Pet foods recalled after cats, dogs die

Full list of 88 brands of 'cuts and gravy'

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STANFORD ROLLS

On to Round 2, against Florida State

Men: UCLA, Pittsburgh in S.J. semifinals

Run a marathon | Start a 401(k) | Ask for a raise | Find a signature scent | Make a proper piece of art | L er ride | Confes ou're in love w l bonus on a pa ur own physician | Apologize to someone you've wronged | Establish a routine to pray, re-

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"This is a bad idea," Scott Herhold writes. "It's close to a very bad idea, an 8 out of 10 on the badness meter." PAGE 1B

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A miracle child.
A grisly murder.
A thought of suicide.
A chilling disappearance.
A desperate end.

GARY REYES — MERCURY NEWS

Kate and David Bagby of Sunnyvale have had to endure a lot since the murder of their son, Andrew Bagby, 28, in Pennsylvania in 2001. David has written a book about the five years since filled with anger and grief.

A tale of sorrow and survival

Kate and David Bagby persevere after tragedy, look to make a difference

By Mike Cassidy
Mercury News

Kate and David Bagby knew exactly what they were going to do.

They would go to Pennsylvania to collect the body and belongings of their only child. They'd fly back to Sunnyvale to hold a memorial service.

And then they would kill themselves.

"We couldn't live without him," Kate Bagby says. "We decided that on the plane."

Andrew Bagby, 28, was their light, their love, their boy. And now a vindictive stalker had killed him — shot him again and again until the gun wouldn't shoot any more and left him to die in the November cold of a remote parking lot near Latrobe.

The Bagbys couldn't imagine a darker moment than their son's November 2001 murder. But in their time of supreme grief, they had no way of knowing just how much darker their world could get.

Life's ability to hand us the unbearable is matched only by the ability of the human spirit to somehow handle it. Not always. But with special people, yes.

If you don't believe that, you need only follow the Bagbys' lives over the past five years. David Bagby, 61, has written a book about much of it, "Dance with the Devil: A Memoir of Murder and Loss," scheduled for release late this month by Canadian publisher Key Porter Books Limited.

It is a cry for change in the Canadian justice system that allowed his son's killer to roam free. But the book is also the story of a remarkable couple whose journey of grief took them from the suburban comfort of Northern California to the harsh coast and courts of Newfoundland, Canada. It is a story of their love for an infant and a tale of their determination to care for the child, even if it meant learning to live with the woman

See **BAGBYS**, *Page 14A*

The son and father

The girlfriend

The grandson

Online: In their own words

Audio slide show includes interview with the Bagbys, **mercurynews.com**

THE RACE FOR PRESIDENT

Obama fires up thousands in Oakland

IRAQ WAR AT TOP OF AGENDA FOR DEMOCRATIC CANDIDATE

By Josh Richman
MediaNews

Confidently taking the stage Saturday at a large, exuberant rally in Oakland, Democratic presidential candidate Barack Obama said America faces many challenges but cannot begin to solve them until the Iraq war is finished.

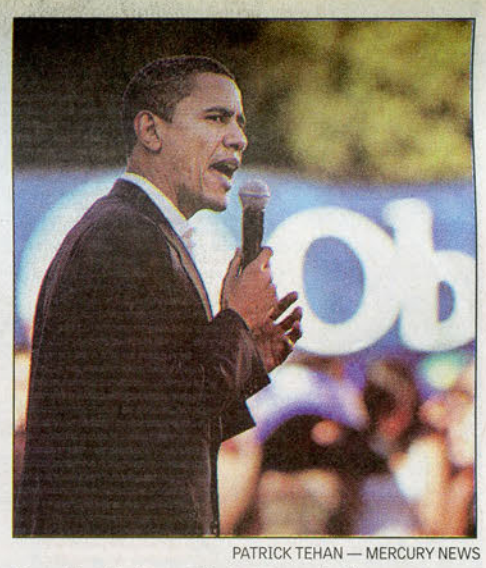
He called for an end to divisive politics in Washington, a place where he said politicians have lost sight of what matters for ordinary Americans.

"We are here today because the country calls us," the junior senator from Illinois told those who had packed Frank Ogawa Plaza, outside City Hall. "We are here today because history beckons us, and we are here today because we face a series of challenges as significant, as daunting, as any generation has faced."

Obama also sought to contrast himself with Hillary Clinton, the front-runner in the Democratic race, by stressing that he has been opposed to the war from the start. Clinton voted for its authorization.

"I am proud of the fact that I opposed this war from the start. In 2002, I said this

See **OBAMA**, *Page 19A*



PATRICK TEHAN — MERCURY NEWS

Presidential candidate Barack Obama speaks at a rally in Oakland on Saturday. More than 10,000 people attended.

IN PERSPECTIVE

Will a Democrat win the White House? History says no

Hopefuls seek support of valley insider Stone

By Julia Prodis Sulek
Mercury News

Pity poor Larry Stone.

