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DEATH OF "GOOD SAMARITAN"

Arvada officer isn't charged

Brownlow killed Hurley, who was holding shooter's rifle

By Elise Schmelzer
The Denver Post

An Arvada police officer will not face criminal charges for mistakenly shooting and killing a "good Samaritan" who stopped an active shooter in Olde Town Arvada this summer, prosecutors announced Monday.

First Judicial District Attorney Alexis King at a news conference announced her decision to not charge the officer nearly five months after he shot and killed 40-year-old Johnny Hurley.

Arvada Officer Kraig Brownlow on June 21 shot and killed Hurley, who was holding the rifle of the

active shooter he had just shot. The shooter, Ronald Troyke, one minute earlier had ambushed and killed Arvada police Officer Gordon Beesley and fired several rounds in the Denver suburb's busy dining and shopping district.

"The officer here had objectively reasonable grounds to believe, and did believe, he and others were in imminent danger of being killed that day," King said. "Thus, the officer's decision to shoot John Hurley was legally justified despite his heroic actions that day."

King added that Hurley stopped further bloodshed and will be remembered for his selflessness.

Hurley's mother, Kathleen Bol-

eyn, said that she "imagine(s) that many people are angry and that is understandable. I would ask that instead of acting out on your anger, that you use that energy to be the change you wish to see in the world."

In a statement through her attorneys at the Rathod Moham-edbhai firm, Boleyn asked for people to engage in "meaningful conversations that might make a difference" and to "consider using Johnny's commitment to doing the right thing even at the greatest cost to inspire your own actions."

A letter issued Monday by King explaining her decision not to

ARVADA » 4A



First Judicial District Attorney Alexis King announces no criminal charges will be filed against a police officer who shot and killed a man hailed as a hero for stopping a gunman in Arvada in June.

David Zalubowski, The Associated Press

CARTELS IN MEXICO

Army tries to manage gang lines

By Mark Stevenson
The Associated Press

AGUILILLA, MEXICO» In western Mexico a small squad of soldiers with about a half-dozen trucks and sandbag emplacements stands guard on a rural highway. In one direction, almost within earshot, one drug cartel operates a roadblock extorting farmers. In the other direction, a rival cartel carries out armed patrols in trucks bearing its initials.

The Mexican army has largely stopped fighting drug cartels here, instead ordering soldiers to guard the dividing lines between gang territories so they won't invade each other's turf — and turn a blind eye to the cartels' illegal activities just a few hundred yards away.

At the first roadblock, set up by the Viagas gang that has long dominated the state of Michoacan, a truck stands parked across the highway and stacked sandbags protect cartel gunmen.

MEXICO » 8A

DENVER & THE WEST

MUSEUM GIVING UP ANTIQUITIES

The U.S. government gets involved in an international art scandal relating to four Cambodian antiquities that federal prosecutors say were looted and sold to the Denver Art Museum. »2A

HAPPY REUNIONS



Natalia Abrahao is lifted up by her fiancé Mark Ogertsehnig as they greet one another at Newark Liberty International Airport in Newark, N.J., on Monday.

Seth Wenig, The Associated Press

U.S. reopens to many vaccinated travelers

By Elliot Spagat and Carolyn Thompson
The Associated Press

SAN DIEGO» Parents held children born while they were stuck abroad. Long-separated couples kissed, and grandparents embraced grandchildren who had doubled in age.

The U.S. fully reopened to many vaccinated international travelers Monday, allowing families and friends to reunite for the first time since the coronavirus emerged and offering a boost to the travel industry decimated by the pandemic. The restrictions closed the U.S. to millions of people for 20 months.

Octavio Alvarez and his 14-year-old daughter zipped through a pedestrian crossing in San Diego in less than 15 minutes on their way to visit his mother-in-law in California.

"It's a big feeling," said Alvarez, 43, who lives in Ensenada, Mexico, a two-hour drive

from San Diego. Prior to the pandemic, his family would visit California twice a month. The emotional cost of the border restrictions were "very high," he added.

American citizens and permanent residents were always allowed to enter the U.S., but the travel bans grounded tourists, thwarted business travelers and often keep families far apart. Travelers must have proof of vaccination and a negative COVID-19 test.

"I think a lot of people have been waiting for this day," said Eileen Bigelow, area port director for Vermont for Customs and Border Protection. "They look at it as a light at the end of the tunnel for some return of normalcy."

