



**Nicholas G. Sottile**

**End of Watch:** Friday, January 12, 2007

## **JUNE 2009**

**Update: Altersberger gets death penalty**  
**6/15/09 - Sebring News-Sun**

By TREY CHRISTY

BARTOW -- Judge Michael Hunter entered the Bartow courtroom on Monday morning and, in front of a dozen of Florida Highway Patrol Sgt. Nicholas Sottile's friends and family, sentenced Joshua Lee Altersberger to death for the 2007 murder of the trooper in Lake Placid.

On the other side of the room, mostly alone, was Altersberger's mother, Rosalie. Two other women sat with her in an otherwise empty section. She sobbed quietly when Hunter announced her son would be put to death, and Altersberger waved goodbye to his mother as he was taken away.

After pleading guilty on March 13, just three days before his trial was scheduled to start, a jury recommended Altersberger for the death penalty on April 2 in a 9-3 vote.

Reading from the sentencing order, Hunter said the two proven aggravating circumstances, which would lead to a defendant receiving the death penalty, far outweighed the mitigating circumstances.

"Either aggravating circumstance standing alone would outweigh all of the mitigating circumstances," he said.

The 18-page sentencing order detailed Hunter's decision, including listing two statutory and 18 non-statutory mitigating circumstances and how much weight he considered to give to each one, from Altersberger's age, giving it "slight weight," to his dysfunctional family and home environment, giving that "moderate weight."

While the defense argued that the murder was not committed in a cold, calculated and premeditated manner, this aggravating circumstance was found by Hunter to be proven, and he gave it "great weight," detailing his decision over four and a half pages.

Hunter reviewed the transcripts of witnesses Quentin Kinder, who fled Altersberger's vehicle during the traffic stop, and Peron Merise, a truck driver who had "a clear view of what happened." Hunter cited the testimony while explaining how the court came to its decision.

Kinder testified that Altersberger had told him he was going to kill the trooper before he did, and Merise testified that before he was shot, Sottile "backed up a little and had his hands up."

According to the law, the cold, calculated and premeditated aggravator must be proven by the state showing that the murder was not prompted by emotional frenzy, panic or a fit of rage, that there was a careful plan or prearranged design to commit the murder, that there was heightened premeditation, and no pretext of legal or moral justification.

"There was no testimony that the defendant had been acting in an emotional frenzy, panic or fit of rage," Hunter wrote. "According to the witness, when it appeared the trooper was comfortable, the defendant lowered his hands, produced a weapon, and shot the trooper."

He called the murder "an unnecessary, execution-type killing," and said it was "the type of killing for which this aggravating circumstance was intended."

Citing the Florida Supreme Court, Hunter said the heightened premeditation required to sustain the aggravator is one where the defendant has the opportunity to leave the scene but, instead, commits the murder.

"He could have attempted to disarm the trooper when the trooper took a step back and raised his hands," Hunter wrote. "Instead, he shot him."

Altersberger will have 30 days to file his appeal but his defense attorneys have already told Hunter they intend to do so.

### **Judge hands down death penalty in Trooper Sottile's death 06/15/2009 © Tampa Tribune**

#### **Brad Dickerson**

BARTOW - Polk County Judge J. Michael Hunter sentenced Joshua Lee Altersberger, 21, to death Monday for the Jan. 12, 2007 killing of Florida Highway Patrol Sgt. Nicholas Sottile.

Altersberger pleaded guilty March 13 to shooting Sottile during a Highlands County traffic stop. On April 2, a Polk County jury recommended on a 9-3 vote that the defendant receive the death penalty.

"This court gives great weight to the jury's recommendation," Hunter said from the bench Monday.

Many members of Sottile's family were present in the Polk County courtroom. Sitting behind them were eight uniformed FHP officers.

On the other side was the defendant's mother, Rosalie Altersberger, who was seated between two other women.

When the defendant entered the courtroom just before the start of the 10 a.m. hearing, he was not dressed in the dress shirt and khaki pants worn during the penalty trial. Instead, Altersberger was wearing an orange Polk County prison jumpsuit.

There was a period of brief, absolute silence just before Hunter entered, broken only by the occasional word spoken amongst the attorneys.

Hunter took the bench and proceeded right into the business of discussing his ruling.

"This court understands that handling capital cases is the most difficult task that we as judges and jurors perform," he said. "The court also recognizes that all human life has value."

Hunter talked about aggravating circumstances versus mitigating circumstances.

The aggravating circumstances in this case were that Sottile was an on-duty law enforcement officer and that the homicide was committed in a "cold, calculated and premeditated manner," the order stated.

The two statutory mitigating circumstances were that Altersberger was 19 at the time of the murder and the capacity for him to "appreciate the criminality of his conduct" was substantially impaired.

There were also 18 non-statutory mitigating circumstances for the court to consider.

"After a thorough analysis of the aggravating and mitigating circumstances in this case, the court finds that the aggravating circumstances in this case far outweigh the mitigating circumstances," Hunter said. "Further, the court finds that either aggravating circumstance standing alone would outweigh all of the mitigating circumstances."

Once Hunter had formally imposed the sentence, defense attorney Debra Goins said that Altersberger wished to file a motion to withdraw his plea.

There is also an automatic appeal that will be filed, as well as another potential motion that basically says the defendant's attorney did not do an adequate job, according to Assistant State Attorney Steve Houchin.

Altersberger's motion to withdraw was seen by Houchin as nothing more than the defendant wanting a "do-over."

"That's not a big surprise," he said. "I expected them to do that."

### **Trooper's Murderer Receives Death Sentence in '07 Slaying 06/15/2009 © Lakeland Ledger**

Jason Geary

BARTOW | After being stopped for a simple traffic violation, Joshua Lee Altersberger lulled FHP Sgt. Nick Sottile into a false sense of security and shot him. Circuit Judge J. Michael Hunter said it was an "unnecessary, execution-type killing" and ordered Monday that Altersberger be executed.

The Sottile friends and family listened at the sentencing hearing as Hunter recapped what happened.

As Sottile relaxed a little, Altersberger suddenly grabbed a .25-caliber pistol and shot the trooper in the upper body at point-blank range. As the Florida Highway Patrol veteran lay bleeding on the side of the road, the youth pointed the gun out the window of his Toyota Camry and tried to squeeze off more rounds into Sottile's head before speeding away.

Without a plea deal in place, Altersberger pleaded guilty March 13 to first-degree murder - saying he wanted to "man up" for what he had done.

But the 21-year-old Sebring man requested Monday to withdraw his plea. After sentencing Altersberger to die, Hunter appointed new lawyers to represent Altersberger with his request to withdraw his plea.

The judge read portions of his 18-page sentencing order during Monday's sentencing hearing.

Sottile's wife of 24 years, Elizabeth, and his two children, Heather and Nicholas, as well as nine Florida Highway Patrol troopers in uniform, came to the hearing.

Hunter wrote that Altersberger wasn't "acting in an emotional frenzy, panic or fit of rage" on Jan. 12, 2007, but had a "simple prearranged design to shoot and kill a police officer."

On that day, Altersberger was drinking brandy and playing a video game called "Scarface," in which the player shoots at people. Later, Altersberger and a friend, Quintin Kinder, drove to a convenience store.

Kinder testified Altersberger saw a deputy driving along, and Altersberger talked about shooting the deputy if he tried to stop him.

In the afternoon, Altersberger was driving erratically on U.S. 27 near Lake Placid, and Sottile, 48, pulled him over. Kinder testified Altersberger said he was going to shoot the trooper, and Kinder ran when Altersberger stopped the car.

The judge noted that a tractor-trailer driver, Peron Merise, was an eyewitness with a clear view of the shooting. The truck driver saw Sottile at first kept his hand on his holstered sidearm while talking to Altersberger, who remained in the driver's seat of his car.

Merise said Sottile relaxed his stance for a moment, and Altersberger grabbed a semiautomatic pistol.

"Here he could have attempted to disarm the trooper when the trooper took a step back and raised his hands," Hunter wrote. "Instead, he shot him. He then pointed the gun at the trooper's head and continued pulling the trigger."

However, the truck driver testified the gun wouldn't fire any more.

The defense urged the judge to impose a life sentence. Mitigating circumstances included that Altersberger was 19 years old at the time of the shooting, has problems controlling his impulsive behavior, and grew up in a poor, dysfunctional family.

Prosecutors relied on two aggravating circumstances. They argued Sottile was an officer killed while carrying out his duties, and the slaying was "cold, calculated and premeditated." Hunter determined that either aggravating circumstance would outweigh all of the mitigating evidence.

In April, a jury recommended by a 9-3 vote that Altersberger should receive the death penalty. Hunter also gave "great weight" to the jury's recommendation.

### **Judge Sentences Trooper Killer to Death 06/15/2009 © Lakeland Ledger**

BARTOW | A 21-year-old Sebring man who gunned down a Florida Highway Patrol trooper should die for his crime, a judge ruled today.

Circuit Judge J. Michael Hunter sentenced Joshua Lee Altersberger to death for killing Sgt. Nick Sottile, 48, on Jan. 12, 2007, during a traffic stop near Lake Placid.

Altersberger pleaded guilty March 13 to first-degree murder in the case, and in a jury voted 9-3 on April 2 to recommend he receive the death penalty.

On Jan. 12, 2007, Altersberger was driving erratically on U.S. 27 near Lake Placid, and Sottile pulled him over.

His passenger, Quintin Kinder, testified Altersberger said he was going to shoot the trooper. Kinder ran when Altersberger stopped the car.

Kinder testified that earlier that day, Altersberger saw a deputy driving along and Altersberger talked about shooting the deputy if he tried to stop him.

Jurors heard testimony from a tractor-trailer driver, Peron Merise, who was an eyewitness to the fatal traffic stop.

Merise said Sottile at first kept his hand on his holstered sidearm while talking to Altersberger, who was still behind the wheel of his Toyota Camry.

Sottile relaxed his stance for a moment, Merise said. Altersberger lowered his raised hands, grabbed a semiautomatic pistol and shot the trooper, he said.

Sottile fell to the ground, and Altersberger pointed his handgun toward the trooper's head, pulled the trigger but no fire came out of the gun, Merise recalled.

Sottile bled to death from the single .25-caliber bullet that struck him in the left collarbone area.

Altersberger drove away.

Sottile had more than 20 years of experience as an officer.

He and his wife of 24 years, Elizabeth, had two children.

During the penalty phase of the trial, the defense spoke to jurors about Altersberger's childhood.

His mother testified Altersberger was conceived during a sexual assault, family members did not approve of his mixed race, and he was exposed to drugs and weapons at an early age.

She said she permitted her boyfriend to teach Altersberger how to sell drugs so he would be safe and not get caught.

Assistant Public Defender Deborah Goins said her client has problems controlling his impulsive behavior.

The defense suggested a car crash when Altersberger was about 5 years old might be responsible because of brain injuries.

Prosecutors relied on two aggravating circumstances to provide a legal basis for a death sentence.

The first was that Sottile was an officer killed while carrying out his duties. The other was that the slaying was "cold, calculated and premeditated."