The Democratic candidates for president just won't leave the Santa Clara County assessor alone.

First, a few weeks back, he had to "beg off" presidential candidate Barack Obama, who grabbed his hand at an exclusive fundraiser in Portola Valley, looked him straight in the eye and said, "What will it take to make this deal?"

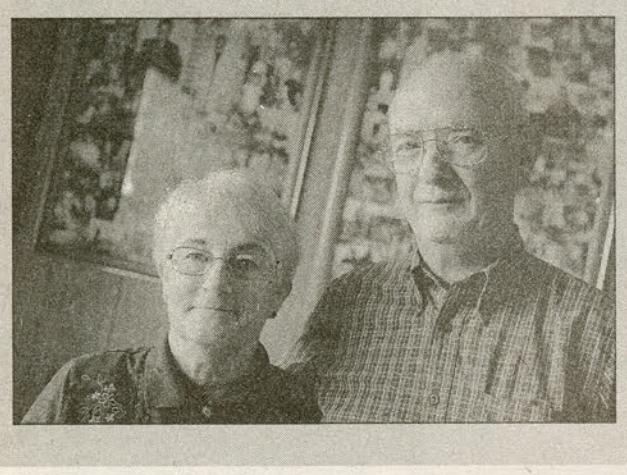
Then he had to stand with all eyes on him near the back of the Loft restaurant in downtown San Jose when presidential candidate Bill Richardson called out from the podium, "Don't let Larry Stone out of the room until he is signed on!"

And just last week, Hillary Clinton's campaign office called, asking him to drive to Monterey for a private little arm-twisting with her husband. (That would be former President Bill Clinton.)

The tug of war over Stone shows just how far candidates will go to lock up Silicon Valley support in these early, frantic months of the campaign. It also underlines the wrenching decisions that face Bay Area Democrats excited about the prospect

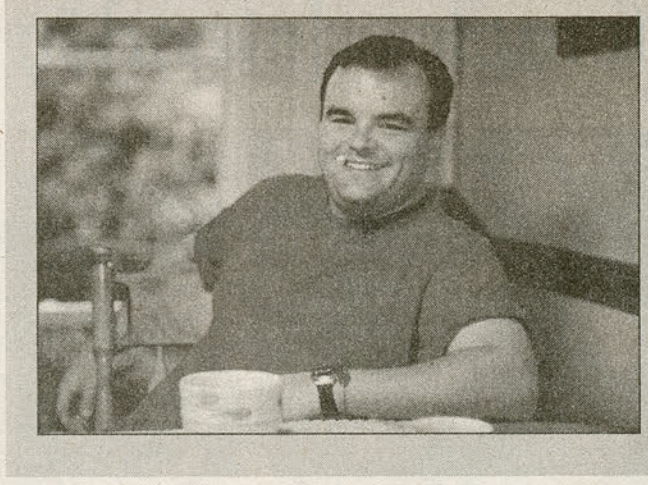
See **STONE**, *Page 19A*

Kate and David Bagby



Kate was born April 4, 1941, in Chatham, England. She moved to the United States in 1967 to pursue a nursing career. David was born Dec. 4, 1945, in Kansas City, Mo. He entered the Navy during the Vietnam War and served on the USS Hornet, which was docked in Long Beach when he met Kate. They got married soon after and in 1978 moved to Sunnyvale.

Andrew David Bagby



He was born in San Diego on Sept. 25, 1973. Andrew attended St. Andrew's School in Saratoga and then Bellarmine College Prep. After earning his medical degree in Newfoundland, Canada, he started a surgical residency. He soon discovered family practice was his passion, which led him to Latrobe Area Hospital in Pennsylvania.

Anger, grief, renewed joy

Continued from Page 1A

they were sure had killed their son.

More than all that, the Bagbys' tale is about two people who endured one personal tragedy, which was compounded in harrowing ways that would surely crush most of us.

The Bagbys thoughts soon turned from suicide. Instead they focused on their physician son's legacy, while contemplating ways to honor his memory. That they survived such horrible adversity is a testament to their courage, resolve and love.

Dealing with their grief

Bagbys help others, write a book

"Some days it's difficult to get out of bed," Kate, 65, says. "That word closure? I hate it. You never know what's going to make you sit and cry for the day."

But instead of folding, Kate became a volunteer advocate for foster children and started helping the parents of other murdered children. For David, of course, there is the book, but there is also the caldron of emotion that refuses to let him rest until he's sure he's done all he can to prevent others from going through what he and Kate have endured.

"It's rage with me," he says. "I am, just under the surface, perpetually angry. It doesn't go away."

Nor do the memories, starting with the Nov. 6, 2001, phone call.

