HIV Criminalization Case of Nick Rhoades Returns to Iowa Court

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Nick Rhoades' HIV criminalization case is back in the Iowa Supreme Court. This time, reports the The Des Moines Register, the justices will decide whether the HIV-positive man can win monetary damages because he was imprisoned for a crime he did not commit.

In 2009, Rhoades was convicted for having protected sexual intercourse with another man without disclosing he was HIV positive. The two men used condoms, Rhoades's viral load was undetectable (making his highly unlikely to transmit the virus) and his partner did not contract the virus.

Based on legal advice from his lawyer, Rhoades pleaded guilty. He was initially sentenced to 25 years in prison and had to register as a sex offender. He had served a year, when the Iowa Supreme Court vacated his guilty plea after looking at the case closer.

In Iowa, people can sue the state if they're imprisoned for a crime they did not commit. However, they cannot do so if they had pleaded guilty to the crime. Since Rhoades's plea was vacated, it is unclear if he can win damages.

Rhoades said that the legal battles have depleted his finances and that the paper trail of his HIV trials and the resulting sex offender label have made it difficult for him to find a job.

For more about HIV criminalization advocacy in Iowa, read "HIV Is Not a Crime."

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