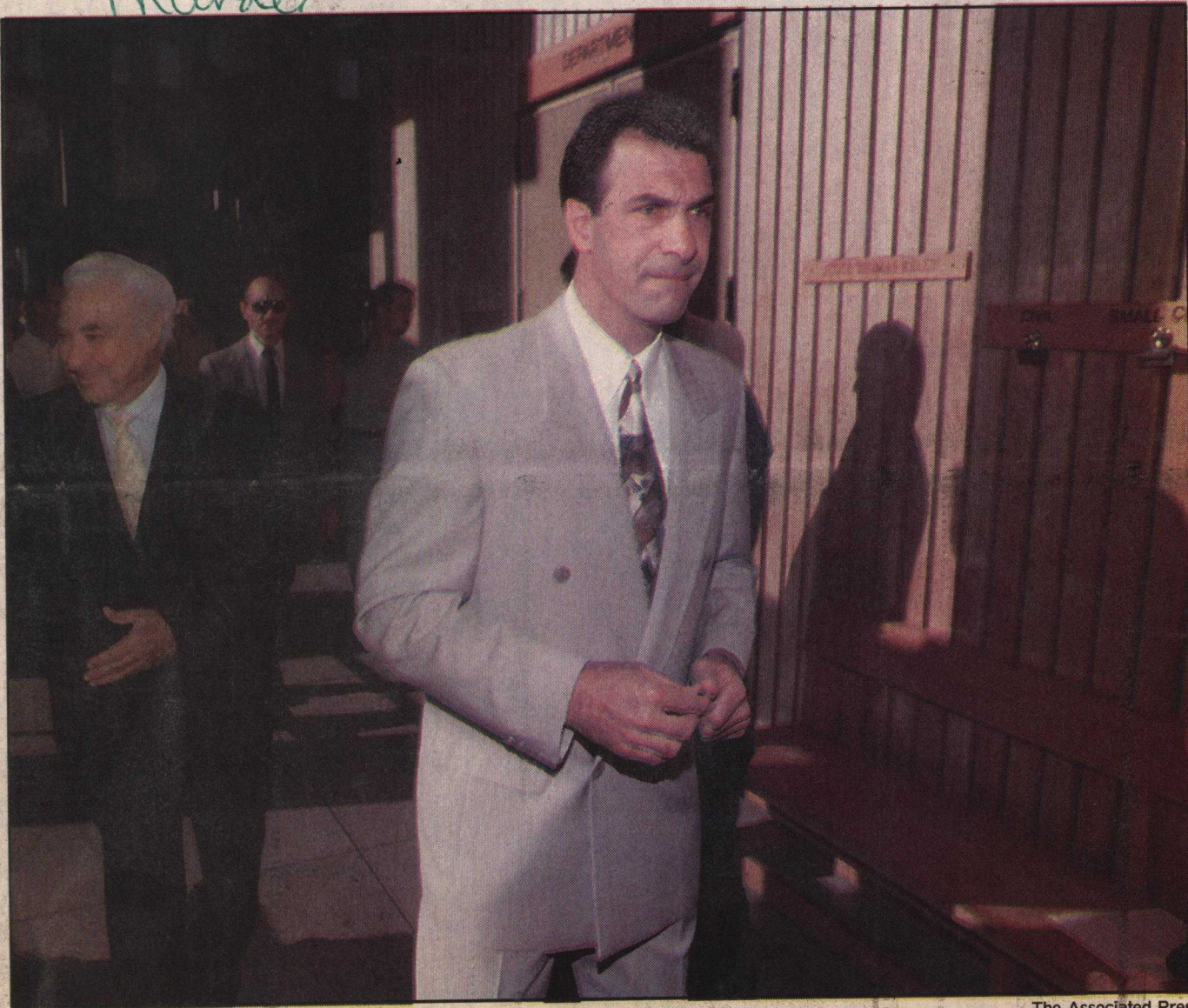


# Turturici sentenced to year in jail

Murder



The Associated Press

Restaurateur David Turturici of Aptos arrives at court for his sentencing hearing Monday.

## 10 years probation for road-rage killing

By ROBERT GAMMON  
Sentinel staff writer

8-591

SANTA CRUZ — Bringing an end to a criminal case that began with the county's first reported road-rage killing, a judge Monday sentenced David Turturici to one year in jail and 10 years probation.