"I was at work and the receptionist said you have a call from the Sunnyvale police," says Kate, then a nurse practitioner in obstetrics and gynecology at Santa Clara Valley Medical Center. " 'Are you Kathleen Bagby?' I said, 'Yes.' He said, 'You have to call the coroner in Greensburg.' I knew then, it had to be Andrew."

It took a series of calls, but Kate eventually heard the words she so feared.

"I fell to the floor," she says.

She pulled herself together and called David, then a technical writer at Ditech Networks in Mountain View.

"Andrew is dead. He's been murdered," Kate said to David. "Those words," David says, "are burned into my heart."

Turner investigation

Pennsylvania police zero in on woman

It didn't take Pennsylvania police long to put together a suspect and motive, according to the 1,100-page "Turner Review and Investigation," which was commissioned by the province of Newfoundland. The September 2006 report, which chronicles the law enforcement and legal developments in the case, provides many of the details in the story that follows. It says that Pennsylvania detectives almost immediately focused on Shirley Jane Turner.

Andrew Bagby was studying at Memorial University medical school in Newfoundland when he met Turner, a fellow medical student 12 years his senior. They dated for about a year before leaving Canada. He eventually moved on to a residency in Latrobe, Pa., and she went to work as a family practice doctor in Council Bluffs, Iowa.

As far as Andrew was concerned, the relationship was a fling — nothing serious.

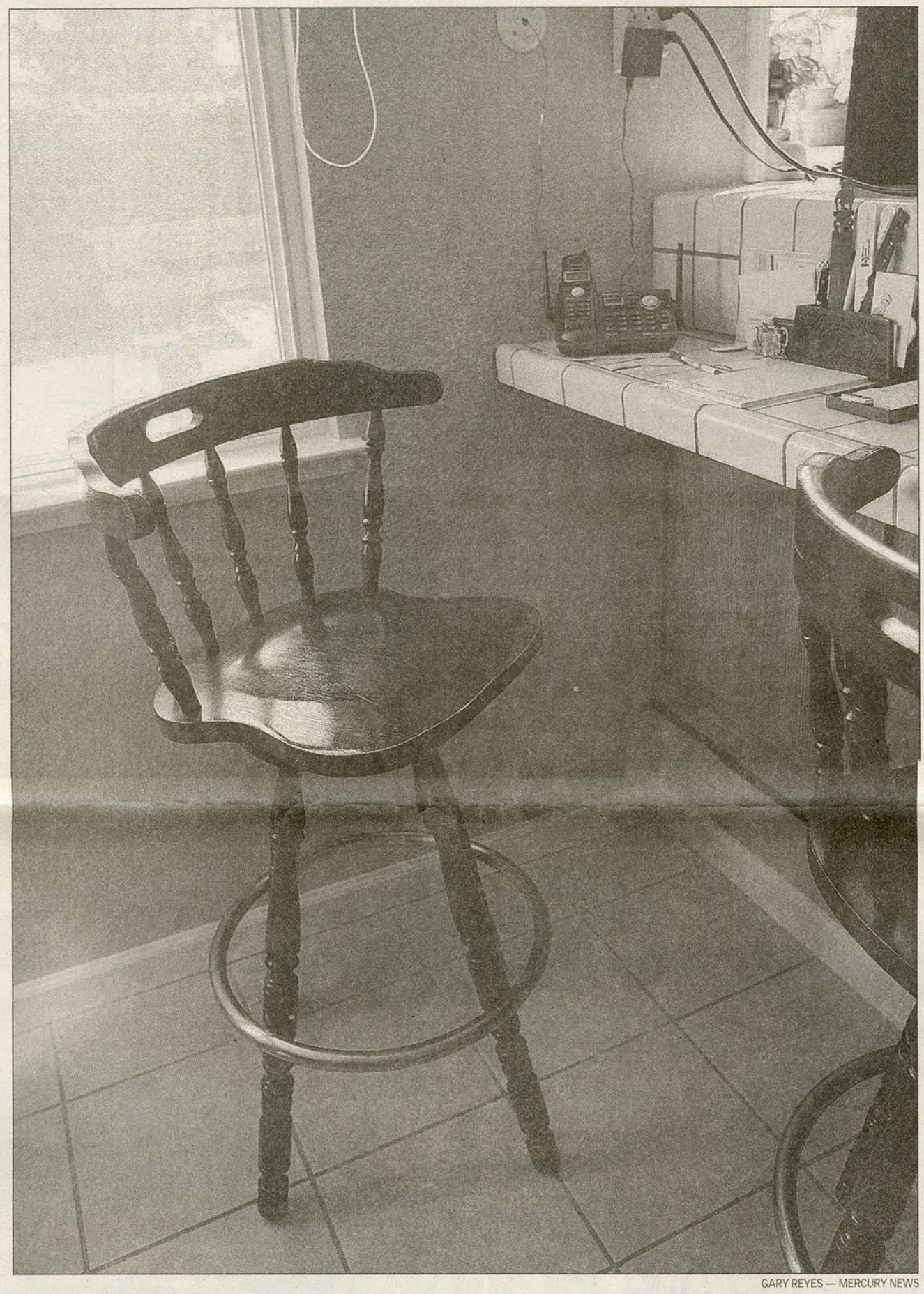
"I think it was supposed to be just a brief college romance," says Kurt Kuenne, Andrew's close friend since first grade at St. Andrew's School in Saratoga. "Then when he sort of tried to get her to go away, she wouldn't."

