

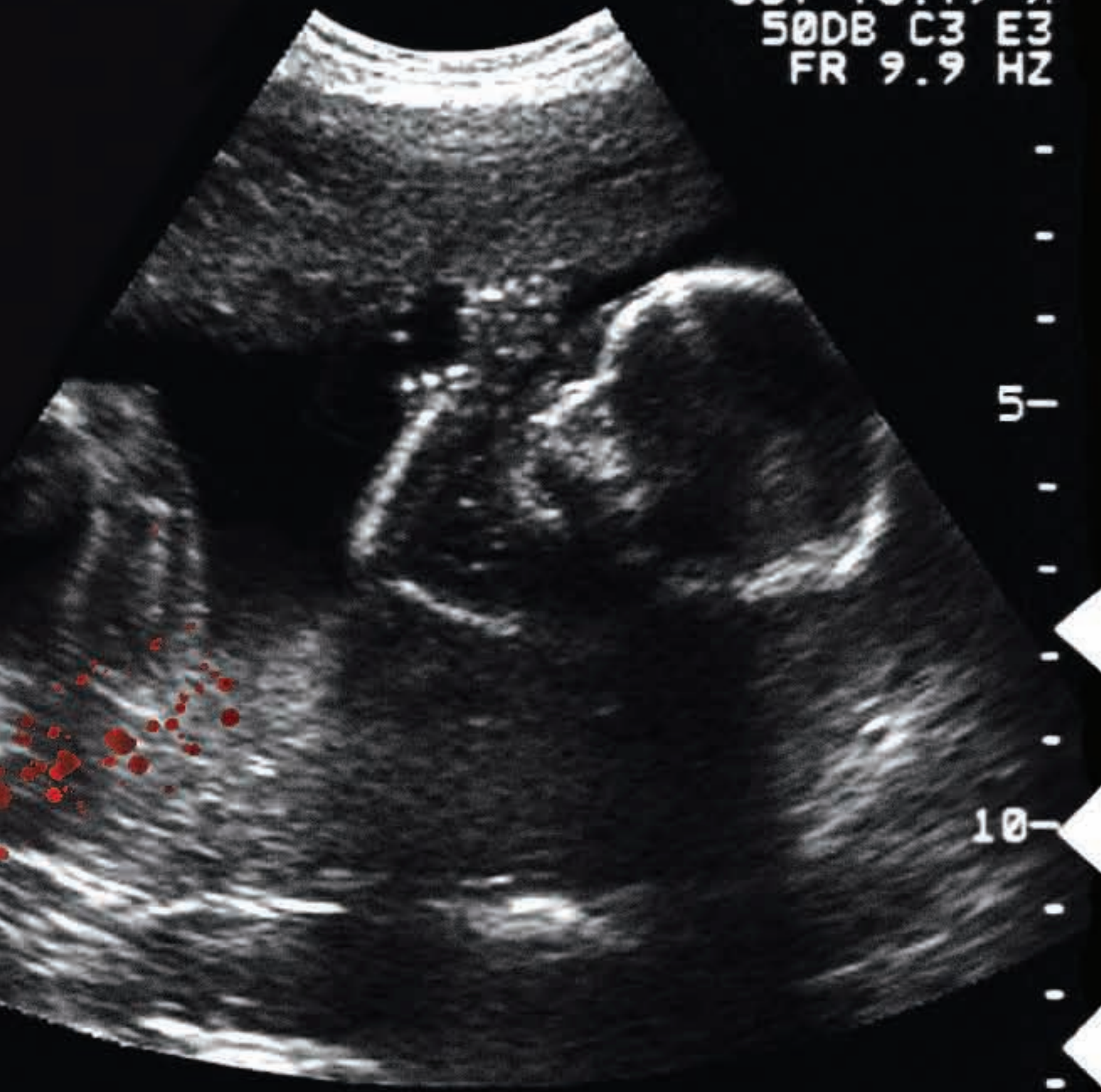
The Laci Effect

As horrible as it was, the killing of Laci Peterson wasn't a freak crime. It turns out that a leading cause of injury-related death among pregnant women today is murder. Who would want to harm an expectant young woman? And why?

DAVID FRANCE investigates. ►



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he day of the sonogram was a big turning point for Lisa Underwood.

Any apprehension the 34-year-old single mother felt about having a second child vanished when she saw her future daughter squirming on the screen. “We were both in love with her right away,” says Lisa’s mother, Sheila, who held her hand through the procedure.

