

Eyewitness recounts highway chase

By MAY WONG

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SANTA CRUZ — A new witness in the freeway murder case against David Turturici of Aptos testified Tuesday that he thinks he saw Turturici being chased by Rick Foster on Highway 17 before Foster was fatally shot in Capitola.

Daniel Burke of Seacliff emerged as a witness in the case late last week after he learned that jury selection was under way. He contacted prosecutors after reading news reports that they had no witnesses to the Feb. 8, 1996 shooting nor to the traffic dispute that preceded it.

Within a week or two of the highly-publicized shooting — the county's first freeway killing — Burke had told a Capitola police officer he may have information

about the case. The officer, whom Burke could not identify, took down his name and number, but never called him back, Burke said.

A month or two later, Burke said, he spoke with a California Highway Patrol officer and volunteered once again that he may have witnessed part of the freeway feud that ultimately killed Foster, a 38-year-old Summit resident and software engineer.

Burke said he never heard back from any authorities, and his story — possibly the only evidence of the traffic dispute other than Turturici's account — was not made public until Turturici's trial began this week.

Turturici, a 42-year-old San Jose restaurateur, is charged with murdering Foster on the northbound

shoulder of Highway 1 in Capitola. Police linked Turturici to the case after they found his car license plate number scrawled on a slip of paper that Foster had left in the passenger seat of his car. Turturici claims he shot Foster in self-defense after being menaced by him for miles on the freeway.

Tuesday, on the second day of the trial, Burke described how he saw a Mercedes sedan — maybe Turturici's — whiz past him at about 70 or 75 mph in the fast lane on southbound Highway 17. A red "sporty" car — maybe Foster's convertible — was about two car-lengths behind, and gaining on the car in front, Burke said.

He later saw what appeared to be the same two cars stopped on the shoulder near the 41st Avenue

off-ramp on Highway 1. Burke said the parked cars were on the southbound side, but the fatal shooting occurred on the freeway's northbound side.

Eric Capps, another motorist, testified Tuesday that he saw a Mercedes with its hazard lights on pulled over on the northbound shoulder near the 41st Avenue off-ramp. He then saw a red convertible pull up, and thought it was a "good Samaritan" helping a disabled motorist.

Capps said he drove by that spot again about five minutes later and saw police cars and an ambulance there. The convertible was still there, but the Mercedes was gone.

The trial, which is expected to last two weeks, continues today in the courtroom of Municipal Court Judge Tom Kelly.