

Matt Hampton: At what point did you find out that Michael lied about having HIV? And then what did you do after that?

Filip Cukovic: I told him that, you know, if we're not going to be safe, we're just not gonna, you know sleep together, that's it. And I remember his words very clearly – and I think this was brought to the court, and was really highlighted by the prosecutor – I said that, you know, if we're not going to have safe sex then we're not going to have sex at all, and then he said "It is much better for you if we don't use condoms", and I remember that sentence very well. And so I said "Okay then, we're not going to have sex" and whatever. And so, after that, I was very, kind of, concerned about what happened, and so I asked him – he walked with me to my dorm, and I asked him "Hey, Michael, are you clean, do you take care of yourself, I mean we just slept together and you completely forgot, or didn't want to use a condom, so I may as well expect that that happened with some other people as well." And then he said, "Hey, don't worry, do you think I would ever do that to you?" That's again a sentence I remember quite well. And so that sort of just made me feel peaceful. But, it was really funny, I was very restless those days, and I went to get tested before he got arrested just because he didn't seem very convincing to me. You can sort of tell. I didn't think that he was lying, but I just thought, maybe he doesn't even know. And if he's not the one to go and get tested, I don't know. And so I went and got tested and the result was negative, and I mean, I don't know if you know, I am negative. There's only one person who was positive in this whole case. And I'm telling you it wasn't me. So my perspective might differ from, you know, from that guys' because, you know, I was just sort of lucky. It was traumatic for three months, but I don't have to live with this for the rest of my life and therefore, maybe I'm not as bitter as maybe he would be. Anyway, I got tested and then they told me that it's too soon for them to tell me if I knew I was positive, which I knew was the case, but still, I felt good. And then only three days after that, he got arrested. I came to my dorm, opened my laptop, and I just saw that it was like, "this person and 20 more shared this link" or whatever. And so I just saw his mugshot, and then somehow, I just, I mean I really knew what was happening. And I obviously read the article and I mean, it just, it was hell for the next three months.

MH: So did you feel like Michael was trying to deceive you?

FC: I'm not really sure what his intentions were then and I can only speculate, and I think maybe two things were happening. I know what I'm going to say might be really explicit but I think that it was really the case. I think that sexual intercourse might be more intense and more pleasurable if you're not using protection, unfortunately. That's just how it is. And so it seemed to me that more than anything he just seemed to look for, you know, the most intense pleasure possible, and I think that was the reason why he probably didn't insist on condoms. But then, he knew it, he knew it very well that he

had HIV, so then I might think that maybe he was either completely ignorant about what HIV is and what it does to people, so he might have thought that it was not a big deal. He is not the brightest person you'll meet, and in fact he had, I don't know, learning disabilities and whatnot. So it might be the case that he simply didn't know what HIV does to people and so he didn't think it was a big deal. Or he just decided to ignore that, and I don't ever know. I wanted to talk to him about it, but I wasn't allowed to see him before the trial ended and then it became too complicated to see him because he was released and all that, but I'm just really curious to hear what his perspective is, I mean, either way it's his responsibility and he must know. It was really up to him to be informed, and not only that but, when you get tested, if you test positive, the doctor or the nurse who conducted the test informs you about what HIV is and what you should do next and how to make sure you remain healthy and how to make sure that other people who came to have sexual intercourse with you are healthy as well, so he had that information for sure, so that just makes me think he didn't take it seriously, or he just chose to ignore it.

MH: Okay, do you think his sentence in the original trial was too harsh – or do you think it was appropriate.

FC: I don't think it was appropriate. I think it was too harsh and I think I even said it in court, I'm not really sure, but anyway I think getting thirty years for that is way too harsh. I mean there are people who are charged for rape and who get significantly less than that and I don't think you can really compare these two. And also, there was a guy who basically did the same thing that Michael did, the only difference being is he did it in California and he got I think 2 years or something, so it's just, you know, obvious that, you know, at least the sentencing is not consistent on the federal level and I think 30 years is just way, way, way too much

MH: But you do think that the laws should remain on the books and that there should be some kind of sentence for this?

