San Diego Man Gets 6 Months in Jail for Not Disclosing His HIV

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NBC San Diego reports on the Thomas Guerra sentencing.

After a judge sentenced Thomas Guerra to six months in jail for knowingly spreading HIV, she called the outcome a travesty and said she wished he could be sentenced to more time, NBC San Diego reports. A future hearing could decide whether Guerra must pay for the "victim's" medical costs.

Guerra had been charged for violating a California state health code dictating that people with an infectious disease who willingly expose themselves to others are guilty of a misdemeanor. Judge Katherine Lewis called this an oversight in the law, adding that the charge should become a felony.

Guerra had pleaded no contest, meaning that the charges against him could be proven but that he didn't admit guilt. According to NBC, at the sentencing hearing Guerra said, "I am not a monster. I would never do something like what I'm accused of."

The Los Angeles Times reports that the "victim, whose name was not mentioned in court, said that now that he has AIDS, he is taking 'an outrageous number of medications,'" and that a June 3 hearing will address "the issue of whether Guerra should be required to pay the victim's medical costs."

The Guerra case was the subject of the recent POZ feature story "Burden of Proof: Is Criminalizing HIV Ever a Good Idea?" In this article, "Bill," an ex-boyfriend of Guerra's, said that the two had had sex without condoms after Guerra said he was HIV negative. Later, both men tested positive for the virus. Bill filed a complaint after discovering what he said are emails suggesting Guerra had known of his status for years.

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