## **MAY 2009**

### **Sentencing date set for Altersberger case 05/24/2009 © Tampa Bay Online**

Brad Dickerson

BARTOW - The sentencing date for Joshua Lee Altersberger is June 15 at 10 a.m. Attorneys on both sides were back in Judge J. Michael Hunter's courtroom Friday to conclude the defendant's Spencer hearing. The case has now been turned over to Hunter, who will determine the ultimate sentence. A Spencer hearing allows the defense counsel and the defendant to present any last testimony or make any closing statements before the judge considers his final ruling. Altersberger, 21, pleaded guilty in March to killing Florida Highway Patrol Sgt. Nicholas Sottile on Jan. 12, 2007, during a Highlands County traffic stop. On April 2, a Polk County jury made a 9-3 recommendation of death for the defendant.

Assistant State Attorney Steve Houchin said the last witness to testify Friday for the defense was a woman who said she saw Altersberger driving erratically on U.S. Highway 27. The state then made its final argument that the aggravating circumstances in the case outweighed the mitigating circumstances. Altersberger's attorneys argued that their client's mental health issues, youthfulness and use of alcohol on the day of the shooting outweighed the aggravating circumstances and he should get life in prison, according to Houchin.

Aggravating circumstances are legally defined as circumstances that increase the outrageousness or seriousness of a crime. Mitigating circumstance are facts that don't negate a wrongful action, but show that the defendant may have had some reason for acting the way he or she did. Calls to Altersberger's attorneys seeking comment were not returned Friday before press time.

### **Altersberger hearing continued until May 22 05/09/2009 © Tampa Tribune**

Brad Dickerson

BARTOW - Attorneys on both sides will return to Judge J. Michael Hunter's courtroom May 22 for the conclusion of the Spencer hearing for Joshua Lee Altersberger.

A Spencer hearing allows the defense counsel and the defendant to present any last testimony or make any closing statements before the judge considers a final ruling in a death penalty case.

Altersberger pleaded guilty to the Jan. 12, 2007 murder of Florida Highway Patrol Sgt. Nicholas Sottile during a traffic stop. On April 2, a Polk County jury made a 9-3 recommendation of death for the defendant.

Assistant State Attorney Steve Houchin said the defense put on two witnesses Friday, an investigator who testified how far it was from the Golden Corral in Lake Placid to the spot where Sottile was shot, and a civilian who drove by and saw some of what happened.

Houchin said the hearing was continued for two weeks since the defense's third witness was unable to testify Friday. Once the hearing is over, Hunter will consider all arguments before making his ruling as to Altersberger's fate.

Whether the defendant will offer any testimony is yet to be seen.

"He did not today, and they did not indicate that he ever would," Houchin said Friday.

**APRIL 2009**

**A Collision Course  
04/05/2009 © Tampa Tribune**

Brad Dickerson

SEBRING - He was born Nicholas Sottile, but brother Jimmy Sottile always called him "Nicky."

Growing up, Joshua Lee Altersberger was called things like "stupid," "jerk" and "idiot."

Through testimony, victim impact statements and comments from family members, much was learned this week about the two men whose paths crossed tragically on Jan. 12, 2007 during a traffic stop. Altersberger pleaded guilty on March 13 to murdering Sottile, a sergeant with the Florida Highway Patrol.

On Thursday, following three days of witnesses and a morning of closing arguments, a Polk County jury recommended that Altersberger receive the death penalty for his crime. The vote was 9-3.

That recommendation will now be considered by Judge J. Michael Hunter, who ultimately has the final say.

When Hunter read the jury's recommendation, Sottile's family gasped and shed tears, relieved the more than two-year ordeal had finally come to an end. Altersberger's mother, Rosalie Altersberger, sat and held her young daughter's hand, her eyes looking down at the floor.

'We're All Just Emotionally Drained'

The victim's family did not linger for long outside of the courtroom once the proceedings were finished. Pausing for hugs and kisses with relatives, they quickly boarded the elevator and made their way out of the Polk County Courthouse.

"We're just all relieved it's over with," Jimmy Sottile said. "We're all just emotionally drained. We've got a broken heart and it's just like reliving it all over again."

What they lost was a man dedicated to his friends, colleagues and family.

"My dad was all about our family," said daughter Heather Sottile, when giving her victim impact statement. "One of my dad's favorite things to have us do as a family was to wake up on a Saturday, at 7 a.m., and have us pick up all the sticks we could find. We would make this huge bonfire in the back pasture. My dad would strip branches for hot dogs and we would sit around the fire eating hot dogs, and for dessert, s'mores."

Sottile's son was born in 1984 and was named Nicholas, after his dad. When Heather was born three years later, the proud father also wanted to name her after himself.

"I thought having a Nick, Nicholas and a Nicole in the same family would be a little much," said Elizabeth Sottile, the victim's wife, in her statement. "So we compromised and named her Heather, Nick's favorite girl's name, and Nicole became her middle name."

The four of them made up what Elizabeth called "our perfect family."

'He Was Angry. He Just Had A Lot Of Hate'

Altersberger's home life would never be called perfect. He was born under tragic circumstances, the result of his mother being raped by a man she called her friend.

With a black father and white mother, Altersberger was born a biracial child. This did not sit well with Rosalie's family.

"It wasn't biracial to them," Rosalie said from the witness stand. "It was an n-ger child."

Altersberger's father was not a part of his life, nor were the two men who fathered Rosalie's two daughters. The only positive role model in his formative years was his maternal grandfather, who died in 1995, when Altersberger was 7 years old.

Before his grandfather's death, Altersberger played and interacted with the other area children. After his grandfather's death, his mother said he kept more to himself and became a loner

"He was angry," Rosalie testified. "He just had a lot of hate."

The young Altersberger hungered to have a father in his life, even asking his younger sister's dad if he would take on the responsibility.

"He hurts a lot," Rosalie said.

#### School Dances, Career Day And Mentoring

In contrast, Sottile was very much a part of his children's lives. He would be there for school Career Days and pass out coloring books and junior trooper badges and turn on the lights and siren of his cruiser, according to Heather and Nicholas.

Heather remembered that her dad and mother also chaperoned all of her school dances. Even if Sottile was working, he would still come by just to see his daughter in her dress.

"(That) made any guy dancing with me run away and hide," Heather said.

The older Nick's career path had an impact on his son, who followed his father into law enforcement.

"Once I became a police officer, Dad became a whole different type of mentor to me," Nicholas said in his statement. "If I had a problem or a difficult situation at work, Dad was usually the first person that I called. Even though we worked in two different areas, I considered him to be my closest partner."

#### A Dangerous Role Model

Rosalie Altersberger eventually started working with the Hardee County Correctional Institution as the head of the kitchen. During her employment, she met a man named Armando Rivera and the two began a relationship, although one that was frowned upon.

Armando was an inmate and fraternization between the prison population and employees was strictly prohibited. Rosalie lost her job, but Armando moved in with her and the three children when he was released in 2002.

The ex-convict tried to hold down two jobs and get his life on the right track, Rosalie said. It didn't last, and Armando began selling cocaine and marijuana out of the couple's home.

Around this time, Altersberger was also trying his hand at drug dealing. Rosalie wanted to put a stop to it, but Armando intervened.

"He said, 'Well look, if you tell him to stop, he's going to do it behind your back anyway,'" Rosalie said during her Tuesday testimony. "If I talk to him, I'll teach him how to do it the right way so he won't get caught."

"Unfortunately, at the time, I thought that sounded like a good idea."

In Armando, Altersberger had a role model and a person with whom he "had a bond at one time," according to Rosalie.

In 2004, Rosalie and Joshua Altersberger, along with Armando, were all arrested on drug charges. The defendant was taken into custody on his 17th birthday.

#### Paths Collide

On Jan. 12, 2007, Sottile was finishing the end of a 7 a.m. to 3 p.m., shift, but decided to earn some overtime through a statewide overtime action response program, according to fellow FHP Trooper Edward Finneran.

That morning, Altersberger met with a friend, Quintin Kinder, and the two played video games. Later, they left to go and meet with a couple of girls.

Altersberger had been drinking brandy and was "buzzing" by the time he got behind the wheel, Kinder testified.

Sottile was traveling on U.S. 27 and saw a Toyota Camry swerving in and out of traffic. He made a u-turn and went after the vehicle to pull them over. Altersberger told Kinder he was going to shoot the trooper, prompting Kinder to jump out of the car and run into a nearby orange grove because of a Georgia probation violation hanging over him.

Sottile radioed for backup after Kinder ran from the car. He approached the Camry, hand on his weapon, as Altersberger kept his hands in the air. The trooper relaxed a little and started taking his hand off the gun.

Then, Altersberger dropped his hands, grabbed the gun he was carrying and fired at Sottile.

The next voice Finneran said he heard over the radio was Sottile's, who radioed, "10-24, I've been shot. Ten twenty-four, I've been shot."

Sottile was rushed to the hospital and pronounced dead a short time later. As doctors fought to save his life, a massive influx of law enforcement descended on the scene and began a manhunt for the person responsible for shooting him.

The next day, they had their man in custody.

'My Son's Life Is At Stake'

Throughout the week, the defense did not condone Altersberger's actions. Instead, they asked the jury to show some mercy to a man from a bad upbringing who will spend the rest of his life in prison.

"There are no dreams that will materialize for this man, who will die in prison," said defense attorney Debra Goins during her closing argument. "I'm asking you to give him what you can give him."

Rosalie Altersberger shed tears on the stand and admitted she was quite nervous.

"My son's life is at stake," she said.

The jury, however, thought Altersberger's actions deserved the ultimate punishment.

### **Jury recommends death for FHP trooper's killer** **04/06/2009 © Sebring News Sun**

By TREY CHRISTY

BARTOW -- A jury recommended by a 9-3 vote on Thursday that Joshua Lee Altersberger should receive the death penalty for killing Florida Highway Patrol Sgt. Nicholas Sottile on Jan. 12, 2007, in Lake Placid.

"We are all relieved it's over with," said Jimmy Sottile, the victim's youngest brother. "We are emotionally drained, broken."

He said the trial was "like living it all over again."

The last step is for Judge Michael Hunter to give the final sentence. He isn't required to follow the jury's recommendation, but does have to give it great weight when deciding Altersberger's fate. A hearing has been set for May 8.

"The office is gratified of the resulting verdict," said Chip Thullbery, office spokesman for State's Attorney Jerry Hill. "And we are glad of the hard work the jury put into the case."

The jury requested a transcript of Quentin Kinder's testimony around 3 p.m., less than two hours after the deliberations began.

Kinder was in the car with Altersberger and fled into the orange grove when it was pulled over by Sottile.

Kinder's testimony was touched on briefly during the defense's closing statement. Kinder said Altersberger, who pled guilty March 13 to the killing, said he was going to "shoot," not "kill" Sottile, 48, when the 20-year FHP veteran pulled their car over on U.S. 27 just north of Lake Placid, said defense attorney Deborah Goins.

She said that prosecutor Steve Houchin, while questioning Kinder, wanted him to say "kill," when instead he said "shoot."

There was not a copy of the testimony available and there was a different court reporter working Thursday than the one who took the transcript of Kinder's testimony on Monday, the first day of the trial.

A letter was passed from the judge to the jury stating the following:

"No, there is no transcript of that testimony so you will have to rely on your collective memory."

Houchin said this was not unusual, and could have possibly arisen due to a dispute between jurors as to what exactly was said.

Kinder's voice was the most difficult to understand, another factor Houchin said could account for the transcript request.

He called Kinder's testimony "critical" to some parts of the hearing.

It was shortly after asking the question that the jury returned with its recommendation.

