



Michael Johnson conviction shows fear spreads faster than HIV



BY ERROL LOUIS



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Michael Johnson, 23, didn't share his HIV-positive status with sexual partners.

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A legal hammer that fell like a ton of bricks on 23-year-old Michael Johnson in a Missouri courtroom last week spotlights America's need to update or abolish harsh, outdated laws that treat people with HIV like potential murderers.

[Johnson was convicted of recklessly risking infection of another person with HIV](#). Under Missouri law, he could be sentenced to at least 30 and as long as 60 years in prison — in effect, a life sentence — because he didn't share his HIV-positive status with sexual partners.

Not being truthful with intimate partners is a lousy, reckless, irresponsible thing to do, even for a young man barely out of his teens. But sentencing Johnson to life behind bars is not only cruel but crazy.

The odyssey began in January, 2013 when, while attending Lindenwood University, Johnson used an online service to meet several men with whom he ended up having unprotected sex. The risky behavior turned tragic when one of his partners got ill — and accused Johnson, a wrestling star who used the name Tiger Mandingo on the service — of infecting him, and of having lied when asked if he was disease-free.

Medical records show that [Johnson had arranged an HIV screening weeks before the fateful hookup](#), and tested positive. Johnson was arrested and his name made public; other men came forward and said they, too, had consensual unprotected sex with him.

Under Missouri law, the fact he knew he had the virus exposed Johnson to criminal prosecution for what Missouri treats as, in effect, attempted murder (thus the looming 30-year minimum sentence, 85% of which Johnson would have to serve behind bars).

In an age when drugs and therapy make HIV a grim but manageable condition rather than an automatic death sentence, the guilty verdict and looming sentence don't make sense.

"It has nothing to do with the actual risk of transmission. It's prosecution based on fear generated during the early days of the epidemic. It has no relation to reality anymore," says Andrea Sears, a communications consultant with the Manhattan-based Center for HIV Law and Policy.

Even worse, says Sears, Johnson's legal plight is a direct result of the fact he did what every health authority has advised sexually active gay men to do: get tested.

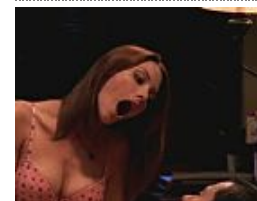
"He could not have been convicted if he had not been tested," says Sears. "The criminalization of HIV only serves to increase the stigma of the disease. It makes people afraid to get tested."

That's putting it mildly. In Missouri, testing positive for HIV makes a person criminally liable no matter what: the law specifically says that use of a condom

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can't be raised as a legal defense.

That creates a powerful incentive to never, ever get tested. If prosecutors can't establish a person had knowledge of his HIV status, that person can't get thrown in prison.

That's nuts — and it's why Missouri and the 31 other states with laws on the books that prosecute HIV infection as a crime need to come around to reality. Last year, the U.S. Justice Department and the Centers for Disease Control released a joint statement recommending that states re-evaluate their laws criminalizing non-disclosure of HIV status.

"Many of these laws criminalize behaviors that pose low or negligible risk for HIV transmission," the statement says. "The majority of laws were passed before studies showed that antiretroviral therapy reduces HIV transmission risk and most laws do not account for HIV prevention measures that reduce transmission risk, such as condom use."

The American Medical Association's House of Delegates has also recommended that states re-evaluate their laws in light of modern science. Ditto for the U.S. Conference of Mayors.

And the HIV-criminalization laws, with their threat of prison, don't even accomplish the goal of scaring people into being responsible.

In St. Charles County, where Johnson is being held, a man named Aaron Sindelar was sentenced to 10 years behind bars in 2005 for having unprotected sex with four different women, none of whom had tested positive for the disease at his sentencing.

In 2007, a woman named Angela Harris got 10 years for unprotected sex with an ex-boyfriend (who was not infected).

None of that prevented Johnson from going down the same path.

Nothing trumps the need for people to be careful, truthful and responsible when it comes to their intimate relationships. But we're long past the days when fear and panic spread faster than the disease itself.

We know better now, and we need to do better. One good way to start would be to free Michael Johnson and revamp the laws in Missouri and other states that discourage testing.

Louis is political anchor at NY1 News.

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