Turturici's sentence, which was expected, followed his no-contest plea in June to one count of involuntary manslaughter for the February 1996 fatal shooting of unarmed Summit resident Rick Foster, 38.

But inside the standing-room-only courtroom of Municipal Court Judge Tom Kelly, no one expressed satisfaction with the outcome of case.

"In the scales of justice, a one-year sentence does not equate to a man's life," Kelly said. The judge added, however, that the case came to a logical conclusion because it likely would have resulted in "another hung jury if it were retried."

In the first trial, which ended last February, Turturici, 42, of Aptos, was acquitted of murder and voluntary manslaughter. But the jury deadlocked on involuntary manslaughter.

Over the objections of jurors who wanted the case dismissed, the District Attorney's Office planned to retry Turturici for involuntary manslaughter. Turturici halted those proceedings, however, after Kelly indicated he would give him one year in County Jail if he pleaded no contest.

Inside Kelly's court Monday, Turturici still maintained that he shot Foster in self-defense during a scuffle along Highway 1 in Capitola.

"I'm not admitting guilt," he said. But at the same time, the well-dressed San Jose restaurateur acknowledged he had made poor decisions.

"Knowing what I do now, I realize I should have made other choices that night."

Foster's ex-wife, Theresa Foster told the judge she was angry with Turturici and upset that her former husband was portrayed as a "loose cannon"

Please see ROAD — BACK PAGE

## Road rage

Continued from Page A1

with substance-abuse problems.

Her voice shaking, she said Foster was a good father who is deeply missed by their children, now aged 7 and 8.

Months after the shooting, her young daughter, she said, would ask where was her father. "I would have to remind her that he was dead."

She also didn't like that Turturici's attorney, Ben Rice, continually referred to his client as the "victim" in the case. And she was incensed that Turturici has yet to apologize.

Turturici declined news media requests after the sentencing to respond to her comments. Rice said, however, that his client has shown remorse but can't say anything more because of the pending wrongful death case.

The Fosters are suing Turturici, his family, his restaurant and his business partner over the shooting. The lawsuit is winding its way through the court system and may not come to a conclusion for a year or more.

Foster, a software engineer, was found dead in the early morning hours of Feb. 8, 1996, near the 41st Avenue exit. He died from a single gunshot wound to the chest. His body was discovered about 30 feet behind his car.

The next day, Turturici turned himself in after authorities linked him to the shooting from a license plate number Foster had scrawled on a piece of paper.

No one witnessed the killing, so the one-month trial hinged largely on Turturici's testimony. On the stand for more than six hours, Turturici described how he was terrorized by Foster, who chased him all the way over Highway 17 from Los Gatos.

With tears in his eyes, he explained to the jury that he pulled off the highway twice, but Foster kept following him. Finally, he stopped his car along the highway and pulled out his loaded .380-caliber Colt pistol. He said he and Foster struggled over the gun and then he shot Foster.

Prosecutor Hopkins argued for a murder conviction

while Rice countered that his client was defending himself from a drunken, road-raging motorist. Tests showed that Foster's a blood-alcohol level was .13 percent, well over the legal limit.

At the sentencing hearing Monday, more than 30 of Turturici's friends and family packed the small courtroom. About 10 people stood in the back of the room and a few more sat on the floor in the middle aisle.

Hopkins called it a "circus" when Rice asked them all to stand, but Rice said it showed the amount of support his client had in the community.

Hopkins said Turturici should take responsibility for his actions. "He still thinks he's the victim, even though he produced the gun and caused the death."

Judge Kelly said he hoped the case will serve as a warning for what he called an increasingly "less civil society" beset with "anger on the highways."

Kelly ordered Turturici to turn himself in to the Sheriff's Office by Sept. 15. He added that Turturici must spend an entire year in County Jail and that he's not eligible for weekend confinement or work furloughs.

Under terms of the probation, the judge ordered Turturici to complete a "therapeutic program," and to possess no firearms. He also must not carry "dangerous or deadly weapons" while he is "out and about in public," Kelly said.

If Turturici violates his probation, he would face a sentence of up to 13 years in state prison. Kelly said the term represents three years for the involuntary manslaughter charge, four years for using a gun and six years for firing a gun from a motor vehicle.

Under California law, Turturici would have to serve at least 85 percent of any prison sentence resulting from a probation violation, Hopkins said.

Rice said that will never happen, because "David Turturici will not violate his probation."