



For Immediate Release
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Sentencing of Missouri College Student in HIV “Exposure” Case Decried As “Barbaric”
HIV Medical Providers, Lawyers, and Community Members Call for Reform of State HIV Law

Members of the medical and legal community joined HIV activists in expressing outrage at the 30½ year sentence imposed on a Black Missouri college student and star wrestler following his conviction under the state law that makes it a felony for people diagnosed with HIV to have sexual contact without documenting they disclosed their HIV status.

The student, Michael Johnson, faced complaints lodged by six men who claimed that they had sex with Mr. Johnson and did not know he had HIV. The sentence imposed on Mr. Johnson is equivalent to that issued in a serious homicide case.

St. Charles County Circuit Judge Jon Cunningham, who sentenced Mr. Johnson yesterday, told him he had committed "very severe" crimes. Mr. Johnson was given 30 years on the felony conviction of recklessly transmitting HIV without disclosure, and a total of 30½ years on the four lesser convictions of recklessly exposing another to HIV without disclosure. The judge ordered that the sentences run concurrently, for an effective prison sentence of 30½ years.

- **MICHAEL JOHNSON’S IMPRISONMENT WILL NOT SLOW THE SPREAD OF HIV.**
Dr. Jeffrey Birnbaum, a nationally-recognized adolescent HIV expert, and founder and director of the Health and Education Alternatives for Teens (HEAT), a treatment and prevention center for adolescents and young adults, expressed sadness and concern at the outcome of Mr. Johnson’s case. Dr. Birnbaum stressed, “HIV criminal laws have no positive impact on the spread of HIV. Sentencing people living with HIV to prison for having sex will, based on decades of HIV clinical experience, only drive people away from health centers where they can learn their HIV status and get the medical care they need.”
- **IMPRISONMENT POINTLESSLY DEVASTATES A PROMISING YOUNG MAN’S LIFE.**
Kimber Mallet, a former professor of Michael’s, states: “Michael was a kind, hard-working student who overcame a learning disability to enter college and become a promising athlete. His sentence is tragic and likely will cost him his future, with no benefit to Missouri taxpayers who pay for this severe form of punishment. I am hopeful that the appeal of his sentence will produce a more just outcome.”
- **MISSOURI’S HIV LAW AND PUNISHMENT IS IRRATIONAL AND GROSSLY UNFAIR.**
Mayo Schreiber, Deputy Director of The Center for HIV Law and Policy and a long-time criminal defense attorney, pointed out, “The criminal statute that Michael Johnson was convicted of violating was originally passed in 1988, at a time when HIV was considered a ‘death sentence.’ Today, with proper treatment, HIV is a chronic, manageable disease and those with HIV can expect to live a full, healthy life. Yet violation of the Missouri law is a class A felony, with a sentencing range of 10-30 years or life imprisonment. Other class A felonies include murder or child abandonment resulting in death. Punishing

Michael Johnson as if he is a murderer because state officials have failed to address a severely outdated, irrational criminal law is not only fundamentally unfair, it is barbaric.”

- **THE STATE OF MISSOURI IS PLAYING BAIT AND SWITCH WITH ITS CITIZENS.**

LaTrischa Miles, member of the Missouri AIDS Task Force, founder of GRACE of Greater Kansas City, a faith-based organization for women affected by HIV/AIDS, and Co-Founder of Positive Women’s Network – USA (PWN-USA), stated: "The state of Missouri spends significant resources encouraging its citizens to be tested for HIV. The state then prosecutes people who test positive for HIV and are unable to prove that they disclosed this to their sexual partners. That just doesn’t make sense.”

Lauren Fanning, an outreach specialist for CHLP’s Positive Justice Project, which seeks to reform HIV criminal laws in the U.S., pointed out, “State and local health officials stood by silently while the prosecutor used ignorance about HIV to persuade a jury that Michael Johnson’s HIV is effectively a deadly weapon. How do you think this double-talk affects people’s comfort with getting tested?”

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The Center for HIV Law and Policy (CHLP) is a national legal and policy resource and strategy center for people living with HIV and their advocates. CHLP works to reduce the impact of HIV on marginalized communities and to secure the human rights of people affected by HIV.

The Positive Justice Project (PJP), a project of CHLP, is a national coalition of organizations and individuals, including those living with HIV, those accused or prosecuted, medical and public health professionals, law enforcement, community organizers, advocates, attorneys, sex workers, social scientists and others working to end HIV criminalization in the United States. To join or to get more information about PJP, contact Community Outreach Specialist Stephen Williams at swilliams@hivlawandpolicy.org.

For more information regarding the Missouri AIDS Task Force and local organizing around HIV criminal laws, contact moaidstaskforce@gmail.com, or contact Lauren Fanning, Senior Community Outreach Specialist for criminal law modernization efforts at lfanning@hivlawandpolicy.org.