

COLUMBIA SPECTATOR ARCHIVE

Columbia Daily Spectator, Volume CXIV, Number 130, 11 July 1990 — Darby may get lighter sentence for AIDS test [ARTICLE]

Darby may get lighter sentence for AIDS test

By Catherine Thorpe

Former security guard Reginald Darby, who pleaded guilty to the rape of a Columbia College student in March, will receive a reduced sentence in exchange for undergoing an AIDS test, the *Manhattan Lawyer* reported yesterday.

Darby allegedly entered the first-year student's room on the seventh floor in McBain Hall Feb. 17 at 3:55 a.m. and raped her while holding a serrated knife to her throat. Darby turned himself in to the New York City Police Feb. 18. and was charged with first degree rape, assault, and attempted sodomy.

According to an article in the *Manhattan Lawyer*, a monthly newspaper, Darby will receive a minimum of four to 12 years and a maximum of five to 15 years in prison for the rape.

The statutory maximum sentence for first degree rape is eight and a half to 25 years, according to the article.

Spokespersons for the District Attorney's office would not confirm that Darby had undergone AIDS testing.

“He was promised the minimum and the maximum under the stipula-

tion that he underwent some tests," said Gloria Monteallegre of the District Attorney's Public Information office. "We never revealed what the tests were."

The reduced sentence bargain may be a precedent-setting one because previously, constitutionally-protected privacy rights protected defendants from being compelled to take any biological tests or exams, according to the article.

Columbia Director of Security Dominick Moro said the bargain should not be used as an easy way to obtain lighter sentencing.

"There's no question that this particular incident was a very heinous crime," Moro said. "We will be very, very disappointed if the deal was a slap on the wrist."

The rape victim, who requested not to be identified, said she was ambivalent about the reduced sentence arrangement.

"I really have no opinion on it," she said. "[The arrangement] happened and that was all right."

Moro said that a reduced sentencing bargain had probably been in the making for quite some time.

"When [Darby] pled guilty to the top charge a deal was being cut," he said.

Moro said that the victim's concern about contracting AIDS could be valid, as Darby was rumored to be a former casual drug user.

"The peace of mind of the victim was such that [the prosecution] had very strong feelings [about the test]," Moro said.

Because New York State law does not require rape suspects to undergo AIDS testing,

Moro said, the reduced sentence may have been necessary.

“It’s an awkward arrangement in this state,” Moro said.

Both Lisa Friel of the Manhattan District Attorney’s office, who is the assistant prosecuting attorney for the case, and Defense Attorney Charles Blakely of the Legal Aid Society declined to comment on the reduced sentence, saying they were unable to speak about pending cases.

Darby is scheduled to be sentenced Aug. 3.