

The House Committee on Appropriations offers the following substitute to HR 593:

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 \$1,230,000.00 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. After an initial payment of \$307,500.00, the remainder of said sum shall be paid
62 in the form of an annuity in equal monthly installments over a 20 year period of time
63 beginning in 2022. Upon the death of Mr. Dennis Arnold Perry, all payments and all
64 obligations of the state with respect to any and all future payments with respect to the annuity
65 shall continue to be made to his estate or heirs.

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