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PRESENTS

DEAR ZACHARY: A LETTER TO A SON ABOUT HIS FATHER BY KURT KUENNE



OPENS IN NEW YORK OCTOBER 31ST AND LOS ANGELES NOVEMBER 7TH

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- SYNOPSIS

On November 5, 2001, Dr. Andrew Bagby was murdered in a parking lot in western Pennsylvania; the prime suspect, his ex-girlfriend Dr. Shirley Turner, promptly fled the United States for St. John's, Canada, where she announced that she was pregnant with Andrew's child. She named the little boy Zachary.

Filmmaker Kurt Kuenne, Andrew's oldest friend, began making a film for little Zachary as a way for him to get to know the father he'd never meet. But when Shirley Turner was released on bail in Canada and was given custody of Zachary while awaiting extradition to the U.S., the film's focus shifted to Zachary's grandparents, David & Kathleen Bagby, and their desperate efforts to win custody of the boy from the woman they knew had murdered their son.

What happened next, no one ever could have foreseen...

- ABOUT THE PRODUCTION

When DEAR ZACHARY was initially conceived, the film was intended only for family, friends, the Bagbys, Zachary and recipients of the scholarship funds established in Andrew Bagby's memory, so that they would have some understanding of who was helping pay for their education. But due to circumstances occurring in August 2003, director and longtime Bagby family friend Kurt Kuenne was at a loss for how to continue. He put approximately 300 hours of footage, including interviews, b-roll and archival footage (his own childhood movies and the Bagbys' Super 8 home movies) away for almost a year, during which time Andrew's parents began speaking out against the Canadian legal system that resulted in the bureaucratic nightmare at the heart of Kuenne's film. Meanwhile, Andrew's father began working on his own recounting of the ordeal, which became the national bestseller *Dance with the Devil: A Memoir of Murder and Loss*, published in April 2007 by Key Porter Books. Says Kuenne: "Slowly it dawned on me that as the witness who had been 'in the trenches' with my camera rolling while all of this unfolded, and as Andrew's only filmmaker friend, it was my responsibility to tell this story to the world, in hopes of changing bail law and preventing a reoccurrence. I dove back into the project with renewed energy now that I had a mission to accomplish. But it took me about a year or so to arrive at that place mentally and emotionally."

DEAR ZACHARY is unique in that it combines elements of documentary, family drama, tragedy, road movie, video diary and psychodrama, transforming the anguish and chaos stemming from a colossal miscarriage of justice into an inspirational and positive force for change — a tribute to the life and memory and legacy of Andrew Bagby by his childhood friend Kurt Kuenne. The biggest challenge for Kurt was figuring out how much of Andrew was too much. "It was my goal to make you feel like you knew him, but not give you so much information that the viewer got bored because the film lost momentum." What became necessary was for each stop on Kurt's road trip revealed its own unique story in the context of Andrew's life. "I couldn't just 'hang out' with Andrew's friends, family members and hospital colleagues," says Kurt. "I had to look between the lines and find the poetry and story that was really going on in each situation." In England, the story that emerged was the lifelong transatlantic friendship between Andrew and his cousin John, who had always wanted Andrew to be the Best Man in his wedding — but when his wedding day arrived, Andrew was tragically gone. In St. Louis, where Dave Bagby's extended family is based, the story that emerged was the Three Musketeers, the decades-long bond between Andrew, his Uncle Bob and friend Mack — with Mack being the only one in the trio left alive. In Latrobe, it was Paradise Lost, a portrait of how Andrew had finally found the place where he always meant to be, and how it was taken from him. Adds Kurt: "My key desire was to approximate for the viewer the experience that I had during these visits, so that they might hopefully feel what I was feeling. I didn't have any stylistic designs on the structure of the film other than what I chose to do during the cutting of the film."

At a certain point during the course of DEAR ZACHARY Kate and David Bagby become the heart and soul of the film, with their almost irrepressible drive to act in the best interest of their grandson in order to honor the memory of their slain son and at the same time secure a future for Zachary — it's during these scenes that the film resonates with its most powerful force, for while the Bagbys are forced to undergo a truly harrowing ordeal, what emerges is the couple's steadfast commitment to remembering their son and obtaining justice and closure. "As the film took shape in my mind it slowly emerged that Andrew's parents were the actual protagonists in this story," Kurt explains. "And I think my natural admiration and lifelong love for them as my 'second parents' couldn't help but come through. I'm principally a fiction filmmaker and when I write, I like to write about characters I can admire. I'm a big Frank Capra fan, and strange as it may sound, I think of this as a real-life Frank Capra film, about people who have lost everything, but by virtue of being good people their whole lives, were saved by the love of their friends — and are still out there trying to make the world a better place. So, ironically, the characters I'm chronicling here — Kate, David and Andrew — are the perfect heroes for one of my fictional

films because they are not only characters that I admire, they are people I've know and loved my whole life." Kurt insists that while Kate and David have without question been changed tremendously by this experience, their basic nature remains the same.. A good person is a good person, Kurt maintains. "But that doesn't change the fact that they are both mad as hell over what was done to their family." David has stated repeatedly in Q&A sessions following festival screenings this year that he is still enraged as he appears on screen during the course of the film — and that that anger empowers his mission. "So they've absolutely maintained their heart and soul," Kurt continues, "but the laws which victimized them have still not been changed and the Bagbys will continue to speak out until they are.

