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Ex-mayor to plead guilty in vote fraud case

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Nov 9, 2006

A former small-town mayor described by prosecutors as the Boss Hogg of Appalachia for his role in an election fraud and corruption scandal has agreed to plead guilty to 243 felonies.

Ben Cooper recently signed a plea agreement and is scheduled to appear in a Wise County courtroom Nov. 28, attorneys in the case confirmed Thursday.

During a two-week trial for a co-defendant last month, Cooper was portrayed as the key figure in a plot to gain control of the town of Appalachia, first by rigging an election and later by creating a rogue police department.

As special prosecutor Greg Stewart flashed a mug shot of Cooper on a screen for the jury to see, he commented that the ex-mayor even looked like Boss Hogg, the unethical county commissioner in the television series "The Dukes of Hazzard."

Cooper's attorney said the actions of some of the other 13 defendants in the poorly concealed scheme -- which included buying votes with beer, cigarettes and even pork rinds -- brought to mind a different television comedy.

"My view is, if you wanted to characterize the participants, it really was more like Curly, Larry and Moe," Patti Church said Thursday.

Prosecutors have said that Cooper's desire to control the town of Appalachia and his dislike for its town manager in 2004 led him to wage two campaigns, a political one of change at town hall and a criminal one of fraud and forgery.

Cooper recruited others to join his scheme, often by capitalizing on their gripes with the government of the town of 1,800 in the far southwest corner of Virginia.

Although the vote-buying allegations were perhaps the most colorful, prosecutors focused on what they considered the more serious crimes of intercepting absentee ballots from the mail and forging the names of the intended voters on the documents. A jury convicted former letter carrier Don Houston Estridge for his role in the case last month.

Cooper was charged in March with 244 felonies that included violating absentee voting procedures, stealing election records, forging ballots, hindering the rights of citizens to vote freely and voting more than once in the same election. Special prosecutor Tim McAfee agreed to drop one of the absentee voting charges because it duplicated another.

The plea agreement makes no promises concerning Cooper's sentence, leaving that decision entirely to Judge Tammy McElyea.

However, McAfee said he would be willing to consider any testimony the former mayor might present to lessen his culpability. "The public has had a two-week trial, and both sides have had the opportunity to throw mud, if you will, in his direction," McAfee said, "and he has not had a chance to respond to that."

After reviewing a 300-page indictment and sitting through much of last month's trial, Church conceded that the case against her client is daunting.

But the level of participation by other defendants appears to be greater than what was suggested by testimony, she said. In addition, Cooper worked many hours as the town's acting manager with no pay, and he often donated his services and equipment for the betterment of the citizens of Appalachia, Church said.

"There are tools that belong to him that the town shop is still using," she said.

Also on Thursday, former Appalachia police officer Walter Mike Baber pleaded guilty to his role in the corruption case. The indictment claims that Cooper used his ill-gotten power to run a corrupt police force, which he sometimes dispatched to the homes of his enemies to conduct warrantless searches.

Baber was charged with embezzlement after authorities found in his home a television and a stereo belonging to the occupant of a home he helped raid, McAfee said.

Although the remaining defendants -- including another police officer, two town employees, a running mate of Cooper's and his family members -- are expected to plead guilty, details of all their cases have yet to be finalized.
