Positive Man Charged Under Anti-Terrorism Laws in Michigan Assault Case

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Daniel Allen, an HIV-positive man from Macomb County, Michigan, faces a terrorism charge after he allegedly bit his neighbor Winfred Fernandis Jr. during an October 18 fight, *The Michigan Messenger* reports.

Following the fight, Allen disclosed his status during an interview with a local Fox affiliate. Fernandis's attorney, Eric Smith, then added "possession or use of a harmful device" to their complaint. The 25-year felony charge is part of a series of anti-terrorism laws created in response to the September 11, 2001, terrorist attacks.

Smith's office said that Allen's HIV should be considered "a device designed or intended to release a harmful biological substance" and called his bite an attempt to spread the virus.

Clinton Township Court Judge Linda Davis agreed with Smith's office during a November 2 preliminary hearing.

"[Allen] knew he was HIV positive, and he bit the guy," Davis said. "That on its own shows intent."

Other lawmakers and advocates questioned the terrorism charge.

State Representative Mark Meadows, who chairs the House Judiciary Committee, called the terrorism charge "a stretch," adding that "the other charges are more than sufficient to deal with the issues involved."

Catherine Hanssens, executive director of the New York City–based Center for HIV Law and Policy, also said the charges were not warranted. "It's cowardly. It's the kind of thing that keeps kids [with HIV] out of day care and camps and allows kids [with HIV] to be kicked out of karate class."

According to the Centers for Disease Control and Prevention, the prevalence of HIV transmission via biting is 0.000000001 percent.

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