

## The Charter - News

### Bail bill inspired by Bagby's murdered grandson

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The bill seeks to change the Criminal Code of Canada to allow the courts to justify refusing bail to those accused of serious crimes in the name of protecting their children.

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Avalon Liberal MP Scott Andrews has been working with David and Kate Bagby since he saw a documentary about the murder of their grandson, Zachary Turner, at the hands of his mother, their son's accused murderer, Dr. Shirley Turner, in Conception Bay South in 2003.

The bill received the support of all parties and will now go straight to the Standing Committee on Justice and Human Rights (JUST).

The American couple returned to this province in late November to tell their story publicly and garner support for legislative reform they say could protect other children in Canada.

David Bagby put an arm around his wife, Kate Bagby, just before they rose to take their seats at the front of a room during a news conference Friday, Nov. 27.

"This is exactly what we hoped for after Zachary's murder when we started pushing for change and complaining publicly about the legal system," David Bagby said at the C.B.S Recreation Complex that Friday.

"These two amazing people have used their strength and determination to attract the attention of decision makers and have the focus needed to bring about change to current bail legislation in Canada," Andrews said.

Dr. Shirley Turner, their son Andrew's former girlfriend, fled to Conception Bay South to escape being tried for Bagby's 2001 murder in Pennsylvania.

As the extradition process made its way through the courts, Shirley Turner was given custody of Zachary Andrew Turner - the son of Andrew Bagby whom she gave birth to after Bagby's death.

Awaiting extradition, Turner drowned 13-month-old Zachary and took her own life as well.

"In a tragic ending, we bring new beginnings with bail reform so that no other family will have to go through the

devastation that Kate and David have gone through," Andrews said.

Kate Bagby, sitting to his right, bowed her head with her hands clasped in front of her face as if in prayer.

Kate Bagby took an opportunity to thank their supporters and friends they have made in the province since they first tried to get custody of Zachary.

"When we came here in 2002, we were alone in that little courtroom," she said.

She said she's not "kicking herself" or trying to find a way she could have stopped her grandson's death anymore.

"I feel more at ease with the fact that I'm doing what God wants me to do," she said of their advocacy.

"I didn't know that I could come back here today, but He's given me that strength."

Six years after his grandson's murder, David Bagby - who described himself as non-violent - said he had the "moral right" to kill Turner when he had a chance, something he wrote in a book on the topic released in 2007.

"I had the right to kill her ... and I didn't," he said while he slammed the pen in his fist onto the table. "The fact that the legal system said 'to hell with Zachary and everybody else, Shirley Turner's rights are the only ones that matter,' that angers me to no end."

Andrews said he was confident he could receive all parties' support, and did. The bill was developed working with the House of Commons legislative branch and supported by the Liberal justice critic.

"This has been an exceptional day. I expected that most members would support my bill, but to receive unanimous support from all parties is a great accomplishment and a huge step forward to where we want to go with this initiative. I look forward to bringing Bill C-464 to committee stage and have Kate and David Bagby appear with me before the Committee." said Andrews. "Over the coming months we will continue to push this issue and ensure that Bill C-464 receives the attention it deserves. Once again, I want to thank Kate and David Bagby and Kurt Kuenne for all their support and dedication to bail reform in Canada. As I stated in the House today, Bill C-464 is an accomplishment that reflects the strength and determination of the parents and grandparents of the late Andrew and Zachary. It is in their memory that we move this bill forward and do everything in our power to prevent this from happening to another family."

When enacted it will amend the Criminal Code to provide that the detention of an accused in custody may be justified where it is necessary for the protection or safety of the accused's minor children.

*With files from The Telegram*