Lisa already had a name picked out: Marleigh, after her aunt Marla in combination with her own middle name, Leigh. Marleigh’s middle name was to be Ann. “I forced that one on her,” Sheila says with a laugh. “She wanted ‘Ruby,’ but I said, ‘You cannot

scouring Fort Worth for baby clothes, snapping up whatever she could find in pink. Her mother covered the shops in neighboring Dallas, buying up “everything Dillard’s and Foley’s had to offer” for that little girl, she says. “From zero to 3 months, she was going to be a fashion plate.”

They had no way of knowing that while they were happily preparing for the new arrival, Stephen Barbee had already married another woman and was worrying about how an illegitimate baby would destroy his private life and

boy, Jayden, whom Sheila had called Boopa since the day she first stood him on tiptoe atop her kitchen counter. The only thing the partners disagreed on was what to name the corporate umbrella. “Lisa finally said, ‘We are *two powerful women*—we can figure this out!’” That’s how they settled on 2PW.

“We were just two people running at a hundred miles an hour in the same direction,” Holly says.

Jayden had nearly as many friends as his mother. Because Boopa’s opened every morning at 5, Lisa brought the toddler to work in his pajamas and tucked him in on an overstuffed sofa there, among the customers. He sometimes picked a table of strangers and took his breakfast with them like a ship’s captain, Holly recalls. “He made everybody feel welcome. People just adored him,” she says. Later, when Jayden started kindergarten, Lisa would brush his teeth in the employee bathroom and drive him to school after the early morning rush.

In August 2004, when Lisa discovered she was pregnant, she wasn’t thrilled—having another baby complicated her busy schedule. But she never contemplated an abortion. “She sat down in my driveway and said, ‘I don’t think I can start all over again,’” recalls Debbie Lindley, a friend who took care of Jayden twice a week. “In time it set in, though. Whatever came her way, she just rolled with it.”

As Lisa told her mother, she knew she hadn’t gotten pregnant by Rick Johnson, a good-looking musician who played the local clubs. They’d seen each other for several months and broken up over reasons having to do with money and lifestyle, Sheila says. Stephen Barbee, on the other hand, lived in an apartment right behind the deli and co-owned a tree-trimming business, All Four Seasons, which handled big contracts for area highway departments,

“When it got to 4:05, we knew something was wrong. At 4:15 we started calling hospital emergency rooms.”

name a child Ruby!”

It’s fair to say that nobody was looking forward to the new arrival more than Sheila, a senior administrator at a large Fort Worth–area hospital. After studying the sonogram printout, she even came up with her own theory about the baby’s paternity, which had been a matter of debate. “Lisa, this one looks like Rick Johnson*,” she remembers joking. Rick and Lisa had dated for a while during the summer she conceived, in 2004. But Lisa shook her head. According to her math, the more likely father was Stephen Barbee, an on-again, off-again boyfriend she’d also stopped seeing.

It barely mattered. Lisa spent her second trimester and part of her third

complicate his future. Nor could they have imagined that he would commit an unthinkable crime to bring Lisa’s pregnancy to an end.

Unfortunately, this is not a rare story.

EVERYBODY IN THE FOSSIL CREEK area of north Fort Worth seemed to know Lisa Underwood. She was on the PTA, an energetic fixture at after-school soccer practices, the loudest cheerleader at her son’s local Boy Scout Troop 165 events, and a daily presence at Boopa’s Bagel Deli, which she opened in 2000 with Holly Pils, one of her closest friends. They had been coworkers at a national bagel chain that went out of business. “We just decided to take over the lease and give it a try,” Holly says.

All business decisions were made jointly. They named the shop after Lisa’s

*He asked that we not use his real name.

as well as Cowboy Cutters, a concrete sawing and drilling concern. People describe him as charming and handsome, a lady's man with an engaging sense of humor. To Lisa he was a hardworking entrepreneur whose collection of vehicles, including a Corvette, and frequent vacations to places like Cancun suggested success. They had dated briefly in 2003 and got back together casually in the summer of 2004. She was unaware that he was seeing a woman named Trish who was also a single mother.

Lisa and Stephen seemed well matched. "She was a business owner, he was a business owner," says Holly. But ultimately their initial attraction didn't produce a deeper bond. "It was very short-lived. It wasn't something she wanted to continue."

