developed that included reporting by the  
35 *Atlanta Journal-Constitution*, establishing that this other suspect's alibi contained inaccurate  
36 information and was likely false; and

37 WHEREAS, on July 17, 2020, on the basis of this new DNA evidence and other evidence  
38 indicating Dennis Arnold Perry's innocence, the Superior Court of Glynn County overturned  
39 Mr. Perry's conviction and granted his extraordinary motion for new trial; and

40 WHEREAS, on July 23, 2020, after more than 20 years of incarceration, Dennis Arnold  
41 Perry was released on bond; and

42 WHEREAS, on July 19, 2021, a nolle prosequi was entered with respect to the indictment  
43 against Dennis Arnold Perry at the request of the District Attorney, who advised the court  
44 that both his office and the Georgia Bureau of Investigation did not believe that Mr. Perry  
45 committed these murders; and

46 WHEREAS, Dennis Arnold Perry has suffered loss of liberty, personal injury, lost wages,  
47 injury to reputation, health issues, emotional distress, and other damages as a result of his  
48 more than 20 years of incarceration; and

49 WHEREAS, during his imprisonment, Dennis Arnold Perry was divorced by his wife, lost  
50 his home, and lost both his parents and his stepfather, yet still maintained an exemplary  
51 record as a prisoner, serving as a mentor and example to other inmates; and

52 WHEREAS, the conviction, incarceration, and subsequent loss of liberty and other damages  
53 suffered by Dennis Arnold Perry occurred through no fault or negligence on his part, and it  
54 is only fitting and proper that he be compensated for his losses.

55 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF  
56 GEORGIA that the Department of Administrative Services is authorized and directed to pay  
57 the sum of \$1,435,000.00 to Mr. Dennis Arnold Perry as compensation as provided above.  
58 Said sum shall be paid from funds appropriated to or available to the Department of  
59 Administrative Services and shall be in full and complete satisfaction of all claims against  
60 the state arising out of said occurrence and shall be paid subject to the provisions of this  
61 resolution.

62 BE IT FURTHER RESOLVED that any amount received by Mr. Dennis Arnold Perry  
63 pursuant to this resolution shall be excluded from his taxable net income for state income tax  
64 purposes.