**Prostitute cleare**

of. murder charge

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A prostitute who 'allegedly -told a news magazine that she continued to sell sex despite being infected with Aids won't be charged with attempted murder, authorities said on Tuesday.

"We never really wanted the attempted murder, but it kind of got laid at our doorsteps," said Alameda' County Deputy District Attorney James Casey. "For one thing, it's always nice to have a victim. And we just didn't"

Linda Kean, 36, a prostitute and self-confessed heroin addict, was scheduled to be released on Tuesday after admitting to a probation violation. She was sentenced to 23 days in jail, with credit for time already served.

Kean was arrested on June 25 after being featured in a June 25 *Newsweek* article about Aids. A caption with a picture of Kean posed provocatively against a lamppost Quoted her as saying she contracted the deadly virus from contaminated needles, but continued to sell sex.' , ,

She denied the comments, but *Newsweek* stood by the story.

Kean, who has five previous prostitution convictions, had been jailed since her arrest on a March 1989 probation violation charge. Bail was 1,500 dollars.

Oakland police asked a judge to force Kean to be tested for Aids and pressured the District Attorney's Office to pursue an attempted murder charge if she tested positive.

Donald Greenberg, the assistant county public defender who represented Kean, said that even if she does carry Aids, it would be difficult to prove she intentionally endangered her customers.

A judge refused to say whether he ordered the test. "Even if police keep bringing cases like this I don't think we're going to see any attempted murder charges filed against any (Aids infected) prostitutes unless there are some bizarre set of facts," said Greenberg.

The case renewed debate over a California law that requires Aids testing of prostitutes as a condition of probation.

Alameda country health officials have criticised the law; which took effect last year but has not been enforced here.

"This is a wrongful use of a medical test," said Dr Robert Benjamin, director. of the communicable disease division of the Alameda health department. "It's punitive rather than being preventative or educational." Under the law, if prostitutes on probation test positive for the Aids virus and are later arrested for prostitution, they may be charged with a felony and face several years in prison if convicted.

Usually, prostitution is a misdemeanor that can bring jail term if there are prior convictions.

Acquired Immune Deficiency Syndrome is a disease caused by the human immunodeficiency virus, or HIV. The disease attacks the body's immune system, leaving victims susceptible to a wide variety of infections and cancers.

- AP

Linda Kean: A heroin user and

prostitute was arrested on June

25.