In fact, Turner would travel frequently from Iowa to visit Andrew in Latrobe, something she'd done the week before he was killed. On Nov. 3, Andrew drove Turner to the Arnold Palmer Regional Airport. Co-workers later said he told Turner their relationship was finished. In fact, he had made a date with another woman that night.

"She flew back to Iowa in a rage," David Bagby says. "The next day, she got in her car with her gun."

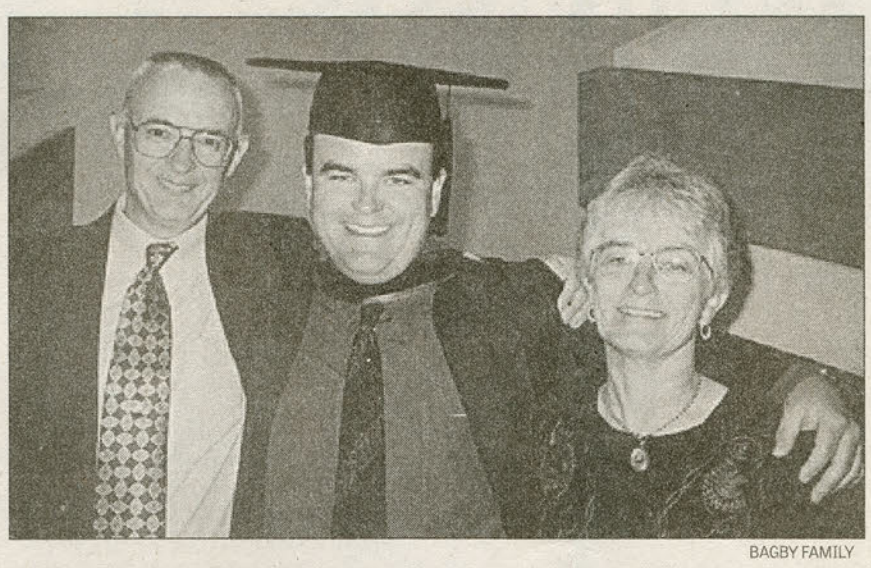
Turner, then 40, drove the 950 miles straight through and arrived at Andrew's door at 5 a.m. He went to work at Latrobe Area Hospital. She spent the day in his house across from the hospital, reading e-mail and checking eBay bids for a Barbie doll she wanted. By 6 p.m. she left for Keystone State Park, where she and Andrew had agreed to meet after his hospital shift.

Just before 6 a.m. the next day, a park visitor found Andrew Bagby's frost-covered body lying face down in the parking lot. He'd been shot five times.



GARY REYES — MERCURY NEWS

Andrew Bagby "would always be sitting on that chair . . . on the phone," says Kate Bagby of the corner stool at the breakfast bar in her Sunnyvale kitchen. She cherished Andrew's visits home from the University of California-Irvine.



BAGBY FAMILY

David and Kate Bagby were proud of Andrew's accomplishments, including medical school. He was working at a hospital in Latrobe, Pa., when he was killed.

Hard to believe

Andrew's murder changed their lives

Kate Bagby still cannot believe that murder has engulfed her life.

She's Kate Bagby from Sunnyvale, she explains. How could Kate Bagby from Sunnyvale have anything to do with murder?

"I always thought life was good until Andrew was killed," Kate says, sitting in her Sunnyvale kitchen.

The good life started in earnest when Kate first laid eyes on Petty Officer David Bagby, who was serving on the USS Hornet, docked in Long Beach in 1967. The Hornet was just back from patrolling the coast of Vietnam. Kate was a nurse, recently arrived from England. She was living with another nurse and her parents, who had also emigrated from England.

One of David's shipmates knew the parents of Kate's friend well and he knew Kate and her friend were anxious to see the sights. One day he walked into the electronics shop where David worked.

"He said he had a couple of English nurses who wanted to go to Disneyland. Did anybody want to take them?" David says. "Another guy and I said, 'Sure. Easy duty.' "

Easy duty. And fireworks.

"He quoted Shakespeare to me," Kate says, "and I thought, 'This is incredible. I didn't know Americans could quote Shakespeare.' "

Marriage and birth

Fertility drugs help Kate have a baby

Kate and David married five months later. Once David completed his engineering degree, the Bagbys were intent on starting a family. But after a year of trying unsuccessfully to have a baby, Kate started using fertility drugs. The treatments worked a sweet miracle and on Sept. 25, 1973, Andrew David Bagby was born. His parents were ecstatic.

