

Some charges against AIDS victim dropped

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CINCINNATI — A judge dismissed charges of attempted murder yesterday against an AIDS-infected man accused of spitting blood at three sheriff's officers and a nurse.

Judge Gilbert Bettman ruled in Hamilton County Common Pleas Court that prosecutors failed to support the four counts against Steven O'Banion, 40, of Cincinnati. Bettman also dismissed a felonious assault charge against O'Banion involving an officer.

Bettman postponed judgment on two remaining charges alleging that O'Banion committed felonious assault against two officers and sim-

ple assault against a nurse. He reduced a charge of aggravated assault against the nurse to misdemeanor simple assault, which would carry a lesser penalty — up to six months in jail and a \$1,000 fine. Conviction for felonious assault against a police officer carries a term of up to 25 years in prison.

Bettman did not say when he would announce his ruling. He invited both sides to submit any material they thought Bettman should read concerning AIDS court cases.

O'Banion testified that he has known since April that he has acquired immune deficiency syndrome.

He said city police arrested him Sept. 3 for disorderly conduct and jaywalking. He said officers beat him in jail, one punching or slapping him several times in the face. "I bled from my mouth and nose. Fear was my only reaction," O'Banion said. "I coughed involuntarily when I was being held."

He said the nurse and jail officers

falsely accused him of fighting with them or swearing at them.

The sheriff's department said an internal investigation concluded that the officers did not use excessive force. Prosecutors said the sheriff's officers and the nurse live in fear since coming in contact with O'Banion's blood. They said O'Banion spit blood at the four to try to infect them.

But Dr. Peter T. Frame, who testified for the defense, said the AIDS virus cannot be transmitted through exposure to scabs, open sores and surface contact on puncture wounds. Frame, director of the University of Cincinnati's AIDS treatment program at Holmes Hospital, said he knows of no documented case of any transmission of AIDS by such exposure.

On Monday, homosexual-rights activists accused Sheriff Simon Leis Jr. of harassing O'Banion and other homosexuals through arrests and prosecutions. Leis denied the allegations.