DISCIPLINARY HEARING

VENUE: Hilton North Hotel, Newbury

DATE: 25 February 2008

Player: Colm HANNON Club: London Scottish RFC

Match: London Scottish v Clifton

Venue: London Scottish Date of match: 19 January 2008

Panel: Jeremy Summers (Chairman), Peter Budge and Paul Murphy ("the Panel")

Secretary: Liam McTiernan

In attendance:

London Scottish

The Player
Martin Gowdie – Counsel for the Player

Clifton

Sheridan Smith – Chairman Clifton RFC Graham Hardy Paul Reid

To consider: The citing of Colm HANNON ("the Player") for striking an opponent in the 19th minute of the 1st half of the match contrary to Law 10.4(a).

PRELIMINARY ISSUES

- I. The Player did not object to the composition of the Panel.
- II. The procedure to be followed was explained and both parties confirmed their understanding of it.
- III. There were no other preliminary issues raised.

CHARGE AND PLEA

1. The charge indicated that the Player had struck an opponent contrary to Law 10.4(a). This was denied, at least initially, by the Player.

EVIDENCE AS TO FACT

- 2. The Panel considered:
 - a) The match recording.
 - b) A written statement from Mr Graham Hardy dated 4 February 2008.
 - c) A written statement form Mr Paul Reid dated 1 February 2008.
 - d) Oral testimony from Mr Reid and Mr Hardy.
 - e) Oral testimony from the Player.
 - f) A report from the Touch Judge Mr Priestley dated 10 January 2008.
 - g) Submissions on behalf of Clifton.
 - h) Submissions on behalf of the Player.

THE EVIDENCE

- 3. The DVD footage was viewed but was not entirely helpful. It did however show that from a breakdown a scuffle developed involving three or four players including Mr Hardy (Clifton 7) and London Scottish 2. These two players splintered from the others to carry on fighting. The Player (London Scottish 3), followed by Mr Reid (Clifton 6), then moved some distance to join that scuffle. The footage suggested that the Player delivered at least two blows directed at Mr Hardy. It was not possible to determine positively if these blows landed. Mr Reid then joined the fracas. Shortly afterwards the camera then lost the incident, and when footage resumed, a number of other players had joined. Matters ended when a number of players fell to the floor. Mr Hardy stood up, left the pitch directly and did not return to the match.
- 4. The Panel heard evidence from Mr Reid and Mr Hardy. Mr Hardy stated that he was initially engaged in a tussle with London Scottish 2. The Player subsequently joined that fight. Mr Hardy said that he had been hit once in the mouth, then below the eye which required five stitches to be inserted. He was thereafter hit at least 3 further times. He was clear that he could not have been struck by London Scottish 2, because he was holding him at the time. When asked why he was sure that he had been struck by the Player he replied that the Player had been on top of him when the fight fell to the ground.
- 5. Mr Reid was also sure that Mr Hardy had been struck by the Player and that he had seen blood result from the attack. However, whereas Mr Hardy had said that the blow which caused the injury had occurred during the passage of play that was caught on the DVD footage, Mr Reid appeared to suggest that what he had seen had occurred in the off camera part of the incident.
- 6. The Player then gave evidence. He stated his first intention had been to separate Mr Hardy and London Scottish 2, but he accepted that he had attempted to strike Mr Hardy. However, he said that his first punch had in fact hit London Scottish 2. No evidence was however called from London Scottish 2 to this effect. A second attempt at a punch had gone over Mr Reid and may have missed his head entirely. He was certain that he had not landed the blow that had caused Mr Reid's injury and thought it was possible that this had in fact been caused by other players who subsequently joined the skirmish. He apologised for the fact that his actions had led to this hearing. He had not done so previously because he had been unaware of the injuries until he received the citing notice.

7. The Touch Judge on the side of the pitch closest to the incident saw and reported on blows being traded between the Player and Mr Reid. However, he did not appear to have seen the incident involving Mr Hardy. On behalf of the Player it was submitted that this was significant in that having been close enough to see Mr Reid and the Player trade blows, the Touch Judge did not see the Player cause injury to Mr Hardy.

FINDING

- 8. In effect, on his own admission, the Player accepted that he had struck Mr Hardy. The Panel was in any event satisfied that he had done so. The incident had not been detected by the match officials, and the Panel was satisfied that had it been detected a red card would have been awarded. The citing was accordingly upheld.
- However, having regard to the uncertainties in the evidence referred to above, the Panel could not be satisfied, to the standard required, that the Player had caused the injuries to Mr Hardy.

ENTRY POINT

- 10. As is required the Panel undertook an assessment of the seriousness of the offending and found as follows¹:
 - a) The offending was intentional.
 - b) The offending could accordingly not be regarded as reckless.
 - c) By his admission the Player had struck and/or attempted to strike Mr Hardy, with at least one blow making some contact with the top of the head. He had gone some distance to join a scuffle and there was no provocation.
 - d) Mr Hardy was forced off the pitch and required stitches. However, for the reasons given above, the Panel was unable to come to a finding as to how that injury had ultimately been sustained.
 - e) Other players joined the incident and a minor scuffle broke out.
 - f) The Player joined a situation where Mr Hardy and London Scottish 2 were grappling with each other. Mr Hardy was therefore not looking out for the Player's intervention and was thus somewhat vulnerable. There was no premeditation.
 - g) The conduct was complete, at least in part.
 - h) There were no other relevant factors constituting the Player's offending.
- 11. Having regard to the above, the Panel categorised the Player's offending as being at the MID RANGE of the scale of seriousness.
- 12. The mid-range entry point for striking is a suspension of 5 weeks.
- 13. The Panel then considered the presence of aggravating features and found none to be present.

¹ Disciplinary Regulation 8.2.5

MITIGATION

- 14. The Panel was addressed by Mr Gowdie in mitigation and found as follows²:
 - a) The Player had ultimately accepted some guilt but it could not be said that he had done so quickly.
 - b) The Player is 30 and has played rugby for over 15 years.
 - c) He has played for Coventry, Bedford and London Welsh as a prop forward. During that time he has only been dismissed once, following a head butt.
 - d) The Player's conduct at the hearing was satisfactory but not exemplary
 - e) He was remorseful to a degree.
 - f) There were no other relevant off field factors.
- 15. Taking into account of the above the Panel considered that a discount of 1 week from the entry point was appropriate.
- 16. London Scottish had convened its own disciplinary hearing on 18 February 2008. It had not been possible to do so previously because of the loss of the match video following a break-in to a club vehicle. The Player had been banned for I week to take the matter up to this hearing. He had accordingly missed the preceding weekend's game against Mounts Bay RFC.

SANCTION

17. The Player was accordingly suspended for the period of 4 weeks from 18 February 2008 (the date of his club suspension) and is free to play again with effect from Monday 17 March 2008.

<u>COSTS</u>

18. Pursuant to Regulation 8.3.1 the Player and/or his club shall pay the costs of the hearing of £200 in accordance Appendix 6 of the Disciplinary Regulations, such costs to be paid within 21 days of receipt of this judgment³.

RIGHT OF APPEAL

19. The Player was advised of his right of appeal. Such appeal must be lodged with the RFU Discipline Department by not later than 10.00 hours on the 14th day following receipt of this judgment.

Jeremy Summers

Chairman 27 February 2008

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² Regulation 8.2.8

³ Regulation 8.3.2