"When Andrew would cry, David would say, 'To think we paid good money for this,' " Kate jokes. "He was to us, like our gift from God. We finally got a baby."

Andrew Bagby was a genial boy with dark hair hanging over his cherubic face. He grew into a smart kid, an Eagle Scout who loved to read.

And because he made friends easily, the Bagbys' home was the hangout for Andrew and his friends. There was the swimming pool and the pool table and the parents who were always there, but never in the way.

"They're as much in love as any couple I've ever seen in my life, anywhere," says Andrew's lifelong friend Kuenne. "And that always radiated through the house."

Sitting with Kate and David in the sunny house where they raised their son, it's almost as if they can see those days right in front of their eyes.

The days Andrew and his buddies would goof-off, watch movies and sleep over right there in the family room. The days he and a friend would work on his beloved Celica out in that driveway. The Fridays he and a classmate from Bellarmine College Preparatory would come home early and fix dinner in that kitchen.

"It was a congloption," Kate says of the menu.

"A variation on glop," adds David, "but it was good, often. Not always."

Emotional roller coaster

Anger, sadness, regret collide for the Bagbys

Such memories are happy and hard. David can go from nearly shaking in anger when he talks about the murder to almost sobbing in sadness over the memory of his boy. Kate, with her lovely British accent, moves between dry wit and devastating regret as she remembers.

"He would always be sitting on that chair, there," Kate says, pointing to a stool at the kitchen breakfast bar, "on the phone."

And Kate would walk into the house, especially when Andrew was home for a visit from the University of California-Irvine.

"I'd come in and I'd be excited, Kate says. "I'd say, 'Oh, it's so good to see you.' And he'd say, 'It's so good to be seen.' "

As Kate and David talk about their son, you can see the teamwork. Neither speaks for the other. When they're telling their story, David will invariably ask Kate whether she'd like to start a particular chapter, or should he? They know they deal with their grief differently and they honor that.

"Kate on average, especially at the beginning, tended to break down in despair and tears," David says. "I tended to break down in rage."

Both reactions are legitimate, prompted by the same tragic loss, David says.

"If both parties don't recognize that," he says, "then you've got trouble."

As the police closed in on Shirley Jane Turner, their sole suspect made it clear that she would not give up easily.

Turner grew up in Canada, where she married and divorced two men and had three children who often lived with their fathers and other relatives. She fled to Newfoundland a week after Andrew's murder and vowed to fight extradition.

Canadian authorities arrested Turner in early December 2001, but fatefully, released her on bail as she waited for a series of decisions regarding Pennsylvania's request for extradition.

In Canada, extradition involves a number of complex steps. First, the provincial and territorial courts must determine whether the accused should be jailed in Canada as the proceedings move forward. Then, even if the court orders extradition, Canada's federal justice minister must decide whether to hand over the fugitive to U.S. authorities. Each decision is subject to appeal.

Though the 1,100-page Turner report says "Turner maintained a fairly active social life" while she was fighting extradition, the investigation's narrative includes a number of signs that some of her personal relations were strained.

When Turner arrived in Canada, she moved into an apartment in St. John's with her college-age son, T.J. Shears. The Turner report says their relationship soon deteriorated. Sheers asked Turner to move out, which she did, but not before selling his computer and taking his camcorder with her. The two eventually lived together again. And Shears says his mother was good to him when he was a child.

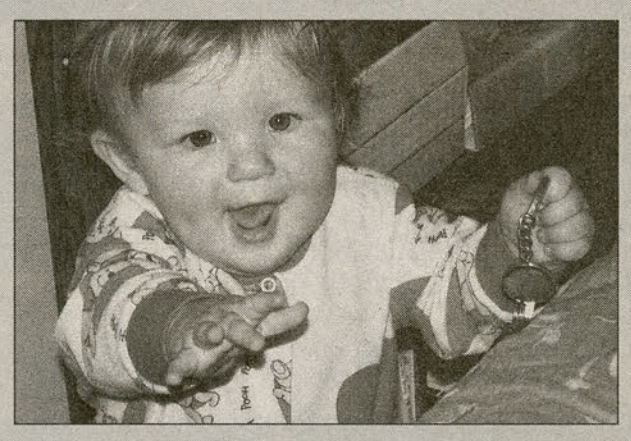
"When I was growing up, she just seemed like just a normal mom," Sheers, 24, says. "Like everyone else's mom, I guess."

See **BAGBYS**, *Page 15A*

Shirley Jane Turner

She was born Jan. 28, 1961, in Wichita, Kan. When her parents separated in 1968, she moved with her Canadian-born mother to Newfoundland. She was a teacher for about 10 years in Labrador City, Cow Head and Deer Lake, before she left teaching for Memorial University medical school in Newfoundland. It was there that she met Andrew Bagby.

