

lonely vantage point



Peter Schumacher / Times-News

a tree Tuesday outside City Park in Burlington.

strates expanded Elon

Boy's shove ruled not an assault

By Bill Cresenzo
Times-News

Was it assault, or just a harmless shove during a basketball game between two boys?

That was the question Graham attorney John Cox posed to the state Court of Appeals, which rules on a lot of cases, but rarely steps into the role of a sports referee.

On Tuesday, the court ruled in favor of Cox's client, a 13-year-old boy who pushed a 7-year-old boy to the ground during a July 2000 pickup basketball game.

"People get shoved during basketball games," Cox said Tuesday. "It's not assault."

Charges were filed against the 13-year-old. Alamance County District Court Judge Brad Allen declared the boy delinquent in September 2000, ruling that the shove amounted to an assault.

The Court of Appeals disagreed.

"We acknowledge the game of basketball involves some physical contact," the court wrote. "However, intentionally shoving a player on the ground outside the context of the game is not an accepted part of the game. Nonetheless, the record ... fails to show that (the 13-year-old boy's) act of pushing his friend to the ground was outside the context of the basketball game."

The 7-year-old was not injured, the court ruled, and it overturned Allen's ruling.

The appeals court did uphold a communicating threats charge against the 13-year-old. The teen threatened the boy on two occasions, telling him he was going to beat him up.

The court ruled that Allen was right in finding the boy guilty of communicating threats. The teenager has served his probation.

Court: Man wasn't tried twice for same crime

By Bill Cresenzo
Times-News

Robert William Tew claims double jeopardy because prosecutors tried him twice for shooting his wife.

His conviction for attempted second-degree