

# Court: Not disclosing HIV before sex is a misdemeanor

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New York's highest court says an HIV-positive man who told a partner that they could safely have unprotected sex should face a misdemeanor reckless endangerment charge, not a felony.

The Court of Appeals says Terrance Williams didn't expose his partner "out of any malevolent desire" to give him the virus that causes AIDS, though his partner got sick.

The court majority called Williams' 2010 conduct "reckless, selfish and reprehensible." But it also says the Syracuse man didn't show "depraved indifference" necessary to support the felony.

The four judges declined to decide whether HIV infection no longer "creates a grave and unjustifiable risk of death" because of advances in medical treatment.

In a dissent, Judge Eugene Pigott says he'd reinstate the felony charge, because Williams' lies showed "utter indifference" for the victim's fate.

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