’Uncle Poodle’ HIV prosecution allegations raise serious questions

January 29, 2013 By Todd Heywood

Lee Thompson, aka Uncle Poodle Image Source: Queerty

The national media has attached itself to a brief interview by the Atlanta based gay magazine Fenuxe in which Lee Thompson, aka Uncle Poodle of the ’Here Comes Honey Boo Boo’ show on TLC, announces he is HIV-positive. In the interview he also says he “hesitantly” prosecuted his ex-boyfriend for infecting him with the virus.

The interview left much to be desired in relation to details and facts, and the time frame presented by Thompson related to his positive test and the prosecution, adjudication and sentencing of his ex-partner triggered red flags for many of us who have covered HIV criminal cases, specifically, and the criminal justice system in general.

Because Thompson does not name the ex-boyfriend, and entertainment blogs about the show and Thompson are mum on the identity of the ex-boyfriend, I spent the last week calling district attorneys and law enforcement in Georgia and Alabama trying to find out where this prosecution happened. Not a single district attorney or law enforcement official I spoke with could find a case to match the facts presented by Thompson, nor could they find a case in which Thompson was the named defendant.

Does that mean Thompson lied? Not necessarily, but it does raise serious questions. First, Thompson lives in Alabama, where, according to Lambda Legal, transmission of HIV is a Class C Misdemeanor punishable by no more than 90 days in jail and/or a $500 fine. Lambda reports Georgia’s law is a felony punishable by up to 10 years in prison. It is unclear where Thompson lived in May of 2012, so I inquired with law enforcement and district attorneys in both states and in every county I could identify as linked to the show and Thompson’s family. It is conceivable that Thompson’s case was adjudicated in another county in Georgia, but very, very unlikely that case was conducted in Alabama.

But, here were the red flag issues raised by the original Fenuxe interview:

1. Thompson says he tested negative at the end of March 2012, then tested again in May of 2012. The May result was positive. Thompson does not provide a date of the positive result, nor of the confirmatory result. He does not identify which test he was tested with. The CDC requires positive test results for rapid testing -- the so-called 20 minute test -- be confirmed by a blood drawn test

series of three tests: ELISA, ELISA, Western Blott.

2. Thompson claims he was “advised” he should press charges, but does not say who advised that.

3. Thompson provides no information related to how long of a time there was between his confirmatory test result and the time he met with health officials for partner notification and epidemiology interviews. In many busy jurisdictions, this time can be as many as 6 or 8 weeks.

4. Thompson indicates that by Jan. 10, 2013 (when the interview was published on Fenuxe) that his ex-partner had been investigated, charged, adjudicated and sentenced. Presuming for a moment that he tested positive on May 1, 2012, that means the entire criminal justice process was completed in 7 months. That just doesn’t fit with the most recent statistics related to time from arrest to sentencing from the U.S. Department of Justice (from 2006):

> "Among felons sentenced in state courts during 2006, an estimated 4% were sentenced within 1 month following their arrest, 14% were sentenced within 3 months of their arrest, 33% were sentenced within 6 months of their arrest, and 67% were sentenced within 12 months of their arrest (table 4.5). The median time from arrest to sentencing for all felony convictions was 265 days. The median days from arrest to sentencing was longest for murder (505 days) and sexual assault (348 days) convictions."

Obviously, there are some serious red flags. I reached out to the production company that produces “Here Comes Honey Boo Boo,” Authentic Entertainment. A production company spokesperson said that the contract with Discovery Channel and TLC required that all questions related to the show had to be handled by the Discovery/TLC publicity department.

“We have no comment,” wrote Laurie Goldberg for the Discovery Channel in response to my questions. They have also thus far refused to make Mr. Thompson available for an interview or to ask him to respond to my questions.

Here are the questions that Mr. Thompson, if he is serious about helping combat the HIV epidemic,

needs to answer for the general public.

1. What date did Mr. Thompson test positive?

2. What method of HIV testing was performed for that initial positive test?

3. Was a confirmatory test conducted, and if so on what date was that test done and on what date did Mr. Thompson receive the confirmation?

4. What state and county was Mr. Thompson living in at the time of his HIV positive test?

5. What state/county health department met with Mr.Thompson for partner notification services? What was the date of this meeting?

6. What is the name of the ex-bf Mr. Thompson alleges infected him with HIV?

7. With what law enforcement agency did Mr. Thompson file his criminal complaint?

8. On what date was a warrant issued, and by what county, for his ex-boyfriend on the criminal transmission charge?

9. Were there any other charges the ex-boyfriend was facing?

10. On what dates and times was the ex-boyfriend in court? Which court?

11. How was the case resolved - ie did the ex-boyfriend plea, or was there a jury trial or a bench trial? What date did the resolution occur and with what judge?

12. Did Mr. Thompson provide a victim impact statement to the court at the sentencing hearing? If so, please provide the statement and the date on which it was delivered and the name of the judge and the county in which it occurred. If not, why did Mr. Thompson not provide a victim impact statement?

13. Was the ex-boyfriend ordered to pay any fines or restitution? If so, what were these costs?

14. Mr. Thompson says that he tested positive in May 2012. In July 2012 he announced he was engaged to Joshua Yarboroughe. When did Mr. Yarboroughe and Mr. Thompson meet? When did Mr. Thompson disclose his HIV positive status to Mr. Yarboroughe?

15. On what date did Mr. Thompson end his relationship with the ex-boyfriend he prosecuted for allegedly infecting him with HIV?

16. On what date did Mr. Thompson begin his relationship with the ex-boyfriend he prosecuted for allegedly infecting him with HIV?

17. At what point in the relationship between Mr. Thompson and the accused did the two have a conversation about HIV, HIV status, HIV testing and using condoms in the relationship?

18. Did Mr. Thompson and the accused at anytime use meth or any other drug, including alcohol, before or during sexual activity? Was this before or after the discussion about HIV status, testing and condom use?

19. Mr. Thompson says that he tested negative on March 16, 2012, then tested again in May. The Centers for Disease Control recommends annual testing. HIV testing detects the antibodies somewhere between 3-6 weeks after infection. Most clinicians recommend an HIV test follow up for those who have a known exposure or risk three months after the initial test. Why did Mr. Thompson go in for testing 6 to 8 weeks after his initial HIV negative test?

I want to be very clear here, Mr. Thompson could well be telling the absolute truth here.: He may well

have been infected by a partner who did not disclose his status and that the partner was charged and convicted of that crime. But the lack of any law enforcement agencies, including district attorneys, being able to identify his case, as well as the legitimate questions related to the time frame should have been enough for every news outlet that reported on the Fenuxe report (including the Fenuxe) to ask more detailed, and specific questions before pulling the trigger to publish the interview.

I should note that I have reached out to both Tyler Calkins, editor and publisher of the Fenuxe, and Dino Thompson-Sarmiento, the senior writer for the magazine who wrote the interview up. Mr. Thompson-Sarmiento emailed me back on my initial inquiries on how to reach Mr. Thompson (Uncle Poodle) by informing me he had forwarded my information to Thompson's "management team."

After I had done all the leg work to identify the case, I emailed both magazine staffers to ask them three questions:

1. Was there more to this interview than you published? If so, why is that not indicated anywhere in the publication?
2. Did you ask Mr. Thompson for specific details related to his prosecution of his ex-boyfriend? If yes, what specific questions did you ask? If no, why didn't you ask specific questions?
3. What actions did you take as a reporter to verify the criminal charges and conviction, which are a matter of public record?

Neither Calkins nor Thompson-Sarmiento responded to the inquiry,

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