FC: I think they must be revised more than anything. Because, I mean those laws were basically written – at least in Missouri were written in the 80s, when obviously HIV was a death sentence, and today I think it's very important to say that people live normal healthy long lives. You know, they live for seventy, eighty years as long as they're using proper medication. So I think they must be revised, taking into account that HIV is not a death sentence, and by extension, then probably the sentencing should be lowered. Now, I would like to still see some laws on the book, because I think it's a great tool when you engage in sexual intercourse with someone, to tell that person "Hey what is your status? And just so you know if you lie to me you can be in legal trouble." That is a good tool for people to use when they engage in sexual intercourse with people they

maybe don't know well. So I don't see anything wrong with that. You can say it's stigmatizing people, but at the end of the day, it's really up to a partner who is negative to decide whether he or she wants to engage with someone who is positive, so I think that there should be some laws on the book, but the sentencing must be lower.

MH: There was a plea deal that Johnson refused during the previous trial for 10 years and there's been some speculation that that might be what he pleads down to on Thursday. Would you think that would be an appropriate sentence?

FC: You see, that's a problem because even if you told me "What do you think is a fair sentence, is it 5 years, is it 10 years?", I really cannot tell you, but I can tell you that I really don't think that that is fair. In order for me to tell what is an appropriate sentence I would have to sort of look how other states deal with similar crimes and then maybe depending on that get some sort of feel as to what might or might not be fair, but then if he decides to plead guilty, then probably he thinks it's fair, otherwise he wouldn't do it.

MH: What do you think of what some people say which is that the HIV laws discourage or prevent people from getting tested for HIV?

FC: I don't think that's true because I don't think many people are actually aware of those laws. I think and I know this, I had numerous conversations with my friends and many of them decided not to get tested just because they would prefer not to know, not to know at all, and not because it might have some legal implications, but because it might have very personal psychological implications. Now, that's obviously a very irrational thing to do, but, I really don't think the general public is aware of those laws, and therefore I don't think that that's really discouraging them from getting tested. And even if that's the case I mean, I think that those laws, as I already said, represent a good tool of safety and so I think they should remain in books, regardless of how they might influence some people.

MH: You mentioned that, Michael, you think he you know refused to use a condom because it's more pleasurable that way. Do you think that there's a particular sort of element in gay culture that encourages that kind of risky behavior?

FC: Right, I'm not sure it is a particular characteristic of gay culture. In fact I think that straight couples use condoms – I mean I don't know the statistics, so I'm kind of speculating again. But it might be true that straight couples maybe even use it even less just because, you know, HIV for so long was a gay disease and so I think that gays are sort of too scared of it. And not only that but you know anal sex in itself is more risky. I have numerous straight friends who just have unprotected sex all the time, again, because it feels better and they think as long as I don't finish into her she'll not

get pregnant and STDs don't even seem to cross their mind as a possibility. They're only kind of scared of pregnancy. So I don't think it's a really gay thing. Now, I think gay people might be more willing to engage in riskier behavior and might have more opportunities to have random sex easily, you know you just get on Grindr and you can have sex five times a day, it's not a problem. And maybe every once in awhile you just forget to use a condom and it's true there's some guys who just refuse to use it and especially now with Prep, I don't know if you're familiar with prep, but it's quite successful. If you're taking Prep on a daily basis it's quite successful at preventing you from catching HIV, so I think that with Prep, guys are even less willing to use condoms just because Prep is providing them with some sort of sense of security.

MH: I'm not familiar with this drug. So it is still recommended that you wear a condom if you're on this drug?

FC: So here's the deal, I think, so this is what they say if you're taking prep you need to take it on a daily basis and if you skip a day you're in trouble. But if you're taking it daily, even if you have sex with a HIV-positive person, the chances of you avoiding the disease are higher than 97%. So I mean there's still three percent of possibility you might catch it and to me that would be a signal maybe I should use a condom, but I'm not really sure of that.

MH: So do you have any advice for someone considering unprotected sex with someone who claims to be disease free?