That August Lisa informed Stephen she was pregnant, according to Dixie Bersano, an assistant district attorney who later became involved in her case. Although Lisa admitted there was a possibility the baby might belong to Rick, she told Stephen he was more likely the father, Bersano says. There is no indication that the meeting was anything but amicable.

Lisa and Stephen didn't see each other again until December 27, her friends say, when he showed up unexpectedly at her house, a meticulously kept one-story home on Chaddybrook Street with a small tree in the front yard.

Just a week before, he had gotten married in Las Vegas to the woman he'd been seeing. "I didn't want a big, traditional wedding," says Trish Barbee, "so I said, 'Let's go to one of those Elvis Presley chapels.'"

Stephen didn't tell Lisa his happy news. Instead he visited with her in her living room, rubbed her shoulders, and proposed to her as though he were single, according to Sheila. "He said, 'Lisa, maybe we should become a family,



Lisa and Jayden (above) in 2001, celebrating Easter in her mother's backyard. Boyfriend Stephen (inset), as he enters court in March 2005.

maybe we should try to work this out.' She called me after. I said, 'What are you going to do?' She said, 'I don't know; I don't love him.'"

There were a couple of things about the visit that made Sheila a little uncomfortable. First, Lisa told her, when she glanced out the front windows, she noticed Stephen's truck wasn't in her driveway and asked him about it. He explained that he'd parked on a side street because he was pulling a trailer, making maneuvering difficult. Lisa found this odd enough to mention to several friends. Then, after he began

rubbing her shoulders, she somehow passed out cold. What Lisa didn't mention to her mother was Stephen's incriminating apology after she came to. "Suddenly, she is waking up, she's on the floor, she's got a knot on her head, and he's leaning over her, crying, 'I'm sorry, I'm sorry, I'd never hurt you,'" says Kevin Rousseau, a Tarrant County assistant district attorney and the lead prosecutor in Lisa's case. "She was not frightened by it, but her friends were. They told her, 'You need to call the police.'"

No one knows what really happened, but Lisa brushed off the incident as a meaningless, albeit confusing, fainting spell—her body's response to pregnancy. By the time Lisa got off the phone, ▶

Sheila says, she had decided to decline Stephen's offer and raise her child alone, the same way she was raising Jayden, whose father lived in St. Joseph, Missouri. "She said, 'I'm done with him; it's over.'"

The police believe that Lisa didn't talk to Stephen again until after the new year. Her cell phone bill shows she called him once on February 9, 2005, says Holly, who shared an account with her. They spoke for just three minutes.

Later she told Holly about the call. "She had picked out a doctor she wanted to see once the baby was born, somebody in the neighborhood, but it

Pregnancy, which should provide a bubble of protection around an expectant mother, seems increasingly to have the opposite effect. According to a recent study by the Centers for Disease Control and Prevention, homicide is a leading cause of injury-related death for pregnant women—and there's some indication that the trend may be growing. The phenomenon captured public attention after Scott Peterson killed his pregnant wife, Laci, on Christmas Eve, 2002; yet every month, less celebrated cases

lay in bed through Thursday. On Friday she was feeling a little better, she told Holly, but stayed home anyway in order to conserve her strength. She was looking forward to a lavish baby shower the next day that Holly and another friend were throwing at the deli after the lunch rush. Because she had not had a shower for Jayden, Lisa couldn't have been more excited.

Holly called her at about 7:40 Friday night, February 18. The two talked about the party, which was to start at 4 o'clock. Lisa had requested that all decorations be pink and personally selected the cake (white with pink florets, like one she had seen in a magazine) and flowers (her favorite, stargazer lilies in bright magenta).

On Saturday, as the shower time approached, everyone waited. "She is the most prompt person in the world," says Holly. "I expected her at 3:55 in the afternoon. When her Durango didn't pull up, we were stunned. And when it got to 4:05, we knew something was wrong. Then at 4:15, we started calling hospital emergency rooms."

Sheila, who had been trying to reach her daughter since 9:30 that morning, jumped in her car and drove to Lisa's home, a few blocks away. The door was locked, so she used her own key to get in. The house was empty, and the Durango was gone. At first glance, everything else seemed normal, with one exception: The place had been newly cleaned. It smelled of Formula 409, and the wall-to-wall carpet was freshly vacuumed. Sheila noticed the telltale strokes of her daughter's Dirt Devil in the carpet's nap.

"That was odd; that's not Lisa's m.o.," Sheila remembers thinking. She knew that Fridays, not Saturdays, were vacuum days at her daughter's house.

