Murder by Member

Alleged rapist with HIV charged with attempted murder

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Prison rape is a crime that's only rarely prosecuted. But in Milan, Michigan, an inmate in a federal prison faces a life sentence after allegedly forcing two other convicts into sexual intercourse on separate occasions.

That's because Jerry Morrison, 31, knew he had HIV.

One alleged victim, 28, has tested positive for the virus and claims he was infected by Morrison. The other, 40, has so far tested negative. The two testified before a federal grand jury in Detroit, which indicted Morrison on two counts of attempted murder, two counts of first-degree criminal sexual conduct and one count of witness tampering. If the charges stick, Morrison's sentence could range from 12 years (for felony possession of firearms) to life.

In order to win an attempted-murder conviction, prosecutors must prove that Morrison intended to kill his alleged victims. But in September, Maryland's Court of Appeals ruled that a rapist's knowing he or she has HIV does not constitute intent to kill, when it overturned the attempted-murder conviction of a man who sexually assaulted three women during an armed-robbery spree.

According to Lambda Legal Defense and Education Fund attorney and *POZ* columnist Catherine Hanssens, intent is likely to cause prosecutors in the Morrison case to founder. "The criminal law looks at intent," Hanssens said. "The courts tend not to punish people in the same way for consequences they didn't intend. If there was substantial evidence that somebody said, 'I have AIDS and I hope you die,' that might support a charge of attempted murder. But in fact, prison offers more efficient ways to take someone's life."

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