Soldier Pinkela Was Wrongfully Convicted in HIV Case, Writes Main Witness

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Lieutenant Colonel Kenneth Pinkela is fighting a conviction of exposing someone to HIV.

The primary witness in the military court case that convicted Lieutenant Colonel Kenneth Pinkela of HIV-related charges has written a public letter asking for the case to be dismissed.

“Please drop this obscenely unjust case against LTC Pinkela,” writes Elliot Scott Henney to Secretary of the Army John M. McHugh. “As the unknowingly primary, and only witness, against him, after being lied to by the Army prosecutor and thereby destroying innocent people’s lives in the name of homophobia and HIV-phobia, I believe my request must be heard and acted on.... This case should have NEVER made it to a courtroom, and the way in which the case was ‘put together,’ with deceit and lies, is NOT the way any person, or officer, should ever suffer.”

Pinkela was convicted in 2012 for exposing someone to HIV, a charge he denies. He is now fighting to have the case reviewed by McHugh and President Obama, the only two officials authorized to change the outcome of the court-martial. Specifically, Pinkela posted a petition on Change.org directed to McHugh. It has over 73,000 supporters.

The letter by Henney, in which he spells out the many reasons the case should be dismissed, can be read in full on Pinkela’s petition.

In another development of this case, the U.S. Court of Appeals for the Armed Forces (CAAF) earlier this year vacated the decision of the Army Court of Criminal Appeals (ACCA) to affirm HIV-related charges of aggravated assault and reckless endangerment against Pinkela.

The ACCA will now look at the court records to determine whether the evidence against Pinkela was sufficient to warrant the charges. Also, the ACCA will review the case in light of a recent military court ruling involving HIV charges. In that case, United States v. Gutierrez, the court ruled that an accused HIV-positive officer was unlikely to transmit the virus because he was on HIV meds.

Back in 2013, Pinkela addressed the Presidential Advisory Council on HIV/AIDS (PACHA) regarding his case. His speech was then posted as a POZ opinion piece.

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