There were lots of prolonged hugs at airports from coast to coast. At Newark International Airport in New Jersey, Nirmil Shelat repeatedly embraced his girlfriend, Jolly

TRAVEL » 4A

COVID-19

Projected state peak is passed quickly

Colorado exceeds late Nov. projection in hospitals just three days after it was published

By Meg Wingerter
The Denver Post

On Friday night, Colorado's COVID-19 modeling team released a new report warning that if nothing changed, 1,393 people could be hospitalized with the virus by late November.

It took less than three days to exceed that projection.

The Colorado Department of Public Health and Environment on Monday afternoon reported 283 people had been admitted to hospitals statewide with the virus in the previous 24 hours, pushing the total number of those hospitalized with confirmed COVID-19 to 1,394.

That figure was offset by the 185 people with COVID-19 who were discharged or transferred to a lower level of care over the same period. But that's still a one-day net increase of 98 people hospitalized with the virus, bringing Colorado to a level not seen since Dec. 17.

That surge in COVID-19 hospital admissions could possibly reflect some delayed reports from over the weekend, but even so, it's not a good sign, said Beth Carlton, an associate professor at the Colorado School of Public Health and member of the team producing the modeling reports.

"It's an indication that things are not getting better," she said.

Colorado hospitals already are stretched, with about one-third saying they expect to be short of

COVID » 4A

INSIDE Business » 9-11A | Comics/Puzzles » 10-12B | Lottery » 2A | Markets » 10A | Obituaries » 14A | TV listings » 8A

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David Henry, center, embraces his son Liam as they meet after arriving on a flight from the U.K. following the easing of pandemic travel restrictions at JFK international airport in New York on Monday. Ed Jones, AFP via Getty Images

TRAVEL

◀FROM 1A

Dave, after she arrived from India, ending their nine-month separation. She was on the first flight out of the country to the United States.

"I can't even explain in my words how happy I am," Dave said.

Gaye Camara, who lives in France, last saw her husband in New York in January 2020, not knowing it would be 21 months before they could hold each other again.

"I'm going to jump into his arms, kiss him, touch him," said Camara, 40, as she wheeled her luggage through Paris' Charles de Gaulle airport, where the humming crowds resembled those before the pandemic, except for the face masks.

On the U.S. borders with Mexico and Canada, where traveling back and forth was a way of life before the pandemic, the reopening brought relief. Malls, restaurants and shops in U.S. border towns were devastated by the lack of visitors from Mexico.

San Diego Mayor Todd Gloria, flanked by U.S. and Mexican officials at a celebratory news conference at the San Ysidro crossing, said the economic losses were hefty and the cutting of family ties "immeasurable."

Retail sales in San Ysidro fell about 75% from pre-COVID-19 levels, forcing nearly 300 businesses to close.

Edith Aguirre of Tijuana took

off work to go shopping in San Diego. Bubbling with laughter, she accepted a gift bag from a duty-free store at the San Diego border crossing. She was a regular at SeaWorld in San Diego and last came to the U.S. to celebrate her 50th birthday at Disneyland in February 2020.

"It was very draining," she said of the interruption to her cross-border life.

Sales dropped in half at David's Western Wear shop in Nogales, Ariz., which manufactures boots popular among Mexicans.

Owner David Moore hopes his specialty products lure back customers, but he said it won't happen overnight. Many Mexicans are still trying to get expired visas renewed amid a backlog.

Those who do come may be disappointed to find shelves empty because of supply chain problems.

"I really don't think Mexican shoppers are going to come across in hordes because they have now gotten used to buying a lot of products they need in Mexico," he said.

Along Canada's boundary, cross-border hockey rivalries were upended by the travel restrictions. Churches that had members on both sides of the border were suddenly cut off from each other.

But on Monday, border traffic quickly returned.

At Vermont's busiest international crossing with Canada, U.S. border agents said they began to notice the uptick in border crossing shortly after midnight. By mid-morning, traffic appeared

steady.

Travelers at the Peace Bridge in Buffalo, N.Y., one of the northern border's busiest crossings, found a 2½-hour wait at 2 a.m., officials said, though within a few hours traffic was flowing more freely. The bridge typically handles about 2 million passenger vehicles from Fort Erie, Ontario, yearly, many of them bound for the region's shopping malls, ski slopes and sporting events. Volume dropped by more than 90% during the pandemic.