Zachary Andrew Turner



He was born July 18, 2002, in Newfoundland, and soon after a DNA test confirmed he was Andrew Bagby's son. Kate and David Bagby immediately fell in love with the blue-eyed baby. They could see Andrew in their new grandson. For nearly two years, they fought for custody of Zachary while Shirley Turner fought her extradition to the United States.

and despair grip couple

Continued from Page 14A

The Bagbys were confident Turner would be returned to Pennsylvania for trial in a matter of weeks. Instead, the hearings and appeals dragged on for nearly two years.

In February 2002, Turner's Canadian lawyer made an announcement that changed everything: Shirley Turner was pregnant with Andrew Bagby's baby.

Turner had mentioned the possibility to David months earlier in a rambling telephone conversation. He didn't know what to make of it then. Was it true? Was she lying?

The public declaration all but removed the Bagbys' doubts. The reality was almost too much to comprehend. Their murdered son was gone forever and now word that their son's son would be born into the world in five months.

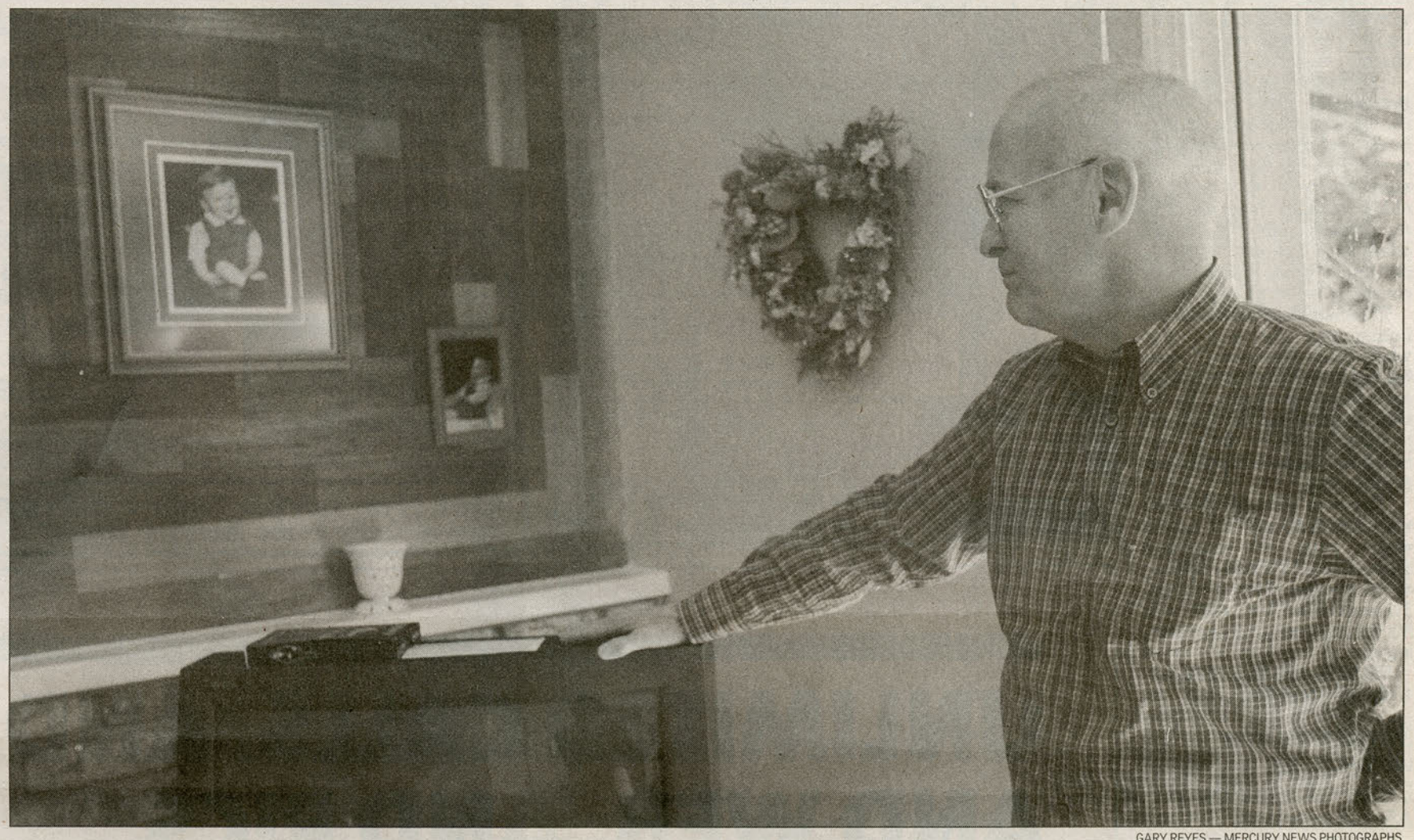
"What terrible conditions he came into this world under," Kate says. "Father murdered. Mother a murderer. And we were going to be his savior."

