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Former Football Pro Wins Control Over Murdered Wife's Estate

The opinion tells the tragic story of Sandra Barnett, who married former NFL player Buster Barnett in 1987 and was kidnapped and killed in 2015 after a highly publicized police chase.

By Katheryn Tucker | January 11, 2019



Judge Carla Wong McMillian, Georgia Court of Appeals (Photo: John Disney/ALM)

Suppose a husband was having trouble divorcing his wife because she succeeded in having the final decree set aside, and suppose his girlfriend kidnapped the wife—in his car—and killed her. Would the husband, who denies any role in the murder, then be able to take over his dead wife's estate and act as her personal representative?

Yes, according to a ruling Thursday by the Georgia Court of Appeals in an unusual probate dispute. Judge Carla

McMillian wrote for a unanimous panel that included Presiding Judge Anne Barnes and Judge Clyde Reese. They affirmed the position taken by Clayton County Probate Judge Pam Ferguson.

The opinion tells the tragic story of Sandra Barnett. In 1987, she married Buster Barnett, a former player with the NFL's Buffalo Bills. After 24 years, in 2011, he filed for divorce. When she didn't show for the bench trial in 2012, he was granted the decree he sought. She later argued that she never received the papers because he had them sent to the wrong address. She hired a lawyer to reopen discovery. The divorce was set aside in 2014. He filed for divorce again in June 2015.

But a month after the husband's second attempt to divorce his wife, his girlfriend, Lisa Brown, kidnapped Sandra from her home near Atlanta at gunpoint, according to McMillian. Later, police spotted Buster's SUV heading east on I-20 and followed it into Alabama. The chase ended when the girlfriend shot and killed Sandra and then herself, McMillian said.

News reports at the time of the murder-suicide identified Sandra as a teacher of special needs students.

In August 2015, Buster Barnett filed a petition to probate Sandra's will. Soon after, Sandra's sister, Donna Brooks, filed her own petition to probate the will. Brooks sought to invoke the "Slayer Statute" to disqualify the husband from taking charge of his wife's estate.

"In her petition, Brooks argued that Buster and Brown had been having an affair for over two years and lived together for several months prior to Sandra's murder and that Brown was driving Buster's car when she kidnapped Sandra," McMillian said. "Brooks further alleged that Buster deceived Sandra until her death in order to avoid dividing their marital assets; that he was aware that Brown suffered from mental illness and had violent and suicidal tendencies; and that he conspired with Brown to have Sandra murdered."

Buster Barnett argued that he did not kill his wife or conspire with anyone to kill her, McMillian said.

James Greason of Stone Mountain represented Brooks. Greason could not be reached for comment.

Joseph Todd of Jonesboro represented Buster Barnett.

“He had nothing to do with it,” Todd said Thursday regarding the kidnapping and murder-suicide. Todd said the couple’s property and money were in the husband’s name and that the probate claim from Sandra’s family was an attempt to gain access to his estate.

“It looked like a money grab,” Todd said. “That’s the only reason for it—to get his money.”

Georgia Supreme Court precedent “requires some form of judicial condemnation to divest a murderer or his or her interests from the murdered decedent’s estate,” McMillian said, citing *Levenson v. Word*, 286 Ga. 114, 116 (686 SE2d 236) (2009).

“Here, it is undisputed that there has been no criminal conviction or civil proceeding establishing by clear and convincing evidence that Buster participated in the kidnapping and murder of his wife,” McMillian said. “No evidence has been presented that Buster knew about Brown’s plans to kidnap Sandra, that he encouraged her to do so, or that he had done anything else to make himself a party to Brown’s criminal acts. Without more, the probate court correctly granted summary judgment to Buster, and we must affirm.”

The case is *Estate of Sandra Barnett*, No. A18A1969.