Such is the infuriating aspect to both the miscarriage of justice on the part of Canadian officials and to the mere existence of a character like Dr. Shirley Turner — to say nothing of the bureaucratic nightmare resulting from her actions. It's one thing for bad things to happen to good people, as they did in often surreal ways to the Bagby family during the course of their ordeal, but it's another thing altogether when good things happen to bad people, like Turner's repeatedly confounding bail episodes, which tried the faith of many involved, including Kurt, who maintains that while the project was conceived from a place of love — as a means of giving Andrew back to those who loved him, and to introduce him to those who had never met him — indeed, he wanted some amount of anger to bleed through. "All the breaks Shirley received were not the result of happenstance, they were the choices made by human beings in her favor, stemming from the Canadian legal system's complete failure to take seriously the danger that an accused probable pre-meditated murderer poses," Kurt explains. "They failed to take the facts of the charges against her seriously. They gambled lives because of their naivete. Innocent until proven guilty is an essential tenant of justice but its primary application is at trial and should not be perverted and stretched to the point where it allows an actual murderer to repeat his or her crime while awaiting trial. It is my expectation — and based on the reactions I've seen at film festivals this year — I think I've been proven right. That any decent human being will be appalled and horrified at the risks to which the public was exposed by their actions and that they will be moved to take action so that this doesn't happen again."

Which brings us to the seemingly unanswerable quandary of Dr. Shirley Turner — who was she and in what kind of world can such a force be allowed to exist? According to Kurt, all Andrew or his medical school classmates knew about Turner's past was that she had been married and divorced twice. She had three children and she seemed to have left them with their fathers (despite having legal custody) so that she could go off and pursue what she wanted without encumbrance. "She indicated that she had grown up poor in Newfoundland and had previously taught high school, but that was about it," Kurt explains. "Andrew was unaware that after her last boyfriend broke up with her, she stalked him, faked a suicide attempt on his doorstep and left death threats on his answering machine. He also did not know that she had allegations of child abuse against her in the early '90s — which because of a very flawed system of information, the prosecution also didn't know about during the extradition process in Canada because no one bothered to check records under her former married names. Several people at Andrew's medical school in Newfoundland, including one of his professors, were quite afraid of her throughout the school year and immediately filed restraining orders against her once she was charged with murder. "But Andrew was the kind of person who always saw the best in people," Kurt continues. "He had never had contact with a murderer before — nor had any of us. Our minds didn't go there."

Kurt made a concerted effort not to go into more detail about Shirley's past in the film, opting to focus on the victims in an effort to deflect the curiosity about Shirley's potential motives. "I think the media and American film in general lavishes a disproportionate amount of attention on killers and their thought processes," Kurt insists. "I can't understand this appeal when the ones who should get the attention and be remembered are the victims. So I fashioned this as perhaps the first crime documentary in which the victim would be the star and not some sociopath. I don't care why Shirley Turner did what she did. She has no excuse for blasting my innocent friend point blank in the face with a .22 caliber weapon. All that matters is that given the mountain of evidence against her and the severity of the crime, she should never have been allowed to walk

free while awaiting trial. Lives were gambled recklessly. A lot of people will try to look for the reason behind this tragedy but I've resolved that there is no answer to that question so I don't ask it. The only question I ask is Now that this horrible thing has happened, what can I do about it? Making this film was my answer to that question."

- TIMELINE OF EVENTS

January 28th, 1961: Shirley Turner was born in Wichita, Kansas to an American father & Newfoundland mother (hence, dual citizenship for both countries and two passports, making her flight to Canada from a U.S. murder charge easy)

September 25, 1973: Andrew David Bagby was born in San Diego, California. (His 35th birthday was yesterday.)

September 1979: Kurt met Andrew in first grade at St. Andrew's School in Saratoga, California. (Kurt lived in San Jose, he lived in Sunnyvale 10 minutes away.)

