Latrobe Bulletin

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What's Inside

—Sports—

Greater Latrobe is a targeted team in the PIHL as the undefeated IceCats begin their march to defend the PIHL Class AA Penguin Cup and state championship ules. Greater Latrobe senior Nathan Pennesi recently took fourth place, defeating two state champions and a prospect, in the 125-pound weight class of the Super 32 wrestling tournament in North Carolina. SVC women, men's basketball take tournaments.

See pages 9-12

—Health—

Pharmacy follows with; new-generation rugs; stomach bug.

See Page 4

—Weather—

Today

42°/29°

90 percent chance of rain in the afternoon. Rain may change to snow in the evening. Wind gusts up to 30 mph.

Tomorrow

33°/27°

Snow showers likely with an inch of snow possible. An 80

Bagby film powerful indictment of Canadian system

Private screening held at SVC tells about baby's tragic death

BY MARIE MCCANDLESS
Bulletin News Editor

Dr. Clark Simpson admits it.

"I get very angry," he declares, thinking about the Canadian justice system that allowed accused murderer Dr. Shirley Turner to be free on bail and have custody of her young son — whom she tossed into the Atlantic Ocean, drowning him — and then herself — when he was exactly 13 months old.

"Someone should have done their job," Simpson said.

"There's a series of people who, had they done their job, we wouldn't be here today," he said Sunday after a private screening of "Dear Zachary, A Letter to a Son About His Father" at St. Vincent College's Carey Event Center.

Filmmaker/director/producer/composer Kurt Kuenne started out to create a documentary for Zachary Andrew Turner, son of Dr. Andrew David Bagby, after former lover Shirley Turner shot Andrew five times Nov. 5, 2001, at Keystone State Park, Derry Township. Zachary was born July 18, 2002.

A friend of Andrew's from childhood, Kuenne wanted Zachary to grow up knowing what his father was like, and the high esteem his family and friends held for him.

After the horrifying suicide-murder that killed Turner and the child on Aug. 18, 2003, the filmmaker changed focus and produced what now is a powerful wake-up call that also adds a grace note to the power of love.

It is a tale of the love of Kate and David Bagby of California for each other and their only child, Andrew.

It is a testimonial to the love they had for Zachary, whom they came to know when they had limited visitation with him and, for a brief time, full custody while Turner was in jail.

It also is a reflection of the love of his profession and his friends that Andrew found in a small town in Pennsylvania, where he came as a resident in July 2001, recruited by Simpson, who was then chief resident at Latrobe Area Hospital. Using a combination of his first videos made as a youth, in which Andrew always played a part, and interviews of family and friends around the world, Kuenne has crafted a film so intense that when the screen went dark Sunday afternoon, dead silence filled the auditorium.

Simpson, who now is director of emergency medical services at Punxsatawney Hospital and also provides outpatient and hospitalist services, said, "It's a powerful movie. I hope it in turn creates momentum" toward reforming the Canadian bail system.

David Bagby speaks of the heartbreak of losing not only his son but also his grandson — and the frustration of trying to change that bail system.

(See Bagby on Page 3)