Maybe labor came early and she'd run off to the hospital, Sheila had thought, trying to calm herself. But then she saw Jayden's shoes were still on the hearth. Even in a medical emergency, Lisa wouldn't have dragged him barefoot out into the wintry chill. In the boy's bedroom, she noticed something even more unusual. Jayden's eyeglasses, tinted blue to his own exacting specifications, lay forgotten on a table.

**He led police
to where he'd left the bodies.
Lisa's back was covered with bruises,
her wrist snapped in two.**



Lisa's body was recovered from a shallow grave near Justin, Texas.

continue to ratchet up the homicide stats.

According to research by Cara Krulewitch, PhD, an assistant professor in the department of family and community health at the University of Maryland School of Nursing, pregnant women in that state are two times as likely to get killed as nonpregnant women. For Maryland and Washington, D.C., teenagers who are expecting babies, the chance that they will be murdered triples. Studies in other cities

and states have come up with similar results, according to Krulewitch. "These are startling findings," she says. "Something's going on here that we don't know anything about."

turns out he didn't accept the Medicaid plan she was using," Holly says. "So she asked [Stephen] if it would be okay to put Marleigh on his health insurance. He just said okay. He had no problem with it. If he'd had a problem, that would have been okay, too. But I believe when he got off the phone, he freaked out and thought she was going to ruin his life."

A WEEK OR SO AFTER CALLING Stephen about the insurance, Lisa came down with the flu. She left Boopa's early on Wednesday, February 16, and

Risks of Pregnancy

Hundreds of expectant women have been murdered in the past ten years by their husband or boyfriend or a stranger. Here are nine of them.



EVELYN HERNANDEZ
AGE 24, NINE MONTHS PREGNANT.
REMAINS FOUND IN 2002.
HER BOYFRIEND IS A SUBJECT
OF INTEREST.



ELIZABETH KENNA
AGE 24, NINE MONTHS PREGNANT.
STABBED TO DEATH IN MAY BY HER
BOYFRIEND, WHO THEN
KILLED HIMSELF.



LYNETTE LOGAN
AGE 22, SIX MONTHS PREGNANT.
KILLED IN MARCH—HER
BOYFRIEND HAS BEEN CHARGED.
THE BABY LIVED.



MARILYN GINEL
AGE 37, NINE MONTHS PREGNANT.
CHOKED AND STABBED,
ALLEGEDLY BY HER BOYFRIEND,
IN MARCH.

There's no way he would have left them behind—he couldn't see well enough to go anywhere without them.

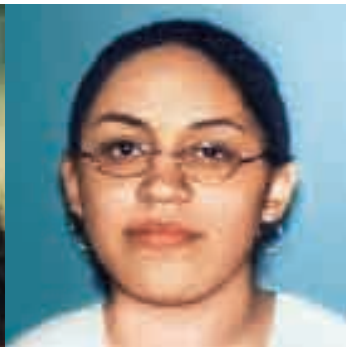
Shortly before 4:30, a patrol officer and a couple of friends arrived. It was then that somebody noticed that the coffee table was in the wrong place. Lifting it, they discovered a very large blood stain. "My mind tried to make it go away," recalls Sheila. "I wanted to believe it was punch or something. But then I saw little bloody handprints on the sofa."

About one-third of all female murder victims, according to the CDC, are killed by a past or present intimate partner—the person they probably least suspect. "You immediately look for a relationship issue," says Pat Brown, a criminal profiler who is founder and CEO of the Sexual Homicide Exchange, an agency that helps police departments solve cold cases. "What did the husband or boyfriend do to her? That's what goes through your head."

In rare instances, pregnant women are attacked in random assaults. Some of the most horrific cases, as we have seen in recent years, involve strangers who fatally carve open their victims in order to snatch their fetuses. But in most instances of maternal homicide,



TRISHA BERGEMANN
AGE 22, FIVE MONTHS PREGNANT.
SHOT IN MARCH BY
HER BOYFRIEND. HE KILLED
HIMSELF.



MARIA ISABEL LOPEZ
AGE 24, SEVERAL MONTHS PREGNANT
AT TIME OF MURDER.
HER COMMON-LAW HUSBAND IS
THE PRIME SUSPECT.



BRANDY PARKER
AGE 23, EIGHT MONTHS
PREGNANT. SHOT IN HER CAR
IN 2005. THE KILLER
IS UNKNOWN.



