



NUSHAWN WILLIAMS CASE BACKGROUND & TAKING POINTS

Nushawn's Current Status/PRIMARY TALKING POINTS

- Nushawn has been locked up for nearly 20 years, 8 years more than his original maximum sentence, with no release date in sight. He is now 41 years old.
- This case marks the first and only time in New York State, and possibly the country, that a person has been civilly confined based largely on HIV status.
- If Nushawn had been reckless and killed someone, even with the maximum sentence for reckless homicide he would have been a free person at least 5 years ago.
- New York law requires that Nushawn's civil commitment is focused on providing him "treatment," but Marcy medical staff deprived him of treatment for his HIV for over a year, until advocates and the NY State AIDS Institute stepped in.
- Nushawn is not receiving the minimum standard of mental health care that is the "official" reason for why he is still detained. He receives only group therapy, where he is pressured to reveal and talk about his HIV status to other prisoners as the reason for why he is at Marcy. The "therapy" is not confidential, and what he discusses can be used by the state to continue his confinement.
- The decision to civilly commit Mr. Williams was based in large part on inaccurate medical and scientific information. This directly conflicts with New York's law, which states civil commitment proceedings under Article 10: "should be based on the most accurate scientific understanding available."
- The state prosecutor used HIV bias and false beliefs about HIV to make the case that Nushawn is a dangerous sex offender. These tactics are at complete odds with other branches of NY government's campaign to end HIV stigma and the Campaign to End AIDS.
- With the Nushawn Williams case, we have one branch of New York government encouraging people to get tested for HIV and telling people you can live a health normal life while living with HIV; while another branch of New York government relies on inaccurate characterizations of HIV as "highly infectious" and that exposing someone to HIV is sufficient to lock them up for life as dangerous.
- Once Nushawn was put back on HIV treatment, his viral load became undetectable and it is impossible for him to transmit the virus to another.
- Since Nushawn went to prison nearly 20 years ago, we have learned a lot more about how HIV can be effectively treated, and how the stigma of treating someone living with HIV like Nushawn is damaging to government credibility, state public health goals, and to the emotional health of people of color living with HIV, their families and their loved ones.
- It is time to put an end to this shameful piece of state history, and allow Nushawn to have the rest of his life back.

BACKGROUND/Criminal Cases

- In 1999 Nushawn Williams pleaded guilty to charges arising from allegations that when he was 19-20 years old he had sex with several young women while knowing that he was HIV positive.
- He was sentenced to two prison terms of 2-6 years for statutory rape that ran simultaneously, and another term of 2-6 years for reckless endangerment to start after the first terms were served. The maximum sentence Nushawn would have served under these sentences was 12 years, or until April 13, 2010.
- Nushawn Williams has been the subject of more sensational press about HIV than any other person charged with exposing another person to HIV in the United States, including being branded an “AIDS Monster” and “AIDS Predator.” Almost all of the press coverage has reflected serious ignorance about HIV and racial prejudice.

BACKGROUND/Civil Commitment

- In 2007, years after Nushawn pleaded guilty, New York passed a law that allows the state to prevent the release of a very small percentage of convicted sex offenders who, because of a “mental abnormality,” are unable to control their tendency to commit sex crimes in the future.
- On April 9, 2010, four days before the end of Nushawn’s sentence, the NY Attorney General filed an application to have him indefinitely civilly committed as a dangerous sex offender and to continue his confinement until the application was resolved.
- Although the Attorney General insists that Nushawn’s HIV status has nothing to do with his confinement, the record of the case tells a very different story. HIV was referred to more than 1,000 times during Nushawn’s civil commitment trial. Nushawn’s HIV status was a central part of the case to confine him.
- The court denied all of Nushawn’s lawyers’ motions for dismissal of the petition, rejected the testimony of favorable witnesses and, without prior notice to his lawyer, even allowed young women who had never filed charges against Nushawn to testify that, in the 1990’s, he had sexually assaulted them.
- The prosecutor and “expert “witnesses repeated inaccurate statements about HIV, including that it is a “highly infectious disease,” throughout the civil commitment proceedings against Nushawn.
- The court decided that Nushawn met the definition of a dangerous sex offender and committed him to the forensic unit of the Central New York Psychiatric Center (CNYPC) at Marcy State Prison in Marcy, NY, where he remains to this day.