

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

Judgment

At: Holiday Inn, Leeds, Brighouse
On: 22nd September 2008
Player: DANIEL SOLOMI **Club:** Halifax RUFC
Match: Halifax v Preston Grasshoppers
Venue: Halifax
Date of Match: 6th September 2008
Panel: Antony Davies (Chairman), Barry O’Driscoll and
David McInnes
Secretariat Bruce Reece-Russel, Brenda Parkinson, RFU Disciplinary
Department
Attending: Daniel Solomi (“the Player”)
Nic Corrigan (Player’s representative)

Preliminary Matters

1. The Player did not object to the composition of the Panel and raised no preliminary issue.

Charge and Plea

2. The Player admitted committing an act of foul play, namely striking an opponent contrary to Law 10(4)(a).

3. The Panel considered :

- (i) The sending off report of the Match Referee, Mark Liddell.
- (ii) A DVD of the incident.
- (iii) The oral evidence of the Player.
- (iv) Representations and submissions of the Player’s representative.

- (v) The written Minutes of an internal Club disciplinary hearing held by Halifax RUFC on 8th September 2008.

The Facts

4. There was no factual dispute. The incident occurred in the 26th minute of the second half of the match played on 6th September 2008. The Referee's report stated :-

“After some pushing and pulling from both sides, I saw Mr. Solomi punch a Preston player at least three times to the face and head with force. After I had blown my whistle three times Mr. Solomi was pulled away by one of his team mates. I confirmed this with my Touch Judge and then sent off Mr. Solomi. As I left the field of play at the end of the game, Mr. Solomi came to me and apologised. No persons were injured in the incident”.

5. The Panel viewed the DVD of the game in full speed and in slow motion several times. It showed the Player go to ground at a tackle situation. The ball leaves and is continued to be played. A Preston Grasshoppers' player appears to grab the arms of the Player, who is lying on the floor, and attempts to pull him. The Player gets to his feet and then throws three punches to the head of the victim player, which appear to connect. He is then restrained by team mates. The Referee is only five metres away and has an unobstructed view of the incident. He orders the Player from the field of play.

The Player's Case

6. The Player said that he could not defend what he had done. He had only been on the field for three minutes. With reference to the DVD he drew the Panel's attention to the tackle area and the clear actions of the opponent in taking hold of his left arm and pulling him. He submitted that the opponent's right hand was seen to grab his hair and he is then yanked upwards. He had no idea why the opponent should pick him up by the hair or try to pull him, but he accepted that he had “lost the plot” at this point. He agreed, with some contrition, that he had thrown three punches to the temple/cheekbone area of the opponent which had connected. The opponent was wearing a scrum cap and

was not injured. He also highlighted the action of Preston Grasshoppers' number 4 entering the event from five metres away, throwing punches towards the back of the Player's head which connected (three times with his face and twice with the back of his head).

Sanction and Entry Point

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

- (i) The offending was intentional, that is committed deliberately.
- (ii) The striking was with the closed fist with force to the head/face of the opponent. All three punches connected.
- (iii) The victim player was not injured.
- (iv) The Player's actions caused a minor fracas with further punches being thrown by others.
- (v) Though originally the aggressor, the victim player was vulnerable to the extent that his arms appeared to be held by the Player's team mate and was unable to take avoiding action or defend himself.
- (vi) The conduct was completed, the Player being pulled away by one of his team mates after the punches had connected.

8. In these circumstances, whilst no injury was caused, the Panel concluded unanimously that the appropriate entry point is mid-range, therefore giving a starting point of five weeks' suspension.

9. The Panel found no relevant aggravating factors.

Mitigation

10. The Player has played from age seven, through secondary school and to Yorkshire Under 20's. He has had six seasons with his current Club, which, until relegation this season, had played two seasons in National 2 (Level 3). He has not previously been sent off or received a yellow card for foul play. He assists with coaching Halifax Under 15's and also assists with coaching the West Yorkshire Development side at Under 15 level. He was one of only three players to remain with

the Club following its relegation. He has suffered unfortunate injuries in the last few years, which have severely curtailed his appearances (four games in two years). The incident occurred in what was his first game back since his last injury in November 2007.

11. He had apologised to the Referee immediately following final whistle, and to the victim player who did not have any injury. He had left on good terms with the victim player. He had admitted his guilt immediately to the Club in its internal disciplinary meeting. He admitted his disappointment at his actions and having let down his team mates, coaching staff and tarnished his reputation as an active coach within the Junior Section. His Club had suspended him for five matches, two taking effect immediately and three being suspended for two seasons. He had also lost membership privileges and his expenses had been donated to Help the Heroes Charity.

12. Having taken into account the above mitigation, the Panel found that the mid entry point of five weeks' suspension could be reduced by two weeks. Accordingly, the Player is suspended for three weeks from 8th September up to and including 28th September 2008. He is free to play again on 29th September 2008.

Costs

13. The Player will pay the costs of £150.00.

Appeal

14. The Player was informed of his right of appeal as set out in Disciplinary Regulations.

15. The Panel commends Halifax RUFC and its Head Coach for its swift action following the sending off, its proportionate and appropriate response by way of Club sanction and the ethos contained within the Minutes of its meeting.

Antony Davies

Antony Davies,

Chairman

24th September 2008

