The Telegram

‘Dear Zachary’ brings applause and tears

5 Dec 2008 BYTARAMULLOWNEY tbm@thetelegram.com

A New goal

At the end of the documentary film about the lives and murders of Dr. Andrew and Zachary Bagby, there are a few seconds of silence. At the film’s Newfoundland premiere Thursday evening, not an audience member moved as those seconds passed, except to wipe away a tear. Not a sound was heard, apart from sniffles.

Then suddenly, people stood up and applauded.

Afterwards, when Andrew’s parents, David and Kate Bagby, took questions from audience members, one man asked for the answer everyone wanted. “Where do you get the strength?” “Kate is very religious,” David said. “I guess I’m not — I’m more of a primitive primate. I’m driven by rage. I can’t stand the idea of somebody else having to go through this.”

“Dear Zachary: A Letter to a Son About his Father” was made by filmmaker Kurt Kuenne, Andrew’s close friend, and has had a successful run at more than 20 film festivals, culminating in distribution deals for American and Canadian theatres and television. It will air on MSNBC Sunday, but was screened in St. John’s at the auditorium in Memorial University’s medical school Thursday.

Travelling from the Bagbys’ home in California across the United States, to St. John’s and as far as England to collect interviews, photographs and video footage, Kuenne had originally started the film after Zachary’s birth, as a way for the boy to get to know his father when he was older. However, the film eventually took on a new goal, detailing instead the struggles and strength of the Bagbys in their quest for justice.

Shirley Turner, Andrew’s former girlfriend, was accused of shooting him to death in a Pennsylvania park in Nov. 2001. Turner returned to Newfoundland and was fighting to stay in Canada when she gave birth to Zachary, who was found through blood tests to be Andrew’s.

David and Kate moved to St. John’s to be near the baby, and hoped to gain full custody of him. However, in August 2003, Turner — who was out on bail — and Zachary were found dead on a beach in Conception Bay South. Turner had given her baby Ativan, taken some herself, then used a sweater to tie him to her and walked off the edge of the pier, drowning them both.

The Turner Review and Investigation, commissioned by the province after the deaths, concluded Zachary would likely still be alive if Turner hadn’t been released from prison.

Since their grandson’s death, David and Kate have been fighting for changes to be made to the justice system to prevent similar tragedies, namely that accused murderers be denied bail.

David and Kate Bagby answer questions from those who attended the Newfoundland premiere of the film “Dear Zachary: A Letter to a Son About his Father” in St. John’s Thursday evening.

Kuenne’s film showed pictures and video of Andrew as a baby, a teenager, playing the lead role in many of Kuenne’s homemade films, and as an adult doctor working in Pennsylvania. Kuenne had the opportunity to meet Zachary — who looked identical to his father — before he died, and the film shows footage of him holding and kissing him.

In the film, Kuenne is seen attempting to contact Newfoundland Supreme Court Justice David Russell and Court of Appeal Justice Gail Welsh, who released Turner on bail, as well as Betty Day, former director of the child, youth and family services program in St. John’s, but all declined to speak to him. Day, who had met with a lawyer representing the Bagbys about their concerns that Turner might harm their grandson, resigned following the release of the provincial report.

“It was very emotional, very powerful, very eye-opening,” audience member Nyle Shearing said after the screening. “It was phenomenal. I find it’s very inspirational that the Bagbys came back to St. John’s to air the film for the first time.”

Ruth Lawrence of the Nickel Independent Film Festival, which presented the screening, said she had invited Premier Danny Williams, Justice Minister Tom Marshall, Finance Minister Jerome Kennedy and other government officials to the screening, but none attended. The only response she received, she said, was from NDP Leader Lorraine Michael.

Darlene Neville, the province’s child and youth advocate, did attend, as did provincial court Judge David Orr.

“As far as a response, really there are only three things the powers that be can do,” David Bagby responded. “They can stand up and agree with us and change the law; they can stand up and disagree and not change the law; or they can keep quiet and hope that the noise goes away. Our job is to keep making the noise.”

Otto Lane of St. John’s said he got to know the Bagbys during their time in St. John’s.

“I suffered along with David for a long time,” he said after the screening. “I think the lack of government officials here this evening, and Darlene Neville being here, speaks volumes about her desire to make changes, and government’s lack of desire to change the system.”

Kuenne has offered to hold a special screening for members of Parliament, and David said a couple of MPs have expressed interest.

“Dear Zachary: A Letter to a Son About his Father” is expected to be released on DVD Feb. 10. More information is available at www.dearzachary.com .

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