

Judge Sentences Trooper Killer to Death

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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.