"And he, ours," David adds.

The Bagbys, who'd already been traveling back and forth to Canada for the extradition hearings, knew what they had to do.

"We decided we have to go to Canada to watch the trial and we have to go to make sure the baby gets a good start," David says.

In the spring of 2002, David quit his job and Kate took a leave. They put their belongings in storage, rented out their house and moved to St. John's, Newfoundland.



GARY REYES — MERCURY NEWS PHOTOGRAPHS

David Bagby looks at a photo of his grandson, Zachary Andrew Turner, who was born July 18, 2002. DNA testing proved he was Andrew Bagby's son. The Bagbys moved to Canada to follow the child's mother's extradition case and fought for custody of Zachary. It all ended in more tragedy a year later.

Enter baby Zachary

His birth brought renewed joy, pain

Zachary Andrew Turner was born July 18, 2002. DNA testing proved he was Andrew Bagby's son. For the Bagbys, Zachary's birth was the start of more than a year of renewed joy and incomprehensible pain.

As Turner fought her extradition on murder charges, the Bagbys fought for custody of their grandchild. Their relationship with the woman who killed their son was unimaginable. They sometimes visited with Zachary and Turner as if nothing had happened.

"The first time I had to go into a room with her," David says. "My gut just churned. Then you just get used to it."

He says he would blunt his emotions, shut them off, and concentrate on the baby.

"Anything to be with Zachary," Kate says.

The Bagbys offered each other a balance. David, the analytical engineer with the scientific mind. Kate, the compassionate nurse with the unshakable religious faith. She, floored by grief. He, consumed by anger. At times, one would pull the other back from the brink.

The court allowed the Bagbys supervised visits with Zachary. To speed the process they agreed to conditions imposed by Turner, including that they be searched before every visit. Turner said she was afraid the Bagbys would try to harm her boy.

At first, visitation was limited to one wonderful, torturous hour a week with Zachary.

"And he was beautiful," Kate says. "We lived for that hour every week."

Ultimately, the Bagbys' desire to be with Zachary, the one they loved the most, required them to cooperate with Turner, the one they despised the most.

"How they were able to do that is phenomenal, actually," says the Rev. Christopher Snow, of St. Michael and All Angels Church, which the Bagbys attended in Newfoundland. "They really wanted to have a relationship with their grandchild. I guess they just clenched their teeth and did it."

As the months slowly passed, the Bagbys' visitation rights were expanded. In the fall of 2002, Turner and her lawyer agreed that the Bagbys should gain temporary custody of Zachary if Turner were sent to jail.

On Nov. 14, a Canadian judge ruled that Turner should indeed be jailed while arguments continued on whether she should be sent back to the United States. She was placed on suicide watch after intake screening. The watch was continued after a more comprehensive psychological exam.

The Bagbys keep mementos of their grandson, Zachary. They were able to spend time with the baby in Canada in 2003 while they fought to bring him home.

For the Bagbys, there could be no better news than Turner's imprisonment. Their son's killer was off the streets and their grandchild would come live with them.

Life with their grandson

They gain temporary custody in Canada

"It was a joy and Zachary was much loved," Kate says.

The Bagbys and their grandchild were living in a cramped apartment. The Bagbys were 4,500 miles from home. They had tapped into their retirement accounts to get by. And it was the happiest they had been since the days before their son was murdered.

"They were living like students," says the Rev. Snow. "They were in kind of a basement apartment with second-hand furniture. It was like they had gone back to what it might have been like when they first got married."

And that little boy. That little boy, with the blue eyes and pudgy cheeks. You could see Andrew in that boy. No question.

"He just lit up when he saw Kate," David says.

Zachary was learning some words — well, words he understood that Kate and David were sure they understood, too. He was developing a personality.

"He loved to laugh," Kate says. "He was like Andrew. He was jolly."

As the Bagbys settled into their renewed life, Turner pursued an appeal of her November jailing. In January 2003, the Canadian appeals court ordered her freed while the extradition case moved forward.

"While the offense with which she is charged is a violent and serious one," the court ruled, "it was not directed at the public at large."

The Bagbys were destroyed.

"On Jan. 10," David says, "we had to give Zachary back to her."

Trying to stay civil

Bagbys, Turner, baby spend time together

With Shirley Turner out of jail it was time for the Bagbys to clench their teeth again.

Time to stay civil with the woman who killed their child. Time to keep marching, as David says, in order to be there for their grandson. It was time for the Bagbys to join Turner and baby Zachary on outings to the local pool. Time for all of them to get together at McDonald's for Zachary's first birthday party.

By Zachary's birthday in July 2003, Turner's fight against extradition had suffered another blow. In June, the federal justice minister ordered her turned over to U.S. authorities. The decision was put on hold, however, with an appeal hearing scheduled for September.

