



July 12, 2022

The Honorable Letitia James
Attorney General of the State of New York

RE: RELEASE NUSHAWN WILLIAMS FROM CIVIL CONFINEMENT

Dear Attorney General James,

We are writing to you on behalf of a coalition of New York-based organizations, health care providers, legal experts, advocates, and people living with HIV who are deeply troubled by how your office is handling the MHL Article 10 confinement of Nushawn Williams. We urge that you facilitate the release of Williams so that he can return to the community under supervision with firm commitments for housing and quality health care. Both Housing Works and The Center for HIV Law & Policy (CHLP) have committed to providing Williams with care, supervision, and secure housing to reconnect with his family and employment.

Williams's incarceration and confinement has been riddled with racism and HIV-phobia from the beginning. When Williams was first indicted in 1997, the principal cause for his prosecution rested on his HIV status, and for engaging in consensual sex with a number of people, including at least one minor. The truth is that many people who are living with HIV engage in unprotected sexual intercourse, before and after diagnosis. If this were not the case, [we would not have so many new HIV diagnoses each year](#). The vast majority of these people are never prosecuted and [available data show that those who are prosecuted are overwhelmingly Black men and women](#). Williams, a Black teenager living in a primarily white community, had consensual sex with young white women over a period of less than a year, and without any intention to harm anyone. Before he was prosecuted, health and law enforcement officials widely displayed his mug shot and also labeled him an "AIDS monster," a predator who needed to be locked away for life.

Ultimately, in 1999 and upon the advice of counsel, Williams pled guilty to two counts of statutory rape involving one young woman, and two counts of reckless endangerment. He was sentenced to 4 to 12 years of incarceration and served the maximum criminal penalty of 12 years. Four days before his release, Governor Cuomo brought a petition for civil commitment against Williams under Article 10 – a law passed after his plea and sentencing – alleging him to be an especially dangerous sexual offender in need of ongoing confinement and supervision.

It is apparent to everyone familiar with [Nushawn Williams' case](#), as well as [other advocates](#), [health care clinicians](#), and [legal professionals](#) that Williams's HIV status was the central factor in the decision to seek his indefinite detention under Article 10. However, the facts are that Williams has never been charged with a sex crime or sexual infraction while incarcerated. In fact, senior staff at CNYPC, where Williams is confined, testified in his favor. He has now been in state custody for more than a decade beyond the time he already served in correctional custody.

Williams has been taking antiretroviral treatment for HIV for the last 23 years. His HIV infection is fully virally suppressed. For years, the Centers for Disease Control and Prevention (CDC) has publicly acknowledged that there is [no known risk of HIV transmission through sexual contact when a person living with HIV is virally suppressed](#). Even if Williams had condomless sex with another person, he could not transmit the virus through sexual intercourse.

Housing Works has pledged to provide Williams with supportive housing upon his release. Housing Works is a reputable AIDS service organization that has served thousands of low-income and homeless people living with HIV through housing, comprehensive medical care, behavioral health services, vocational and case management services. Additionally, CHLP, a nationally recognized legal organization that has been working with Williams since prior to his civil commitment, is ready to provide guidance and employment as needed.

New York State has long been at the forefront of the coordinated effort to end the HIV epidemic, being the first state to devise an HIV strategy, and the first state to reach many of the goals set forth by the CDC. That makes the prosecution and ongoing detention of Nushawn Williams an enduring injustice and a clear example of HIV-phobia. Medical experts who have testified in this

case have stated that they are certain that were Williams white, HIV negative, and not the victim of a whirlwind of toxic press coverage he would have been free decades ago.

You have the authority to change the aggressive position in Williams's case and recommend his release. It is long past time for your office to change its disingenuous HIV-phobic position of not only defending but fighting for the indefinite detention and punishment of a Black man in his mid-40s for actions in which he engaged as a teenager. We urge that your office withdraw your opposition to his release and give Williams the chance to demonstrate his capability to live in the community.

Sincerely,

Housing Works

The Center for HIV Law & Policy (CHLP)

GMHC

Legal Action Center

Treatment Action Group

ACT UP-NY

VOCAL-NY

H.E.A.T. (Health & Education Alternatives for Teens) SUNY/Downstate

National Black Commission on Health

Latino Commission on AIDS

Harlem United