Medical Tech Who Transmitted HCV to Dozens Is Denied Vacated Sentence

David Kwiatkowski claimed that his former lawyer was ineffective.

December 17, 2019 By Benjamin Ryan

David Kwiatkowski, the former traveling medical technician who in 2013 was convicted of stealing painkiller-filled syringes and swapping them with saline-filled syringes tainted with his hepatitis C virus (HCV), had his request for a vacated 39-year prison sentence dismissed by a federal judge in New Hampshire, according to U.S. News & World Report.

Kwiatkowski, who had previously worked at 18 different hospitals and been fired for allegations of drug use on numerous occasions, took a job at Exeter Hospital in New Hampshire in 2011. He was arrested the following year. Subsequently, 46 people in four states tested positive for a strain of HCV that was genetically similar to Kwiatkowski's. One woman in Kansas died.

During an apology to his victims at his sentencing, Kwiatkowski attributed his criminal acts to opioid use disorder and alcohol use disorder.

Then, in January, in his request for a vacated sentence, Kwiatkowski claimed that despite his being under severe emotional strain, his lawyer permitted him to agree to plead guilty. Additionally, he asserted that the court should have considered his mental state during the plea-bargaining process before his lawyer signed off on the final plea deal.

During plea bargaining, Kwiatkowski's lawyers claimed that a 30-year sentence would have been more appropriate, considering his substance use disorders, which they said impaired his judgment.

In March, the U.S. attorney's office responded to Kwiatkowski's request for a vacated sentence, saying that such requests must be filed within one year of sentencing, and Kwiatkowski had missed the deadline. Additionally, he never wrote his own response to the letter from the U.S. attorney's office. Consequently, on December 11, Judge Joseph Laplante issued a dismissal of the claim.

Kwiatkowski is slated for release in 2046.

To read the U.S. News & World Report article, click here.

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