

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING – Monday 22 October 2007

Holiday Inn, Leeds Brighouse

JUDGMENT

Player: Kris Fullman (DOB 07/12/1972)
Club: Otley RFC
Match: Otley v. Southend
Venue: Otley
Date of Match: 13th October 2007
Panel: Mike Hamlin (Chairman), Clif Barker and Peter Rhodes
Secretary: Liam McTiernan
In Attendance: Kris Fullman – the Player
Michael Wright – Director of Rugby at Otley RUFC

To Consider:

The sending off of the Player for an act of striking an opponent during (the 22nd minute of the second half) of the match between Otley v. Southend Contrary to Law 10 (4) (a)

There were no Preliminary Points raised. There was no objection to the composition of the Panel.

The Player admitted the allegation.

EVIDENCE AS TO FACT

The Panel has considered :-

1. The sending off report from Keith Lewis – the Referee.
2. Oral submissions of the Player.
3. The oral submissions of Michael Wright the Director of Rugby
4. DVD of the incident

The Circumstances

The circumstances of the offence were that Otley had retained possession for a number of phases as they were attacking just towards Southend's 22 metre line. The ball was won at the contact area by Otley, Southend attempted to counter ruck in a legal manner. As an Otley Player was preparing to pass the ball away, the Player (wearing number 20) entered the area as if to counter ruck, he arrived at the point of contact and he struck an unprotected semi upright Southend Player once by way of punching to the lower head/neck area of the Southend Player. The game was stopped by the Referee. The Player was dismissed. There was no apparent reaction from any of the other Players. The Southend Player who was struck in the incident was not injured and continued to play. The Referee did state that the game had been very competitive and a few minutes prior to the incident the Referee had cause to warn both sides that the temperature of the game was rising and that the Players should control themselves.

The Player agreed with the Referee's report. The Player had also had the opportunity of seeing the video of the incident. He stated that he would have apologised to the Referee afterwards but the referee was not seen in the Bar of the Clubhouse afterwards. The Player was also distinctly embarrassed as his children were watching. He apologised to the victim Player in the Club afterwards. The Player admitted that he had had what he referred to as a "black moment". It had been something of a niggly game. He was aware of the Referee advising the Captains to tell their Players to calm down. He candidly admitted that his action was something of a cheap shot.

SANCTION

The Panel undertook an assessment of the seriousness of the Player's conduct and found as follows:-

1. The offending was intentional – the Player without provocation struck the Southend Player with his fist.
2. The action was committed with a closed fist. There was no provocation.
3. There was no impact upon the victim – he was not injured in any way and continued to play and complete the game.

4. There was no impact upon the game itself in that there was no subsequent fracas or disturbance between the Players. The incident happened right in front of the Referee and his prompt action no doubt in part contributed to the lack of a fracas or retaliation by any of the other Players
5. The Southend Player was in a semi vulnerable position. He was legitimately at the rear of the tackle/mini ruck. The victim Player whilst expecting physicality at the ruck would not have been expecting to be punched.
6. Whilst there was no significant pre-meditation in the actions the Player took, it was spontaneous and intentional.
7. The punch was completed with the fist. There was only one punch. This was confirmed by the Referee and by observing the video.
8. There were no other relevant or aggravating features.

Taking into account the above factors, the Panel assessed the entry point as mid-entry and five weeks suspension.

MITIGATION

The Panel then undertook an assessment of the mitigating factors and took into account the following :-

1. The Player's impeccable record. He is 34 years of age. He has played professional Rugby for Bristol, London Irish and Leeds in the premiership. He had never been sent off before.
2. An acknowledgement of guilt and candid confession to a moment of madness.
3. The Panel accepted that he had apologised to the Player after the game. His conduct at the hearing was appropriate. The Panel were impressed with his expression of regret. He had also been dismissed in front of his wife and six children and this had caused his embarrassment to be even greater
4. He was an extremely experienced Player with numerous representative honours, including England Counties, England Students,. England Schools and County Rugby as well as having been a professional Rugby Player.

5. There were no other relevant mitigating factors. Otley Disciplinary Committee met following the game on Saturday, 20th October and imposed a suspension of three weeks. The Club had acted appropriately and the suspension they had imposed was also appropriate and they were to be commended for taking the relevant action.

The Panel were of the view therefore that the original five week suspension as the mid-entry point could be reduced by two weeks.

SANCTION

The Player is suspended for three weeks from the 22nd October 2007 until the 12th November 2007. The Player is free to play again on the 13th November 2007.

COSTS

The Panel makes an award of costs against the Player of £150.

RIGHT OF APPEAL

The right of a procedure on appeal is set out in RFU Disciplinary Regulations 12.1.1.

The Player at the conclusion of the hearing was advised of his right of appeal

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Mike Hamlin (Chairman)

Dated: 24th October 2007 .