While the jury was deliberating, Houchin said overall the hearing "pretty much went like we expected."

Aggravating and mitigating factors are what the jury had to consider when making their recommendation to Hunter. Two of the aggravating factors the jury were to consider were that Sottile was working as a law enforcement officer and that the shooting was "cold, calculated and premeditated."

The cold, calculated, premeditated aggravator was hit on by prosecuting attorney Paul Wallace when he made his closing statement.

"He didn't start to fire at Sottile, he didn't because of the cold, calculating manner in which he intended to shoot and to take the life of a totally unknown man," he said. "Why that instead of getting out and firing?"

Wallace said the manner in which Altersberger shot Sottile was cold and calculated because he first put his hands up and "lulled Sottile into that moment of relaxing."

"Only at that moment he fired the shot," he said. "This is a person who is very devious, calculating and evil." He called it a "calculating, purposeful decision," and asked for "justice."

"He has forfeited his right to be able to live," he said. "The death penalty is warranted in this case and we ask you for nothing less than that."

Goins argued that life in jail "does not condone the killing."

"It does not diminish the life of Trooper Sottile," she said. "At the very least Joshua Altersberger will die in prison."

The mitigating factor of his age was also a factor in the closing statements. Altersberger was 19 when he shot Sottile. Goins said turning 18 did not instantly make someone more responsible, and on Wednesday a psychiatrist testified that Altersberger was immature for his age.

Wallace argued that the life Altersberger lived was like one of someone years younger. He made all his own decisions, not answering to teachers, parents or employers like other 19-year-olds. He asked the jury to consider his lifestyle.

"He did what he wanted to do when he wanted to do it with whom he wanted," Wallace said. "He chose to end the life of Nicholas Sottile in the fashion in which he chose to do."

**Nine Out Of 12 Jurors Want Death For Trooper's Killer**  
**04/03/2009 © Highlands Today**

Brad Dickerson

BARTOW - A Polk County jury, on a 9-3 majority, recommended the death penalty for Joshua Lee Altersberger.

Altersberger pleaded guilty on March 13 to shooting and killing Florida Highway Patrol Sgt. Nicholas Sottile during a Jan. 12, 2007 traffic stop in Highlands County. The jury was chosen last week to hear testimony and make a recommendation to Judge J. Michael Hunter of a punishment of either life in prison or death.

As Hunter read the recommendation, tears from members of Sottile's family who were seated in the audience could be heard. At least one of the jurors was also visibly emotional.

The defendant stared blankly at the defense table, while his mother, Rosalie Altersberger, sat in the audience and grasped the hand of her youngest daughter.

"Justice is served," said Jimmy Sottile, Nick's younger brother. "He got his just punishment. Now is the waiting game for him to find another reason to waste more taxpayers' dollars. You admit that you did it. What are you going to argue?"

Closing arguments and jury instructions were finished shortly after 1 p.m., and the jury retired to a room to decide on a suitable punishment. At 2:30 p.m., it appeared a decision was reached. The courtroom door was unlocked and family members of both Sottile and Altersberger went back inside, along with all the attorneys.

Hunter appeared and informed counsel that the jurors were asking if they could get a transcript of Quintin Kinder's Monday testimony. The judge said they did not have a hard copy to give them and asked the attorneys if he could simply ask the jury to rely on their own memory. Both sides agreed, the order was written and delivered and deliberations continued.

At 3:15, the jury announced to bailiffs they'd reached a decision. A May 8 hearing has been scheduled in Polk County. Attorneys for both sides were asked by Hunter to prepare a sentencing memorandum before then.

Altersberger will be transferred back to Highlands County to be closer to his family until the May hearing.

Thursday's closing arguments and deliberations capped three previous days of testimony that included family memories and expert witnesses.

"If Nicholas Sottile were not a law enforcement officer, engaged in the performance of his official duties, he would still be here today," said Assistant State Attorney Paul Wallace, co-prosecutor along with fellow Assistant State Attorney Steve Houchin.

Wallace told jurors that this circumstance deserved a tremendous amount of value and weight.

The jury was also asked to look at whether the crime was committed in a cold, calculated and premeditated manner.

Previous testimony from an eyewitness revealed that Altersberger put his hands up in the air as Sottile approached the defendant's car. The trooper kept his hand near his weapon until he felt safe. Once Sottile relaxed his hand, Altersberger dropped his and brought them back up with a gun in hand and shot the victim.

"The defendant's intentions, his evil nature, which you can see in his mind and in his actions, shows that this was cold, that it was calculated and that it was premeditated," Wallace said.

The prosecutor also devoted some of his closing recounting the testimony of Rosalie Altersberger, Joshua's mother, who told of a family history filled with bad parenting decisions and bad role models for the defendant and his two sisters.

"The question becomes, 'How does that relate to the decision that he made to slay the police officer?'" Wallace asked.

In her closing, defense attorney Debra Goins asked jurors to make a "reasoned decision in the face of emotion."

"Choosing life for Joshua Altersberger does not diminish the life of trooper Sottile," Goins said. "Josh has never been on an even playing field. What he did he has admitted to, and it's a horrible thing, and he will live with that for the rest of his life."

She began her closing by quoting a portion of President Abraham Lincoln's inaugural address, given on the eve of the Civil War, which asked that conflict not overrun reason.

"He called upon the better angels of our nature and he felt that surely the better angels of our nature would lead the country to unity," Goins said. "You actually are being asked to look to the better angels of your nature, to utilize those in making this decision."

Goins said Joshua's dysfunctional home life had a negative impact on his psychological development and are the reasons why he is who he is today.

"It's not surprising how he got there and it's so sad that the kind of intervention that was needed could not have been put in place," Goins said.

During the closing arguments, Altersberger repeatedly looked into the audience, where his two younger sisters were sitting, smiled and blew them kisses.

**Altersberger Penalty Trial: Day 4**  
**04/03/2009 © Tampa Tribune**

**CLOSING ARGUMENTS CONCLUDE**

Brad Dickerson

BARTOW - Closing arguments were presented in the penalty trial of Joshua Lee Altersberger, and the case is now in the hands of the jury.

Altersberger pleaded guilty on March 13 to shooting and killing Florida Highway Patrol Sgt. Nicholas Sottile during a Jan. 12, 2007 traffic stop in Highlands County. A Polk County jury was chosen last week to hear testimony and make a recommendation to Judge J. Michael Hunter of a punishment of either life in prison or the death penalty.

"If Nicholas Sottile were not a law enforcement officer, engaged in the performance of his official duties, he would still be here today," said Assistant State Attorney Paul Wallace, co-prosecutor along with fellow Assistant State Attorney Steve Houchin.

Wallace told jurors that this circumstance deserved a tremendous amount of value and weight. The jury was also asked to look at whether the crime was committed in a cold, calculated and premeditated manner. Previous testimony from an eyewitness revealed that Altersberger put his hands up in the air as Sottile approached the defendant's car. The trooper kept his hand near his weapon until he felt safe. Once Sottile relaxed his hand, Altersberger dropped his and brought them back up with a gun in hand and shot the victim.

Wallace also devoted some of his closing recounting the testimony of Rosalie Altersberger, Joshua's mother, who told of a family history filled with bad parenting decisions and bad role models for the defendant and his two sisters.

"The question becomes, 'How does that relate to the decision that he made to slay the police officer?'" Wallace asked.

In her closing, defense attorney Debra Goins asked jurors to make a "reasoned decision in the face of emotion" and look to the "better angels of your nature."

"Choosing life for Joshua Altersberger does not diminish the life of trooper Sottile," Goins said. "Josh has never been on an even playing field. What he did he has admitted to, and it's a horrible thing, and he will live with that for the rest of his life."

Goins said Joshua's dysfunctional home life had a negative impact on his psychological development and are the reasons why he is who he is today.

"It's not surprising how he got there and it's so sad that the kind of intervention that was needed could not have been put in place," Goins said.

**Jury recommends death for Altersberger**  
**04/03/2009 © Sebring News Sun**

BARTOW -- A jury recommended by a 9-3 vote on Thursday that Joshua Lee Altersberger should receive the death penalty for killing Florida Highway Patrol Sgt. Nicholas Sottile on Jan. 12, 2007, in Lake Placid.

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Kinder was in the car with Altersberger and fled into the orange grove when it was pulled over by Sottile.

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She indicated that prosecutor Steve Houchin, while questioning Kinder, wanted him to say "kill," instead he said "shoot."

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Wallace said the manner in which Altersberger shot Sottile was cold and calculated because he first put his hands up and "lulled Sottile into that moment of relaxing."

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Wednesday a psychiatrist testified that Altersberger was immature for his age.

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"Are you indicating that a person doesn't have a will that can override what the brain is telling them before they act in a particular fashion?" Wallace asked.

"This is a philosophical question," Gur said. "As a neuroscientist there is not something we can deal with -- a soul ... will in the sense of something that is external of biological processes we can't talk about."

### **Jury Recommends Death for Murderer 04/03/2009 © Lakeland Ledger**

Jason Geary

**BARTOW** | A jury spent about two hours deliberating Thursday before recommending that a 21-year-old Sebring man should die for fatally shooting Florida Highway Patrol Sgt. Nick Sottile.

Joshua Lee Altersberger admitted last month to the slaying of Sottile, 48, during a traffic stop near Lake Placid in 2007. He pleaded guilty to first-degree murder.

After four days of listening to testimony and arguments, the jury recommended by a 9-3 vote that Altersberger should be executed.

Circuit Judge J. Michael Hunter must give the jury's recommendation "great weight" under Florida law. He scheduled a May 8 hearing so lawyers can provide any further evidence or arguments regarding his punishment.

Sottile's younger brother, Jimmy, said he thinks the judge will follow the jury's recommendation.

"It's justice," Jimmy Sottile said. "It's what he deserves."

He dismissed the defense's focus on Altersberger's poor upbringing and dysfunctional family.

"It doesn't justify killing someone," he said.

During Thursday's closing arguments, the defense spoke to jurors about Altersberger's childhood.

His mother testified this week that Altersberger was conceived during a sexual assault, family members did not approve of his mixed race, and he was exposed to drugs and weapons at an early age.

She said she permitted her boyfriend to teach Altersberger how to sell drugs so he would be safe and not get caught.

Assistant Public Defender Deborah Goins said her client has problems controlling his impulsive behavior.

The defense suggested a car crash when Altersberger was about 5 years old might be responsible.

"Josh's brain doesn't work normally," she said. "We don't even know where it came from. It could be the head injury."

Goins insisted Altersberger did not have enough time for reflection to commit a "cold, calculated and premeditated" killing.

"This happened in seconds," she said.

Prosecutors relied on two aggravating circumstances to provide a legal basis for a death sentence.

The first was that Sottile was an officer killed while carrying out his duties. The other was that the slaying was "cold, calculated and premeditated."

Assistant State Attorney Paul Wallace described Altersberger's actions as "very devious" and "evil."

"He has forfeited his right to continue to live," Wallace said.

On Jan. 12, 2007, Altersberger was driving erratically on U.S. 27 near Lake Placid, and Sottile pulled him over.

His passenger, Quintin Kinder, testified that Altersberger said he was going to shoot the trooper. Kinder ran when Altersberger stopped the car.

Kinder testified that earlier that day, Altersberger saw a deputy driving along and Altersberger talked about shooting the deputy if he tried to stop him.

"He was willing to take the life of any officer who stopped him," Wallace said.

