

# Turturici verdict strikes a nerve

Readers respond  
to jury's decision  
in freeway slaying

*Murder*  
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Readers vilified David Turturici, calling him a liar and a murderer. They compared him to O.J. Simpson. They blasted the jury and the prosecutor.

And they sympathized with Turturici, saying he was absolutely within his rights to protect himself from a maniac. They told stories of how they had been stalked on the highway, of how they are sick and tired of crazy drivers turning daily commutes into nightmares.

Friday, a jury acquitted Turturici of murder in the freeway killing of Rick Foster. The jury unanimously agreed that Turturici did not intend to kill Foster last year on Highway 1 in Capitola, but the panel was split 10-2 between self-defense and involuntary manslaughter.

It was an incident — and a verdict — that sparked intense interest in our readers. On Friday, we asked you to call the Sentinel's NewsLine with your comments, and by 9 p.m. Saturday nearly 400 people had called.

The incident, which started on Highway 17 near the Lexington Reservoir ended on Highway in Capitola with Turturici shooting Foster. Turturici testified that Foster chased him for some 20 miles, tailgating him, flashing his high beams, and cursing and spitting at him.

Turturici said he pulled his gun, which he had bought for protection while carrying cash for his restaurants, only to scare Foster.

While the jury, which listened intently to nearly a month of testimony, was able to reach a unanimous verdict on the murder charge, readers were split on their opinions. A sampling of around 200 calls showed

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## Verdict

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114 people thought the jury made the wrong decision, and 85 thought jurors made the right call.

Calls came in from across the county — and well beyond. A number of calls came from Morgan Hill, San Jose and even Redwood City and Modesto.

Many callers said they were disgusted with the outcome of the trial. To them, the case was open and shut: Turturici had a gun and he had options. He could have pulled off the freeway and found a police or fire station. He could have driven away when Foster approached him. He did not have to place himself in a position where he would have to confront Foster face to face.

"I think the verdict is disgusting," said Jay Roberts of Santa Cruz. "If Turturici had a problem he should have gotten off the freeway and found a police car or pulled up in front of a police station. I guess if you're ... carrying a loaded gun you don't have to bother with that kind of inconvenient thinking."

Others were afraid the verdict would send a message that freeway violence is OK.

"I think he should have gotten some time. I think he's going to be responsible for a lot of people getting away with expressing their rage on the highway," said Bill Nash of Santa Cruz.

Those who supported Turturici were equally passionate in their arguments.

"I'm a non-violent man and I do not believe in guns, but in this case I do believe in self-defense and I believe he had the right to defend himself against a crazed, drunken driver that was attacking him in the middle of the night," said Jim Zetterquist of San Jose.

Martha Tousseau of Soquel called to tell her story of a freeway stalking.

"I think the verdict was correct because I've been terrorized on the road where I had to call the police. First you're mad, then you're scared. We're just glad there's one less horrible person on the road. I'm sorry he's dead ... but I think it's justified."

Among the callers was attorney Ben Rice, who represented Turturici. Rice was concerned over public opinion because unlike a jury, which hears every detail of the case, the public gets sound bites and news summaries.

"One group is well-informed and one is not. (The public) is getting 30 percent (of the information), and 5 percent of it is misinformation," he said.

Rice said he was so confident that once people heard Turturici's story they would acquit him, that he didn't bother to reject anyone during jury selection.

"We didn't bump anybody. We took the first 12," he said. "I was so confident in our case and David that it didn't matter."

Rice was correct in his assumption, according to juror John Pajak, who called Saturday to talk about the verdict.

"I sat through this trial for five weeks and spent five days hammering things out with these jurors and I was really convinced that he was innocent," said Pajak, a 44-year-old Ben Lomond homemaker.

Pajak said he understood the confusion Turturici was going through because he, too, had once been the

victim of a road chase.

He was in Maryland, he said, when he was chased by a car with three people in it. When he stopped at a red light, one of the men in the car behind him jumped out and approached him. Pajak said he ran the red light and then noticed a Maryland state police barracks on his left.

"I was oblivious to everything else. ... I can see being focused on what's going on," he said.

Pajak said he didn't know why Turturici "did the things he did ... but quite a few of us came to the conclusion that had we been in Mr. Turturici's shoes that day, we would have done the same things."

"He's going to have to live with that the rest of his life, and that's sad. It's sad the way the whole thing came down."

While callers from Santa Cruz County were somewhat split, those who live over the hill were almost unanimous in their support of Turturici.

The sampling of calls included seven from Morgan Hill and five from San Jose.

"This man acted in self-defense. It was the rare instance where deadly force was needed," said Penny Ciraulo of Morgan Hill. (Foster) was using his car as a deadly weapon against Mr. Turturici."

And Lynne McCallum of Campbell called to say, "It is not OK to use your vehicle as a lethal weapon just because something angered you. Mr. Foster had many choices to make that night also."

Here is a sampling of other comments:

"Mr. Turturici is a murderer. Only a murderer tries to cover up and wash away the information. He never called 911 for aid for his victim."

Al Hoga, Santa Cruz

"I think this verdict sends a clear message that you shouldn't act like an idiot on the road and drive in an aggressive manner because there might be another idiot with a loaded gun under his seat."

Randy Tupper, Santa Cruz

"Perhaps now all the other (expletives) driving over the hill in a threatening and dangerous manner will take heed and back off a bit."

John Surbridge, Aptos

"The message coming over to me is that this a man ... who carries a loaded weapon, he shoots a man, he leaves that man on the side of the road to die ... he attempts to cover it up and he's hugged by the jury. Hello? What's happening?"

Jane Thomas, Scotts Valley

"I drive home from work on 17 every night and I have to deal with people who drive like Rick Foster was driving that night. I'm so tired of it that my attitude now is if you choose to put other people's lives in danger by driving like a lunatic, you better be willing to lose your own. It's unfortunate he had to die, but there's a good chance it may save someone else's life."

Sherri Harris