FC: Don't trust them. That's my advice. And the reason why I'm saying that is not because I'm paranoid and because I think everybody goes around lying about their, you know, STD status. I think that people don't know. And so whatever they say is just irrelevant as many of them never get tested and so how can you trust them? Not that they want to deceive you deliberately, they're just not informed themselves, and so unless you're in a long term relationship or it's, you know, quite serious, and you went and got tested together with your partner I would not, again, I would not say I would not trust them, I would just say there's a possibility that they might be positive and they simply do not know and that for that you should use protection.

MH: Does Lindenwood's refusal to provide condoms to students and its strict visitation policy encourage unsafe sex?

FC: I don't see how a strict visitation policy would encourage unsafe sex. I mean, I think it's a stupid policy for other reasons but I don't see a correlation there. With respect to providing condoms I think that for sure if the condom was, you know, displayed on the visitation desk I think that the chances of people engaging in safe sex would have been higher. I'm not sure if that would particularly affect people in this case,

but hypothetically, I mean it's reasonable to assume that if there are condoms, if anything, they're reminding you of the fact that, hey, there's this thing called safe sex. And so I would completely support that policy and I think that it should be implemented.

MH: Okay, does education about STDs need improvement?

FC: I think that obviously STD education needs to be improved; on the one hand you have this sort of camp that is advocating either for abstinence, or this camp who is saying that HIV is basically the worst thing that can happen to you. And I think that approach is wrong, mostly because it's scientifically wrong, as I already said, you know living with HIV today is not a death sentence, and so you can live a long and healthy life with it. Now of course, it would have been much better if you don't have any STDs but I don't think that overemphasizing the dangers of STDs is the way to go. I think that some people think "If I just scare them enough they will be careful." I think that's a wrong approach. I think that, you know, you have to present people with facts and tell them, look, STDs are not any more a death sentence but they can still be very dangerous, and here's the reasons why you should try to engage in safe sex.

MH: Do you think Lindenwood handled this incident poorly?

FC: With respect to how LU handled the situation I have to say they were extremely supportive. I was just backed with support. I think everybody was very supportive, and I really think there's nothing negative I can say about that. They were supportive, they were providing me with information and I'm really, really happy with the way they handled it.

MH: What kind of support did they give you?

FC: So here's what happened: once I found out what happened with Michael I ran to the office of – I forget his name, he's a communication professor. I think he works in radio. Great guy – So, I was just sort of running, I had no purpose, I was just sort of running around because I was just so shocked with what was happening, and I went there and I was crying and whatnot, it was very nasty, and so he said what's wrong can I help you, and then I told him the whole story and then he said "Ok, let's explore this together." So we had a conversation about it and he went online and there's this medication you can take after risky exposure and there's a chance that that somehow can prevent the HIV from developing in your body. Now, you know statistics are different and it's a question whether that really works or not but it was just interesting that he was really considering every possible option for me. And after that I went to my advisor, Dr. Rachel Douchant. And so she was just the most supportive person I ever met. She sent an email to all my other professors saying that I have some sort of personal trouble and that if they can sort of spare me from homework and whatnot just

for those two days, before I can stabilize. And also on a personal level I mean I remember that she said – I'm not a believer myself. I don't believe in God – she took my hands and then she said that she's going to pray for me and whatnot and it seemed very genuine and I'm sure that that's exactly what she did. And I just thought that we have someone – I mean that was like my first months on LU and America is not my native country, you know, but to find someone like that who is willing to sort of personally invest herself and hope and pray for the best for you, I thought that that was very very beautiful and it just made me feel safe and welcome.

MH: Okay. Do you want to talk about the trial?

FC: There's nothing much to say, really. I mean I went and I gave my testimony and it was kind of bizarre, in a sense, but I mean, that's just how it had to be. I gave my testimony, it took like 30 minutes, and that was it. And the guys that were representing my side, I don't know what to tell you, really, because at the time they seemed quite engaged and interested and, sort of supportive and eager to deliver justice. But you know, after he was released from the prison, I didn't hear from anybody, nobody informed me what is happening and I don't know why. Maybe they thought that's irrelevant to me or, I don't know; you'd have to ask them, but I was just very surprised that I had to find out about the facts of the case from the newspaper rather than them directly.