Wallace said Altersberger lulled the trooper into a false sense of safety before shooting him at point-blank range.

Jurors heard testimony from a tractor-trailer driver, Peron Merise, who was an eyewitness to the fatal traffic stop.

Merise said Sottile at first kept his hand on his holstered sidearm while talking to Altersberger, who was still behind the wheel of his Toyota Camry.

Sottile relaxed his stance for a moment, Merise said. Altersberger lowered his raised hands, grabbed a semiautomatic pistol and shot the trooper, he said.

Sottile fell to the ground, and Altersberger pointed his handgun toward the trooper's head, pulled the trigger but no fire came out of the gun, Merise recalled.

Sottile bled to death from the single .25-caliber bullet that struck him in the left collarbone area.

Altersberger drove away.

Sottile had more than 20 years of experience as an officer.

He and his wife of 24 years, Elizabeth, had two children, Heather and Nicholas.

Nicholas Sottile wrote in a statement for the jury that his father was his inspiration for becoming a police officer.

"I can remember how proud I was growing up knowing that my Dad was helping and protecting people," Nicholas Sottile wrote. "He was my real-life superhero."

### **Jury Recommends Death for Trooper Killer** **04/03/2009 © Lakeland Ledger**

Jason Geary

BARTOW | A jury recommended the death penalty this afternoon for a man who killed a Florida Highway Patrol trooper.

Joshua Lee Altersberger, 21, of Sebring had already pleaded guilty to fatally shooting Florida Highway Patrol Sgt. Nick Sottile, 48, on Jan. 12, 2007, during a traffic stop near Lake Placid.

The jury's only choices were death or life in prison without parole, and its members voted 9-3 for death. By Florida law, Circuit Judge J. Michael Hunter must give the jury's recommendation "great weight" in deciding how to sentence Altersberger.

Sottile, 48, a FHP trooper for more than 20 years was working overtime Jan. 12, 2007, when he was gunned down on the side of the road.

That day, Altersberger had been playing video games, and drinking brandy and soda. He drove his Toyota Camry to visit some girls and purchase a cigar.

Altersberger was driving erratically on U.S. 27 near Lake Placid when Sottile pulled him over. His passenger, Quintin Kinder, testified Altersberger said he was going to shoot the trooper. Kinder ran when Altersberger stopped the car.

Jurors heard testimony from a tractor-trailer driver, Peron Merise, who was cut off by Altersberger. Merise said he stopped his truck behind the trooper's car because he intended to complain about Altersberger's dangerous driving.

Merise watched as Altersberger went from raising his hands to quickly grabbing for a small semiautomatic pistol and shooting Sottile.

Merise said the trooper fell to the ground and struggled to reach for his holstered sidearm but couldn't get to it.

He said Altersberger pointed his handgun toward the trooper's head, and Altersberger's trigger finger was moving but no fire came out of the gun. Altersberger then sped away.

Sottile bled to death from the single .25-caliber bullet that struck him in the left collarbone area.

The defense put on testimony that Altersberger had a difficult childhood and may have suffered lingering mental affects from a head injury when he was young.

His mother, Rosalie Altersberger, 48, said her son was conceived during a sexual assault, but she wanted to raise him.

"If anybody else was going to love me on this earth maybe my son would," she said, crying.

### **Man gets death penalty in trooper killing case**

**04/03/2009 © DeSoto Sun Herald**

BARTOW -- A Polk County jury voted 9-to-3 Thursday afternoon to recommend the death penalty for the killer of a Florida Highway Patrolman.

Joshua Lee Altersberger, 21, of Sebring, pleaded guilty to the Jan. 12, 2007, roadside shooting death of Florida Highway Patrol Sgt. Nick Sottile. Sottile, 48, was just several months away from retirement when he was killed during the traffic stop just north of Lake Placid.

Jury members took a little more than two hours to return its recommendation for death. Mandatory sentencing guidelines required a choice between life in prison without parole or execution for the crime.

Under Florida law, Circuit Judge J. Michael Hunter must give the jury's recommendation "great weight" in deciding how to sentence Altersberger. A sentencing hearing has been set for May 7.

Sottile was working an overtime patrol when he was shot to death after pulling Altersberger over near an orange grove on U.S. Highway 27 in southern Highlands County.

Starting the tragic day off drinking brandy and soda and playing video games, Altersbeger traveled to Lake Placid in his Toyota Camry to visit girls at the Golden Corral and purchase a cigar.

Quintin Kinder, a passenger in the Camry, testified during the trial that Altersberger began driving erratically on U.S. 27 in an attempt to get pulled over by a law enforcement office in order "to kill a cop."

Knowing Altersberger planned on killing Sottile when he was pulled over, Kinder fled into the nearby orange grove when the car was stopped by Sottile. Kinder later was captured and charged with trespassing in a grove. The charge violated his probation in Georgia, and he has been held in a south Georgia jail ever since.

Peron Merise, a truck driver cut off by Altersberger, testified before jurors that he stopped his truck behind Sottile's squad car to complain about Altersberger's driving.

Ordered back into his truck by Sottile, Merise witnessed Altersberger initially raise his hands to signal his surrender before drawing a gun and firing a shot with a .25 caliber semiautomatic hand gun that struck the trooper in the collar bone.

Shattering the trooper's collar bone and penetrating his spinal column, Sottile fell to the ground with his hand clutching his holstered weapon, witnesses said. While Sottile lay on the side of the road, Altersberger reached out the window and attempted to fire a shot at the trooper's head, Merise testified. However, the gun malfunctioned.

Defense attorneys argued that a difficult childhood -- including lingering mental affects from a head injury -- led to Altersberger's criminal behavior. Rosalie Altersberger, 48, testified her son was conceived during a rape, although she continued to see the father until her son was approximately 1 year old.

The defense also claimed Altersberger suffered negative impacts from his mother's relationship with a convicted felon in the Hardee County correctional facility, who allegedly taught the young Altersberger the proper way to sell drugs.

### **Jury recommends death for Altersberger** **4/2/09 - Sebring News Sun**

BARTOW -- A jury recommended by a 9-3 vote on Thursday that Joshua Lee Altersberger should receive the death penalty for killing Florida Highway Patrol Sgt. Nicholas Sottile on Jan. 12, 2007, in Lake Placid.

The jury requested a transcript of Quentin Kinder's testimony around 3 p.m., less than two hours after the deliberations began.

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On Wednesday, Dr. Harry Krop, who has evaluated defendants in an estimated 1,500 homicide cases, explained how the sad story jurors heard the previous day from teachers, health clinic workers and family members effected the mind of a young Altersberger. The constant thread through the numerous times he and his mother went to counseling for various reasons was the family dynamic, Altersberger's anger control issues and their conflict between each other.

Her parenting skills also commonly came into question, but were never addressed.

"Any time the mother's parenting issues were brought up by the professional she said they were great or stopped coming," Krop said.

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She didn't have an understanding of appropriate parenting skills, he said.

As he got older, Altersberger started to push. This resulted in fights between him and his mother and he was arrested for domestic violence against her two times.

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One of the fights was the result of his mother not buying him a Playboy magazine. She said she would, but then didn't have the money. "Then he threw a tantrum and it led to a serious physical altercation," Krop said.

Some of the testing done by Krop and an assistant was for Dr. Ruben Gur, a teacher at the University of Pennsylvania whose main job isn't teaching, but researching in the field of neural imaging. His work in that field relates behavior to brain measures.

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### **Altersberger Penalty Trial: Day 3 04/02/2009 © Tampa Tribune**

Brad Dickerson

BARTOW - A psychological evaluation of Joshua Lee Altersberger was some of the testimony provided by expert witnesses on the third day of his penalty trial. Altersberger, 21, pleaded guilty March 13 to shooting and killing Florida Highway Patrol Sgt. Nicholas Sottile during a Jan. 12, 2007, traffic stop in Highlands County. A jury in Polk County was selected last week to hear testimony in helping them make a recommendation of life in prison or the death penalty.

As the court proceedings continued, Altersberger handled himself in much the same way he had the previous two days; he generally kept his eyes fixed on the defense table and usually only looked up when his attorneys spoke to him. Dr. Harry Krop, a Gainesville clinical psychologist, was the first witness of the day for the defense. He and his associates had three meetings with Altersberger between 2007 and Feb. 27 of this year.

Krop noted that his evaluation of Altersberger's records suggested feelings of abandonment at a young age.

"He never had contact with his biological father," Krop testified. "There were numerous men in Mr. Altersberger's life."

During his youth, Joshua received some counseling and treatment. Krop referenced one test administered to him, which was called the Adolescent Sentence Completion Test.

"The beginning of the test says, 'My father,' and Joshua's response was, 'wasn't ever there,'" Krop said. "The next thing was, 'Father should,' and he said, 'be there for his kids.'"

A contrasting sentence began: "The best thing that ever happened to me was ...," and Joshua's response was, "all my family was at my birthday," according to Krop.

On Tuesday, Rosalie Altersberger, the defendant's mother, told the jury her son was conceived after she was raped, and that she had not seen Joshua's father since he was a month old. She also said her two daughters were fathered by two separate men, none of whom she was married to, and that the men were in and out of her children's lives.

"The other men were not particularly positive role models," Krop said.

One of these men was Armando Rivera, an inmate Rosalie said she met while working at the Hardee County Correctional Institute. The two began a relationship and Rivera moved in with the family after his release. Rivera's influence, which included teaching Joshua the proper way to sell drugs without getting caught, wound up impacting him.

"This is a man who, basically, was a model; not a positive model," Krop said. "He taught him (Joshua) how to sell drugs. He taught him the value of drugs."

Since several men were in and out of Joshua's life while growing up, his mother looked at him as being older than his years would suggest.

"At 3-and-a-half or 4 years old, Rosalie told him, 'You've got to be the man of the house,'" Krop said.

He added that Rosalie's own upbringing may have contributed to how she raised her children. On Tuesday, both Rosalie and her half sister, Mitzi Altersberger, remembered instances from their childhood where they were subjected to verbal abuse, particularly from their mother.

"Parenting can get passed down from one generation to another," Krop testified. "Her history contributed to her ineffectiveness as a parent."

Ruben Gur, a neuropsychologist from Pennsylvania, answered questions about whether a head injury Joshua suffered at 5-years-old in a car accident could have caused brain damage.

After receiving data from Altersberger, Gur suspected the defendant could have suffered brain damage. An MRI was performed in February and showed the orbital frontal lobe, the brain's "chief executive," and the amygdala, which controls emotion, were smaller, he said.

During cross examination by Assistant State Attorney Paul Wallace, Gur said new evidence suggests excessive use of drugs and alcohol could shrink a person's frontal lobe and be considered brain damage if it passes a certain threshold.

"The longer you do it, the more the brain development is disrupted," Gur said.

Closing arguments will start at 9 a.m., today, followed by jury instructions. Then, eight women and four men will begin deliberations and make a recommendation to Judge J. Michael Hunter as to Altersberger's fate.

### **Altersberger's defense team turns to psychologists** **04/02/2009 © Sebring News Sun**

Trey Christy

BARTOW — With the testimony of character witnesses in the booksv Tuesday, Joshua Altersberger's defense team turned to a pair of psychologists to finish their case on Wednesday.

