Prosecutors Deem HIV a Weapon in Michigan Assault Case

November 3, 2009

Daniel Allen, an HIV-positive Clinton Township, Michigan, man who allegedly bit his neighbor's lip during a dispute, faces up to 15 years in prison on charges of assault with intent to maim, assault with intent to commit great bodily harm and possession or use of a harmful device; prosecutors claimed he intentionally tried to transmit HIV to his neighbor, *The Detroit News* reports.

"He knew he was HIV positive, and he bit the guy," said Clinton Township District Court Judge Linda Davis in a November 2 preliminary hearing. "That on its own shows intent."

The alleged victim, Winfred Fernandis Jr., said he confronted Allen on October 18 about a disagreement concerning a football some area children threw into Allen's yard. The two men have been involved in several confrontations during the past five years.

"He came toward me and attacked me," Fernandis said in court. "Then he bit me on the lip. His face was right next to mine, and I heard him growl."

Allen's attorney, James Galen Jr., claimed that Fernandis and his family members beat Allen because he is gay. Galen also has pictures of the injuries his client sustained during the fight. According to court records, Allen has filed for personal protection orders against Fernandis and his wife.

Allen is scheduled to undergo a pretrial and arraignment November 16 in Macomb County Circuit Court. He has also been ordered to submit a blood test to verify his HIV status.

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