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The Center for HIV Law and Policy challenges barriers to the rights and health of people affected by HIV through legal advocacy, high-impact policy initiatives, and creation of cross-issue partnerships, networks and resources. We support movement building that amplifies the power of individuals and communities to mobilize for change that is rooted in racial, gender and economic justice.

For more information about how to get involved in Nushawn's case, visit [FreeNushawn.com](http://FreeNushawn.com) or contact Amir Sadeghi at [asadeghi@hivlawandpolicy.org](mailto:asadeghi@hivlawandpolicy.org).

# Essential Facts on the Nushawn Williams Case

In 2014, Nushawn Williams was judged to be a “dangerous sex offender requiring confinement” based on his “reckless” sexual conduct in 1996: having sex with three girls, ages 13-15, when he was 19 years old — and the fact that he was HIV positive.

## Current Status

- Nushawn has been locked up for more than 20 years, 10 years more than his original maximum sentence, with no release date in sight. He is now 44 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 7 years ago.

## Treatment at the Central NY Psychiatric Center (CNYPC), known as Marcy

- New York law requires that Nushawn's civil commitment be focused on providing him “treatment,” but Nushawn is not receiving mental health care that meets the minimum standard of effective treatment. 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 details of these sessions — in fact all of his records — are available to the NY Attorney General and used by them to continue his confinement.
- The only confidential communications Nushawn is permitted are with his attorneys. All other conversations, whether with treatment staff or loved ones, are subject to monitoring, recording and reporting to the Attorney General.
- Marcy medical staff deprived him of treatment for his HIV for over a year, until CHLP, Housing Works and the NY State AIDS Institute stepped in. There are no qualified medical staff on site at Marcy; Nushawn only rarely sees an infectious disease doctor, whom he is brought to see in arm and leg restraints. He is never informed of his viral load, CD4 count or other aspects of his health or how to maintain it.
- 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.

## 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

- The decision to civilly commit Nushawn 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 healthy 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.
- 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 1990s, 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.
- Since Nushawn went to prison 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.