MH: What do you think of the public reaction to the case?

FC: Okay, so, I think the public was sort of channeling my sentiment in a sense as well, that the sentence was too harsh. So I think I would 100 percent agree with that. But again, if that's the law, that's the law. So you should just sort of advocate for the change of the law. But anyway, I think people try to make it seem as if though his race has something to do with his sentence. And I don't know. I really don't know, I think that's an interesting hypothesis. And I mean it's just really true that, you know, Black people unfortunately are sentenced disproportionately for the same crimes that White people commit. So I don't know, I'm just not informed enough but it's an interesting hypothesis. However, back then they took a radically opposite reaction and said that he shouldn't be charged at all. And I think that they sort of – that's especially true for this BuzzFeed article about him. It was a huge article; it was like 10 pages long. They just tried to make him appear as some sort of Hollywood victim, you know? And I just don't understand that. I mean I don't. Because regardless of what the law is or should be and whether he should be sentenced or not, the fact of the matter is that he had a personal conversation with me and he decided to have unsafe sex despite the fact that he knew he was positive. And in addition to that he lied to me deliberately and said "Hey, I'm not positive, and I would never do this to you." Those were his words. So again, regardless

of the legality of the case, you cannot make someone to be a hero in a sense because that person is morally just doing, to lie like this on such an important issue and to expose someone to a potentially dangerous, you know, sexual disease. I don't think there's an excuse for that on a moral level, again, regardless of what the law prescribes. So I don't think that he ever deserved to be glorified by those people as he was, but I think it was just their reaction to some other cases in which black people were probably sentenced harshly and unjustly, but I don't think this was the case in that sense, I mean he just committed something horrible on a personal level and just because of that regardless of whether it's legal or not he should certainly not be glorified.

MH: And some people in the media were trying to make this about homophobia as well, trying to say that the prosecutor, Phil Groenweghe was like a homophobe and he was trying to stir homophobia in the jury.

FC: Yeah, I did read about that and again I wasn't present and I didn't really hear what he had to say about that, but I mean I'm gay myself and he worked with me and he didn't appear to be homophobic for a minute. I don't know what his purposes are, but I really didn't have a perception that he's homophobic. Certainly he didn't appear that way to me.

MH: Has your view of Johnson changed since the trial?

FC: I don't know. I'm not really thinking about it at all. So, I'm not sure but I would've loved to have a one on one conversation with him and see and hear his perspective, I mean there's just no – he can't defend himself morally. At least for me, because I know what happened and I know what he said to me. So, in that sense I will never change my opinion. What he did was wrong and it's morally despicable, and that's what I think. But it's just sort of interesting, I mean, I would've loved to hear what he wanted to accomplish. What was his goal? Why? It's kinda bizarre and hard to comprehend. I don't know. I really don't know. But I would've loved to hear him and see what he thinks about everything, but no, what I think about him now is what I thought 4 years ago as well. I think he's very unfortunate. I think he is, as I already said, not the brightest person ever. And so yeah, I just felt sorry for him.

MH: So, has it been stressful, not only the stuff, directly related to what happened with Michael but just all the media attention it has gotten?

FC: No, it wasn't stressful, it was uncomfortable, but I was repeating to myself "Filip, you're so lucky just to be negative" and so whatever happens in the media and whatever is written and said, no matter how uncomfortable it is, it pales in comparison with the fact that you might have been positive. So I'm just sort of dealing with that in that way. I'm just saying "It's okay. It's certainly less bad than the alternative, of being

positive you know?” That’s really how I deal with it. It’s not stressful, it’s just sort of gross. Uncomfortable more than anything, and , so yeah, that’s it.

This transcript has been edited for length, clarity, and to protect the privacy of the subject. To learn more about the Michael Johnson case, read the Oct. 6 issue of Legacy Magazine.