River Robinson's American partner wasn't able to be in Canada for the birth of their baby boy 17 months ago. She was thrilled to hear about the U.S. reopening and planned to take the child to the U.S. for Thanksgiving.

It's "crazy to think he has a whole other side of the family he hasn't even met yet," said Robinson, who lives in St. Thomas, Ontario.

Airlines are preparing for a surge in activity — especially from Europe — after the pandemic and resulting restrictions caused international travel to plunge.

The 28 European countries that were barred made up 37% of overseas visitors in 2019, according to the U.S. Travel Association. As the reopening takes effect, carriers are increasing flights between the United Kingdom and the U.S. by 21% this month over last month, according to data from travel and analytics firm Cirium.

In a sign of the huge importance of trans-Atlantic travel for airlines, British Airways and Virgin Atlantic celebrated the reopening

by synchronizing the departures of their early morning flights to New York on parallel runways at London's Heathrow Airport.

Maria Giribet, 74, who lives on the Mediterranean isle of Majorca, was headed to San Francisco where she planned to "suffocate" her twin grandchildren with hugs after missing half their lives. Gabriel and David are now 3½.

The U.S. will accept travelers who have been fully vaccinated with any of the shots approved for emergency use by the World Health Organization, not just those in use in the U.S. That's a relief for many in Canada, where the AstraZeneca vaccine is widely used.

But millions of people around the world who were vaccinated with Russia's Sputnik V, China's CanSino or other shots not approved by the WHO will not be able to travel to the U.S.

Testing and quarantine requirements remained obstacles for others. A mobile testing truck was parked near the Peace Bridge in New York, promising results in 30 minutes for \$225 and next-day results for \$160.

Marcela Picone, 39, of the Buffalo suburb of Williamsville, has been waiting for the day her fiancé and father of her 2- and 3-year-old children can visit from Stoney Creek, Ontario. But his 15-year-old son would have to miss school to quarantine upon their return if they traveled.

"He's a dad to two American kids," she said.

"He should have had the right to come into this country the entire 19 months."

ARVADA

◀FROM 1A

charge Brownlow offered the first complete timeline of the June 21 shootings. Police and prosecutors released few details about Hurley's death prior to the prosecutor's announcement Monday, citing the ongoing investigation.

The entire incident — from the gunman killing Beesley to Brownlow killing Hurley — lasted two minutes and seven seconds.

Surveillance video released by the Arvada Police Department showed Troyke run after Beesley and shoot him with a shotgun at 1:35 p.m. in the downtown area. Video then showed Troyke return to his truck and swap the shotgun for a rifle before walking toward the main square. Investigators later discovered a note in Troyke's Arvada apartment indicating that he wanted to kill police officers, investigators have said.

Three officers, including Brownlow, heard the noise of the gunfire from their Community Outreach Resource and Enforcement unit office on the town square but were not sure what the noise was. Hearing no information about the noise on their radios, the officers went to the nearest door and through the window saw a man dressed in black carrying an AR-15 walking around the

parking lot, King's letter states. The officers realized the noise was gunfire and called in an active shooter on the radio.

The officers did not engage the shooter, later identified as Troyke, because they feared he would start shooting at them, according to King's letter. They did not think the door they were standing behind would stop a bullet from the man's rifle and at least one officer was not wearing body armor that would stop a rifle round.

As the other officers searched for a better vantage point, Brownlow stayed at the door with the window and watched Troyke. He saw Troyke walk toward the square with the rifle but lost sight of him. Brownlow heard a volley of gunfire, but could not see Troyke or anyone else firing a weapon.

The gunfire that Brownlow heard was Hurley shooting and killing Troyke. Hurley rushed out of the Arvada Army Navy Surplus store where he had been shopping and used his legally concealed handgun to kill Troyke at 1:36 p.m.

Hurley, wearing a red shirt, then stepped into Brownlow's view holding Troyke's rifle and his handgun, according to King's letter. Brownlow saw Hurley manipulating the rifle and at 1:37 p.m. fired three rounds, striking Hurley.

A paramedic with the Jefferson County SWAT team started rendering aid to Hurley at 1:44 p.m.

Doctors at Lutheran Medical

Center in Wheat Ridge declared Hurley dead shortly after he arrived at the hospital, according to his autopsy report. Hurley died of a single gunshot to the pelvis, according to his autopsy. The bullet entered his buttock from behind and did not exit his body.

"Though the acts of John Hurley were nothing short of heroic, the facts must be viewed as they appeared to Officer Brownlow at the time and future developments are irrelevant to the legal analysis," King wrote in her letter.

