

RFU DISCIPLINARY HEARING

COVENTRY M6, JUNCTION 2 HOLIDAY INN

JUDGMENT

Player: Paul ARNOLD **Club:** MOSELEY RFC

Match: NORTHAMPTON v MOSELEY

Venue: Northampton **Date:** 15th September 2007

Panel: Richard MOON (Chairman), John LOUGHTON and Andrew LOCKHART

In attendance as Secretary: Bruce REECE-RUSSEL

In attendance: **Tony Thomas – representing player**
Derek Warren – Chief Executive
Paul Arnold – cited player

Paul Tulley – representing Northampton Saints RFC
James Sinclair – Northampton Saints RFC

To consider: The citing of Paul Arnold, Moseley RFC for striking Simon Emms Northampton Saints RFC contrary to Law 10(4)(a) in the match Northampton v Moseley on the 15th September 2007.

PRELIMINARY POINTS

1. The Chairman conscious that the Panel were to hear a reciprocal citing of Mark Robinson, Northampton Saints RFC in the same passage of play asked both parties if they were content to have the evidence heard as a joint hearing.

Both Paul Tulley, representing Northampton Saints RFC and Tony Thomas representing Moseley RFC agreed that this was a practical way to proceed.

2. Paul Tulley informed the Panel and Moseley RFC that two other citings (Charge 1 and 2 on the charge sheet) had now been withdrawn. The Chairman accepted this and directed that they be expunged.

CHARGES AND PLEA

1. The player Paul Arnold pleaded not guilty to the charge.

THE FACTS

2. The citing report of Northampton Saints RFC reads:

“The third incident took place in the 12th Minute of the second half in the dead ball area following a Northampton try. Paul Arnold ran a distance of 3 metres to the area of Simon Emms who was being held by two other Moseley players, and punched him directly on the side of the head. Simon Emms weight was affected by the impact and his head moved sharply to his right. The incident occurred directly in front of the touch judge and referee. Simon Emms was able to continue the rest of the game”.

The DVD was shown both at full and slow speed. PT took the Panel through the incident which occurs after the scoring of a try by Northampton RFC. NB can be seen in close proximity to SE at the side of the maul, NB pulls SE out and they become involved off the ball. PA’s attention is drawn to the altercation by the Moseley No 6 who gesticulates presumably to the referee between SE and NB. PA runs past the referee (some 3 metres) and aims a punch to the head of SE, who is not involved at this stage. The video shows SE’s head moving back but contact is not obviously clear. PT asserted that the punch connected and was the cause for what was to follow in the Mark Robinson incident.

SE gave evidence and stated that he became involved with NB in an incident behind the posts. Both players grappled and he was suddenly aware of being struck to the left eye socket by Paul Arnold. Under cross examination he confirmed he was struck and was certain that it was Paul Arnold who threw the punch; of that he had no doubt. The player confirmed that he continued to play but that there was a swelling coupled with soreness after the game.

In addition PT produced a number of stills to assist the Panel.

TT on behalf of Paul Arnold stated that the player admitted throwing a punch but who believed it did not connect. To assist he asked the Panel to view the DVD again and look at the stills produced which he asserted showed no connection.

PA in giving evidence stated he didn’t think his punch connected and backed off when he heard the referee shout “leave off No 4, leave off”. On cross examination the player admitted that irrespective of whether he connected or not his intention was to strike PE to the head.

TT stated that the Club had held an internal disciplinary hearing but found there was insufficient evidence and therefore took no further action.

TT concluded by reiterating that his position had not changed in so far as there was inconclusive evidence that PA had connected with the punch which he admitted was thrown.

FINDING

3. The panel having retired considered all the evidence and in particular studied the match DVD in great detail. They accepted that coupled with the stills there was no definitive evidence to show the actual point of connection. However they were minded by the evidence of Simon Emms coupled with the DVD clip which clearly shows SE's head moving back and away fractionally after the "attempted punch was thrown".

The Panel were unanimous that the punch thrown by PA connected with the left eye area of NB and therefore upheld the citing.

MITIGATION

TT asked the Panel to consider this as a LE offence as it was only one punch. He informed the Panel that the player had apologised and was of normally excellent character. In addition he had not been sent off before in a long career.

FINDING

The Panel considered all the facts pertaining to the entry point. They noted that:

- The act was intentional
- The player moved towards an incident which did not and should not have involved him.
- Moved past the referee who was dealing with the incident.
- Minor injury caused.
- The blow was to the head area.

Taking these factors into account the Panel found this to be a MR offence.

SANCTION

The Panel having heard all mitigation from TT started from an entry point of 5 weeks and found no off field aggravating factors. Taking account of his good record and limited recognition of his bad conduct they were mindful to allow a reduction of 1 week.

The player is therefore suspended for 4 weeks. The suspension is from the 1st to the 28th October 2007 allowing him to play again on the 29th October 2007.

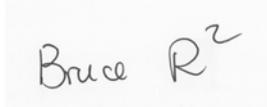
COSTS

17. Costs of £200.00 are awarded against the Simon Emms/Northampton Saints RFC.

18. Costs of £200.00 are awarded against Neil Bayliss/Moseley RFC

RIGHT OF APPEAL

18. There is a right of appeal which must be lodged within 14 days of receipt of this judgment.

A handwritten signature in black ink that reads "Bruce R^2". The signature is written in a cursive style with a superscripted "2" on the "R".

Bruce Reece-Russel
Secretary

2nd October 2007