TIA VINSON
AGE 23, NINE MONTHS PREGNANT.
STABBED TO DEATH IN 2005.
HER BOYFRIEND REPORTEDLY
CONFESSSED TO THE MURDER.



AMY BOX
AGE 27, EIGHT WEEKS PREGNANT.
SHOT IN FEBRUARY.
SHE DID NOT KNOW HER
KILLER.

the suspects are closer to home.

What is it about pregnancy that goads a man to attack his girlfriend or wife? experts ask. There are no definitive answers, but certain patterns

are emerging. If abuse is already in the picture, for example, in some cases it gets worse after conception, with as many as 324,000 women each year suffering

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intimate partner violence during their pregnancy. Perhaps the woman's shift of attention away from her partner and onto the fetus growing in her belly is what unhinges the aggressions of a man who feels he must be in control. "When there is any sign of violence in a relationship," says Jacquelyn Campbell, PhD, a professor at Johns Hopkins University School of Nursing and a national authority on family violence, "women need to do something immediately."

Richard Gelles, PhD, dean of the School of Social Policy & Practice at the University of Pennsylvania, says "paternal uncertainty" is a major motivator in these murders. "The run-of-the-mill term is 'raging jealousy,'" he says: The man snaps because he thinks the baby isn't his. Such anger does seem responsible for a number of recent cases. In March a Philadelphia newspaper published the diaries of a 22-year-old named Lynette Logan, who was found dying of a bullet wound in her home a couple of weeks earlier. Her baby was born prematurely and survived; Lynette did not. Charges, including murder and aggravated assault, have been filed against her boyfriend, Gerald Smith. "I love my boyfriend and sometimes he is very loving, but he also has a bad temper—he believes in the back of his mind I'm cheating," she wrote.

Many of these killers are responding to feeling trapped, says Tod Burke, PhD, a professor of criminal justice at Radford University in Virginia and a former Maryland police officer. "This is another way of shirking responsibility," he says. "The guy is figuring, *If you have this baby, I have to take financial responsibility. I don't want that responsibility. You're going to pay the price for this; you should have known better.*" When the woman's pregnancy has advanced to late term, as Lisa Underwood's had, the killer is more likely to act with premeditation, Burke says.

"What all these men have in common is that they're incredibly self-centered," says Laura Ann McCloskey, PhD, an associate professor of social work at the University of Pennsylvania who studies domestic violence against women. While the normal man would think, *Well, I'm going to have to pay for this mistake*, when it comes

to the guy who kills, she says, "the mind-set is, *My needs come first, and this baby's in the way; if she dies, I can keep my girlfriend.*"

AS SOON AS THE POLICE discovered the blood, they put out an Amber alert in Texas for Jayden and his mother. On Sunday dire alarms interrupted television and radio programming there and in four nearby states. By Tuesday they extended the alert nationwide. The police assumed that Lisa and her son went missing sometime between 11:45 P.M. on Friday, when she sent out an e-mail, and 9:30 A.M. Saturday, when Sheila called.

An officer sought information from Lisa's cell phone company; as long as the

"These men are incredibly self-centered. The mind-set is, 'If she dies, I can keep my girlfriend.'"

battery is not removed, the signals from mobile phones bounce off the nearest towers even when no call is in progress, providing a trail of digital bread crumbs for detectives to follow. If she left home with her phone, they could pinpoint her journey with some precision. Meanwhile several of the guests assembled for Lisa's shower told the police everything they could remember about her last few months. A few narrowed in on the story about Stephen's December visit during which she said she'd fainted mysteriously.

"That incident really got us interested in him," Detective Michel Carroll says. "To me, he was the most logical person."

By midnight two police officers were knocking on Stephen's door. "They said they were talking to everybody who knew her," says Trish Barbee. "I didn't think much of it, not at all."

According to Carroll, that night Stephen said he'd spent the previous evening with an

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CONTINUED FROM PAGE 246 employee of his, a man named Ron Dodd, who, in a peculiar twist, lived with Barbee's ex-wife and business partner, Theresa, in a luxurious home Stephen and she had built together. "It's pretty *Dukes of Hazzard*," says Carroll, "but it wouldn't be that off the chart if there weren't these murders."

Lacking sufficient reason to detain Stephen, the detectives left and headed to Dodd's house.

