

**RUGBY FOOTBALL UNION**

**DISCIPLINARY HEARING**

**At:** Holiday Inn, Filton, Bristol

**On:** Monday 27<sup>th</sup> April 2009

**JUDGMENT.**

**Player:** Matthew EVANS                      **Club:** Penzance & Newlyn RFC  
(Cornish Pirates RFC)

**Match:** Cornish Pirates v Doncaster

**Venue:** Penzance

**Date of Match:** 19<sup>th</sup> April 2009

**Panel:** Christopher Quinlan (Chairman) Terry Vaux and John Doubleday

**Secretary:** Bruce Reece-Russel

**Attending:** The Player  
Brett Davey – Acting Head Coach

James Minards – Assistant Referee - speakerphone

**Preliminaries**

1. The player did not object to the composition of the Panel.
2. The player raised no preliminary issue other than the fact that he had not seen any paperwork regarding the sending off. The RFU letter and charge sheet together with the sending off report were forwarded to the Club on the 21<sup>st</sup> April 2009.
3. It is of note that the Club did not ask for the Match Referee or Assistant Referee to be present.

**Charge and Plea**

4. The Player denied the charge of trampling/stamping contrary to Law 10(4)(b).

## **The Facts**

### **The Sending Off**

5. The Panel considered the referee's report (Terry Hall), which contained a narrative of the incident from the touch judge (James Minards). The detail is as written:

*At a ruck 2m from the touch line and 10m from the Doncaster Try line, the ball was coming back on the Cornish Pirates side, the Cornish Pirates Number 8 trod forcefully on the head of the Doncaster Number 7, who was trapped in the ruck having made the tackle. The ball was at least half a meter from the players head and available to be played. Following the incident the player received treatment to a cut on his head which was bandaged on the field of play and the player continued for the duration of the match.*

*"The above is an accurate record of what was reported to me by the touch and as a result I ordered Mr Evans from the field of play"*

6. A DVD recording of the incident was shown to the Panel.

The DVD is unclear on the actual incident but it was shown on a number of occasions at various speeds. Cornish Pirates (CP) are in possession and moving up the far touchline towards the camera. Doncaster Nor 7 (D) makes a tackle and proceeds to fall on the CP side of the ball with his head pointing towards the touchline and feet facing across the field. CP No 5 can be seen joining and in fact obscuring the arrival of CP No 8 then raising his right leg and stamping down but it is not clear as to whether contact is made. On close inspection of the DVD it can be seen that CP No8 is on the far side of CP No5 and makes a movement down with a leg. At this stage the Assistant Referee (Minards) who is about 5/6 metres away raises his flag to indicate foul play. Play continues until going dead when the referee speaks to the AR and seeks clarification of what he saw. At this juncture the D7 is treated for over 2 minutes to a head wound and at the end can be seen bandaged around his head. The referee then dismisses CP No8 for foul play and on the recommendation of the AR.

### **Assistant Referee's Evidence**

7. The Panel having seen the DVD were keen to hear the evidence of the AR despite not being called by CP. Mr Minards gave evidence by speaker phone. He confirmed his report was correct and since that date had not watched the incident or indeed the match on DVD. He stated, "CP 8 came in from the side legally, the D7 was on the ground, head nearest the touchline, face down and looking at the ground. CP 8 contact was a forward motion as if a tread, not a stamp or a kick, not a downward strike, on the head of the D7. Contact was made on the crown of the head, once only". In response to questions from the Panel JM further

stated that, "D7's head was clear and the only thing I saw make contact was CP8's boot. The contact with the head was not acceptable, the ball was not in the vicinity as it had been moved away". When asked which foot he responded "I think left".

In answer to specific questions he replied

Q "Were there other strikes/contacts made?"

A "Yes, middle back and upper shoulders".

Q "Was D7 able to move away?"

A "Couldn't be done, trapped at time of incident".

### **Players Evidence**

7. Mark Evans gave evidence to the Panel. He stated that the D7 was on the CP side of the ball and he went to clear him out with his foot. He accepted he had made contact once or twice on his back, near the area of his number (7). Contact was also made by CP 5 to the top of shorts and bottom of back.

8. The player believed contact was made with his right foot but he couldn't remember.

9. Brett Davey (MD) believed the injury to D7 was caused by a knee in the immediate play prior to the incident. He also pointed out that D7 appeared still and may well have been slightly concussed by the collision.

10. MD confirmed that the player had been suspended by the Club for one match as a result of the sending off.

### **Finding**

11. The Panel were mindful of the persuasive and firm evidence given by Mr Minards. He was:

- a. in the perfect position to see what happened.
- b. reacted with his flag immediately and
- c. was consistent from first to last.

12. The player on his own admission accepted that he had made contact with his opponent in an attempt to clear him out. He stated that contact was made with the back/shoulder area but not the head.

13. The Panel having considered the evidence were satisfied on the balance of probabilities that it was an act of foul play and that contact was made with the head. In coming to this conclusion the Panel preferred the evidence given by the Assistant Referee.

### **Sanction**

14. The Panel first turned its attention to assessment of the entry point and applied *RFU Regulation 8.2.5*. They concluded that:

- a. the offending was intentional.
- b. contact was with the head, it was made with the foot but there did not appear to be any provocation other than an attempt to clear out a player who ME believed to be on the wrong side of the ball and slowing it down.
- c. the Doncaster player received a cut to the head which was subsequently bandaged. The Panel agreed that the injury was caused by the boot of ME.
- d. the Doncaster player continued playing.
- e. there appeared to be no effect on the game.
- f. the Doncaster player was in a vulnerable position and unable to move.
- g. there appeared to be no premeditation.
- h. the act was completed.

The Panel considered the Entry Point for some considerable time but in a majority decision it was agreed that to be MR (5 weeks) with the Chairman dissented. He took the view the appropriate entry point was TE.

15. The Panel heard from the Acting Head Coach, Brett Davey regarding Matt Evans. He is aged 26, played professionally for 6 years and is of good character. The Club have re-signed him again for season 2009/10 having offered him a new contract.

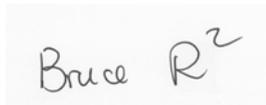
16. The Panel then turned its attention to 8.2.7 and 8.2.8 in regard to aggravating and mitigating factors. They found no aggravating features.

17. As to mitigation the Panel considered his good record and character and gave a one week reduction from the entry point.

18. The player is suspended for a period of 4 weeks. The sanction will run from 1<sup>st</sup> to 21<sup>st</sup> September 2009 allowing him to play again on the 22<sup>nd</sup> September 2009.

### Costs

19. Costs of £200.00 are awarded against the Club/player.



Bruce Reece-Russel  
Secretary to the Panel

30<sup>th</sup> April 2009