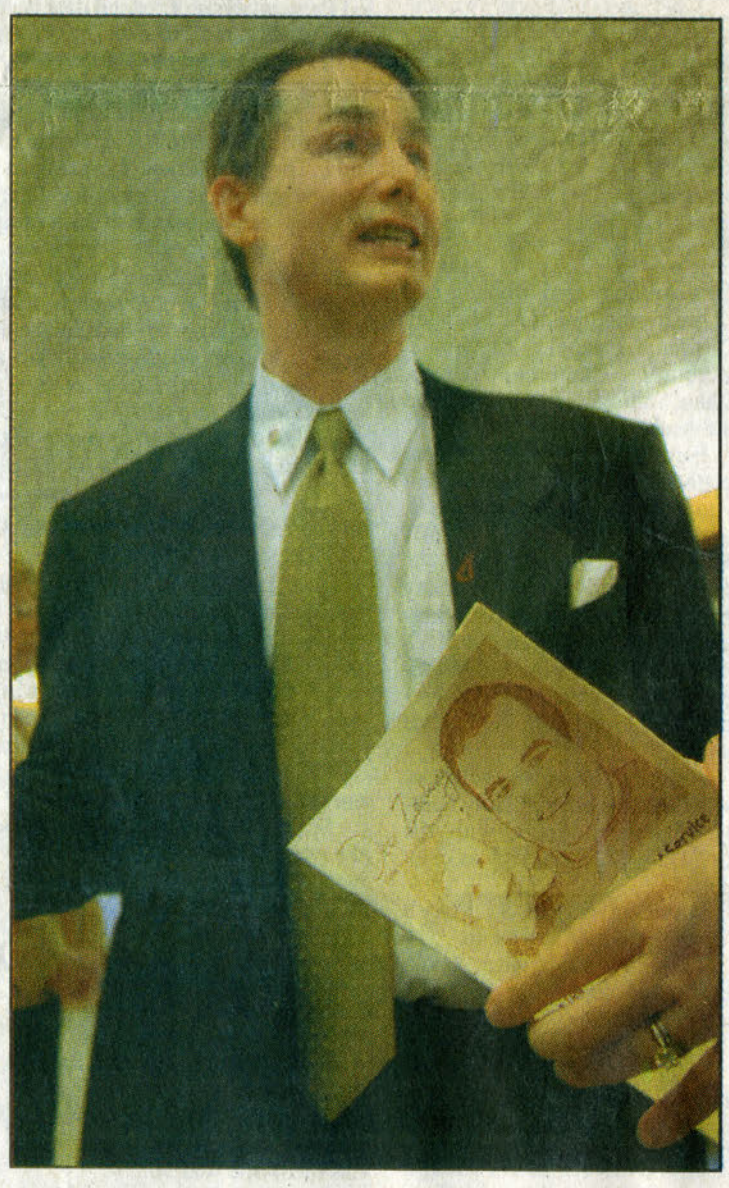

Photo by Ernie Sistek
Clark Simpson, same year resident as Andrew Bagby, is shown with a program depicting Bagby and his son Zachary.

Photos by Ernie Sistek
Filmmaker Kurt Kuenne joins David Bagby and Kathleen Bagby to look over photography works by their son Andrew Bagby. The lower photo shows the Bagbys discussing the private screening of "A Legacy of Promise and Service" with Kathi Batsa, occupational therapist at Excela Health, and Dr. John Santarlas of Excela Health.

Boswell man arrested for fleeing, eluding, DUI

Latrobe Police arrested a Boswell man on several charges stemming from a minor disturbance .

According to investigating officer Robert Derk, Dean J. Fredak, Boswell, has been charged with fleeing or attempting to elude a police officer, driving under the influence of alcohol or controlled substance, reckless driving and accidents involving damage to an unattended vehicle or property.

Derk reported that at 2:27 a.m. Saturday, Nov. 22,Fredak was standing on the sidewalk outside the Sheetz store in the 2800 block of Ligonier Street causing a minor disturbance. While asking him to cease the officer detected that Fredak had a strong odor of alcoholic beverage and slow, slurred speech, staggered gait and bloodshot, glassy eyes.

The officer asked Fredak if he had a ride as he was not allowed to drive. Fredak claimed two females inside the store were going to give him a ride. After telling Fredak to wait on the sidewalk, the police officer went into the store to locate the females and saw Fredak drive a green Chevrolet Malibu out of the parking lot at a high rate of speed, turning right onto Ligonier Street Extension.

The officer caught up with Fredak as he tried to turn left onto Raymond Avenue. The Malibu failed to negotiate the turn, drove through the yard of 2980 Raymond Ave. and struck a small tree next to the house, continued through the yard striking a birdhouse/feeder and then a bush next to the driveway.

Fredak continued onto Raymond Avenue failing to stop for police, and onto Murtha Way and to a parking area in the 1100 block.

Fredak was taken into custody and taken to Westmoreland County Prison to await arraignment.

