

Turturici faces civil suit

By ROBERT GAMMON
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Foster

SANTA CRUZ — The family of the unarmed Summit-area man fatally shot by David Turturici has filed a wrongful death lawsuit against Turturici, who was acquitted Friday of murder.

The lawsuit, which does not specify damages, was filed on behalf of Rick Foster's mother, Lorelee Foster; his ex-wife, Theresa Foster; and his two children, ages 6 and 8.

The Fosters are suing because

they are upset about the verdict and because of the way Rick Foster was portrayed in the murder trial, said Theresa Foster, also a Summit-area resident.

"He was a decent human being, a responsible person. He could be funny. He wasn't non-human," she said.

She believes that if the jury had known her husband of nine years, the verdict may have been different.

During the month-long criminal trial, Foster, a 38-year-old software engineer, was depicted as a heavy drinker, prone to angry outbursts, who had gone "over the edge."

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Turturici, 42, of Aptos, testified that Foster, who was legally drunk at the time of the shooting, was a "maniac" who chased him for 18 miles after a traffic dispute in Los Gatos. "In my mind, he was crazy and he was trying to kill me," Turturici said on the stand.

Turturici said he shot Foster with his .380-caliber Colt semi-automatic pistol around midnight Feb. 8, 1996, after a roadside scuffle on Highway 1 in Capitola because

he was "petrified."

The seven-man, five-woman jury agreed with Turturici and found him innocent of murder and voluntary manslaughter, but the panel deadlocked on a lesser charge of involuntary manslaughter. Ten jurors voted to acquit Turturici on all charges.

The verdict has struck a nerve with Santa Cruzans. Many believe Turturici got away with a capital crime while others have said the verdict sends the wrong message — that it's OK to introduce a firearm into a traffic dispute.

Yet others have said the jury did the right thing, that Turturici was

in an extreme circumstance, and he had a right to defend himself.

Besides Turturici, who has apologized for shooting Foster, the complaint names his parents, Benny and Helen Turturici of San Jose; his brother, Douglas Turturici; his business partner, Edward Wehr; and his San Jose restaurant, Bellino.

None of the defendants in the suit returned phone calls Tuesday. But Turturici's criminal defense attorney, Ben Rice of Santa Cruz, called the claim a "copycat suit," alluding to the recently decided multimillion dollar O.J. Simpson civil trial.

"The difference is David is innocent and he doesn't deserve to have to go through one to two more years of this," Rice said.

Christopher Rudy, San Jose attorney for the Fosters, denied he is "copying" the case against Simpson. Simpson also was acquitted of murder but lost his civil trial and was ordered to pay \$33.5 million in punitive and compensatory damages.

While no one is claiming that Turturici is worth that kind of

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money, Theresa Foster acknowledged that she hopes to win the suit to help provide for her children.

Moreover, Mrs. Foster, who is also a software engineer, is angry about how she was forced by the defense team to testify against her former husband.

"The whole defense was a very vicious thing. They invaded my life. They subpoenaed me in front of my children," she said. "I felt totally violated."

Mrs. Foster said she was taken aback by the behavior of some of the jurors after the verdict. "They

were hugging Turturici while Rick's mother was standing right there," she said. "I don't think justice was served."

She praised the efforts of Santa Cruz County Chief Deputy District Attorney Jon Hopkins, saying he did an "excellent job."

Hopkins said Tuesday that he has not decided whether he will retry Turturici on involuntary manslaughter charges. The prosecutor declined to comment on the wrongful death suit.

The complaint, filed Friday in Superior Court as Turturici's criminal verdict was being read, names Benny and Helen Turturici for allegedly helping their son "spoil evidence" and for not fully cooper-

ating with law enforcement. There's also evidence that Benny Turturici handled the gun used to shoot Foster, Rudy said.

Douglas Turturici is named as a defendant because there's evidence that for a time he helped hide the weapon from police. Finally, David Turturici's restaurant, Bellino Restaurant and Grill, along with his partner Wehr, are named because Turturici testified that he bought the gun for protection while carrying cash for the restaurant.

Rudy said his clients are prepared to endure a long civil trial, if necessary, to gain some sort of justice.

"Rick Foster did not deserve the death penalty," he said.