April 1985 -- Kurt shot his first film with Andrew, a class project in which a teacher allowed me to do a video book report on the screenplay for "Indiana Jones and the Temple of Doom". Kurt played Indiana Jones and Andrew played Short Round. It was followed immediately in August of 1985 by an "E.T."/"Wargames" rip-off called "The Lost Visitor" in which Andrew played multiple roles, including an alien being from outer space. After that, Kurt started making movies in which Andrew appeared continuously; as soon as one was finished, the next was begun.

1996-1999 - Shirley has a relationship with a man that lasts a few months; he breaks up with her, she begins to stalk him for the next 2-3 years. During this period, she threatens his life multiple times. On 4/7/99, she attempts suicide on his front doorstep.

June 2000 -- Andrew became an M.D., graduating from Memorial University of Newfoundland.

July 2001: Andrew Bagby switches to family practice residency in Latrobe, PA. Dr. Shirley Turner moves to Council Bluffs, Iowa to do her own residency.

October 20, 2001 -- Andrew was the Best Man in their friend Karl's wedding; he reluctantly brought Shirley as his guest. It is now known that this is the night Zachary must have been conceived, at the Mountain View Inn in Greensburg, Pennsylvania.

November 3, 2001: Andrew breaks up with Shirley in Latrobe, PA before putting her on a plane for Council Bluffs, Iowa.

November 4, 2001: Shirley drives from Chicago to South Bend, Indiana, to Cleveland, to Pittsburgh, finally arrive in Latrobe, PA, making several cell phone calls to Andrew along the way.

November 5, 2001: Shirley shows up on Andrew's doorstep in Latrobe, PA.

November 6, 2001: Andrew's body is found laying behind his car in a parking lot at Keystone State Park in Derry Township, PA. He was shot five times in the face, the chest, twice in the buttocks and in the back of the head with a .22 caliber handgun. Later that day, Kate Bagby receives a phone call from the Pennsylvania coroner's office warning her of bad news.

November 7, 2001: Kurt Kuenne receives a message from his sister notifying him of childhood friend Andrew's tragic murder.

November 8, 2001: Kate and David Bagby fly to Pittsburgh to identify Andrew's body.

Mid-November, 2001: Shirley leaves the U.S. for her home in St. John's, Newfoundland, where she later appeared at a memorial service in Andrew's honor.

Mid-November, 2001: Andrew's funeral is held at the Bagby family home in Sunnyvale; Shirley had been invited in an effort to lure her back to the United States.

December 12, 2001: Shirley arrested and charged with Andrew's murder ... and released on bail the same day.

February 7, 2002: Shirley holds a press conference in St. John's announcing she is four months pregnant with Andrew's baby. The Bagbys decide to sue for custody pending a paternity test. Kurt's movie is suddenly transformed into a memorial of Andrew's life intended for Andrew's child...

Spring 2002: Kate and David quit their jobs, close up their home in Sunnyvale, CA and dig into their savings to move to St. John's, Newfoundland, in order to fight for custody of Andrew's child.

July 18, 2002: Zachary Andrew Turner is born in St. John's, Newfoundland, population 530,000, the oldest and easternmost city in North America.

September 19, 2002: Shirley's extradition hearing begins. Her lawyer claims invalid Authority to Proceed, calling for all extradition hearings dropped so that Shirley "can get on with her life."

November 2002: Kurt arrives in St. Louis on his cross-country road trip bound for Newfoundland, in order to meet and interview David Bagby's side of the family.

November 14, 2002: Judge Derek Green declares that a jury could likely find Shirley guilty of murder, ordering her incarcerated in the Clarendville Correctional Centre for Women awaiting a decision from the Minister of Justice to surrender her to the U.S.

January 10, 2003: Shirley is released from jail on bail partially paid by her psychiatrist, Dr. John Doucette. Judge Gale Welsh orders a judicial interim release, on the basis that Shirley not attempt to flee or hide or avoid subsequent judicial proceedings related to this matter.

July 6, 2003: Kurt arrives in St. John's at the end of his cross-continent journey, meeting Zachary for the first time.

July 18, 2003: Zachary turns one year old.

August 18, 2003: Shirley walks free on bail again.

September 25, 2003: scheduled date of Shirley's subsequent extradition hearing.