Meanwhile, Turner had a new obsession. A man, who would not give police his name, called the Royal Newfoundland Constabulary to report that he had met Turner in a St. John's bar and that he later had sex with her.

Once he discovered she was accused of killing a past boyfriend, he told officers, he tried to break off the relationship. But "he could not get rid of her."

The man said Turner had called him about 200 times in a one-month period, including a call to tell him she was pregnant with his child.

It was part of a pattern summarized in the Canadian government's investigative report: "Dr. Turner was twice divorced and one of her last three noteworthy partners was murdered, another was living in fear of her in Pennsylvania and the third was complaining to police that Dr. Turner had harassed him."

Social worker visit

Turner talked about TV show interview

On Aug. 5, Turner's social worker visited her apartment to check on Turner and Zachary. The worker's notes say Turner spent most of the time talking about a planned interview with CBS's "48 Hours." The TV news magazine would give her a chance to tell her side of the story. But the interview never happened and the social worker's brief report was one of the last notes to ever go into Turner's file.

On Aug. 16, Turner and the Bagbys took Zachary swimming at Bowring Park in St. John's, Newfoundland.

"David was taking pictures," Kate says. Turner and Zachary were in the shallow kiddie pool. "Zachary thought he could just walk. He'd walk a little and then, boom, he'd fall down."

It was a tiring day for the toddler and he fell asleep in the back seat of the Bagbys' car on the way to Turner's apartment. When they pulled up at Turner's place, the mother slipped Zachary out of his car seat.

"She woke the baby and carried him up the stairs to her home," David recalls. "Zachary held his hands out, reaching for Kate."

It was the last time the Bagbys would see Zachary.

The final sad chapter

Turner takes Zachary and jumps into ocean

Late the next night, Turner put Zachary in a car and drove in intermittent heavy rain from St. John's to Kelligrews on the Atlantic Ocean. Some time after 1 a.m., she sat in the car and apparently mixed a bottle of sleeping pills with Zachary's formula.

She picked Zachary up and wandered for an hour or more along coastal roads and paths. At some point, police say, Turner tied the arms of her jacket together to lash Zachary to her as she walked carrying him.

The government's report concluded that in "all reasonable probability" Turner was searching for a way to easily access the ocean along the rocky coast. Around 3 a.m. on Aug. 18, she found the fishing wharf in the tiny town of Foxtrap.

Turner walked to the end of the pier and, holding Zachary against her, jumped into the frigid Atlantic.

As the police searched for Turner and Zachary through the day on Aug. 18, Kate and David waited in their apartment with the Rev. Snow.

"I tried to console them," Snow says. "I said, 'Oh, no. I'm sure she's just gone somewhere. They'll find her.' The next thing a police constable is at the door."

Kate will never forget it.

"Two bodies have been found on the beach," the officer said. "So, be prepared."

David flew into a fury.

"The emotion that was shown was beyond description, really," Snow says. "I've never seen people react more passionately, intensely. David reacted with anger. Kate reacted with tremendous grief."

Elsewhere in St. John's, T.J. Shears, who first reported his mother and Zachary missing, was suffering his own devastation. The suicide, he says, confirmed what he never wanted to believe — that his mother was a murderer. First she killed Andrew Bagby. Then she killed his brother.

"It's something that can't be forgiven," says Shears. "All the years that she was good to me as a mother was pretty much thrown out the window at the end."

David Bagby says there were no thoughts of suicide at the news of Zachary's killing. Just rage. And a desire to write about a Canadian justice system that is fatally flawed.

How could they let an accused murderer walk free? How could they dither for months and months. How could a woman be in jail on a suicide watch one day and be taking care of his grandson the next?

"I have some hope that telling this story in detail has a chance to cause change in the law," David says of his book. "I may be in Fantasyland. I don't know."

Change is slow. The murder-suicide was a huge news story in Canada. Some changes, including increased spending and a review of social worker training, have been made to the child protection system since the tragedy. The provincial court has tightened bail regulations, but has not eliminated bail for murder suspects.

David Bagby, who plans to send a copy of his book to key Canadian legislators, says he will continue to fight for bail reform. He and Kate say they know now that they have more than anger to sustain them.

They have the memory of their son, Andrew, and the memory of his son, Zachary. They have a mission to bring change from tragedy. They have a network of supporters.

Beyond all that, they have each other, which has proven to be a force stronger than they ever knew.

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FOLLOW THE CASE ONLINE

"Turner Review and Investigation," commissioned by the government of Newfoundland, can be found at **www.child andyouth advocate.nf.ca/ whatsnew2.html**
Scroll down to "The Turner Review and Investigation."

Andrew Bagby's lifelong friend and filmmaker Kurt Kuenne is producing "Dear Zachary," a documentary on the life and death of his friend and the events that followed. A trailer and an extensive library of news coverage can be found at **www.dearzachary.com**.