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UPDATE -- Former Appalachia mayor sentenced in election fraud case

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Jan 29, 2007

Former Appalachia Mayor Ben Cooper was sentenced to two years in jail during a sentencing hearing in Wise County this morning.

Cooper was also sentenced to two years of home-electronic monitoring upon release from jail and three years of supervised probation.

Last year, Cooper forged cooperation and plea agreements with Special Prosecutor Tim McAfee and Assistant Special Prosecutor Greg Stewart after investigators unraveled the extent of an election fraud conspiracy. The conspiracy included wholesale plunder and corruption of the absentee mail ballot process. Cooper pleaded guilty to 233 felonies and entered de facto guilty pleas to 10 other felony counts.

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Check tomorrow's edition of the Times-News for details.



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WISE - Retired Appalachia postal worker Don Estridge has been asked to attend a sentencing hearing today for the town's former mayor and three others for their roles in the 2004 town election fraud scandal.

The office of Special Prosecutor Tim McAfee alerted media on Tuesday that Circuit Judge Tammy McElyea had requested Estridge's presence during the sentencing hearing for former Appalachia Mayor Ben Cooper, former Town Councilman Andy Sharrett, his brother Adam Sharrett, and their father Owen Anderson "Dude" Sharrett, a former Appalachia parks and recreation director.

Last year, Cooper and the Sharretts forged cooperation and plea agreements with McAfee and Assistant Special Prosecutor Greg Stewart after investigators unraveled the extent of an election fraud conspiracy that included wholesale plunder and corruption of the absentee mail ballot process. Cooper pleaded guilty to 233 felonies and entered de facto guilty pleas to 10 other felony counts.

Three weeks ago, McElyea sentenced Estridge to 18 months in jail, what a Wise County jury recommended after finding him guilty on three counts - six months on each count, plus a total of \$7,500 in fines - last October. Estridge was accused of diverting mail ballots into the hands of the 14 named in the original indictment, most particularly the Sharretts.

All of the original 14 defendants, except Estridge, entered cooperation and plea agreements with prosecutors. None received jail time, with the heaviest penalties for the most active confessed conspirators, as recommended by prosecutors, of up to three years of house arrest, fines and other sanctions.

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Estridge is the only defendant to stand trial. He proclaimed his innocence throughout the trial and again at his sentencing three weeks ago.

At the conclusion of passing sentence, the judge seemed to reconsider Estridge's punishment, particularly after pondering Cooper's fate as recommended by prosecutors.

McElyea gave Estridge until Feb. 12 to report to authorities to begin his jail sentence and concluded the session by saying she would give the former mail carrier's situation more thought before then.

During a subsequent hearing on Cooper's sentencing, McElyea balked at accepting a recommendation by prosecutors to sentence the former mayor to 24 months in jail. The judge said if the jury had known most of the conspirators would get off with no jail time - and Cooper, the alleged kingpin, just six months more than Estridge - jurors might have not recommended six months in jail on each of the three counts they determined Estridge was guilty.

As it was, McElyea said the jury opted for the lenient end of a punishment scale that carried a maximum of 10 years in jail on each count.

McElyea said if the jury's sense of justice involving Estridge was to be applied as a barometer for Cooper, the former mayor should serve 81 years in jail - six months on each count to which he pleaded guilty, minus a full third of the felonies the judge might be willing to subtract because Cooper saved the state the expense and effort of a trial.

She also noted that the total maximum sentence for all 243 felonies against Cooper was 2,175 years.

The judge said state sentencing guidelines suggest a minimum of six years-plus to a maximum of more than 21 years for Cooper, and she was reluctant to deviate from the guidelines at the recommendation of prosecutors for just 24 months.

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McElyea recessed Cooper's sentencing hearing to last week, and the recessed hearing was rescheduled along with the three Sharretts to today.

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