

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Holiday Inn, Coventry

On: Monday 20 October 2008

JUDGMENT.

Player: SAMUEL HERRINGTON **Club:** COVENTRY RFC

Match: COVENTRY v BEDFORD

Venue: COVENTRY

Date of Match: 03.10.08

Panel: Andrew Lockhart, Bob Taylor, Geoff Payne

Secretary: Bruce Reece-Russel

Attending: The Player
Brian Thomas-Peter for the player

1. PRELIMINARIES

2. The player did not object to the make up of the panel.
3. The player raised no preliminary issue.

4. CHARGE AND PLEA

5. The player admitted one charge of Stamping Contrary to Law 10 (4) (b). The allegation being that he stamped on an opponent during the match between Coventry and Bedford on 03.10.08.

6. THE FACTS

7. The tribunal considered the following evidence:
 - a. The referees report from Llyn ApGeraint-Roberts. This set out that “on 42minutes Coventry had secured possession near to their own 22m line. A Bedford player who had been involved in the play was on the floor in the ruck. He was commanded to move by myself however

prior to him responding positively to this call, the Coventry player Samuel Herrington entered the ruck and used his foot recklessly on the Bedford player. He made contact with the upper region of the player's face. He was sent from the field of play.”

- b. The video of the game. This was of good quality and showed the incident quite clearly. A Coventry player had made headway and was taken to the ground by a Bedford player. This player found himself on the wrong side of the ball and killing it. The referee could be heard to speak to him and tell him to get on the right side. At this moment Herrington came into the ruck and used his foot on that player in a downward motion. There could be no doubt that the action was close to the point where the ball was lying. The video made it impossible to determine if there had been any impact with the Bedford player's head.
 - c. We heard from the player and asked questions of him to clarify exactly what had happened. He was able to provide some evidence as to what he was trying to do at the time. He denied any intention to hurt the man on the ground whilst at the same time backing his admission of the offence up with an acknowledgement of the danger and the folly of his actions. He accepted the danger that he placed the other player in.
 - d. Evidence by way of a letter dated 10.10.08 from Gregor Gillanders of Bedford RFC the player said to have been stamped upon.
8. The facts found are as follows;
- a. This was reckless and not a deliberate stamping on a player. There was no doubt that the player used his foot on another man who was lying on the ground but he had not done so with any intent to hurt him. We

found that his intention was to use his foot to clear the player from the ball. The unfortunate thing was that the referee had already told the player to get on the correct side. A penalty was coming in any event.

- b. This was not a hard stamp but was more akin to treading on a player to get him out of the way.
- c. The offending player was reckless as to whether the use of his foot would cause injury or not.
- d. We had evidence by way of a letter from the player on the ground. He stated that the foot had not come into contact with his head as the referee had at first thought. We found this to be the true position but noted that the referee had undoubtedly acted correctly in sending then player off when he saw a stamp even close to the head of a man who was lying on the ground. He acted out of an abundance of caution and completely within the spirit of the laws; his decision cannot be faulted. This was clear and decisive action by a referee which is to be commended.
- e. This was act where a foot was used and the player using it simply did not care whether it caused injury or not; the fact that it did not was not because of anything that he had done to prevent it. It was merciful that no serious injury had been caused.
- f. The player on the ground was vulnerable and unable to protect himself from being injured.

9. THE PLAYER'S CASE

10. The players position; advanced by his representative, included the following submissions:

- a. He had pleaded guilty at the earliest stage possible indicating the same to the Disciplinary Officer by way of letter.
- b. He was remorseful and contrite. He realised the effect that incidents like this have on the Game as a whole.
- c. He had a good record.
- d. He had been the subject of discipline for this offence already (following an early hearing at club level) where a 2 week ban had been imposed.
- e. He had, after the match, approached and apologised to the other player.
- f. It was submitted on his behalf that was a low entry point for sanction purposes.

11. SANCTION

12. The tribunal considered all of the points of the evidence and made the findings set out above. The tribunal considered the submissions made on behalf of the player and in particular his plea of guilty entered at the very first opportunity. This was the key factor. The tribunal noted that this was well advised because the evidence on the video was utterly overwhelming; he could have done little else.
13. For these reasons the tribunal were just persuaded that this was, as had been submitted, a low entry point offence because the player had done all that he could after the incident to mitigate the offence. He had apologised, shown contrition and pleaded guilty at the very first opportunity. He had not tried to hide in any way from what he had done. It was under those circumstances alone that the tribunal were unanimously of the view that there was no need to go above the low entry point for this offence.

14. The tribunal ordered that the player serve a suspension of 2 weeks. This runs from 6th to the 20th October 2008 inclusive allowing him to play again immediately. (In fact this has already been served due the fact the club's disciplinary committee had already acted to suspend him for a period of 2 weeks.).

15. COSTS

16. Costs in the sum of £200 were awarded against the player.

17. APPEAL

18. The right of and procedure upon appeal is set out in the RFU Disciplinary Regulations.

Andrew Lockhart

Chairman

Dated:20.10.08.