



Disclosing Your Own HIV Status Online Isn't Criminal Harassment of Your Ex

A judge ruled that a man who disclosed his HIV status and named a former partner in a Facebook post was protected under free speech laws.

June 19, 2026 By [Trent Straube](#)

The Arizona Court of Appeals ruled that a man's Facebook post in which he [disclosed his own HIV status](#) and mentioned his ex-partner (who is [HIV](#) negative) could not be considered criminal harassment or defamation. What's more, the social-media post constitutes protected free speech under the First Amendment.

For speech to be considered defamation, it has to be false, [according to Judge Veronika Fabian's six-page opinion](#) in the case, which noted that the post contained no factual errors.

The case involves Sean Villa-Kennedy (referred to as "Father" in the court opinion) and Shelby Elizabeth Gregorwicz ("Mother"). The two used to be in a relationship and had a child in 2024. According to the judge's opinion, which was filed June 17, details of the case are as follows:

In May 2025, Mother posted a message on social media from an account with the name "Shelby Starbuck" to a group of more than 600 members. The post included an image of an HIV negative patch and this text:

Ordering a bunch of these lmao. Im sure you'd be surprised which of your friends cant wear it, but hey lets be transparent. Be safe out there! If anyone wants one lmk

The "HIV-negative" patch referenced in the Arizona court case [Courtesy of AZCourts.gov](#)

Days later, Father posted his own message, using his real name, to the same group, which read:

It has come to my attention that there is someone in this group that has taken the liberty to share some deeply personal information with members that shouldn't have been. With that said....I had a relationship with Shelby Starbuck. And prior to that relationship even becoming a relationship I disclosed with her that I live with HIV. She was informed and aware and made the decision to be in a relationship with me. We obviously had sexual relationship that led to the birth of our daughter. Neither Shelby nor our daughter contracted HIV. Nor has any sexual partners I have had. For Shelby to take it up on herself to use this deeply sensitive and personal information in some way to hurt me should be self evident of her character. Beyond that. I am now forced to put myself out there to combat any further rumors or misinformation being told. I post this here for two reasons. 1 being Mike runs free page and I know this post will not be taken down. 2 this is where most the rumors are being shared. I will be only address[ing] the topic of HIV as any further rumors about me or my relationship with Shelby and our daughter should be none of your concern. And frankly I believe my status should have remained none of your concern as well. But to advocate.

HIV is no longer a death sentence. Millions of people live healthy normal lives with HIV. The current medication available makes it untransmittable. It has become a chronic illness now where it was a terminal illness before. I lead a healthy normal life. I made bad life choices and one of those will forever remind me of actions have consequences. But there are people out there who contract HIV of no fault of their own and the stigma is a real and scary thing. I write this now sitting in the bathroom at work fighting back tears so I can see clearly. I am terrified at the friends and

respect I will lose but at the same time I can not idly stand by to be made look bad when it something out of my control and further I do everything to make sure I am healthy and the people I care about are safe.

After Mother read the post, she texted Father and asked him to remove it. Father refused, explaining his post “was made in response to [Mother’s] post,” which “started rumors and talk” and to “help educate and...try and lessen the stigma.”

Mother then filed a petition for an order of protection against Father for herself and their child. She alleged Father’s post qualified as domestic violence.

According to court documents, Mother’s petition led to an emergency superior court hearing during which the court issued an order of protection against Father and found that his post constituted harassment. He requested a contested evidentiary hearing during which the court not only sided with Mother but also ruled that the Father could not possess a firearm.

Father appealed, which led to the current outcome. “Because Father’s post was protected by the First Amendment, the superior court erred in finding it constituted criminal harassment and by issuing an order of protection,” concluded Judge Fabian. “Therefore, the order of protection is vacated. Mother’s request for sanctions is denied.”