- FILMMAKER BIO

Kurt Kuenne

Writer • Director • Composer

Kurt is an award-winning filmmaker and composer of both fiction and documentary films. He grew up in Silicon Valley, where at age 7, he met the late Dr. Andrew Bagby, the subject of *Dear Zachary*. He began making films as soon as he was old enough to pick up a camera; these early films, all of which featured Andrew, became a treasure trove for this documentary. Kurt continued to hone his craft in college, graduating magna cum laude from the University of Southern California's School of Cinema-Television in 1995, where he won the Harold Lloyd Scholarship in Film Editing, and studied Scoring for Motion Pictures & Television at the USC School of Music under the tutelage of classic film composers Buddy Baker and David Raksin. In 1999, he completed his first feature film, the teen drama *Scrapbook* starring Eric Balfour, which garnered strong reviews, awards and landed him on *Filmmaker* magazine's annual list of the top 25 new faces of independent cinema. He followed it with *Drive-In Movie Memories* (2001), a documentary chronicling the outdoor movie-going experience, which opened the 2001 Telluride Film Festival and went onto play more than 45 festivals before becoming a popular hit with PBS audiences in the United States. In 2002, he won a Nicholl Fellowship in Screenwriting from the Academy of Motion Pictures Arts & Sciences for his screenplay *Mason Mule*, while his screenplay *Explode* made the quarterfinals in the same year. He has since directed an ongoing series of black & white short film comedies, beginning with the enormously popular *Rent-A-Person* (2004), which played more than 30 film festivals in North America while picking up multiple audience and jury awards. The run was continued with the next film in the series, *Validation* (2006) starring TJ Thyne (*Bones*), which at this writing has played 39 festivals worldwide, won 19 awards and garnered more in prize money than the film's production budget. He recently completed two more installments in the series, *Slow* – debuting on Delta Airlines flights in December 2007 - and *The Phone Book*, which are currently playing festivals.

- FEATURED PEOPLE IN DEAR ZACHARY

Dr. Heather Arnold — former fiancée of Andrew Bagby; medical student at Memorial University of Newfoundland, St. John's.

Dr. Andrew Bagby — son of Kate & David Bagby, father of Zachary; found dead behind his car in a parking lot at Keystone State Park in Derry Township, PA, shot five times in the face, the chest, twice in the buttocks and in the back of the head.

Kathleen “Kate” and David Bagby — mother and father of Andrew, grandparents to Zachary; Kate was born in Devon, U.K., traveled to U.S. as a nurse, where she met future husband David Bagby in Long Beach, CA, where he was stationed in the Navy. Married five months later in San Diego, the Bagbys settled in Sunnyvale, CA, where Kate worked as an OBGYN nurse practitioner. David is a retired engineer.

Pat and Linda Bagby — Andrew's uncle and aunt in St. Louis, MO; David's sister and brother-in-law.

Bob Bagby — David's brother and Andrew's uncle, with whom he was especially close and would see once a summer in St. Louis. Like a second father to Andrew.

Jim Bagby — cousin of Andrew; close family relative.

John Barnard — U.K. cousin and close friend of Andrew on Kate Bagby's side, who Andrew visited almost every summer on the outskirts of London during his childhood; born within a month of each other and raised like brothers.

Jacqueline “Jackie” Brazil — custody lawyer in St. John's, Newfoundland.

Dr. John Doucette — Shirley's psychiatrist and prescribing physician who posted \$65,000 in sureties, ensuring his client's second release on bail on January 10, 2003.

Mike Madden — Crown prosecutor in St. John's who did not argue against Shirley's release on bail, provided she post \$75,000 in sureties, turn in her passport, sign in once a week at the police station and promise not to leave Newfoundland.

Randy Piercey — Shirley's lawyer in St. John's, who ruled that the Authority to Proceed was invalid, the 90 day limit to amend it had passed, and that all extradition proceedings against Shirley should be dropped so “she can get on with her life.”

Dr. Shirley Turner — ex-girlfriend of Andrew Bagby, mother of Zachary; fellow medical school student of Andrew's at Memorial University of Newfoundland, St. John's; mother of three children (before Zachary), twice divorced.

Zachary Andrew Turner — infant son of Andrew Bagby and Shirley Turner; born July 18, 2002 in St. John's, Newfoundland.

Judge Gail Welsh — Canadian official who issued the judicial interim release that released Shirley from jail for the second time, stating that “Dr. Turner's detention is not necessary in the

public interest. While the offence with which she is charged is a violent and serious one, it was not directed at the public at large. There is no indication of a psychological disorder that would give concern about potential harm to the public generally.”

- FOR MORE INFORMATION

Dance with the Devil: A Memoir of Murder and Loss by Dave Bagby, Key Porter Books, April 2007

Turner Review & Investigation — a comprehensive investigation into everything known about Dr. Shirley Turner, conducted between 2003 and 2006 by the Child & Youth Advocate's Office in Newfoundland, available in pdf form at:

<http://www.childandyouthadvocate.nl.ca/Pdfs/turner-v3-cov-ack-toc.pdf>

Dave Bagby's public statement of Wednesday, September 3, 2003, St. John, Newfoundland:

http://www.pittsburghlive.com/x/pittsburghtrib/search/s_153296.html