Jurors will return Thursday to hear closing statements in the Altersberger's penalty hearing for the murder of Florida Highway Patrol Sgt. Nicholas Sottile, who was gunned downvby Altersberger in 2007, and will recommend either the death penalty or life in jail. Altersberger pled guilty to the crime on March 13.

Altersberger waived his right to testify in his own defense on Wednesday.

Judge Michael Hunter said he believes closing statements will end by

Thursday at noon and jurors will have their recommendation of punishment to him later that day.

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### **Sentencing begins for cop killer**

**April 1, 2009 - Lake Wales News, Polk County Democrat & Fort Meade Leader**

**By TOM STAIK**

The life of self-confessed cop killer Joshua Lee Altersberger now rests in the hands of a 12-man Polk County jury.

Seeking the death penalty against the 21-year-old Sebring man, prosecutors presented their case during a sentencing hearing Monday at the Polk County Courthouse in Bartow.

Altersberger, in a surprise move earlier this month, abandoned his not-guilty plea to plead guilty of first-degree murder of Sgt. Nickolas Sottile.

Altersberger’s court-appointed defense team pushed for the murderer’s life to be spared during oral arguments Tuesday in the courtroom of Circuit Judge J. Michael Hunter.

Though only making a recommendation on whether Altersberger should be put to death or spend the rest of his life in prison, Hunter said the recommendation of the juror’s carries “great weight.”

Sottile, 48, was looking forward to retirement after more than 20 years of service with the FHP, assistant state attorney Steve Houchin told jurors during his opening statement.

Houchin, lead prosecutor in the case, said Sottile was working overtime when he was gunned down near an orange grove on U.S. 27 north of Lake Placid on Jan. 12, 2007.

Altersberger began drinking early that ill-fated January day. Mixing brandy with soda, Altersberger and a group of friends had been playing video games at a home in Sebring before deciding to drive to Lake Placid to the Golden Corral to look for girls.

Together with passenger Quintin Kinder, the two stopped at a Lake Placid convenience store to purchase a cigar.

Jailed in Georgia on a probation violation, Kinder appeared in court Monday to testify against Altersberger.

“He said he was going to kill a cop,” Kinder told jurors while on the witness stand in a red prison jump suit.

Altersberger began driving erratically on U.S. 27, catching the attention of Sottile and cutting off a Peterbilt semi. Kinder testified that Altersberger said he was going to shoot the trooper. Kinder ran when Altersberger stopped the car.

Peron Merise, the driver of the tractor-trailer cut off by Altersberger, also took the witness stand. Merise said he stopped his truck behind the trooper’s car because he intended to complain about Altersberger’s dangerous driving.

Merise said he watched Altersberger raise his hands and then quickly grab for a small semiautomatic pistol and shoot Sottile who fell to the ground and struggled to reach for his holstered sidearm.

According to the testimony, Altersberger pointed the handgun toward the dying trooper’s head and pulled the trigger several times without the gun firing. He then sped away.

Struck in the left collarbone area with a single .25-caliber bullet, Sottile died at Florida Hospital Lake Placid after emergency surgery.

Family members of the slain trooper told jurors Monday about the pain of losing him.

"I can remember how proud I was growing up knowing that my Dad was helping and protecting people," son Nicholas Sottile wrote. "He was my real-life super hero."

Defense to focus on shattered youth

In a preview of their strategy for leniency, Altersberger's defense team described an unstable upbringing.

Assistant Public Defender Peter Mills said Altersberger's childhood was "unstable and disruptive" with frequent exposure to weapons and drugs. He also told jurors Altersberger suffered a head injury in a car accident when he was five and has impulse control issues.

"Josh has gone through life making decisions without much thought behind them — including big decisions," Mills said.

### **Defense: Killer's Childhood Harsh**

**04/01/2009 © Lakeland Ledger**

Jason Geary

BARTOW | The mother of Joshua Lee Altersberger testified Tuesday that her son grew up without a father, and became filled with hate and anger.

The 21-year-old Sebring man has admitted to fatally shooting Florida Highway Patrol Sgt. Nick Sottile, 48, on Jan. 12, 2007, during a traffic stop near Lake Placid.

He pleaded guilty to first-degree murder this month.

A jury must still recommend whether he should receive life in prison without parole or be executed. Circuit Judge J. Michael Hunter must give the jury's recommendation "great weight" under Florida law.

The defense began presenting testimony Tuesday to argue Altersberger should be sentenced to life in prison. Jurors are expected to continue hearing evidence today.

Throughout his mother's tearful testimony, Altersberger stared at a yellow legal pad in front of him.

He did appear to get emotional and rub his eyes when she spoke about her decision to give birth to him.

Rosalie Altersberger, 48, said her son was conceived during a sexual assault, but she wanted to raise him.

"If anybody else was going to love me on this earth maybe my son would," she said, crying.

She said her son's mixed race created tension in her family. Her mother in particular didn't approve.

She said her son got along well with his grandfather but his death made Joshua Altersberger distant and angry.

"He just had a lot of hate," she said.

She spoke about having two daughters with two different men. Eventually, while working at a prison, she began a romantic relationship with an inmate and lost her job.

The inmate was released and moved into her home with her children where he began selling drugs, she said.

She said she was worried about her son getting involved in drugs, and her boyfriend assured her that he would teach her son "how to do it the right way so he won't get caught."

"Unfortunately, at the time, I thought that sounded like a good idea," she said.

## **MARCH 2009**

### **Altersberger Penalty Trial: Day 2 March 31, 2009 - St. Pete Times**

#### *Altersberger Family Testimony Talks Of Abuse, Degradation*

Brad Dickerson

BARTOW - The mother of Joshua Lee Altersberger described to jurors a family history of abuse and drugs, as the defense presented testimony in day two of the defendant's penalty trial.

Altersberger pleaded guilty March 13 to shooting and killing Florida Highway Patrol trooper Nicholas Sottile during a Jan. 12, 2007 traffic stop in Highlands County. A jury was selected last week to hear testimony to help them make a sentencing recommendation.

Rosalie Altersberger testified that she became pregnant with Joshua after being raped by a man she called a friend. He was born in November 1987.

Altersberger said she had two other children by two other men, but neither of them lived with the family. In 1995, Joshua started becoming a loner and exhibiting lots of anger following the death of his grandfather, she testified.

"Joshua was my dad's little helper," Rosalie Altersberger said. "He was the only male figure in our life right then."

She told jurors she eventually got a job with the Hardee County Correctional Institute.

During her employment, she started a relationship with an inmate, which was prohibited by the institute. She lost her job, but the man, named Armando Rivera, moved in with her and her three children after being released from prison in 2002.

While Armando lived in the house, Rosalie Altersberger said he started selling cocaine and marijuana out of the couple's bedroom. Drugs and weapons were kept in the house during the time.

Armando even intervened when Rosalie Altersberger learned Joshua was dealing drugs behind her back.

"I told him, 'I have to go talk to him because we can't do this,'" she testified. "Armando said, 'No, let me talk to him.' I said, 'What are you going to do?' He said, 'Well look, if you tell him to stop, he's going to do it behind your back anyway. If I talk to him, I'll teach him how to do it the right way so he won't get caught.'

"Unfortunately, at the time, I thought that sounded like a good idea."

As she testified, Rosalie Altersberger frequently fought back tears as she recounted her family history. She admitted to being nervous.

"My son's life is at stake," she said.

Mitzi Altersberger, Rosalie's half sister, testified that she never saw Joshua in person until her father's 1995 funeral.

She recalled speaking with Rosalie about the manner in which she spoke with Joshua, specifically how Rosalie would swear and scream at her then 7-year-old son.

Sharon Johnson, an employee with the Hardee County Health Department, remembered similar behavior when Rosalie would bring Joshua there around 1993.

"Joshua was always being called 'stupid,' 'jerk,' 'idiot,'" said Johnson, the third witness for the defense.

Mitzi said that when she and her siblings were growing up, their mother often subjected them to similar treatment.

"There was a lot of verbal abuse and a lot of degrading talk," Mitzi said.

Testimony is set to resume this afternoon at 1:15.

## **Tears flow as story of trooper's murder unfolds** **3/31/09 - Sebring News-Sun**

By TREY CHRISTY

BARTOW -- Many a tear was shed on the ninth floor of the Bartow courthouse Monday, from those in attendance and from the defendant himself.

Joshua Lee Altersberger, 21, started to cry when his defense attorney Peter Mills told the jury about his tough childhood and teen years, his half-sisters and the many male figures not in his life.

He also shed tears with the Sottile family.

Altersberger has pled guilty to the murder of Florida Highway Patrol Sgt. Nicholas Sottile, a Lake Placid resident, and is now undergoing the penalty phase of the proceedings. He faces life in jail or the death penalty.

Steve Houchin and Paul Wallace of the State Attorney's Office presented their side of the case to the 12 jurors Monday, with two FHP troopers, four family members and two witnesses heard from that day. When it came time for victim impact statements, given by Sottile's father, daughter, son and wife, those in the gallery had a hard time controlling their emotions.

James Sottile, the slain trooper's brother, read the statement from his father. The 76-year-old man saw his son every day and lived only a few houses away, the statement explained. He said the loss of his son had "devastated" his family's life and it would "never be the same."

The emotional display sent the gallery into tears to such an extent that a bailiff brought a box of tissues from the bench and handed them to Sottile's wife and daughter.

The outpouring of emotion prompted the defense to call a conference with Judge Michael Hunter, Houchin and Wallace. Attorneys left for the private meeting and Altersberger was alone, only feet from the family whose lives he has forever affected. He did not make eye contact, but continued to look straight ahead as he fought back tears.

When the private meeting was over, jurors left and Hunter asked those left giving the victim impact statements if they could do so without becoming overly emotional.

Sottile's daughter, Heather Sottile, 21, read through her statement with only a small leak of emotion and Hunter decided the statements could be read as long as they were done so while maintaining control.

Since his death, both of Sottile's children, now 21 and 24, were married, a point both his children touched on in their statements. His son, named after Nicholas Sottile, called the day he heard his father was shot and killed "the day my life was over."

The tears continued on Tuesday as Altersberger's mother, Rosalee, took the stand, recalling her own life and trouble finding a man to help raise her three children she had from three different men.

Her testimony took jurors from the moldy food Altersberger's father brought her that formed their friendship to the man who she met while working for food service at the Hardee Correctional Facility.

"Because we were friends I guess he took advantage of it," she said about the man who raped her to become Josh's father. "He was coming over once a week to bring me food. I guess I owed him."

Again limiting emotions on the stand, a quick meeting between Hunter and attorneys from both sides was called.

Rosalee's behavior on the stand was more controlled while recalling her eventual relationship with Armando Rivera, the man she is currently married to and the only male role model in Altersberger's life from age 15. Rivera appeared to be going straight after being in jail for most of the 1990s, soon after he was released he started selling cocaine and marijuana.

When his mother found out Altersberger was doing the same thing, she was upset and mentioned it to Rivera.

"Armando said 'let me talk to him. If you tell him to stop he is going to do it behind your back anyway,'" she said. 'If I talk to him, I'll teach him to do it so he won't get caught.'"

Thinking her son would be safer, Rosalee let this continue. The three were eventually arrested on drug charges on Altersberger's 17th birthday.

Rivera was sent away to prison and again Rosalee was without a man in her life.

The defense finished their line of questioning by asking Rosalee why she kept Joshua after the rape.

"If anyone was going to love me I knew my son would," she said. "No one can love me like my son and that's what my goal was."

