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DENVER AND THE WEST

DA drops felony in alleged spitting

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William O'Kelly, who is HIV-positive, still faces a misdemeanor charge.

By Felisa Cardona
The Denver Post

POSTED: 06/12/2010 01:00:00 AM MDT

Denver prosecutors have dismissed a felony charge against an HIV-positive man accused of spitting at a probation contract worker while being fitted for an ankle bracelet.

Only a misdemeanor harassment charge remains against William O'Kelly, who has spent 2 1/2 weeks in Denver County Jail.

He was arrested after the disagreement with the contract worker for the probation department.

The worker filed a complaint with Denver police that O'Kelly spit on him.

O'Kelly's partner, Geoff Guth, said he is relieved the felony charge was dropped and says he witnessed the incident with the probation worker.

Guth says he never saw O'Kelly spit on anyone and that the man who was fitting the bracelet was the one who was aggressive.

"I am very gratified that they decided to go ahead and drop this charge, and it was the right decision for the district attorney to make," he said. "My main concern going forward . . . I want to make absolutely certain we don't see the DA filing charges like this in the future."

Lynn Kimbrough, spokeswoman for the district attorney, said earlier in the week that the felony charge was still under review by prosecutors and that the charges were likely to change.

According to the national Centers for Disease Control and Prevention, there is no documented case of the disease being transmitted from an HIV-infected person's saliva.

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