

## Case 5: Surreptitious DNA Gathering

Law enforcement regularly seeks new methods to help locate and convict criminals, and one such method, surreptitious DNA gathering, recently has been used to solve decades-old murder cases. Journalist Jim O'Hara relates the story of Donald Sigsbee, a man convicted of raping and murdering Regina Reynolds.<sup>1</sup> Sigsbee's business card was found near the site where Regina Reynolds' body was dumped in 1975, but police lacked evidence to charge Sigsbee with the rape and murder of the 19-year-old college student.

Years later, in 2003, after police tested DNA found in the case, officers followed Sigsbee and his wife to a local Wendy's restaurant. The detectives retrieved Sigsbee's discarded drink cup and straw, and subsequent DNA testing linked Sigsbee to the rape and murder of Regina Reynolds. The evidence held up in court, leading to Sigsbee's conviction for murder. He is now serving a 25 year-to-life prison sentence.

The technique used to gather the DNA samples that convicted Sigsbee is an example of "surreptitious sampling," a practice gaining popularity among law enforcement. Defense lawyers argue that DNA gathered without a person's consent violates the protection against unreasonable search and seizure under the Fourth Amendment of the U.S. Constitution.<sup>2</sup>

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<sup>1</sup> Jim O'Hara "Anything You Throw Away Can Be Used Against You," *The Post Standard*, May 3, 2008. [http://www.syracuse.com/news/index.ssf/2008/05/anything\\_you\\_throw\\_away\\_can\\_be.html](http://www.syracuse.com/news/index.ssf/2008/05/anything_you_throw_away_can_be.html).

<sup>2</sup> Harmon, Amy, "Lawyers Fight DNA Samples Gained on the Sly," *The New York Times*, April 3, 2008. <http://www.nytimes.com/2008/04/03/science/03dna.html?pagewanted=1&r=1&hp>.