"Officer Brownlow did not know, and could not have known from his vantage point, of the murder of Officer Beesley or of Hurley's role in eliminating the threat posed by the man in black. Rather, based upon information known to Brownlow, the presence of a mass shooter, and the potential for a second mass shooter in a red shirt carrying a rifle and a handgun turned toward a hub of community activity, warranted deadly force and no lesser degree of force would eliminate the potential threat."

Brownlow did not issue a warning or commands before opening fire, King said Monday. Brownlow attended a training on how to respond to an active shooter on March 31, she wrote in her letter.

Arvada police officers are trained to evaluate active shooter situations when deciding whether to give commands to a suspect be-

fore using force, Arvada police spokesman Dave Snelling said. The correct decision varies depending on the scenario, he said.

Brownlow remained on paid administrative leave Monday and Snelling said it's up to the officer to decide whether to come back to his previous role. The department will conduct an internal review of officers' decisions that day now that the district attorney's review is complete, Snelling said.

Arvada Mayor Marc Williams on Monday said he hoped King's decision to clear Brownlow of criminal wrongdoing would bring some closure to those affected by the shootings on June 21.

"I do view Johnny Hurley as a hero that day," he said. "We're still saddened by the loss of Gordon Beesley and we're also thinking of the officer. He's gotta live with this and that's tough."

King is the second district attorney in recent years to find a police officer legally justified in shooting someone acting in self-defense. Adams County prosecutors in 2018 declined to charge an Aurora police officer who shot and killed a 73-year-old homeowner defending his home against a violent intruder.

Denver Post reporter Sam Tabachnik contributed to this report.

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COVID

◀FROM 1A

beds in intensive-care units in the coming week. The count of available intensive-care beds statewide, which is delayed by a day, ticked down from 84 on Friday to 80 on Sunday. In comparison, the state had more than 400 beds available in intensive-care units during a relatively slow point in the pandemic, in summer 2020.

"Things are tight in Colorado, in many areas of the state," Gov. Jared Polis said at a news conference Monday. "We're experiencing a peak right now that many other areas of the country experienced a month or two ago. We're down to less than 100 emergency beds across the state. And there are still kids hospitalized with COVID. As we speak, 25 kids."

The state already has put into place three of the five strategies Polis recently listed as options to protect hospital capacity: calling on the Federal Emergency Management Agency to send in health care teams; requiring hospitals to take any transferred patient they have the ability to serve; and expanding access to monoclonal antibody treatments, which reduce the odds high-risk people will be hospitalized for COVID-19.

The governor also suggested the state could order a halt to all nonemergency surgeries, or allow overwhelmed hospitals to ration care. So far, only cosmetic surgeries are on hold.

The state recorded 19,554 new COVID-19 cases last week, and the percentage of tests coming back positive increased, averaging more than 9% for the last week. Cases, hospitalizations and the positivity rate were all at their highest levels last week since mid-December.

The state health department issued a statement asking the public to get vaccinated against COVID-19 and the flu; get a booster shot if they're eligible; wear a mask in indoor public places; avoid large gatherings; stay home if they feel sick; and wash their hands frequently.

"The current case and hospital metrics are worrisome and should be a reminder to get vaccinated without delay," a spokeswoman said.

The COVID-19 model, which extrapolates based on hospitalization data, estimated about one in every 48 Coloradans was contagious with the virus as of Nov. 2. That's comparable to the worst points of last fall's surge, Carlton said.

There's no one clear explanation for the current surge. Hospitalizations are highest in parts of the state with low vaccination rates, showing the danger is greatest for unvaccinated people, Carlton said. A growing evidence base suggests that immunity wanes over time, so people who got vaccinated or recovered from the virus more than six months ago have an increasing risk of getting sick. Cooling weather also tends to help respiratory viruses spread, she said.

"Unvaccinated people face a really high risk," she said.

The report projected that if trends at the end of October continued, about 1,400 people could be hospitalized with COVID-19 by late November, though that number could be higher or lower, depending on what precautions Coloradans take in the coming weeks.

In the worst-case scenario modeled, about 1,700 people would be hospitalized by mid-December. That's not as bad as the December 2020 peak of 1,847, but hospitals also have less capacity than they did late last year. More patients are being hospitalized because of other illnesses that got worse because of delayed care, and some nurses and other frontline staff have retired or moved into other jobs.