County Republicans endorse

Bagby

(Continued from Page 1)

Asked if there has been any progress in a question-and-answer session after the screening, Bagby said, "No, and I don't expect progress soon — if it happens at all."

Coming to Latrobe after Andrew's murder but before Zachary was killed, Kate and David Bagby were heartened at "how wonderful it was to learn how Andrew was thought of by his friends and colleagues" in the four months he had been a resident at Latrobe Area Hospital.

Kuenne hopes to screen the award-winning film for the Canadian Parliament in January, to reinforce the need for bail reform.

After winning accolades at several film festivals, including Slamdance in Park City, Utah, the film opened theatrically Oct. 31 in New York City, and in several venues around the country since. It will be shown on cable television network MSNBC at 9 p.m. Sunday, Dec. 7.

The film, narrated by Kuenne, tracks Andrew's arrival "in the small-town Utopia" of Latrobe for his residency.

In just a short time at the Saltsburg clinic where he practiced, "Patients asked specifically for him. He was pretty outstanding at this. He felt he'd found heaven," the film relates.

That ended when his body was discovered at the state park that election day seven years ago and the agonizingly slow Canadian justice system began to add more grief to the tragedy.

Turner, who held dual American and Canadian citizenship, became a suspect almost immediately.

Simpson said at first he also was a suspect, since he was the last to have spoken to Andrew before he was found dead.

And, he was the only one who knew Turner had set up a meeting with Andrew that day.

"I told him not to go," Simpson said. He also offered to go with him. Andrew's response was, "What's the worst that could happen?"

"The police questioned me for four or five days," he recalled. "After they asked me if I wanted a lawyer, I asked, 'Do I need a lawyer?' and they said, 'No.'"

He told the police that Turner had killed Andrew, and that if they still felt he was a suspect they should arrest both him and Turner and let it go from there.

Cell phone records and forensics tests soon offered enough evidence for Westmoreland County officials to charge Turner, who had driven from her home in Council Bluffs, Iowa, to Latrobe to kill Andrew, then back again.

Turner was 40 and Andrew was 28 when he tried to break off their relationship. Twice divorced with three children, she had had troubled relationships in the past, and had shown indications of emotional disturbance, according to David Bagby's book, *Dance with the Devil: A Memoir of Murder and Loss*.

After her arrest in the United States, she fled to Newfoundland, Canada, where she was freed on bail two different times.

"Where's due diligence?," Simpson asked. "They were not looking at old records" — that showed Turner was the subject of nine PFA (protection from abuse) orders, had attempted suicide and was on suicide watch in jail.

However, Canadian law is such that, as Kuenne put it, "If you don't shoot a judge on a bench, you get bail."

The only formal censure in the entire saga was of Turner's psychiatrist, Dr. John Doucet, who paid $65,000 of her first $75,000 bail in 2001, allowing her to be free while awaiting extradition to face trial in Westmoreland County. Doucet did not lose his license. He paid a $10,000 fine and had psychiatric counseling.

Asked what people can do, David Bagby urged all who are outraged by the situation to visit dearzachary.com and click on Support Bail Reform.

Kuenne encouraged writing to the Canadian government asking it to enact greater restrictions on bail for accused murderers.

"Everyone in Canada is responsible," Simpson stressed, "for not following through."

The film, as heart-wrenching and tragic as the story it relates, also clearly shows the love Kate and David Bagby have for each other, their son and grandson. David candidly admits he considered murdering Turner himself, without Kate's knowledge, even with the possibility of life imprisonment, so that Kate could have Zachary.

Asked if Turner was accurately portrayed in her relationship with Zachary, Kate said, "She was cold, and she was jealous because she was rejected twice — once by Andrew and again by Zachary," who obviously would go to Kate and not Shirley when given the choice.

As unimaginably devastated as she is by her dual loss, Kate comforts herself with the knowledge that, "In his short life, Zachary knew love" with her and David.

Photographs taken by Andrew were on display in the lobby Sunday and reprints are available through the Latrobe Area Hospital Charitable Foundation Web site with a donation to a scholarship fund set up by his parents.