N.Y. Man With HIV to Be Released After Resentencing

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David Plunkett, the New York man convicted of HIV-related aggravated assault, has been resentenced, and he will be released from prison in the next few days, the Center for HIV Law and Policy blog reports. Plunkett, who is HIV positive, has already served five years of a 10-year sentence in Sing Sing after pleading guilty to assault as well as aggravated assault on a police officer after punching the officer and biting his finger in 2006. However, Plunkett's aggravated assault conviction was vacated by a June 7 New York Court of Appeals decision that said the defendant's saliva doesn't constitute a deadly weapon or dangerous instrument because it is a naturally occurring part of the human body, and that according to New York State law any body part cannot heighten criminal liability beyond the victim's injury.

To read the HIV Law and Policy blog, click here.

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http://beta.docker.poz.com/article/Plunkett-HIV-releasedate-22646-2680