At the same time, several other officers, including Detective Angela Jay, combed Lisa's house for clues. Unfortunately, the place had been thoroughly gone over—all the surfaces had been washed with cleaning fluids, the carpet and sofa stripped of any fabric remnants or hairs that might offer the promise of DNA samples. The few fingerprints that remained were Lisa's, as was almost all the blood. One red smudge showed the presence of male DNA—but it was too diluted to produce any clues. The officers also searched the house for the red Dirt Devil to study the contents of the bag, but it was missing and still hasn't been found.

The first real break in the case came on Monday morning. Lisa's blue Durango was discovered by a farmer in one of his fields, about 30 miles north of her home, in Denton County. It had plunged off a low embankment into a creek. The driver's door was open and the back hatch was sprung. But the car, too, had been scoured clean, inside and out. A towel and a bottle of Formula 409 sat inside the vehicle.

Specially trained dogs were brought to the field, including one known as a cadaver dog, and a mobile command station was set up. Angela Jay circled above in a police helicopter with other detectives. The media were everywhere, some hovering over the scene in their own choppers. Ultimately, the only evidence recovered were the keys to the Durango, thrown into the shallow creek.

"We looked all over that field for anything," Jay says, "a piece of clothing, a grave. It was frustrating."

Later that morning, luck brought them a real clue, also in Denton. On the night Lisa disappeared, local law enforcement officers there had stopped a man at about 3 A.M. as he walked along a service road, just 200 yards away from where the car was found. The encounter was recorded

by an automatic video system mounted on the patrol car's dashboard. The tape was brought to the command station, and Carroll took a look.

It featured a blurry image of a man dressed in light-colored jeans and a shirt or jacket, covered in mud. He was standing about 25 feet in front of the police vehicle on an extremely dark night, illuminated by floodlights from the car as he answered a deputy's questions. When asked his name, he could be heard saying, "David Weekley," a well-known local builder whose name is festooned on billboards

"He's one of these types of guys who think they can control the women in their life," says Detective Carroll. "Lisa he couldn't control."

around the area; he was not carrying any identification, he said. As the video showed, when the deputy returned to his patrol car to radio in Weekley's data, the muddy man dashed into the darkness.

"He kinda looked like our guy," Carroll remembers. Yet the only thing linking Weekley to Barbee was a similarity in birthdays—March 16 versus March 30, both 1967. A person panicking in front of police headlights, Carroll figured, might think to lie about his date of birth, but not by much. It was enough to make him want to question Stephen.

CARROLL INTERVIEWED Stephen in the interrogation room of the police department in Tyler, where Barbee and his crew had gone for a few days to do a job. Ron Dodd was also brought in, and was being questioned in another room.

At first Carroll went easy, according to a copy of the video made available by the

judge in the case. Stephen's casual responses narrated his fleeting affair with Lisa. She was one of many infidelities, he said, including "a girl across the hall, I don't know her last name; another girl named Rita; Denise in Austin." To keep Trish from catching on, he kept a separate cell phone for arranging his assignments. He called these women "my buffet line—I saw that line on TV," he said, laughing.

On the night Lisa disappeared, Stephen said, he was over at Ron Dodd's home cleaning up one of the company's trucks. He stayed there till 2 or 3 in the morning, explaining that "the truck was messed up, leaking oil all over the place." From there he went directly home and fell asleep on the couch, not wanting to wake his wife.

Carroll told Stephen he saw a tape of him running from the police that night. "The officer who stopped you is on his way here" to make an identification, he said.

It was a big gamble. The officer was not on his way. And nobody was sure that Stephen was the muddy man in the tape. But it worked—Stephen admitted to being "Weekley." He made up what proved to be a convoluted story about why he was there and why he fled: His truck had engine problems, he was walking for help and somehow got lost in the woods when he came upon the police; he used an alias because David Weekley—a different David Weekley than the builder, he insisted—was a former friend he was angry with and wanted to get in trouble.

"Dodd's in the other room saying you're a cold-blooded killer," Carroll lied, pressing in toward what he believed to be the truth. He slid pictures of Lisa and Jayden at Stephen. "Now look at the pictures and tell me you didn't kill this woman and that child."

With a video camera rolling in the small, white interrogation room, Stephen described what happened the night the Underwoods went missing. In an adjoining room, little by little, Ron Dodd was simultaneously corroborating the story in important details.

According to Stephen, Dodd drove him to Lisa's house that night. He hadn't brought his own car—this part he admitted to Carroll during a bathroom break—because he knew he would drive away in hers. "She kept

throwing up everything about insurance, child support, and telling Trish,” Stephen claimed back in the room, on tape. “I don’t know what she was going to say to ruin my marriage. I wanted to leave. She got mad and kicked me. I still got bruises from it.” He pointed with a shaky finger to his shin.