Focusing more on the facts of the case on Monday, the defense presented witnesses who testified about the shooting from Quentin Kinder, the man who fled into the orange grove during the traffic stop, and truck driver Peron Merice, who witnessed the shooting from the cab of his semi truck.

While stopped at a gas station in Lake Placid, Kinder told jurors something Altersberger said to him when he saw a Highlands County Sheriff's Office deputy drive by on U.S. 27.

"Josh was like 'you better not stop me or I'll shoot you,'" Kinder said from the witness stand.

Mills tried to discredit the statement, which was not included in some 20-30 minutes worth of tape from Kinder the day after the shooting, when he was taken into custody.

"This is not the first time he has made the statement," Houchin reassured jurors during the redirect.

Merice recalled being upset when Altersberger cut him off, and parked behind Sottile when he pulled over Altersberger. He got out of the car, the last man to speak with Sottile, who told him to get back in the car and wait.

"I was able to see the whole thing," Merice said about his vantage point in the truck. "Everything that was going on in front of me."

The view from the cabin, Houchin explained, put Merice in a position to witness what was about to happen.

"All I could see was fire coming out of that gun," Merice said. "By the time I looked, the trooper was already hit and he was going down."

Merice said Altersberger then pointed the gun at Sottile's head and pulled the trigger, but the gun malfunctioned.

Mills objected, saying the statement that the gun malfunctioned was speculation.

"Did you see the trigger finger moving?" Houchin asked Merice.

"Of course I did," Merice said.

After the shooting, Merice picked Altersberger out of a photo lineup "first pick," he said.

Closing out the testimony of the defense were FHP troopers Edward Finneran and Jay Spencer, two men arriving early to the scene.

Finneran recalled Sottile's "routine request" for backup as Kinder fled into the orange grove and was on his way from the FHP substation in Lake Placid. He told jurors the next thing he heard, and the last words he heard from his friend and co-worker of 26 years.

"'10-24, I've been shot; 10-24, I've been shot,'" Finneran recalled. "10-24 means send all the help you can."

Finneran was the first trooper on the scene; the shooting taking place close to the FHP substation in Lake Placid. When he arrived, Sottile was "unresponsive."

Spencer arrived shortly thereafter, and repeated Sottile's final words. When he arrived shortly after Finneran, there were already civilians on scene.

"One gentleman was cradling his head; he was in another man's arms," he said.

He called Sottile's name, but there was no response.

Sottile died from internal bleeding, his subclavian artery severed from the bullet that impacted him in his collar bone. Although he was not wearing a bullet proof vest, the shot would have been too high for the vest to protect.

The defense brought seven witnesses to testify on behalf of Altersberger on Tuesday, and will call two psychologists to take the stand Wednesday morning.

### **Prosecution Presents Witnesses; Defense Arguments Set For Today March 31, 2009 – Highlands Today**

By BRAD DICKERSON

BARTOW - Emotional statements from the family of Sgt. Nicholas Sottile ended the first day of testimony in the penalty trial of Joshua Lee Altersberger.

Daughter Heather Sottile remembered a memorable trip with her dad to see professional wrestling and that his favorite place was his vegetable garden.

On the one-year anniversary of her father's death, Heather said she got a letter informing her that she'd received her associate's degree.

"I know he's proud of me, but it's not the same to know it rather than hear it," Heather said.

Nicholas Sottile II told jurors he and his dad spoke almost every day. Like his father, the younger Nicholas became a member of the Florida Highway Patrol.

"I can remember how proud I was growing up knowing that my dad was helping and protecting people," Nicholas said. "He was my real-life superhero."

Nicholas testified that his father died just a few months before his wedding.

"I remember having to cancel his tuxedo reservation," he said.

Elizabeth Sottile, Nick's wife, said she and her husband first met in the summer of 1980 and Nov. 27, 2007 would have been their 25th wedding anniversary.

"Nick was the love of my life and my best friend," Elizabeth told the jurors. "He had the best sense of humor. He could always make you laugh."

It was not a trial, but Polk County jurors charged with recommending a sentence of life in prison or the death penalty for Altersberger still listened intently as witnesses began taking the stand Monday in the Polk County Courthouse before Judge J. Michael Hunter.

Altersberger pleaded guilty on March 13 to shooting and killing Sottile during a Jan. 12, 2007 traffic stop in Highlands County. A jury was selected last week to hear testimony to help them in making a sentencing recommendation.

Assistant State Attorney Steve Houchin began his opening statement by telling the jury that this week's proceedings would be a "somewhat unusual situation," in that they would hear no testimony about the investigation since Altersberger had already admitted his guilt.

Instead, all the testimony offered by the prosecution would be in relation to the events that occurred on the day of the shooting.

Defense attorney Pete Mills asked the jurors to "keep an open mind."

"What happened that day is a terrible tragedy," Mills said. "He deserves punishment, but not death."

Quintin Jerome Kinder, the man who was riding with Altersberger on Jan. 12, was the first to take the stand. He admitted under oath that he came to Highlands County from Georgia because he was "running from the law" after violating his probation following a burglary conviction.

Kinder told jurors that Altersberger came to his house on Jan. 12 and the two played video games that morning. Altersberger had also been drinking E & J Brandy before noon and was "buzzing" when the two left to go and meet up with a couple of girls.

Altersberger was driving on U.S. 27 after he and Kinder had left the Lake Placid Golden Corral, according to Kinder's testimony. Altersberger was swerving in and out of traffic and the reckless driving caught Sottile's attention, who made a U-turn and went after the Toyota Camry.

Altersberger said he was going to "push it" and try to outrun the trooper, according to Kinder.

Once the car stopped, Kinder said Altersberger threatened to shoot the trooper, prompting the passenger to get out and run into a nearby orange grove because of the probation violation hanging over him.

He told Houchin he never saw Altersberger shoot Sottile or heard a gunshot.

As police responded to the scene, Kinder said he could not get out of the orange grove because law enforcement had it surrounded. Instead, he picked a spot and stayed there until 7 the next morning.

"My father called me, told me to go outside and put my hands up," Kinder testified.

As Altersberger swerved in and out of traffic on U.S. 27, he was almost struck by a semi-trailer driven by Peron Merise.

"When I first saw the car, he cut right in front of the truck so sharp," Merise testified, adding that he had to slam on his brakes to keep from hitting the Toyota.

Once Altersberger was stopped by Sottile, Merise said he pulled in behind the trooper's vehicle as well so he could tell what had just happened.

"I observed the passenger just jump out and run," Merise said. "As the passenger ran out of the car, the trooper approached the car ... his hand on his pistol."

Merise testified that Altersberger's hands were in the air as Sottile came up to the car. Then, he dropped his hands, brought up a gun and fired.

"All I can see was fire coming out of that gun," Merise said.

When Sottile fell to the ground, Merise said Altersberger pointed the gun at his head and pulled the trigger, but the weapon did not fire again. Altersberger then sped away from the scene.

"Ten twenty-four, I've been shot. Ten twenty-four, I've been shot." The call was the second one Florida Highway Patrol Trooper Edward Finneran said he heard on that afternoon.

By the time Finneran arrived to Whitmore Curve, he testified that he found Sottile unresponsive.

"He was just laying there and a gentleman was holding his head," Finneran said. "He just had his eyes closed."

BARTOW - "Ten twenty-four, I've been shot. Ten twenty-four, I've been shot."

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By the time Finneran arrived to Whitmore Curve, he testified that he found Sottile unresponsive.

"He was just laying there and a gentleman was holding his head," Finneran said. "He just had his eyes closed."

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"I observed the passenger just jump out and run," Merise said. "As the passenger ran out of the car, the trooper approached the car ... his hand on his pistol."

Merise testified that Altersberger's hands were in the air as Sottile came up to the car. Then, he dropped his hands down, brought back up a gun and fired.

"All I can see was fire coming out of that gun," Merise said.

When Sottile fell to the ground, Merise said Altersberger pointed the gun at his head and pulled the trigger, but the weapon did not fire again.

"He (Altersberger) just took off ... in a rush," Merise said.

### **Jury Considers Sentence for Man Who Slayed Trooper 03/31/2009 © Lakeland Ledger**

Jason Geary

BARTOW | Prosecutors presented their case Monday to seek the death penalty against a 21-year-old Sebring man who killed a Florida Highway Patrol trooper.

The defense is expected to provide evidence today to argue that Joshua Lee Altersberger's life should be spared.

Earlier this month, Altersberger made an unusual move, admitting he shot and killed Sgt. Nick Sottile in 2007. He pleaded guilty to first-degree murder.

A jury must still recommend whether Altersberger should be executed or spend the rest of his life in prison. Circuit Judge J. Michael Hunter must give the jury's recommendation "great weight" under Florida law.

Sottile, 48, a FHP trooper with more than 20 years of experience, was looking forward to retirement.

He was working some overtime on Jan. 12, 2007, when he was gunned down on the side of the road.

That day, Altersberger had been playing video games, and drinking brandy and soda. He drove his Toyota Camry to visit some girls and purchase a cigar.

Altersberger was driving erratically on U.S. 27 near Lake Placid and Sottile pulled him over. His passenger, Quintin Kinder, testified that Altersberger said he was going to shoot the trooper. Kinder ran when Altersberger stopped the car.

Jurors heard testimony from a tractor-trailer driver, Peron Merise, who was cut off by Altersberger. Merise said he stopped his truck behind the trooper's car because he intended to complain about Altersberger's dangerous driving.

Merise watched as Altersberger went from raising his hands to quickly grabbing for a small semiautomatic pistol and shooting Sottile.

Merise said the trooper fell to the ground and struggled to reach for his holstered sidearm but couldn't get to it.

He said Altersberger pointed his handgun toward the trooper's head, and Altersberger's trigger finger was moving but no fire came out of the gun. Altersberger then sped away.

Sottile bled to death from the single .25-caliber bullet that struck him in the left collarbone area.

Family members of the slain trooper told jurors Monday about the pain of losing him. They recalled how he loved telling stories, hunting, cooking - especially his top-secret venison spread- and planting his vegetable garden.

Before he died, Sottile and his wife of 24 years, Elizabeth, were planning a trip to Italy.

Heather Sottile recalled how her father enjoyed Saturday bonfires, roasting hot dogs and making smores.

She wrote in a statement that her parents would chaperone all her high school dances.

"If my dad was working he would show up just to see me in my dress, which made any guy dancing with me run away and hide," she wrote.

Nicholas Sottile said his father was his inspiration for becoming a police officer.

"I can remember how proud I was growing up knowing that my Dad was helping and protecting people," Nicholas Sottile wrote. "He was my real-life super hero."

During opening statements, the defense described Altersberger's upbringing in an "unstable and disruptive environment" with exposure to weapons and drugs.

Assistant Public Defender Peter Mills told jurors that his client received a head injury in a car crash when he was about 5 years old, and he has problems controlling his impulsive behavior.

"Josh has gone through life making decisions without much thought behind them - including big decisions," Mills said.

Altersberger's use of drugs and alcohol made his behavior worse, Mills said. "It's like throwing a stick of dynamite into a fire," he said.

### **Life or Death Trial Begins in Trooper Slaying** **03/31/2009 © Lakeland Ledger**

Jason Geary

BARTOW | A Polk County jury began hearing testimony today so it can decide whether to recommend a 21-year-old Sebring man die for fatally shooting a Florida Highway Patrol trooper.

