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AP WIRE **ACROSS THE SOUTH**

Thursday, May 5, 2005  
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## Man banished from Virginia county after repeated littering

The Associated Press

BERRYVILLE, Va. - A West Virginia man branded a "serial litterer" by a prosecutor has been banned from Clarke County for two years for repeatedly driving across the state line and dumping trash.

General District Court Judge Norman deVere Morrison warned Parviz Modaber, 73, of Harpers Ferry that he could go to jail if he violates the order.

"If you're found in Clarke County, bring your toothbrush," Morrison told Modaber in court Wednesday.

Modaber, who has been diagnosed with an obsessive-compulsive disorder, has repeatedly dumped trash between Virginia 7 and U.S. 340 in Clarke County. He has been convicted of littering four times since October 2000.

After his third conviction in May 2003, Modaber was fined \$2,500, ordered to perform 300 hours of community service and given a one-year suspended jail sentence. He was convicted of a fourth offense six months later, and prosecutor Suzanne Perka asked the judge to reinstate some or all of the suspended jail time.

"We tried counseling, we tried suspended jail time, we tried large fines. We were sort of at our wits end," Perka said in a telephone interview Thursday. "We tried to work with some things more tailored toward helping him stop his behavior, but that didn't seem to work."

Perka said two residents, Robert Smalley and John Crawford, grew weary of finding plastic grocery bags filled with soup cans and other kitchen trash along the highway median near their homes and helped authorities track down the litter bug.

"It kept happening and I got madder and madder," Crawford said in an interview. "I'd lay in wait some nights."

He said he knew the littering was deliberate because address labels were removed from junk mail in the bags. However, a credit card solicitation to "Dear Mr. Modaber" and literature advertising a gathering for over-50s singles in Winchester enabled Crawford to track the man down, he said.

Paul Morrison, Modaber's attorney, argued at the revocation hearing that jail would be counterproductive, but additional counseling would help. The judge, who is not related to the defense attorney, agreed that a jail sentence would not help Modaber, but said banishment could.

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"I don't like putting anyone in jail, and I certainly don't like to pick up other people's trash," Judge Morrison said.

Paul Morrison said his client has an unspecified disagreement with the state, which is at the root of his littering.

"Clarke County's never done anything to him. He takes out his dislike for the state of Virginia on Clarke County," the attorney said.

In addition to sentencing Modaber to two years of probation, the judge ordered him to pay \$1,000 of the original fine.

"It's better than going to jail," Paul Morrison said of the sentence.

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