“Then what happened?” Carroll asked.

“I punched her in the nose.” He lowered his face in his hands and began to weep. “We were wrestling around and I was holding her down. And she stopped moving.” He blew his nose. “I knew I did something wrong. I knew it. She wasn’t moving. I guess I held her down too long.”

“And did her son come out?”

Stephen nodded and went silent.

“How did he die?” Carroll continued, his manner easy and supportive, minister-like. Until this moment, he had no proof Jayden was dead.

There was a pause. “He was screaming,” Stephen said. “I put my hand over his mouth.”

He went on to describe piling both bodies in the back of Lisa’s car, cleaning up the house, and driving to a secluded field up north. He called Dodd, requesting he bring gasoline for the Durango and a shovel for a grave. But Dodd left after making the delivery, and Stephen dug the shallow grave alone, sliding Lisa in first, then placing Jayden, still in pajamas, on her belly.

“I put them together,” he sobbed, “because they needed to be together.”

Before covering the bodies with dirt and debris, he told Carroll, he said a prayer. Then, according to Stephen, he drove several miles farther north before abandoning the Durango in a muddy field. He again called Dodd to come get him and was waiting on the roadside in the pitch-black night when the police came upon him.

Carroll wound up the session. The next morning, Stephen led police to where he’d left the bodies. A medical examiner found that their last moments had been brutal. Lisa’s eye and nose were black, and bruises covered her back. One wrist was snapped in two. It was clear that she was overpowered and never had a chance. The lump on her son’s forehead and the fact that his teeth had cut through the inside of his lips were indications of his

struggle. The police say Stephen could have suffocated him without wounding him if he hadn’t fought back.

This February assistant district attorney Kevin Rousseau prosecuted Stephen Barbee for capital murder for intentionally causing the death of two individuals. The trial lasted less than a week before a jury found him guilty of murdering Lisa and Jayden Underwood because he didn’t want his wife to learn he had been unfaithful. Deliberating for less than two

“We were
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hours, the jury sentenced him to death by lethal injection and sent him to Texas’s death row to await his execution. Ron Dodd has been charged with two counts of tampering with physical evidence.

BURIED IN THIS AGONIZING case was an issue that is inflaming controversy across the country. Under a new state law, Rousseau could also have charged Barbee for the death of Marleigh, though she was never born. But Rousseau’s main goal was to get the guy convicted, and to do that he needed a unanimous verdict; he didn’t want to risk a delay by introducing an opportunity for divisiveness. Also, it would have invited a firestorm he didn’t want. “God! I had enough media as it was,” he says.

Laws that make killing a fetus a form of murder have been one of the most hot-button debates of the past decade. At least thirty-four states have so-called feticide laws, and efforts are under way to do the same in much of the rest of the country. Last year no fewer than 119 competing versions were proposed nationwide. The question they grapple with is

emotionally charged: Should or shouldn’t someone like Delayno Shackelford, a 19-year-old Omaha man accused of beating up his pregnant girlfriend last March and causing her to deliver a stillborn baby, be charged for the child’s murder?

Everybody agrees that such crimes should be punished severely. But opponents of the feticide laws say they also open the doors to outlawing abortion even though most fetal homicide laws specifically exempt abortion. Taken to their logical extension, such laws can also be directed against the would-be mother. If she loses her pregnancy in an accident or because she worked herself to exhaustion or failed to seek medical care based on religious beliefs, could she be brought up on murder charges?

A better way to approach the problem, some feel, is to keep the focus on the woman, not the fetus. “The assault is first and foremost on the pregnant woman,” says Lynn Paltrow, executive director of National Advocates for Pregnant Women, a legal advocacy group, “and to create laws that separate the woman from the fetus distracts from the violence women face and from solutions that would truly protect both mothers and babies.”

That argument is lost on many Americans. According to the National Right to Life Committee, polls have shown that 56 to 84 percent believe two murder charges, not one, are merited when a pregnant woman is killed. “I can tell you from personal experience, interacting with surviving family members of these two-victim crimes, that they don’t say, ‘My daughter was deprived of her reproductive rights’ or ‘My daughter was denied her capacity.’ They say, ‘He killed the baby,’” says Douglas Johnson, the National Right to Life Committee’s legislative director. “This is irrespective of their position on abortion.”