Opening statements in the trial, which was moved to Polk from Highlands County, took place this morning, and testimony began in the penalty phase of the trial of Joshua Lee Altersberger.

In an unusual move, Altersberger has already pleaded guilty, without a plea deal in place, to first-degree murder for killing Sgt. Nick Sottile in 2007. He could get either the death penalty or life in prison without parole. Circuit Judge J. Michael Hunter must give the jury's recommendation ?great weight? under Florida law.

Prosecutors provided a brief outline of how the shooting took place on Jan. 12, 2007.

Altersberger was driving erratically, and Sottile, 48, stopped him near Lake Placid.

Altersberger told his passenger he was going to shoot the trooper, and the passenger ran away. Altersberger followed through on the threat and shot Sottile when he walked up to the driver's side window.

A large-scale manhunt ensued in Highlands County to find Altersberger, and he was arrested the following day.

In opening statements, the defense said life in prison without parole is an appropriate punishment.

Assistant Public Defender Peter Mills said Altersberger was drunk the day of the shooting, and Mills provided a summary of his client's poor upbringing and exposure to drugs and weapons from an early age.

He also said Altersberger received a brain injury in a car crash when he was 5 years old and has problems controlling his impulsive behavior.

**Defense presents case in Altersberger's penalty trial**  
**3/30/09 - Sebring News-Sun**

By TREY CHRISTY

BARTOW -- Attorneys finished their opening statements in the Joshua Altersberger murder trial just after 10:30 a.m. Monday and Judge Michael Hunter granted the jury a quick break.

Altersberger has pled guilty to the murder of Florida Highway Patrol Sgt. Nicholas Sottile, a Lake Placid resident, and is now undergoing the penalty phase of the proceedings. He still faces the death penalty.

The prosecution's opening statement, given by State Attorney Steve Houchin, focused on the events that happened that day in January 2007.

Altersberger had been drinking that day while he hung out with friends and played video games. This was common, Houchin said, since Altersberger was not going to school or to work. He eventually wound up in Lake Placid looking for a friend, but headed back into Sebring when the friend was not at work.

Sottile was just coming on an overtime shift and the two crossed paths on U.S. 27 -- Sottile headed south, Altersberger headed north. Just prior to that, Altersberger stopped at a gas station in Lake Placid and told passenger Quintin Kinder something as a Highlands County Sheriff's Office deputy passed them.

"He tells Kinder that if (the deputy) tries to stop us, I'll kill him," Houchin said.

They recounted Altersberger's reckless driving on U.S. 27 that led to him being pulled over, and the calls for help Florida Highway Patrol officers heard over the radio after Sottile was shot.

The defense didn't even touch on the details of the murder, instead focusing on how Altersberger grew up.

"He was conceived as a result of violence," said state appointed defense attorney Peter Mills. "You will hear (his mother) was sexually assaulted and got pregnant; Josh was conceived as a result."

With an African-American father and a white mother, Altersberger is bi-racial. This caused resentment within his own family, Mills said, characterizing his raising as "unstable and disruptive." His father has never been in his life, and the only man who was in the home brought with him an arrest record, guns and drugs, the defense explained to jurors.

"What happened that day is a terrible tragedy, there is no doubt about that," Mills said about the murder. "Josh has gone through life-making decisions without much thought behind them. Jan. 12, 2007 he did not make good decisions."

The first witnesses who will take the stand for the prosecution on Monday are Kinder and Peron Merice, a truck driver who witnessed the shooting, and then family members and others close to Sottile will read victim impact statements.

Houchin believes the defense will be done presenting its case Monday.

**Sottile's killer faces jury this week**  
**03/29/2009 © Sebring News Sun**

By TREY CHRISTY

LAKE PLACID -- The jury has been selected and by the end of the week they will recommend whether Joshua Lee Altersberger, 21, should receive life in prison or be put to death for the killing of Florida Highway Patrol Sgt. Nicholas Sottile.

The final decision on Altersberger's fate will be in the hands of Judge Michael Hunter.

"He is not bound by the decision, but he has to give that great weight in making his final decision," said Steve Houchin of the State Attorney's Office. Each juror will give their recommendation, leaving the judge with a numerical suggestion.

Houchin, from the SAO in Sebring, said he had "no comment" on whether or not he was "happy" with the way jury selection went last week.

Houchin will work the case with SAO Bartow prosecutor Paul Wallace.

"It went normally," Houchin said about jury selection. "It took three days to select 12 jurors and two alternates. That's (the time) what everyone anticipated."

The jury is made up of eight women and four men, with two female alternates.

"There were a lot more women in the jury pool than men," he said, which was reflected in the final jury.

Their racial makeup is mostly white, with one black female, and Houchin said he couldn't remember if any of the jurors were Hispanic.

Two females are in their 20's with the rest spread out from there, mostly middle-aged.

"It's a mixture," Houchin said.

The case the 12 will hear starting Monday morning in Bartow is significantly different than what they would have heard if Altersberger hadn't pled guilty just over a week ago, on the last business day before his court date started -- Friday, March 13.

"This is the first time I've seen it done in 30 years," Houchin said about the unexpected guilty plea. "Nobody is going to plead guilty with the state still seeking the death penalty."

Usually when a defendant pleads guilty before going to trial there is a plea bargain, where a prosecutor offers the defendant the opportunity to plead guilty to a lesser charge or to the original charge but with a lighter-than-maximum sentence.

This was not the case.

"There was none. Zero plea bargain," Houchin said. "He did not get anything in exchange. It's an unusual thing."

Because the case goes straight to the penalty phase, Houchin and Wallace are not allowed to present evidence to prove Altersberger's guilt in the Jan. 12, 2007 shooting of Sottile, who pulled over Altersberger on U.S. 27 just a few miles north of Lake Placid.

"We had a substantial amount of evidence," Houchin said.

The information jurors will hear Monday will be significantly different than what they would have heard in the guilt or innocence phase of the trial.

"I think the defendant and the defense thought it was in their best interest to plead guilty before the trial," Houchin said.

The nearly 50 law enforcement, civilian, laboratory experts and doctors Houchin was planning to call as witnesses will no longer be part of the case.

"(Prosecutor) Wallace will present family members and co-workers of Sgt. Sottile to give victim impact statements as to what the loss has meant to the family and the community," Houchin said.

Still, jurors "can't make this decision in a vacuum," he said.

"In order to make a recommendation, jurors need some background," he said. "The witnesses would talk about how he pulled over a reckless driver, approached him and was gunned down."

The prosecution's witnesses will be heard on Monday, with the defense presenting its case on Tuesday and Wednesday.

Houchin anticipates the defense calling some of Altersberger's family members, those who knew him as a young man, and mental health experts.

The man in the car with Altersberger, Quintin Kinder, will take the stand on Monday for the defense.

Kinder said he fled the vehicle after Altersberger told him he was going to shoot Sottile. He was charged with trespassing an orange grove and sentenced to one year in prison, which he has already served along with a violation of probation charges in his home state of Georgia.

When the sentencing phase is over, Judge Hunter may take up to a month to make his final decision.

### **Jury To Decide Altersberger's Fate** **03/21/2009 © Highlands Today**

Brad Dickerson

SEBRING - This jury will not decide guilt or innocence, but rather life or death.

Joshua Lee Altersberger, 21, opted out of having a trial when he pleaded guilty March 13 to shooting and killing Florida Highway Patrol Sgt. Nicholas Sottile on Jan. 12, 2007. Starting Monday, jury selection begins in Bartow anyway.

Since the state filed a notice of intent to seek the death penalty for Altersberger, jurors still have to hear testimony to help them make a recommendation of whether he goes to jail for life or gets the maximum punishment.

Assistant State Attorney Steve Houchin is limited on the evidence he is allowed to present starting March 30.

"There might be a very short opening statement the following Monday and then we are allowed to put on some witnesses to show what happened," Houchin said Friday. "We are limited to just the aggravating circumstances."

If the case had gone to trial, Houchin would have begun calling his 50 witnesses to the stand Monday. Since he is now limited on the evidence the state can offer jurors, he said there will only be three or four witnesses to talk about what happened the day of the shooting.

Houchin also plans to have between four and six family members and friends give victim impact statements during the penalty phase about how Sottile's death has affected them.

He added he is not sure how many witnesses the defense plans to put on, but said there are no limitations they have to follow. The testimony may take between two and three days, according to Houchin.

Once all the testimony is heard, the jury then deliberates and presents a recommendation to Judge Michael J. Hunter as to a punishment.

Altersberger will not be formally sentenced until a presentence investigation is conducted and another hearing scheduled.

#### **A Remembered Officer**

The Altersberger case may be nearing its conclusion, but those who knew Sottile, no matter how well, are still sharing their memories.

Lake Placid Police Chief Phil Williams said his few run-ins with Lake Placid native Sottile were usually at local eateries like Schooney's.

"I saw him eating with his wife a couple of times," Williams said. "I didn't know him on a personal basis like a lot of folks did."

Williams, however, said the 24-year FHP veteran was "well thought of" and had a "great family."

**Guilty plea in Sottile murder**  
**3/14/09 - Sebring News Sun**

CHRISTOPHER TUFFLEY

SEBRING -- In a surprise twist, Joshua Lee Altersberger, 21, who was awaiting trial on charges of gunning down Florida Highway Patrol Sgt. Nicholas Sottile on Jan. 12, 2007 entered a plea of guilty Friday afternoon in a Polk County courtroom.

Altersberger reportedly said, "I'm doing it because I wanted to take responsibility and man up to what I did."

Nicholas Sottile's brother, Jimmy Sottile, isn't having any of it.

"This is just his last-ditch attempt to get pity," Sottile said. "He shouldn't even use the term 'man.' A man doesn't go around killing police officers.

"He's a typical coward trying to get out of what he did. He didn't (plead guilty) for the sake of my family, he's doing this for himself. Why wait two years and at the last minute pull this?"

The state had announced the intention of seeking the death penalty and Altersberger's plea does not change that. A sentencing jury will be picked and testimony presented to it, so it can decide whether he should be put to death. The presiding judge will be the final arbiter. That phase of the process begins March 23.

"No matter what, this thing is still up in the air," Sottile said. "This guy can't be trusted. It's like he's calling the shots -- he pleads guilty and everybody says 'thank you, thank you.'"

"The sad part is even if he gets the death penalty, it will be years and years before it's carried out. In other countries it's 30 days and you're dead, especially with a confession."

Sottile added that in this country the discussion centers on the cost of the death penalty.

"We've gotten away from the moral issues," he said.

The evidence against Altersberger is overwhelming, including statements he posted on his MySpace page on the Internet the day of the killing, bragging of his actions. Prosecutors think the weight of that evidence is what led to the guilty plea.

Altersberger had been pulled over on U. S. 27 for a routine traffic stop. A passenger in the car, Quintin Jerome Kinder, has said Altersberger had announced his intentions to kill a police officer prior to the event. He himself fled the car, running into an orange grove to hide without warning Sottile that Altersberger had said he was going to kill the trooper when he was pulled over.

For Trooper Sottile's family, his loss is still overwhelming.

"Maybe this will mean a little less pain for my father," his brother said, "maybe a little less pain."

**Suspect Admits Killing Officer**  
**03/14/2009 © Lakeland Ledger**

Jason Geary

BARTOW | A 21-year-old Sebring man pleaded guilty Friday to the shooting death of Florida Highway Patrol Sgt. Nick Sottile in 2007.

