Military High Court to Hear HIV-Positive Kansas Airman Appeal

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The U.S. Court of Appeals for the Armed Forces will hear the appeal of David Gutierrez, an HIV-positive airman from McConnell Air Force Base in Kansas, who in 2011 was sentenced to eight years in military prison, The Associated Press (AP) reports.

The nation's highest military court will review the evidence used to convict Gutierrez. The court is expected to hear arguments before the end of 2014. The court also will consider if his due process rights were violated because of the length of the appeal.

Gutierrez was accused of having unprotected sex with multiple partners without telling them he has HIV. A court martial convicted him on seven counts of aggravated assault and violating his commander's order to notify sexual partners about his HIV status and to use condoms. Gutierrez also was convicted of indecent acts for having sex in front of others and eight counts of adultery. He originally faced 53 years in prison.

"Really what this case is hoping to do is to get the Court of Appeals for the Armed Forces and every other military panel up to speed with what is going on with HIV today and to perhaps change those attitudes and mores," said defense attorney Kevin McDermott.

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