State Supreme Court Reverses Conviction of Iowa Man With HIV

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The Iowa Supreme Court has set aside the conviction of Nick Rhoades, according to a statement by Lambda Legal, which represented him in his appeal. The high court heard his HIV criminalization case after the Iowa Court of Appeals affirmed a lower court ruling denying him an Application for Post-Conviction Relief.

Rhoades was originally sentenced to the maximum of 25 years in prison and lifetime registration as a sex offender after having a one-time sexual encounter with Adam Plendl, during which they used a condom and no HIV was transmitted. After being told by a friend that Rhoades might have HIV, Plendl contacted the police, who arrested Rhoades in September 2008. On the advice of his counsel, Rhoades pled guilty.

In 2009, Rhoades was convicted of intentionally exposing Plendl to HIV. Several months later, his prison sentence was suspended, and he was placed on supervised probation for five years. In 2011, Rhoades filed an Application for Post-Conviction Relief, arguing that he received poor counsel. He was denied the application, which prompted these appeals.

In reversing the conviction, the high court acknowledged that people living with HIV who have an undetectable viral load because of effective treatment represent a minimal risk of transmitting the virus. This ruling comes soon after the Iowa governor signed into law a tiered sentencing system that replaces the previous one-size-fits-all approach to HIV criminal law.

To read the Lambda Legal statement, click here. To read our 2012 feature story on Rhoades and others facing HIV criminalization, click here.

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