Joshua Lee Altersberger accepted responsibility for the killing - even without a plea deal in place and the possibility of the death penalty still looming over his head.

"I just feel that it's time for me to man up and take care of my responsibilities," Altersberger said.

He said he spoke with his lawyers and decided to plead guilty to first-degree murder.

"It was my choice," Altersberger said. "And I made that choice."

The case will now move into a penalty phase, with lawyers presenting evidence and arguments about whether Altersberger should be executed or receive life in prison.

A jury must still be chosen to recommend whether Altersberger should die for the trooper's slaying.

Jury selection is scheduled to begin March 23.

Circuit Judge J. Michael Hunter must give the jury's recommendation "great weight" under Florida law.

Altersberger was driving erratically on Jan. 12, 2007.

Sottile, 48, attempted to conduct a traffic stop on Altersberger near Lake Placid.

Altersberger told his passenger that he was going to shoot the trooper. The passenger ran away, and Altersberger shot Sottile when he approached the driver's side window, according to prosecutors.

A large-scale manhunt ensued in Highlands County to find Altersberger. He was arrested the following day.

**Trial Date Set For Sottile Murder Suspect**  
**03/14/2009 © Tampa Tribune**

Brad Dickerson

SEBRING A March trial date has been set for a Sebring man charged with killing Florida Highway Patrol Sgt. Nick Sottile.

Assistant State Attorney Steve Houchin said 20-year-old Joshua Lee Altersberger will face a jury starting March 9.

Altersberger is charged with first-degree murder and possession of a firearm after previously being convicted of a juvenile offense.

The charges stem from a Jan. 12, 2007, incident, where authorities say Altersberger shot and killed Sottile, 48, a 24-year FHP veteran, after the officer stopped a 2003 Toyota Camry driven by the defendant. A passenger, Quintin Jerome Kinder, of Bainbridge, Ga., then fled into a nearby orange grove following the shooting.

Houchin said the prosecution will seek the death penalty for Altersberger, who remains in the Highlands County Jail.

Kinder, who surrendered to authorities on Jan. 13, will testify in the case, according to Houchin.

He was charged with trespassing in a cultivated grove following his surrender to authorities. Kinder was then taken back to Georgia to face a violation of probation charge.

Houchin added that Kinder is still residing in Georgia, where he is on probation. Records from Georgia's Decatur County Jail listed several past criminal charges for Kinder, including theft, burglary and possession of marijuana.

Defense attorneys had previously discussed seeking a change of venue for the case so it could be held outside Highlands County. Houchin said that, so far, no such motion has been filed.

Calls to public defender Debra Goins seeking comment weren't returned before press time Wednesday.

Professor Charles Rose, with Stetson University's College of Law, said that, in order for a change of venue motion to be granted in such cases, the defense would have to show that the jury pool has been so polluted that it would be impossible to seat a fair and impartial jury.

This could be accomplished through a legal issue, such as potential jurors hearing about a suspect's confession that a judge ruled inadmissible for trial, according to Rose.

Such was the case in the 2007 murder trial of John Evander Couey, who was eventually found guilty of raping and murdering 11-year-old Jessica Lunsford. The death penalty was recommended.

The case was moved to Miami after a Lake County judge stopped jury selection because most of the potential jurors had heard about Couey's confession that was ruled inadmissible.

It was the second change of venue granted in the case, after a judge in Citrus County - where the crime took place - ruled that high publicity would make it impossible to seat a jury.

### **Altersberger Pleads Guilty To Trooper Sottile Murder** **03/14/2009 © Tampa Tribune**

Brad Dickerson

SEBRING - The man charged with killing Florida Highway Patrol Sgt. Nicholas Sottile pleaded guilty Friday to first-degree murder, three days before jury selection was to begin in his trial.

Attorneys for Joshua Lee Altersberger, 21, alerted prosecutors at noon Friday that their client intended to plead guilty, according to Assistant State Attorney Steve Houchin. The hearing was held around 3:30 p.m., at the Polk County Courthouse in Bartow before Judge Michael J. Hunter.

"He (Altersberger) made a short statement where he said, 'I'm doing it because I wanted to take responsibility and man up to what I did,'" Houchin said. "I think we had such a strong case that he did not want to go through the trial."

Altersberger shot and killed Sottile, a 24-year FHP veteran during a Jan. 12, 2007 traffic stop. A passenger, Quintin Jerome Kinder, of Bainbridge, Ga., then fled into a nearby orange grove after the shooting.

The state had filed a notice of intent to seek the death penalty for Altersberger. A jury will still be picked on March 23 in order to hear some testimony about what happened on Jan. 12, 2007 and to decide if the sentence should be life in prison or death.

Testimony will not begin until March 30.

Jimmy Sottile, Nick Sottile's brother, received a phone call about the plea shortly before 5 p.m., Friday. He couldn't understand why Altersberger waited more than two years to admit what he did, thereby causing the victim's family to endure a long ordeal as the case moved through the legal system.

"What changed from two years ago?" Sottile asked. "He waits two years and on Friday the 13th he tells us he's going to plead guilty."

## **JANUARY 2009**

### **Trooper's brother still struggles to deal with loss** **01/12/2009 © Sebring News Sun**

By CHRISTOPHER TUFFLEY

SEBRING -- Anger radiates from him, powerful and palpable.

It has been two years and his brother, Trooper Nicholas Sottile of the Florida Highway Patrol, is dead, the accused murderer still awaiting trial, which should begin come March.

Jimmy Sottile shakes his head, as if to clear it of demons and nightmares.

"It still doesn't seem real," he said. "It just doesn't seem real.

"Sometimes I think maybe I've had a heart attack and I'm in a coma, maybe this is all a dream.

"Then I mentioned it to my sister and she said she felt the same way."

He stops a moment, spreading out his hands, "It's not supposed to be like this."

Murder, Sottile said, is the worst of the worst. Other deaths are bad of course, but at least cancer is natural, a car crash bad fortune -- but murder is a choice, with malice beforehand and no remorse after.

Forget about time making things better. Nothing will ever make this better. His brother's death is a wound, still raw. He can't imagine it healing. All he hopes now is for God to help him find a safe place to put the emotions he feels.

"I ask God for the peace to sleep," he said.

Just reliving events brings great despair.

Nick Sottile was a 25-year highway patrol veteran, as fresh and eager as when he was a rookie, going about his business that terrible day in a calm and professional way.

A young, reckless driver coming north on U.S. 27. Trooper Sottile pulls him over next to an orange grove. It isn't quite 3:30 in the afternoon.

A passenger jumps out of the car. He says nothing and runs towards the grove.

Trooper Sottile approaches, asks the driver to put both hands on the steering wheel, and leans into the car window.

The driver, 19 years old at the time, suddenly produces a handgun and shoots Nick Sottile in the neck. He falls, already dying. The driver tries to shoot him a second time, then takes off in the car.

The pure evil of it is impossible to comprehend.

"It wasn't like he'd just robbed a bank and was fleeing for his life," Jimmy Sottile said. "It wasn't like it was a drug bust and he was fighting for his freedom. He killed my brother for the sheer act of killing someone.

"He's not insane. He's evil and a coward; a teenage monster and my brother crossed his path. He chose to kill is the bottom line, and we suffer the consequences.

"One of the things that eats at me is that Daddy has to go to the trial and see the man who destroyed his son and our family. You're ripped apart, just ripped apart."

It is difficult enough for Sottile as it is. A bail bondsman, he has to visit the same jail where his brother's accused murderer is incarcerated.

The visitation area is near enough to the entrance, and visible on enough monitors that Sottile has seen him several times lounging, even laughing.

"He is there so arrogant, slumped down, 'gangsta' like, and I'm dying on the inside, filled with such emotion I'm sick to my stomach."

A Christian, Sottile turns to his pastor for help, but he can't stop from praying for the death penalty. And not just a simple needle.

"I don't want him to just go to sleep," Jimmy Sottile said. He wants the killer to die painfully, like his brother did. Let the electric chair sizzle him.

"I pray that whoever sits on the jury will hear what's said. He wasn't crazy, and he wasn't a kid. Kids wear diapers.

"The only justice will be the death penalty. But it's been two years now, let's get on with it."

**'Everything Went Into Slow Motion'  
Highlands Today - January 11, 2009**

By BRAD DICKERSON

SEBRING - The shooting death of Florida Highway Patrol Sgt. Nicholas Sottile on Jan. 12, 2007, "still doesn't seem real" to his brother, Jimmy. The former law enforcement officer and current Sebring bail bondsman was at home when he started hearing the sirens. His first reaction was to get on his Nextel and check to see that his children were OK. Then, a member of the Highlands County Sheriff's Office came by to see how "Nicky" was.

"I go, 'I don't know. What are you talking about?'" Sottile said. "He goes, 'Man, he's been shot.'

"And then everything went into slow motion."

Sgt. Sottile's wife, Elizabeth, said she and the couple's two children - a college-student daughter and a son working as a deputy with the Orange County Sheriff's Department - will take time to mark Monday's anniversary.

"It's still unbelievable," Elizabeth said.

A 24-year veteran of the FHP, Sgt. Sottile was performing a traffic stop at the intersection of U.S. 27 and Whitmore Road in Highlands County when one of the occupants shot him in the chest with a .25 caliber handgun. Authorities say the shooter was driver Joshua Lee Altersberger, 21, of Sebring. After the shooting, a passenger, Quintin Jerome Kinder, of Bainbridge, Ga., fled into a nearby orange grove. Sgt. Sottile, 48, was able to notify dispatchers that he had been shot, according to information from the FHP. He was transported to Florida Hospital Lake Placid and pronounced dead an hour later.

Altersberger was later arrested and charged with first-degree murder and possession of a firearm after previously being convicted of a juvenile offense. Kinder, who surrendered to authorities on Jan. 13, was charged with trespassing in a cultivated grove. He was then taken back to Georgia to face a violation of probation charge.

Prosecutors have previously filed a notice of intent to seek the death penalty for Altersberger, whose case is scheduled to go to trial starting March 16 with jury selection. It is set for a status jury trial on March 6, according to information from the Highlands County Clerk of Courts Web site.

"We recently sent the defense a short little letter saying we would not consider anything but death," Assistant State Attorney Steve Houchin previously said.

*Opening An Old Wound*

Jimmy Sottile will be there for the trial of the person accused of killing his brother, although it will be, "hard to sit there." "It's been two years come Monday, and we've got to start all over again come March," he said. "My father's going to have to listen to my brother screaming for help. I don't even know if I can sit there and hear him screaming for help." Elizabeth said she has attended all the previous court proceedings, such as all pretrial conferences. The trial will be no different. "I will not miss a day," she said. "I will not miss a minute."

*Continuing On*

Following her husband's death, a scholarship program was established that was open to any age group. The two winners are going to be announced later this week. It is just one way the family is working to keep alive the memory of Sgt. Sottile. Sometimes, though, all it takes is a journey out in public to remember a lost loved one. "If you're in Wal-Mart or something and you see a side profile of somebody, and it takes your breath away because you think it's him," Jimmy said. The tragedy both he and the rest of his family has been through - not to mention the shock and disbelief that lingers two years later - is something Jimmy would not wish on anyone.

"I pray to God that no one has to go through what me and my family's went through," he said. "That feeling is indescribable."