When Kevin Rousseau charged Stephen Barbee for only two deaths, he says, he already had a strong enough case to put the man on death row. “This was my decision,” he says. “I had fundamentalists saying, ‘So you don’t care about the baby!’ That’s not it. I knew this guy was going to death row. I didn’t need to insert an incendiary element into the case.”

Sheila Underwood supported that decision, though *CONTINUED ON PAGE 252*

she disagrees with the principle. On her wrist she wears a sterling silver bracelet with three strands of charms, one for her daughter and two for the grandchildren she lost. "To us Marleigh was a baby, she was my granddaughter," she says. "Stephen Barbee took three lives. He took a whole family." At the hospital where Sheila works, colleagues have built a prayer garden for patients and dedicated it to Lisa, Jayden, and baby Marleigh. Sheila finds peace there but not closure.

"I think about my broken heart going on forever," she says. "Am I happy he's on death row now? There's no comfort in that. His mother is a mother who is going to lose her child. And a mother should never lose her child, ever. I'm not saying I don't favor the death penalty. But it just doesn't give me comfort." She adds, half-seriously, "I think a better verdict would have been, 'I'll give you to Sheila Underwood to dispose of.'"

STEPHEN BARBEE'S WIFE, Trish, attended most of his trial, but by then she had already filed for, and been granted, a divorce. The reason she followed the case so closely was to search for the clues she'd obviously missed in her marriage. The Stephen she had fallen in love with was a gentle and generous man who doted on her and her kids, buying them presents for no reason in particular. An adventurous horse lover, Trish trusted him "120 percent," she says. "He was a good guy. The person who did that? I don't know that person, I never saw that person before in my life."

Stephen's court-appointed psychologist suggested that one motive may have been an unhealthy infatuation with Trish. Stephen used to call her a dozen or more times a day. Sometimes he would show up to surprise her at the grocery store while she was shopping. "I used to think it was romantic," she says. "Now I look back on it and I don't know. Was it creepy and obsessive?" She'll never be sure. One of her boys is now 8, not much older than Jayden when he died, and she tells her kids that the deaths were an accident. She's no longer in touch with the man she'd hoped would raise them as a father. "I still can't

make sense of it," she says. "I've tried to imagine his face, his expressions as he was killing Lisa and her little son. I think about this every day, and I still can't believe it. It was so awful."

The disconnect between the sweet-heart Trish knew and the monster she could only try to imagine is not so mysterious to Carroll. He's seen the pattern before and believes Stephen had a violent streak lurking beneath his ordered manner, ready to erupt when things started

"I've tried to imagine his expression as he was killing Lisa and her little son," says Trish Barbee. "I think about this every day."

slipping out of his grasp. Perhaps there were signs. Not long before the murder, he wound up in a brawl that left a houseguest seriously injured. And at the trial, his first wife, Theresa, described his shoving her up against the wall in one of their several heated fights. Then the pregnancy came along, throwing a wrench into his plans. "He's one of these types of guys who think they can control the women in their life," says Carroll. "Lisa he couldn't control."

Stephen's parents have continued to defend him, their only child after losing another son and a daughter to an accident and to illness, respectively, both at age 20. "Everybody is calling me naive and everything, but I know my son. I maintain he's innocent," says his mother, Jackie Barbee, a born-again Christian and retired teacher's aide. She believes her son's confessions were probably manipulated and that Ron Dodd is more likely the one who killed the Underwoods. "It's just not possible that my son, who is 175 pounds, could have carried those bodies so far," she says. Pregnant, Lisa weighed about

175 pounds herself.

"If he had done it, I could have said, 'Well, we have to pay for what we do.' But it's not like this." As far as she knows, it was Lisa who was being unreasonable, not Stephen. "He just wanted to make sure [the baby] was his. All he asked for was a paternity test."

It's not clear whether he did ask Lisa for one, but that test was done as part of the routine autopsy. Marleigh, forensics showed, was a perfectly healthy fetus. She was 14½ inches long and weighed almost four pounds; her hair was blonde. And she had DNA that was in no way related to Stephen's. Rick Johnson, it turns out, was the father.

Somehow that knowledge has made the case even more unnerving. Stephen Barbee would not have been financially responsible; his marriage could have survived. "It was a senseless crime before we learned it wasn't his baby. But when we learned that detail, it was even more senseless," Carroll says. "If he had just waited!" ●

Additional caption reporting by Dorothea Hunter.

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