

# Turturici charges still undecided

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SANTA CRUZ — Santa Cruz County Chief Deputy District Attorney Jon Hopkins got more time to evaluate the case against David Turturici, who was acquitted of murder earlier this month. Turturici was charged with shooting a driver he said was threatening his life.

"There's an awful lot of community sentiment ... that a person who commits this kind of act needs to be held accountable," Hopkins said.

But he said he has to balance that against whether "we will get the same result every time we try."

Turturici's attorney, Ben Rice of Santa Cruz, presented Hopkins with a petition signed by nine of the jurors requesting that the District Attorney's Office drop the case.

The jurors said that retrying Turturici, 42, of Aptos, "would be a miscarriage of justice, a waste of public funds and a repudiation of the 10 jurors who weighed all of the evidence, considered all of the laws and determined David Turturici innocent."

Hopkins said he wasn't surprised by the petition, because "we already knew how they voted."

After nearly five days of deliberations, the jurors unanimously agreed earlier this month to acquit Turturici on charges of murder and voluntary manslaughter. But the panel deadlocked on involuntary manslaughter, meaning the District Attorney's office can retry the San Jose restaurateur on that charge.

Turturici shot Rick Foster on Feb. 8, 1996, along Highway 1 in Capitola following a long high-speed chase and a roadside scuffle. Turturici maintains he killed the 38-year-old software engineer from the Summit area in self-defense.

Santa Cruz County Municipal Court Judge Thomas Kelly granted Hopkins' request for the continuance and scheduled a hearing for March 4 for Hopkins to decide whether he wants to retry the case.