# [***Execution Opponent Joins Sniper Case - Correction Appended***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:47KD-PN60-01KN-20DT-00000-00&context=1516831)

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**Correction Appended**



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**Byline:**  By JAYSON BLAIR

**Dateline:** LEXINGTON, Va., Dec. 31

**Body**

Prof. Roger D. Groot does not mind being unpopular.

Professor Groot has been a thorn in the side of prosecutors and prison officials in this law-and-order state for decades. Early in his career as a law professor at Washington and Lee University, he advocated for the rights of inmates and immigrant detainees. About four years ago, he decided to take on the death penalty here, in the state that has executed more people than any other except Texas since 1976.

Last week, Professor Groot announced that he and several students at the Virginia Capital Case Clearinghouse, a student-led legal-aid clinic at the law school, were joining the defense team of Lee Malvo, 17, a Jamaican who has been charged with murder in the Washington-region sniper attacks.

"It's never been about being popular," said the balding professor who looks like a lawyer from central casting.

Mr. Malvo will not be the easiest defendant to represent, Professor Groot conceded. He is charged in one of the most prominent mass murders in recent history and happens to be black, which studies show makes him theoretically more likely to receive a death sentence on conviction.

But Professor Groot said he and the students at the clearinghouse, which was created soon after the Supreme Court reinstated the death penalty in 1976, were up to the challenge. He said he took over the program because he opposed the death penalty, which he has denounced as something that allows Americans to "destroy our own humanity."

"I oppose the death penalty in all circumstances," he said, "and I think it is counterproductive both morally and practically."

Professor Groot said he became troubled early in his career by how the death penalty was carried out.

"I came to understand," he said, "that the death penalty is almost random in terms of who is selected to be tried, depending on race, the views of the local prosecutor or an election campaign."

Virginia has executed 87 people since 1976, and it is among the few states that lets juveniles face execution. Even in this staunchly pro-death-penalty state, opponents of capital punishment were making headway after Earl Washington Jr., who is black, was spared death 11 hours before his execution in 1994 after DNA evidence suggested that he was not the killer. Mr. Washington was freed in February, and his case became a rallying cry among those who say black men are often sentenced to death with insufficient evidence.

But such questions have died down since the arrests of Mr. Malvo and the other sniper suspect, John Muhammad. Thirteen people were killed in the attacks, which occurred in October.

The decision to help Mr. Malvo's case was made after Mr. Malvo's lead lawyer, Michael S. Arif, had approached Professor Groot at a conference in Richmond.

It had been a bad couple of weeks for Mr. Arif.

Immediately after the arrests, politicians and prosecutors began calling for the death penalty. Attorney General John Ashcroft said Mr. Malvo deserved what he called "the ultimate sanction," and aides say he handed both men to prosecutors in Virginia because he believed that is where a death sentence could be obtained most quickly. Virginia's state and federal appellate courts are also considered difficult locales to overturn a capital conviction.

After the move, detectives in Fairfax questioned Mr. Malvo without lawyers present, arguing that after he had been transferred federal public defenders no longer represented him, and refused a request from his court-appointed guardian to halt the questioning.

Investigators say that in the questioning Mr. Malvo confessed to at least three shootings, including the one for which he faces a murder trial in Fairfax, the killing of a woman on Oct. 14 outside a Home Depot hardware store in Falls Church.

The defense team did not win any court motions in November and said it felt hampered by state rules that require a judge's decision on paying all expenses for indigent defendants. The defense also said it was dwarfed by the size of the prosecution team.

When Mr. Arif asked Professor Groot for help, the odds and the clamor for convicting and executing Mr. Malvo made it a simple decision, Professor Groot said.

The two law students whom he selected to work on the case are Lee Goebes and Ida-Gaye Warburton. Mr. Goebes is a third-year law student. Ms. Warburton, a second-year student, is from Jamaica, like Mr. Malvo. Other students in the program are helping with 26 additional cases.

Professor Groot said he and the students only helped at trials, and not on appeals, because "in Virginia, if you get a capital sentence, we push paper around for a couple of years and then we kill you."

Successful appeals in Virginia are so rare, he said, that a trial "is how you avoid a death sentence."

[*http://www.nytimes.com*](http://www.nytimes.com)

**Correction**

CORRECTING THE RECORD; The Articles; Witnesses and Documents Unveil Deceptions In a Reporter's Work

On Sunday, May 11, 2003, The Times published a two-full-page accounting of misrepresentations and plagiarism by Jayson Blair, who resigned on May 1 as a reporter. This article was among those described. The description:

Execution Opponent Joins Sniper Case

JAN. 2, 2003

WHEREABOUTS -- Mr. Blair ostensibly filed this article on Dec. 31, 2002, from Lexington, Va., where the subject of the profile, Roger D. Groot, is a law professor at Washington and Lee University. Professor Groot said that his quotations in the story were accurate, but that he had spoken to the reporter only by phone. ***Cellphone*** records indicate that Mr. Blair was making calls from New York between 9:31 a.m. until nearly midnight.

Readers with information about other articles by Jayson Blair that may be false wholly or in part are asked to e-mail The Times: [*retrace@nytimes.com.*](mailto:retrace@nytimes.com.)

**Correction-Date:** May 11, 2003

**Graphic**

Photo: Prof. Roger D. Groot, with students from Washington and Lee University, is helping Lee Malvo's defense team in the sniper attacks. (Sam Dean for The New York Times)

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